

AGENDA

Monday, February 5, 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**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

January 15, 2018

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2018-02 Use Variance to allow Car Repair/Body & Paint Shop and Beauty Shop in I-1 Light Industrial - 1200 W. Sixth St.

Appeal No. 2018-07 Use Variance to allow expansion of JP'S complete Auto Care in I-1 Light Industrial - 1802 W. Sixth St.

Petition No. 2018-05 PUD Amendment to allow Micro Blading -6910 N. Main St. Unit 21 and 22 University Gardens

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**

P.O. NO. 2018-02 Rezone from C-7 to C-9 Auto Sales 3805 LWE (Assigned to Land Use Planning Committee)

P.O. NO. 2018-03 Grandview PUD Amendment Mixed Use Multi-family and Commercial Development - NW corner of Gumwood Rd & Cleveland Rd (Assigned to Land Use Planning Committee)

- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**
- 13. Adjournment**

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

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 15, 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 15, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance with a moment of silence for Beverly D. Crone former member of the South Bend Council, County Auditor, and County Commissioner, and for Martin Luther King, Jr.



Roll Call.

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

The minutes from the January 02, 2018 meeting was approved as received from the City Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding recommendations from their January 9, 2018 meeting.

PETITION 2018-03 a petition submitted by J2K Investments, Inc. requesting to rezone **3805 Lincoln Way 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 2018-04 A request submitted by Gumwood Acquisitions, LLC, to amend the Northwest corner 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 and exterior building material Commercial Development

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 no. 5334) to the preliminary site plan dated 12/19/17 submitted with this petition;
- Delete assisted living and nursing homes permitted uses;
- Reduce by one (1) the number of curb cuts on Gumwood Road;
- Reduce the minimum distance of "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 public right-of-way;

- Permit building heights up to four (4) stories and forty-eight feet (48); and
- Allow “fiber cement” as and exterior building material

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

Clerk Block read the following proposed ordinance by title and were set for public hearing at next council meeting.

PROPOSED ORDINANCE NO. 2018-01

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.

(Amending Salary Ord for 2018 Fire and Police)

(Petitioner requested Second Reading)

Mr. Banicki made a motion to suspend council rules to allow second reading on **PROPOSED ORDINANCE NO. 2018-01** with a second by Mr. Tanner motion carried.

Rebecca Miller, City Controller thanked the council for allowing second reading as payroll for this year had already begun. Ms. Miller explained the amendment to last years approved salary ordinance was for changes and additions made during negotiations with Police and Fire. She also mentioned an additional item for an insurance stipend for the Assistant Attorneys who were part time employees.

Question was called for at 7:06 P.M. for **PROPOSED ORDINANCE NO. 2018-01**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.** Thus, it becomes **ORDINANCE NO. 5608**

PROPOSED ORDINANCE NO. 2018-02

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

(Rezone from C-7 to C-9 Auto Sales 3825 LWE)

(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-03

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME

**AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF
THE CITY OF MISHAWAKA, INDIANA.**
(Assigned to the Land Use Planning Committee)

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**

Ken Prince, City Planner said the city had been in discussions with School City of Mishawaka for some time regarding the potential purchase of Hums Park. Mr. Prince mentioned a memo was sent which identified the city had been leasing Hums park for \$1.00. He said the city would like to purchase at this time so long-term planning could happen in a permanent way. He explained at one point in time the site was going to be used for the expansion of Hums School but the school has considered it surplus for some time which then changed the original lease. Mr. Prince said now they had to reconfigure fields and bathroom and go to the School Corporation to make sure the city’s long-term plan did not interfere with school long-term plan. He continued to say they wanted to make sure money was not spent inappropriately, putting things in a location the school would then need. Mr. Prince expressed purchasing this time made sense for both entities given that the long-term use was intended to be a park. He went on to discuss the averages of 2 appraisals came out to be \$47, 500, the property itself was diminished in value due to the high-tension power lines along the property. Mr. Prince stated the city would pay all closing cost which would amount to 2 or 3 thousand dollars. He said as indicated in the memo, the funds were encumbered from last year’s CEDIT line; they essentially used TIF for the Castle Manor Project. Mr. Prince explained Council Attorney Trippel who was also School City of Mishawaka Attorney informed him two resolutions were required; one to initiate or express interest to purchase and the other was to give the Mayor authority to purchase the property.

Questioned was called for at 7:10 P.M. for **RESOLUTION NO. 2018-01**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

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**

Ken Prince, City Planner said as stated before this resolution was to give the Mayor authority to purchase.

