

AGENDA

Monday, March 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**

February 19, 2018

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2018-09 Use Variance to allow outdoor box storage containers - 7121 Grape Rd.

Petition NO. 2018-06 Annex and Zone 137.89 acres - East of Fir Rd, South of Toll Road, West of Grand Trunk - S-2 PUD for golf course, golf maintenance, club house, banquet facility and municipal wellfield and water production facility.

Petition No. 2018-07 PUD Amendment - Penn PUD Lot 2 of proposed Juday Creek Business Park - for golf course, golf maintenance, club house, banquet facility and municipal wellfield and water production facility and regional recreational facility

Petition No. 2018-09 PUD Amendment - for development of an apartment complex - South of Vistula, East of Bittersweet.

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

P.O. NO. 2018-04 PUD Amendment to allow Microblading - 6910 N. Main Unit 21 & 22 University Gardens Office Park (Assigned to Land Use Planning Committee)

- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**

R2018-03 Use Variance to allow Car Repair/Body & Paint Shop and Beauty Shop in I-1 Light Industrial - 1200 W. Sixth St.

- 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
February 5, 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 February 05, 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 David Spalding, MD and for the tragedy in Florida school shooting.



Roll Call.

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

Absent: Mr. Compton.

The minutes from the February 05, 2018 meeting were approved as received from the City Clerk's Office.

Chief Deputy Clerk Hazen read a letter from the City Plan Commission and Board of Zoning Appeals regarding recommendations from their February 13, 2018 meeting.

APPEAL NO. 18-02 An appeal submitted by Ronald E. and Diana L. Quandt requesting a Use Variance for 1200 West Sixth Street to allow car repair/body and paint shop, and beauty shop on I-1 Light Industrial zoned property.

The Board, with a vote of 3-0, recommended denial, but if approved staff recommends that it would be subject to the following conditions:

1. Use variance shall limit automotive maintenance, automotive body repair, and automotive painting, to the inside of the building. Salvage of parts and storage of non-repairable vehicles are prohibited. No outside storage of materials and/or vehicle parts will be permitted.
2. Exterior lighting shall be provided within the existing and expanding parking areas. Lighting shall be shielded/cut-off as to not shine unto the adjacent public right-of-way or residential properties.
3. All employees shall park on the property when possible, and not on the adjacent streets. When employees do park on the adjacent streets, the owner shall coordinate with the 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 be not stored in the street where they are located overnight.
4. 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.

5. Overnight parking in the proposed lot to the east 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.
6. Hours of operation for automotive repair work that creates noise heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
7. 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;
8. 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.
9. All proposed and existing parking areas, where to be resurfaced, shall be paved.
10. Additional landscaping and screening shall be provided in conformance with the I-1 Light Industrial District.
11. An administrative site plan shall be submitted and shall conform to all required developmental regulations including, but not limited to, storm water drainage, utility improvements, and landscaping/screening.

APPEAL NO. 18-07 An appeal submitted by John and Jennifer Pieper requesting a Use Variance for 1802 West Sixth Street to allow for an expansion of automobile repair use.

The Board, with a vote of 2 in favor and 1 against, forwarded no recommendation, but if approved staff recommends that it would be subject to the following conditions:

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. 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.
3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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 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.

10. 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.

PETITION NO. 2018-05 A petition submitted by Thomas J. and Kathleen A. Herrman requesting to amend the University Gardens Planned Unit Development, 6910 North Main Street, Granger, to allow for microblading services.

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

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

Chief Deputy Clerk Hazen read the following proposed ordinance by title and was set for public hearing at next council meeting.

PROPOSED ORDINANCE NO. 2018-04
**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**
(PUD to Amend Micro blading - 6910 N. Main Street)
(Assigned to Land Use Planning Committee)

RESOLUTION NO. 2018-03

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT:**

1200 West Sixth Street, Mishawaka, Indiana

Ronald and Diana L. Quandt owners of property 1200 West Sixth street said the potential leaser Alex Jones would like to run a paint and body shop for high end cars. Mr. Quandt requested the resolution be postponed to the March 5th meeting due to Mr. Jones absences. He said Mr. Jones could not attend the meeting due to an emergency. Mr. Quandt felt it was best for the council to hear from Mr. Jones to explain his operations.

Mr. Tanner made a motion to postponed **RESOLUTION NO. 2018-03** to the March 05, 2018 meeting with a second by Mr. Banicki motion carried.

RESOLUTION NO. 2018-04

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD
OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:**

1802 West Sixth Street, Mishawaka, Indiana

Mr. Banicki made a motion to continue public hearing for **RESOLUTION 2018-04** on April 02, 2018 and to hold a Land Use Planning Committee meeting in March to receive input from the neighbors with a second by Mr. Tanner motion carried.