Questioned was called for at 7:12 P.M. for **RESOLUTION NO. 2018-01**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

PROPOSED ORDINANCE NO. 2017-36

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

(Rezone from C-1 to C-9 Automobile sales 611 W. McKinley)

Mr. Tanner 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.

Mike Danch, Danch Harner & Associates represented the petitioners. He explained the Gates Automotive Group would like to expand their existing parking lot located west of this property. Mr. Danch went on to say they received a favorable vote from the Plan Commission and the issue with previous tenants of the Hi-Ho Restaurant was resolved. He said the tenants were able to find another location at the Town & Country Shopping Center. Mr. Danch gave details on the construction plan, the existing building would be removed and pavement would expand east to the existing automotive parking area. He explained all requirements for landscape and drainage would be met and the drive way entrance would remain on Benton Street with no additional driveway on McKinley. Mr. Danch continued to say the lighting on the property would be shielded to prevent shining on the residential homes south of the property.

Mrs. Voelker recalled the HI-HO Restaurant having sewage issues; she asked if the problem was solved. Mr. Danch said the restaurant was having sewage problems but to his understanding the sanitary sewer line was blocked but he was unaware if the previous tenants took care of the issue. He continued to say the records he received from the city showed the property was developed with a private sewer line which ran from the north to the west towards Benton Street. Mr. Danch said since the building was being removed the issue should go away. He explained the line would be plugged if the building to the east on the corner of Forrest was not connected to the line.

Mr. Deal asked was there any concerns with pedestrian traffic going across McKinley. Mr. Danch replied no, he said it has never been an issue. He believed Gates salespersons took interested customers across the street in a car or the salesperson would bring the cars across the street to the north side.

Mr. Tanner said giving that this was a preliminary site plan but it seems the lot was more for storage rather than a display lot. Mr. Danch explained with this being a preliminary site plan and dealing with automotive and its display areas there would be fewer cars than what as seen on the site plan because the sales person had to be able to maneuver the cars in and out. He said before

the final site plan they had to show landscaping showing the curb that would be created between the paved areas and the landscape areas which were required by ordinance so the cars did not encroach.

Mr. Canarecci asked if the curb would extend to the complete length of the north/south of the property and would there be traffic in between the car lot and the retail property. Mr. Danch replied no, it would be separate properties with separate curbing.

Mr. Mammolenti asked did any residence near the proposed property appear at the Plan Commission meetings that were opposed. Mr. Danch said the tenant from the Hi-Ho Restaurant did appear because she had a concern on how long she had to move off the property before the property was rezoned. He continued to say they tabled the ordinance before because they wanted to give the owner time to find a new location.

Question was called for at 7:20 P.M. for **PROPOSED ORDINANCE NO. 2017-36**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal. Thus, it becomes **ORDINANCE NO. 5609**

NEW BUSINESS

The Consideration of Suspension of Council Rules for presentation of the Mayor's State of the City Address.

Mr. Canarecci made a motion to suspend Council Rules to have the Mayor's State of the City on March 12th at the Battell Center at 7:00PM, with a second by Mr. Banicki motion carried.

Mr. Emmons announced the 1st District Neighborhood Meeting would be January 18th at St. Bavo's at 7:00PM. He said the speaker would be Dr. Speicher, Superintendent of School City of Mishawaka to speak on how the money from the referendum was spent and the plans for the money that was donated through the corporations.

Mr. Deal announced the 3rd District Neighborhood Meeting would be January 17th at Twin Branch School at 7:00PM. The speaker will be Ray Schultz, the new St. Joseph Director of the 911 Dispatch Center. He said Mr. Shultz would give updates on the new center.

Mr. Compton informed the council that James Kronewitter passed away; he was a regular for years attending council meetings and a resident in his district.

Mr. Mammolenti presented a plaque to Ross Deal for his 2017 Presidency. Mr. Mammolenti expressed Mr. Deal was a great leader as Council President and what an honor it was to work by his side as Vice President.

ADJOURNMENT 7:26 P.M.

Deborah S. Block _____/s/

Matt Mammolenti _____/s/

Deborah S. Block, IAMC, MMC, City Clerk

Matt Mammolenti, President

**There was a Presentation by Chamber of Commerce
Presented by Jeff Rea and Rob DeCleene**

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 31 2018

CITY CLERK
MISHAWAKA, IN

DECEMBER 8, 2017



TO: BOARD OF ZONING APPEALS
CITY OF MISHAWAKA, INDIANA

The undersigned appellant respectfully shows the Board:

1. Ronald E & Diana L Quandt, are joint owners in common of the following described real estate located within the City of Mishawaka, Penn Township, St Joseph County, State of Indiana, to-wit:

Lots 7, 8, 9, 10, 11, 12 and 13, Manoka Place, known as 1200 West Sixth Street,
Mishawaka, Indiana 46544.

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

B. Appellant proposes to occupy the above described property in the following manner:
Car Repair and Body and Paint Shop. *AND BEAUTY SHOP*

C. Appellant explains that under the present classification this type of usage is not approved.

D. The Zoning Ordinance of the City of Mishawaka requires the property to have a zoning change to C- 4 in order for proper usage to be utilized.

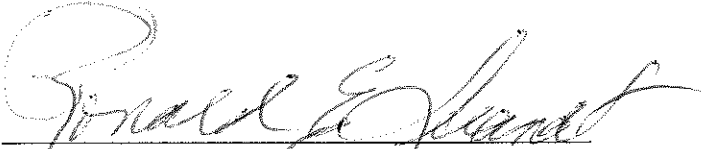
E. As the present zoning is I-1, in the past 24 months we have not been successful in locating a vendor that fits the present zoning requirement. In the past two years, we have contacted a wide array of vendors who would fit the present usage but have not been successful in our search.

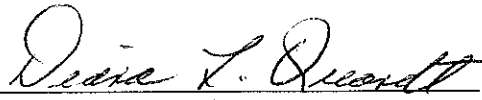
F. With the change of a usage variance, the property and the entity would not create a problem or be injurious to the public health of the community. It would not affect the safety of the public under the amended usage or the morals of the community. It would be adding a service to the people of the community and the surrounding area. The subject property has been improved during our tenure with a fence along the frontage of the property and a partial fence on the western boundary of the property. The property directly to the west is a rental property. The property has railroad tracks to the rear of the property. The number of trains that pass on a daily basis is certainly louder than any noise that would be coming from a paint and body shop. The painting is done in an approved Paint Module with a filter which prevents any paint from being sent through the area. This paint module is required by the State of Indiana and meets all state requirements. At the front of the property is a commercial building which is presently vacant. The property is covered by video inside & out. It also has access control with audit for approved entrance into the building. During our habitation and ownership of the property we have landscaped

the corners of the property and along the front of the property with rose bushes, barberry bushes, yellow euonymous and various other flowering shrubs. We have also planted evergreens on the western border and green shrubbery in the southwest corner of the property. This property being active with commercial life would enhance the other properties in the community and stabilize the tax basis rather than decreasing values from empty buildings (which are subject to vandalism and are very unsightly in a community). Empty buildings send bad vibes through an area for the resale of houses as well as the existing commercial properties. A vibrant retail business in this property would also generate Sales Tax for the City of Mishawaka. In addition there is room for expansion on this property and as a business thrives, it can attract several other business interests in the area to service the residents and the existing rental units. There is ample area for any cars waiting to be serviced or completed. Vehicles waiting for delivery would be stored inside the building. With freshly painted cars it is not advisable for autos to be sitting outside where they could be subject to vandalism & traffic and the degrading of the finished product.

2. Changing the variance for this property will not be adverse to either of the adjacent properties as the unit to the west is presently a rental unit and should encourage an upgrade in the existing property. The property to the east of the property is a family residence and they as well as several other residents use the additional lots of this property for storage of excess vehicles and recreational equipment.
3. The zoning change is necessary because the demand for industrial property in this area has diminished. The building was originally built to serve as a terminal for a bakery. It has also been a printing plant in its past and it recently served as a warehouse and operational center for our automatic door business for the past 12 years. It has been vacant except for a few sparse rentals in the past 24 months. Business needs change and so do communities. A Car Service Center in this area would benefit everyone concerned. We have had requests for car repair services that could be available to the community.
4. As a vacant building it is a hardship to any prospective owner unless there is a usage that can return revenue. Property values certainly decrease when the revenue sources are limited or depleted. Without changes in the usage capabilities of this property, valuations will continue to decrease. Vandalism and unsightly properties will degrade and devalue the area.
5. I am not informed on the Mishawaka 2000 Comprehensive Plan but I cannot imagine any increase in valuation of any of the properties if this zoning change should fail to get endorsement by the City Council.