NEW BUSINESS

Mr. Deal and Mr. Mammolenti stated the Twin Branch Neighborhood Meeting would be February 21, 2018 at 7:00 P.M. The speaker would be Dean Huppert, Mishawaka Athletic Director.

ADJOURNMENT 7:13 P.M.

Mary Ellen Hazen /s/
Mary Ellen Hazen, Chief Deputy Clerk

Matt Mammolenti /s/
Matt Mammolenti, President

February 19, 2018



City of Mishawaka
Board of Zoning Appeals
600 East Third Street
Mishawaka, Indiana 46544

Regarding: 7121 Grape Road
Appeal for Use Variance

To Whom It May Concern:

The undersigned duly authorized appellant respectfully shows the Board:

I, **Matthew Smith, with Anchor Construction, LLC**, am a duly authorized representative of the owner of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

7121 Grape Road, Granger, Indiana 46530, also described as follows:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE THREE (3) EAST, OF THE SECOND PRINCIPAL MERIDIAN, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS, VIZ: COMMENCING FROM A BRASS PLUG AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 89°44'40" WEST (BEARING ASSUMED) ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 (BEING THE CENTERLINE OF CLEVELAND ROAD), 662.56 FEET; THENCE NORTH 00°10'31" EAST, 527.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°10'31" EAST 471.04 FEET; THENCE SOUTH 89°34'43" EAST, 253.00 FEET; THENCE SOUTH 00°10'31" WEST 222.31 FEET; THENCE NORTH 89°44'40" WEST 28.00 FEET; THENCE SOUTH 00°10'31" WEST, 248.00 FEET; THENCE NORTH 89°44'40" WEST, 225.00 FEET TO THE POINT OF BEGINNING.

The above-described real estate presently has a zoning classification of S-2 Planned Unit Development District under the Zoning Ordinance of the City of Mishawaka. Appellant presently occupies the above-described property as a professional services office building. The appellant desires to continue to maintain the presence of outdoor CONEX box storage containers. The Zoning Ordinance of the City of Mishawaka, Section 137-302 (5) c., however, does not allow storage in accessory buildings in commercial districts. Strict

ANCHOR CONSTRUCTION LLC
7121 GRAPE ROAD | GRANGER, INDIANA 46530
574.271.2921 | WWW.ANCHORCONSTRUCTION.COM

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MAR 01 2018

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MISHAWAKA, IN

AP 18-09

adherence to the Ordinance requirements would inhibit normal business operation, which requires temporary storage for certain items necessary to the services provided by the appellant's business. This would thus create unnecessary hardship on the appellant, as indoor storage of such items is conducive to the professional services office within the primary building.

The appellant requests the above described use variance, justified by the following reasons:

- 1) Approval of this use variance **would not** be injurious to the public health, safety, morals, or general welfare of the community, since the storage containers in questions are locked at all times, unless they are being accessed by authorized personnel. The material stored in them is not dangerous or hazardous, and the containers set back more than 400 feet from any public way.
- 2) The use and value of the area adjacent to the property included in the variance **would not** be affected in a substantially adverse manner, because the containers in questions are setback from any public way by at least 400 feet. The containers are screened on all sides by a combination of buildings, berms, fencing, and mature trees.
- 3) The need for this use variance **does** arise from some condition peculiar to the property involved, namely that the building and its current and intended use as a professional services office does not allow for this type of storage within the building. Thus outdoor storage containers are necessary.
- 4) Strict application of the Ordinance requirements **would** constitute an unnecessary hardship if applied to the property for which the variance is sought, because it would inhibit normal business operation, which requires the temporary outdoor storage of certain items necessary to the services provided by the appellant's business.
- 5) Approval **would not** interfere substantially with the Mishawaka 2000 Comprehensive Plan, as the zoning and use of the subject property would not change, and the application of the requested variance would be carried out in a way that is screened on all sides by a combination of buildings, berms, fencing, and mature trees, creating minimal opportunity for other similar properties to request a similar variance as a result.

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

Sincerely,



Matthew Smith, P.E.
Engineering Project Manager
Anchor Construction, LLC
7121 Grape Road, Granger, IN 46530
msmith@anchorconstruction.com
Phone: (574) 271-2921
Fax: (574) 271-3343



**HOLLADAY
PROPERTIES**

Building Solutions Since 1952

February 1, 2018

City of Mishawaka
Department of Planning
600 East Third Street
Mishawaka, Indiana 46544

Regarding: 7121 Grape Road – Appeal for Use Variance
Authorization of Representative

To Whom It May Concern:

As owner of the property located at 7121 Grape Road, Granger, Indiana 46530, Grape Road BMC Partners, L.P. hereby grants authorization to Anchor Construction, LLC to represent us, for the purposes of filing an appeal to the City of Mishawaka Department of Planning, for a use variance to maintain the presence of outdoor CONEX box storage containers.