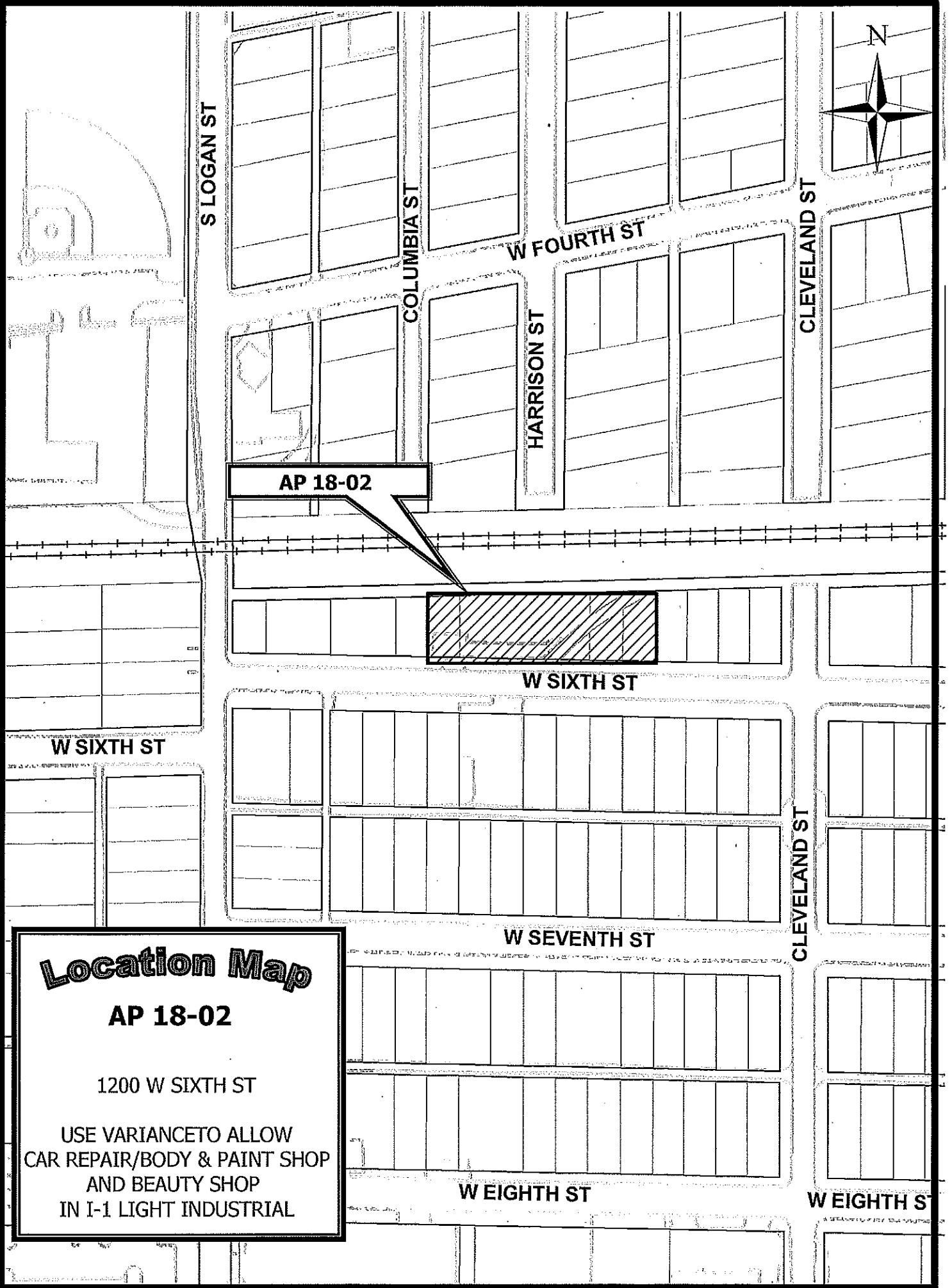
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


Ronald E Quandt, Owner


Diana L Quandt, Owner

CONTACT PERSON

RONALD E QUANDT
17680 HANSOM CT
SOUTH BEND, INDIANA 46635
Day phone Number 574 220-5165
Fax Number 574 277-1878



Location Map

AP 18-02

1200 W SIXTH ST

USE VARIANCE TO ALLOW
CAR REPAIR/BODY & PAINT SHOP
AND BEAUTY SHOP
IN I-1 LIGHT INDUSTRIAL

DATE: January 8, 2018

JAN 8 1 2018

TO: Board of Zoning Appeals
City of Mishawaka, IndianaCITY CLERK
MISHAWAKA, IN

JP's Complete Auto Care, Inc. is the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lot Numbers 65-70 Milburn Place and 60' vacated Reddick Street.