Thank you for your time and consideration in this matter.

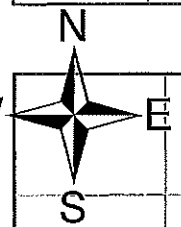
Sincerely,
Grape Road BMC Partners, L.P.

Signed

Name John T. Phair

Title President of General Partner

Date February 1, 2018



AP 18-09

GRAPE RD

THRUSH ST

W CLEVELAND RD

Location Map

AP 18-09

ANCHOR CONSTRUCTION
7121 GRAPE ROAD

USE VARIANCE TO ALLOW
OUTSIDE STORAGE IN
STORAGE CONTAINERS



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING

February 16, 2018

TO THE:

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

RE: Petition for Annexation and Zoning Classification

The undersigned City of Mishawaka and Lindy's, Inc., (see attached letter), respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

See attached.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located North of Douglas Road, East of Fir Road, South of the Indiana Toll Road (I-80/90), and West of the East line of the West Half of Section 26, Township 38 North, Range 3 East, Harris Township, and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with an S-2 Planned Unit Development District. Petitioners further state they intend to utilize both Parcel A and Parcel B for a golf course, golf maintenance, and club house/banquet facilities; and a municipal wellfield and water production facilities.

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

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray 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 annexing the above described parcel of real estate to the City of Mishawaka with an S-2 Planned Unit Development District.

Kenneth B. Prince, ASLA, AICP
City Planner

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MAR 01 2018

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Contact Person:

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist
City of Mishawaka
600 E. Third Street
Mishawaka, IN 46544
Ph. 574-258-1625
dspier@mishawaka.in.gov

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City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

February 16, 2018

City of Mishawaka
Department of City Planning
600 E. Third Street
Mishawaka, IN 46544

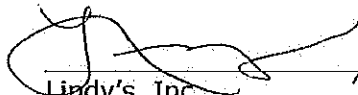
**RE: Petition for Annexation and Zoning Classification
Letter of Support**

Honorable Members of the Common Council & City Plan Commission:

As the property owner of Parcel B within the proposed annexation area, I am in support of the annexation and rezoning petition as submitted. This parcel will continue to be occupied and used as a part of the Juday Creek Golf Course.

Thank you for your consideration, and please do not hesitate to contact me at (574) 277-4653 if you have any questions.

Sincerely,

 , SEZ.
Lindy's, Inc.
Linda Rogers

Parcel A

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1540.43 feet along the east line of said west half to the southeast corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706 and the **Point of Beginning** of this description;

thence continuing South 00 degrees 23 minutes 28 seconds East 454.11 feet along said east line to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract;

thence North 07 degrees 32 minutes 53 seconds East 299.78 feet;

thence North 82 degrees 27 minutes 07 seconds West 38.43 feet;

thence North 07 degrees 32 minutes 53 seconds East 84.50 feet to said south line of the Northwest Quarter of the Southwest Quarter of Section 26;

thence South 89 degrees 41 minutes 45 seconds West 336.65 feet along said south line to the southeast corner of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198, located on the west line of said Northwest Quarter of the Southwest Quarter of Section 26;

thence North 00 degrees 16 minutes 56 seconds West 1330.05 feet (1330.24 feet by Instrument #8617056) along the west line of said quarter-quarter section to a 5/8" rebar found at the West Quarter Corner of said Section 26;

thence South 89 degrees 37 minutes 13 seconds West 664.48 feet (669.28 feet by Instrument #8617056) along the south line of the Northeast Quarter of said Section 27 to the southeast corner of Calvary Chapel, Inc. Replat, the plat of which is recorded in Instrument #9802248;

thence North 00 degrees 34 minutes 35 seconds West 1109.50 feet (distance quoted from Instrument #8617056) along the east line of said Calvary Chapel, Inc. Replat and the east line of The Hearth PUD, the plat of which is recorded in Instrument #0902128, to the southeasterly right-of-way line of Indiana East-West Toll Road;

thence along the right-of-way line of said Indiana East-West Toll Road, Northeasterly 439.67 feet (433.19 feet by Instrument #8617056) along an arc to the left and having a radius of 7789.44 feet (distance quoted from Instrument #8617056) and subtended by a long chord having a bearing of North 52 degrees 56 minutes 11 seconds East and a length of 439.61 feet (433.14 feet by Instrument #8617056);

thence North 51 degrees 19 minutes 10 seconds East 499.23 feet along said right-of-way line to a concrete monument with a 5/8" rebar found at the northwest corner of Juday Creek Estates Section 3, the plat of which is recorded in Instrument #8717305;

thence along the southerly boundary of said Juday Creek Estates Section 3 for the following nine courses:

- 1) thence South 01 degrees 10 minutes 05 seconds East 299.30 feet (distance quoted from plat);
- 2) thence South 38 degrees 29 minutes 44 seconds East 259.14 feet (distance quoted from plat);
- 3) thence South 02 degrees 23 minutes 51 seconds East 288.74 feet (distance quoted from plat);
- 4) thence South 66 degrees 42 minutes 48 seconds East 192.51 feet (distance quoted from plat);
- 5) thence North 77 degrees 55 minutes 33 seconds East 199.88 feet (distance quoted from plat);
- 6) thence North 20 degrees 46 minutes 53 seconds East 180.23 feet (distance quoted from plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 87 of said Juday Creek Estates Section 3;

- 7) thence North 01 degrees 43 minutes 08 seconds West 71.51 feet (71.56 feet by plat) to a concrete monument with a 5/8" rebar found at an easterly corner of Lot 88 of said Juday Creek Estates Section 3;
- 8) thence Northeasterly 349.29 feet (349.34 feet by plat) along an arc to the right and having a radius of 563.87 feet (565.00 feet by plat) and subtended by a long chord having a bearing of North 33 degrees 46 minutes 20 seconds East and a length of 343.74 feet (343.80 feet by plat) to a concrete monument with a 5/8" rebar found at a southeasterly corner of Lot 92 of said Juday Creek Estates Section 3;
- 9) thence North 51 degrees 31 minutes 06 seconds East 82.51 feet (82.36 feet by plat) to a concrete monument with a 5/8" rebar found at the westerly corner of Lot 140 of said Juday Creek Estates Section 3;

thence continuing North 51 degrees 31 minutes 06 seconds East 30.30 feet along the northwestern line of said Lot 140;

thence South 50 degrees 55 minutes 50 seconds East 468.40 feet;

thence South 74 degrees 24 minutes 57 seconds East 231.39 feet to the south line of said Lot 140;

thence continuing South 74 degrees 24 minutes 57 seconds East 47.92 feet to the prolonged east line of said Lot 140;

thence North 15 degrees 12 minutes 47 seconds East 13.70 feet to a concrete monument with a 5/8" rebar found at the southeast corner of said Lot 140;

thence continuing North 15 degrees 12 minutes 47 seconds East 93.32 feet along the east line of said Lot 140 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 1, the plat of which is recorded in Instrument #8620781;

thence along the south line of said Juday Creek Estates Section 1, Southeasterly 409.36 feet (409.62 feet by plat) along an arc to the left and having a radius of 1510.02 feet (1500.24 feet by plat) and subtended by a long chord having a bearing of South 82 degrees 32 minutes 24 seconds East and a length of 408.11 feet (408.34 feet by plat), to a concrete monument with a 5/8" rebar found at a bend in the south line of Lot 20 of said Juday Creek Estates Section 1;

thence North 89 degrees 41 minutes 37 seconds East 144.78 feet (144.99 feet by plat) along the south line of said Juday Creek Estates Section 1 to a concrete monument with a 5/8" rebar found at the southwest corner of Juday Creek Estates Section 2, the plat of which is recorded in Instrument #8628706;

thence North 89 degrees 41 minutes 37 seconds East 471.80 feet (469.77 feet by plat) along the south line of said Juday Creek Estates Section 2 to the Point of Beginning and containing 114.68 acres, more or less.

Parcel B

Legal Description

A part of the West Half of Section 26 and the East Half of Section 27, all in Township 38 North, Range 3 East, Harris Township, St. Joseph County Indiana, and being a part of the grantor's land described in Instrument #8617056, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a mag nail found at the northeast corner of said West Half of Section 26; thence South 00 degrees 23 minutes 28 seconds East 1994.54 feet along the east line of said west half to a north line of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006;

thence South 89 degrees 33 minutes 41 seconds West 1123.32 feet (1121.90 feet by Instrument #8617056) along the north line of said Penn tract to a northwesterly corner of said Penn tract;

thence South 29 degrees 21 minutes 33 seconds West 403.32 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract to the east line of the Southwest Quarter of the Northwest Quarter of said Section 26;

thence South 00 degrees 20 minutes 06 seconds East 317.63 feet along said east line to the southeast corner of said quarter-quarter section;

thence South 00 degrees 16 minutes 03 seconds East 1327.59 feet along the east line of the Northwest Quarter of the Southwest Quarter of said Section 26 to the south line of said quarter-quarter section;

thence South 89 degrees 41 minutes 45 seconds West 516.79 feet (516.47 feet by Instrument #8617056) along said south line to a northwesterly corner of a tract of land conveyed to Larry J. Penn & Becky L. Penn and Paul D. Penn & Karen S. Penn by Instrument #0432958, dated July 5, 2004;