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

Appellant presently occupies the above-described property in the following manner: automotive body work shop and automotive repair shop per Resolution No. 2012-03.

Appellant desires to include Lot 65, and amend previously approved Resolution No 2012-03 as follows:

1. Use Variance shall be limited to automotive body repair and automotive maintenance is limited to indoors. No outside storage of materials and/or vehicle parts will be permitted. *Salvage of parts and storage of non-repairable vehicles are prohibited. Disabled cars may be held on a temporary basis to resolve insurance related claims within the designated long term storage area. No parts or other outside storage is permitted within this area;*
2. ~~The previously submitted landscape plan plantings shall be installed and the building shall be painted in 2012;~~
3. Exterior lighting shall be provided within the gated parking area. If lighting is not a cut-off type fixture, direct lighting away from residential properties.
4. All employees shall park within the fenced area on the property *when possible*, and not on adjacent streets. *When employees do park on adjacent streets, the owner shall coordinate with adjacent residents and make accommodations to move vehicles as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up, shall not be stored in the street where they are located there overnight.*
5. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. *Sidewalks shall not be blocked by parked unoccupied vehicles.*
6. Overnight parking in the fenced lot *adjacent and visible to the street* shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles. *Within this parking area, a minimum of five parking spaces shall be reserved for continually rotating customers.*
7. Hours of operation for repair work that creates noise that can be heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
8. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments;
9. Temporary signage, *other than directional signs*, is prohibited. *Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.*
10. *A long term storage area shall be created on the east side of the building between the current parking area and the alley. This area shall be completed by July 1, 2018. Long term storage is meant for the storage of cars with pending insurance litigation issues or other related issues that require them to be stored for weeks or months. Parking in this area should not exceed 18 months for any one individual vehicle. This area shall be fenced with an opaque fence that is 8' high. The surface of the area may be gravel or hard paved. Hard paving or other improvements shall be accomplished as necessary to prevent the migration of gravel on West*

AP 18-07

6th Street. At a minimum, one dry well shall be provided for this area. Surface drainage from this area shall be directed toward the drywell and away from neighboring property.

11. The future short term storage area, if constructed, shall be paved and shall be required to meet all C-1 general commercial standards, including but not limited to, landscaping and drainage.

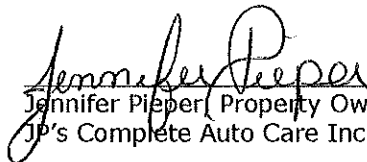
The Zoning Ordinance of the City of Mishawaka requires no automotive uses in I-1 Light Industrial District. The existing automotive use was permitted under a previous use variance.

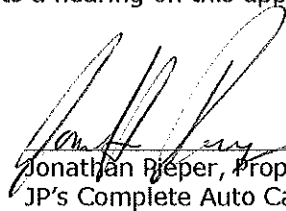
Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

Answer the following necessary questions for a **USE VARIANCE**:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *YES OR NO and explain your reason why.*
- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR NO and explain your reason why.*
- (3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*