thence South 25 degrees 29 minutes 19 seconds West 333.44 feet (distance quoted from Instrument #8617056) along a northwesterly line of said Penn tract;

thence South 75 degrees 31 minutes 19 seconds West 350.00 feet along a northwesterly line of said Penn tract to the **Point of Beginning** of this description;

thence continuing South 75 degrees 31 minutes 19 seconds West 574.29 feet along said northwesterly line to the centerline of Juday Creek;

thence South 22 degrees 49 minutes 58 seconds West 514.85 feet (515.52 feet by Instrument #8617056) along the centerline of said Juday Creek to the north line of a tract of land conveyed to DeForest M. Clymer, Opal F. Clymer, Ronald J. Clymer and Larry E. Clymer by Deed Book 790, Page 176, dated August 6, 1974;

thence, parallel with the south line of the East Half of Section 27, North 89 degrees 57 minutes 29 seconds West 309.34 feet (303.02 feet by Instrument #8617056) along the north line of said Clymer

tract to the easterly right-of-way line of Fir Road as conveyed to St. Joseph County, Indiana by Instrument #0418616, dated February 24, 2004;

thence North 29 degrees 08 minutes 50 seconds West 36.09 feet (distance quoted from Instrument #0418616) along the easterly right-of-way line of said Fir Road a northeasterly corner of said right-of-way;

thence South 60 degrees 51 minutes 10 seconds West 10.00 feet along said right-of-way line;

thence North 29 degrees 08 minutes 50 seconds West 761.56 feet along the right-of-way line;

thence along said right-of-way line, Northwesterly 337.06 feet along an arc to the right and having a radius of 1115.92 feet and subtended by a long chord having a bearing of North 20 degrees 29 minutes 40 seconds West and a length of 335.78 feet to the prolonged south line of Brittany Minor Subdivision, the plat of which is recorded in Instrument #9327198;

thence South 89 degrees 48 minutes 25 seconds East 9.38 feet along the prolonged south line of said Brittany Minor Subdivision to a concrete monument with a 5/8" rebar found at the southwest corner of said subdivision;

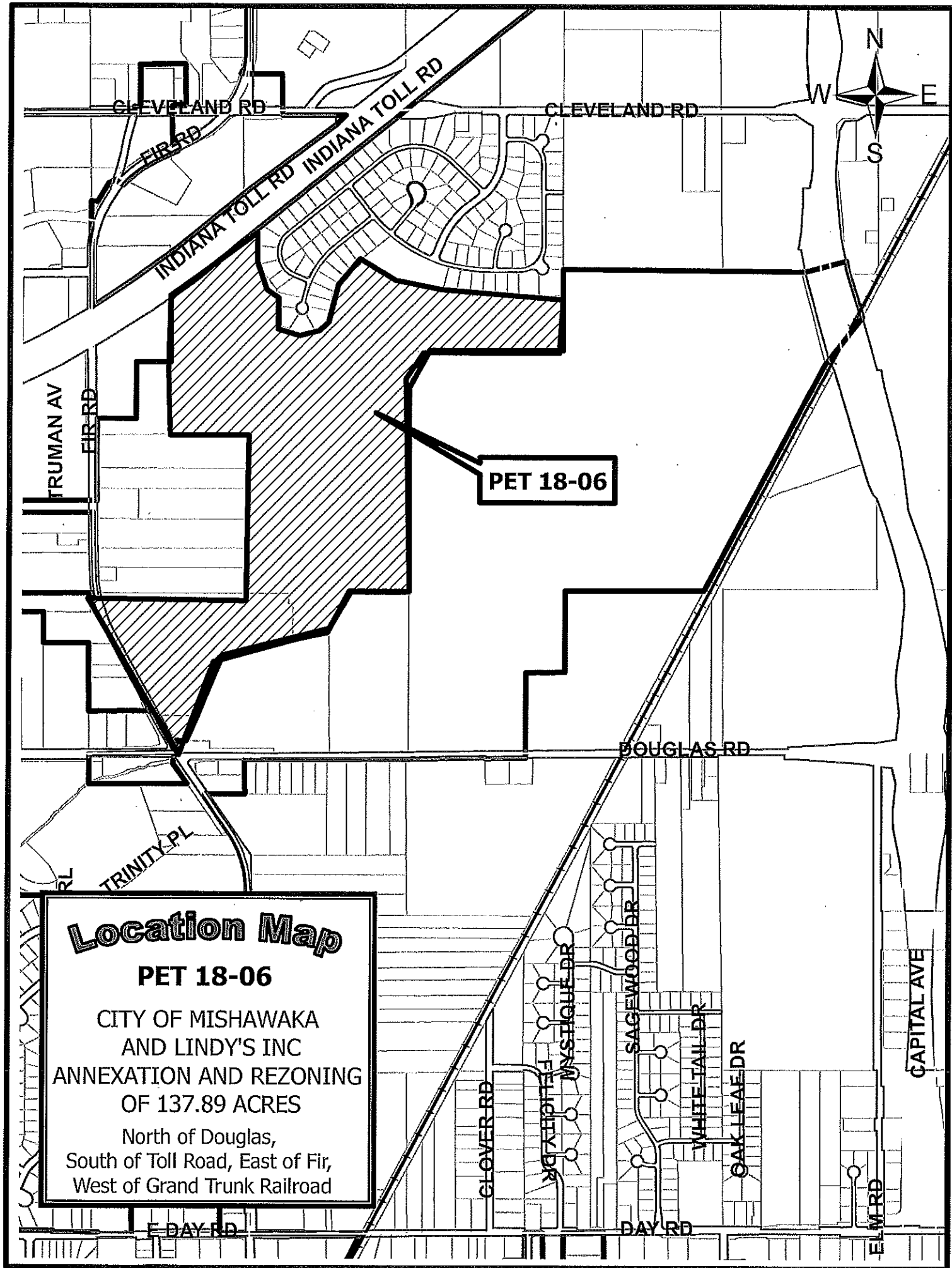
thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

thence North 89 degrees 41 minutes 45 seconds East 336.65 feet along the north line of the Southwest Quarter of the Southwest Quarter of said Section 26;

thence South 07 degrees 32 minutes 53 seconds West 84.50 feet;

thence South 82 degrees 27 minutes 07 seconds East 38.43 feet;

thence South 07 degrees 32 minutes 53 seconds West 299.78 feet to the **Point of Beginning** and containing 23.21 acres, more or less.





CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

February 21, 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

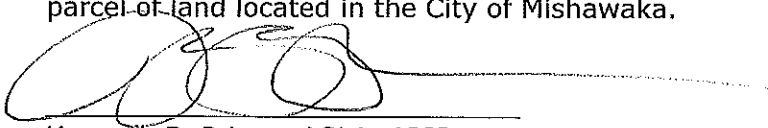
The undersigned, City of Mishawaka, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

See attached.

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 Business & Commercial Uses. The property is currently vacant agricultural land.

Petitioner(s) desire said real estate to be amended to allow for a golf course, golf maintenance, municipal wellfield and water production facilities, and a regional recreational facility.

Wherefore, the petitioner(s) pray 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.


Kenneth B. Prince, ASLA, AICP
City Planner

Contact Person:

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist
City of Mishawaka
600 E. Third Street
Mishawaka, IN 46544
dspier@mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 01 2018