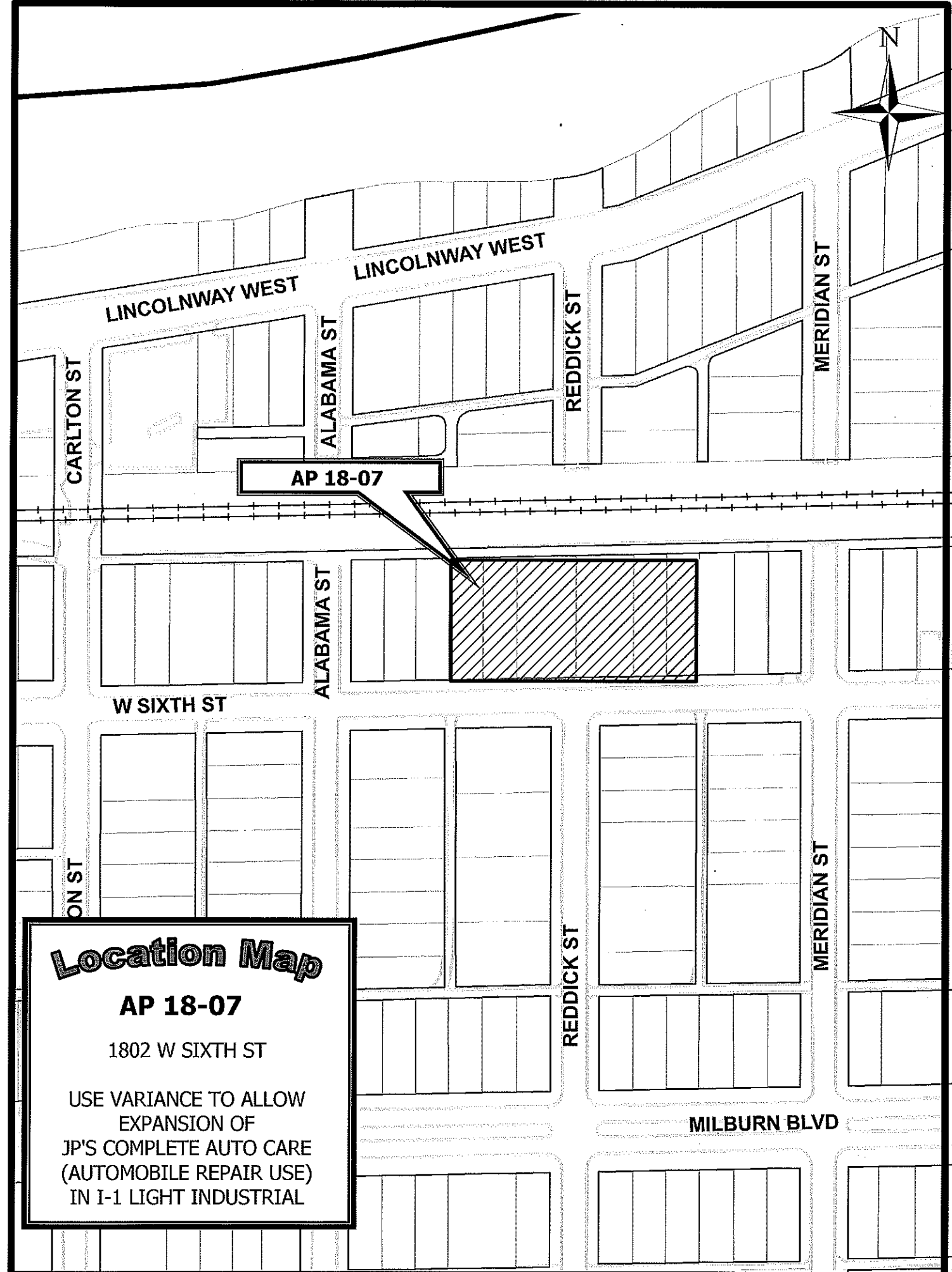
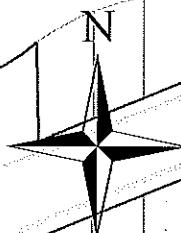
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


Jennifer Pieper, Property Owner
JP's Complete Auto Care Inc


Jonathan Pieper, Property Owner
JP's Complete Auto Care Inc

CONTACT PERSON:

Name:
Address:
Day Phone Number:
Fax Number:
Email:



Location Map

AP 18-07

1802 W SIXTH ST

USE VARIANCE TO ALLOW
EXPANSION OF
JP'S COMPLETE AUTO CARE
(AUTOMOBILE REPAIR USE)
IN I-1 LIGHT INDUSTRIAL

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 31 2018

CITY CLERK
MISHAWAKA, IN

January 23, 2018

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

RE: PETITION FOR PUD AMENDMENT

The undersigned Thomas J. and Kathleen A. Herrman respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

PARCEL NUMBER: 71-04-27-102-023.000-036

LEGAL DESCRIPTION: UNIT 21 UNIVERSITY GARDENS OFFICE PARK

LEGAL ADDRESS: 6910 North Main Street, Unit 21, Granger, Indiana 46530

PARCEL NUMBER: 71-04-27-102-024.000-036

LEGAL DESCRIPTION: UNIT 22 UNIVERSITY GARDENS OFFICE PARK

LEGAL ADDRESS: 6910 North Main Street, Unit 22, Granger, Indiana 46530

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for commercial real estate/leased business space.

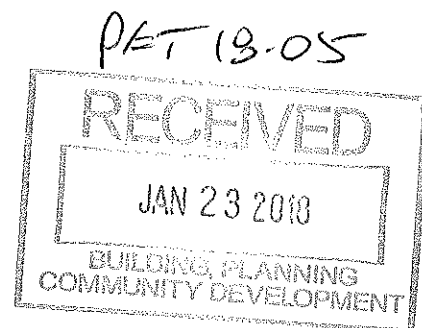
Petitioner desire said real estate to be amended to allow for microblading services.

Wherefore, the petitioner prays and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.


Jennifer Gerber

CONTACT PERSON:

Jennifer Gerber
15481 Brookstone Ct.
Granger, IN 46530
574-286-9158
jennifgerber1@gmail.com



University Gardens, Inc.

6910 N. Main St., Mishawaka, IN 46530

January 23, 2018

Regarding: City of Mishawaka Board of Zoning Filing Authorization

Members of the City of Mishawaka Board of Zoning;

This letter is being written on behalf of Jennifer Gerber and her business Brow Bar 574. As property owner of **University Gardens Office Park, located at 6910 North Main Street, Granger, Indiana 46530**, I authorize the aforementioned future tenant to file a petition to properly zone this property to suit the needs of her business. Your time and consideration regarding this matter is greatly appreciated.

PROPERTY INFORMATION

University Gardens, Inc

6910 North Main Street

Granger, IN 46530

UNIT 21

Parcel #71-04-27-102-023.000-036

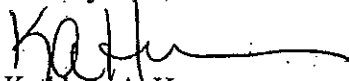
Legal Description: UNIT 21 UNIVERSITY GARDEN OFFICE PARK

UNIT 22

71-04-27-102-024.000-036

Legal Description: UNIT 22 UNIVERSITY GARDEN OFFICE PARK

Thank you,



Kathleen A. Herrman

University Gardens, Inc.

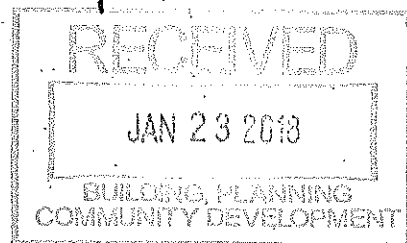
6910 N. Main Street

Unit 3

Granger, IN 46530

Phone 574-282-2596

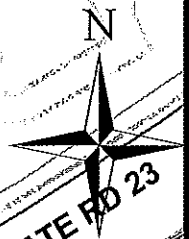
Fax 574-237-6766



GUMWOOD RD

E CLEVELAND RD

STATE RD 23



PET 18-05

UNIVERSITY GARDEN LN

TENNYSON LN

HERMAN LN

LEADER LN

WOODKNOLL DR

Location Map

PET 18-05

6910 N MAIN
UNIT 21 & 22

PUD AMENDMENT
TO ALLOW
MICROBLADING

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 Records 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.

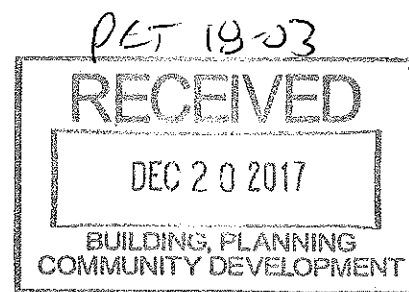
The above described parcel is presently zoned: C-7 Commercial District.

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 described parcel of real estate located in the City of Mishawaka.

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

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



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:

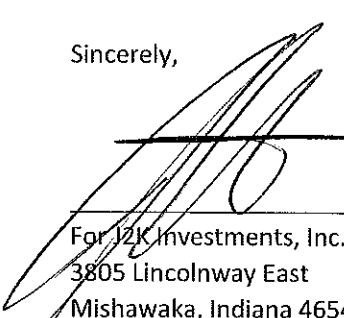
Dear Council Members;

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,

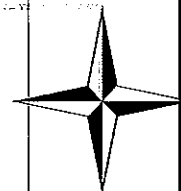


For J2K Investments, Inc.
3805 Lincolnway East
Mishawaka, Indiana 46544

John M. Crites

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

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

Proposed Ordinance No: 18-02

Ordinance No: _____

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: 18-03

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' to 12' 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.

December 19, 2017

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

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 28 2017

CITY CLERK
MISHAWAKA, IN

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

Dear Mr. Prince:

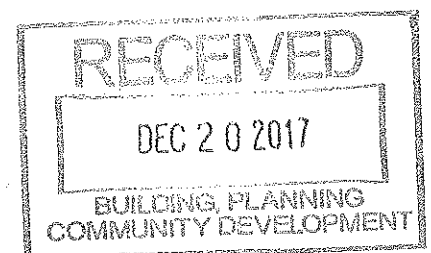
On behalf of the current property owners, GrandView Flats, LLC, and Gumwood Acquisitions, LLC, we are submitting for your review and processing a petition to amend the PUD which was approved in 2014.