CITY CLERK
MISHAWAKA, IN

BUILDING • COMMUNITY DEVELOPMENT • PLANNING • ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

PROPOSED LOT 2 OF THE JUDAY CREEK BUSINESS PARK SUBDIVISION

Legal Description

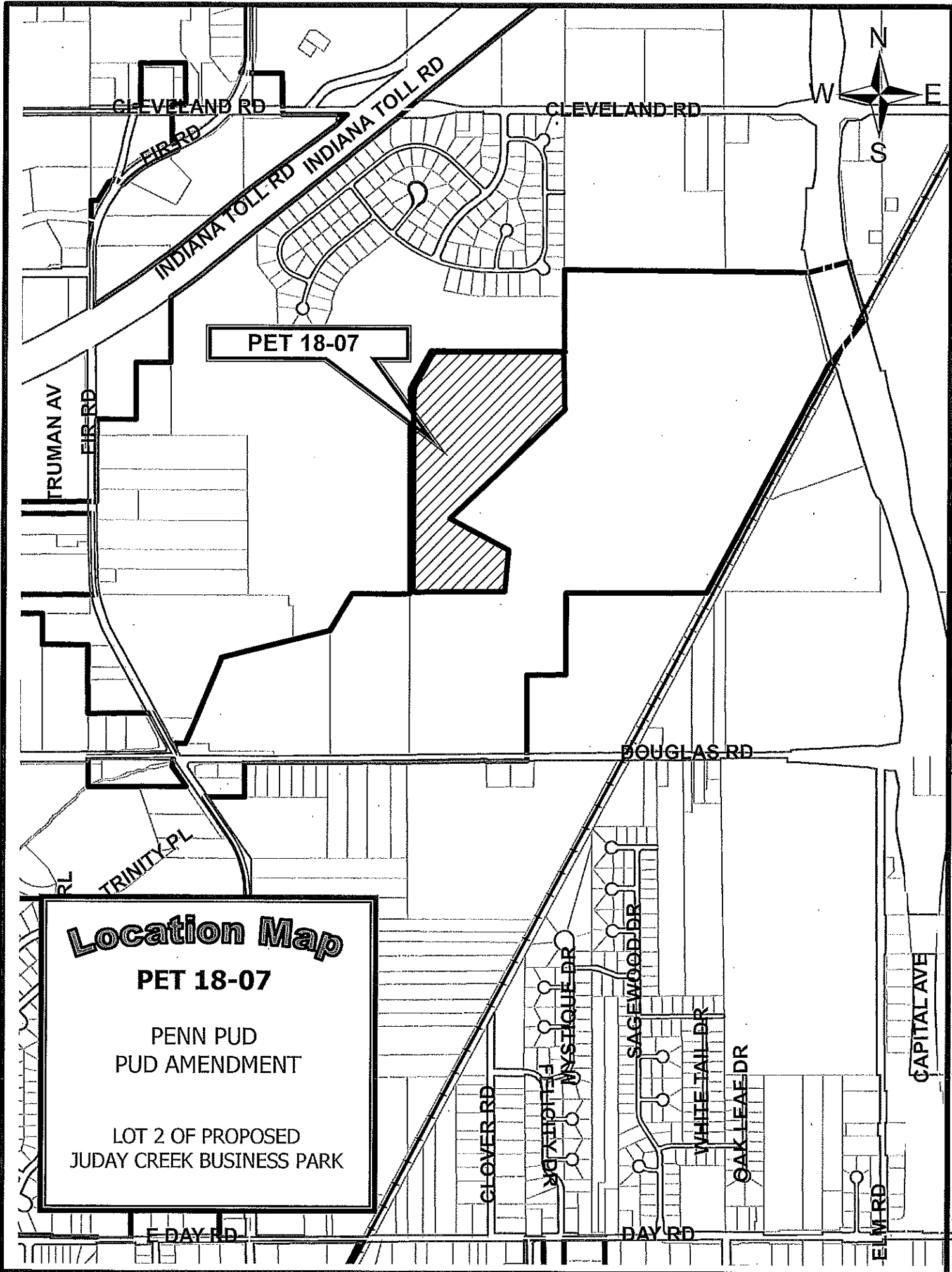
A part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 38 North, Range 3 East, City of Mishawaka, Harris Township, St. Joseph County Indiana, and being that part of the grantor's land described in Instrument Numbers 0644091 and 0647623, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument found at the southeast corner of the Southwest Quarter of said section, thence North 00 degrees 15 minutes 10 seconds West 2650.25 feet along the east line of the Southwest Quarter of said section to the center of said section; thence North 00 degrees 23 minutes 28 seconds West 201.20 feet along the east line of the Northwest Quarter of said section; thence South 46 degrees 40 minutes 59 seconds West 1008.58 feet to the Point of Beginning of this description; thence South 43 degrees 19 minutes 01 seconds East 439.81 feet; thence Southwesterly 375.92 feet along an arc to the left and having a radius of 863.51 feet and subtended by a long chord having a bearing of South 12 degrees 03 minutes 39 seconds West and a length of 372.96 feet; thence South 00 degrees 24 minutes 39 seconds East 152.41 feet to the south line of the Northeast Quarter of the Southwest Quarter of said section; thence South 89 degrees 41 minutes 45 seconds West 807.28 feet along said south line to the west line of the Northeast Quarter of the Southwest Quarter of said section; thence North 00 degrees 16 minutes 03 seconds West 606.59 feet along said west line; thence North 89 degrees 43 minutes 57 seconds East 337.84 feet; thence North 46 degrees 40 minutes 59 seconds East 340.00 feet to the Point of Beginning and containing 12.77 acres, more or less.

Also, a part of the West Half of Section 26, Township 38 North, Range 3 East, City of Mishawaka, Harris Township, St. Joseph County Indiana, and being that part of the grantor's land described in Instrument Numbers 0644091 and 0647623, as recorded in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument found at the southeast corner of said half section, thence North 00 degrees 15 minutes 10 seconds West 2650.25 feet along the east line of the Southwest Quarter of said section to the center of said section; thence North 00 degrees 23 minutes 28 seconds West 201.20 feet along the east line of the Northwest Quarter of said section to the Point of Beginning of this description; thence South 46 degrees 40 minutes 59 seconds West 1348.58 feet; thence South 89 degrees 43 minutes 57 seconds West 337.84 feet to the west line of the Northeast Quarter of the Southwest Quarter of said section; thence North 00 degrees 16 minutes 03 seconds West 721.00 feet along said west line to the northwest corner of said quarter-quarter section; thence North 00 degrees 20 minutes 06 seconds West 317.63 feet along the west line of the Southeast Quarter of the Northwest Quarter of said section to a northwesterly corner of a tract of land conveyed to Larry J. Penn Revocable Living Trust & Becky L. Penn Revocable Living Trust by Instrument #0644091, dated September 28, 2006, and Paul D. Penn Revocable Living Trust & Karen S. Penn Revocable Living Trust by Instrument #0647623, dated October 25, 2006; thence North 29 degrees 21 minutes 33 seconds East 403.32 feet along a northwesterly line of said Penn tract to a north line of said Penn tract; thence North 89 degrees 33 minutes 41 seconds East 1123.32 feet along said north line to the east line of the Southeast Quarter

of the Northwest Quarter of said section; thence South 00 degrees 23 minutes 28 seconds East 472.00 feet along said east line to the Point of Beginning and containing 31.03 acres, more or less.