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.



15-18-04

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.

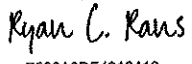


PET 18-04

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.

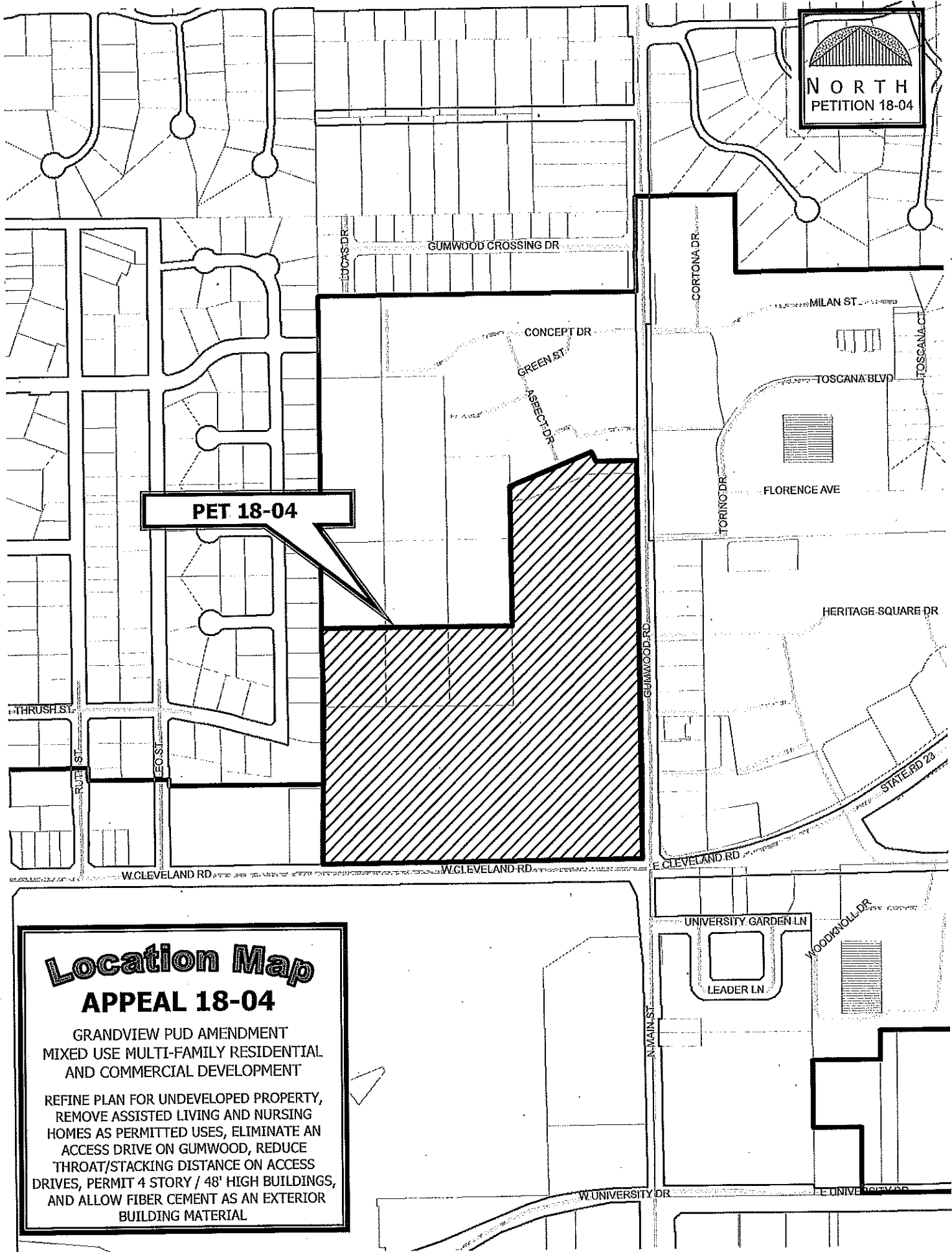
For: **Gumwood Acquisitions, LLC**

DocuSigned by:
 _____
7629A3DF4916416... Managing Partner

Date: 12/19/17

CONTACT PERSON:

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



PET 18-04

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