Location Map

PET 18-07

PENN PUD
PUD AMENDMENT

LOT 2 OF PROPOSED
JUDAY CREEK BUSINESS PARK

CLEVELAND RD

CLEVELAND RD

INDIANA TOLL RD

PET 18-07

TRUMAN AV

FIR RD

DOUGLAS RD

TRINITY PL

CAPITAL AVE

GLOVER RD

WINDY DR

WINDY DR

SAGEWOOD DR

WHITE TAIL DR

OAK LEAF DR

ELM RD

E DAY RD

DAY RD

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

February 21, 2018

Re: Petition for PUD Amendment

The undersigned developer (In Good Company) respectfully shows that they are proposing to purchase the below stated property for development of an apartment complex based on the attached preliminary site plan. The undersigned current property owner (Mervin D. Lung Revocable Trust) authorizes the filing of the PUD amendment for the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana.

Part of Mervin D. Lung's property as described in Document #1523215;

A tract of land in the Southeast Quarter of Section 7, and the Northeast Quarter of Section 18, all in Township 37 North, Range 4 East, Penn Township, St Joseph County, Indiana, more particularly described as follows:

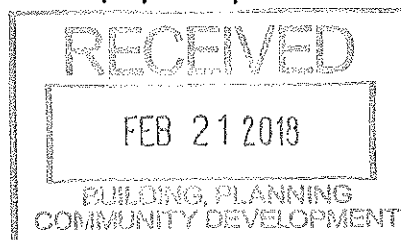
Commencing at a Progressive cap pin at the Southwest corner of the Southeast Quarter of said Section 7, also being the Northwest corner of the Northeast Quarter of said Section 18; thence North 89°35'54" East, (basis of bearings established by INDOT VRS Base, using Indiana East NAD83 coordinate system), along the South line of said Southeast Quarter and the North line of said Northeast Quarter, 729.02 feet to the Southeast corner of BSP Apartments LLC's property as described in Document #1200755, and the Point of Beginning being 0.3 feet South of a MB cap pin; thence North 00°22'54" West, along the East line of said BSP Apartments LLC's property, 722.10 feet to a McCrea cap pin on the Southerly line of Vistula Road; thence North 69°24'23" East, along said Southerly line, 885.18 feet to a McCrea cap pin; thence South 00°22'54" East, parallel with said East line, 1027.63 feet to a McCrea cap pin on the South line of said Southeast Quarter; thence South 00°05'49" West, parallel with the West line of said Northeast Quarter 174.00 feet to a McCrea cap pin on the South line of Mervin D. Lung's property as described in Document #1523215; thence South 89°36'23" West, along said South line, 830.67 feet to a point being 0.4 feet East of a 1/2" pipe; thence North 00°05'49" East, parallel with said West line, 173.88 feet to the Point of Beginning, containing 20.00 acres more or less.

Petitioners own one hundred percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for the previously planned Bercado Farms development. Petitioners desire said real estate to be amended to allow for the proposed apartment complex by In Good Company.

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 01 2018

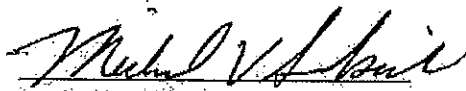
CITY CLERK
MISHAWAKA, IN



PE 13 09

The petitioners 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.

Respectfully,



Michael Sakich, Managing Partner
In Good Company

LAKE CITY BANK, TRUSTEE
BY: Jennifer L. King, V.P. & T.D.

Mervin D Lung Revocable Trust

Mike Reese
The Troyer Group
550 Union St.
Mishawaka, IN 46544
(574) 259-9976
mwr@troyergroup.com

CONCEPT SUMMARY

The layout creates a smaller residential main street down the center of the property, with a visual terminus into the clubhouse. Garages and perpendicular parking spaces are clustered around the outer loop road providing convenient vehicular access to all units. The outer buildings also face the perimeter walking trail that measures about 3/4 of a mile in length. This concept clusters the garages and parking to make the center and outer edge of the property more visually appealing.

UPDATED LAYOUT

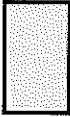
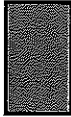
Building Type 1: 11 buildings = 77 units
Building Type 2: 6 buildings = 48 units
Building Type 3: 10 buildings = 80 units

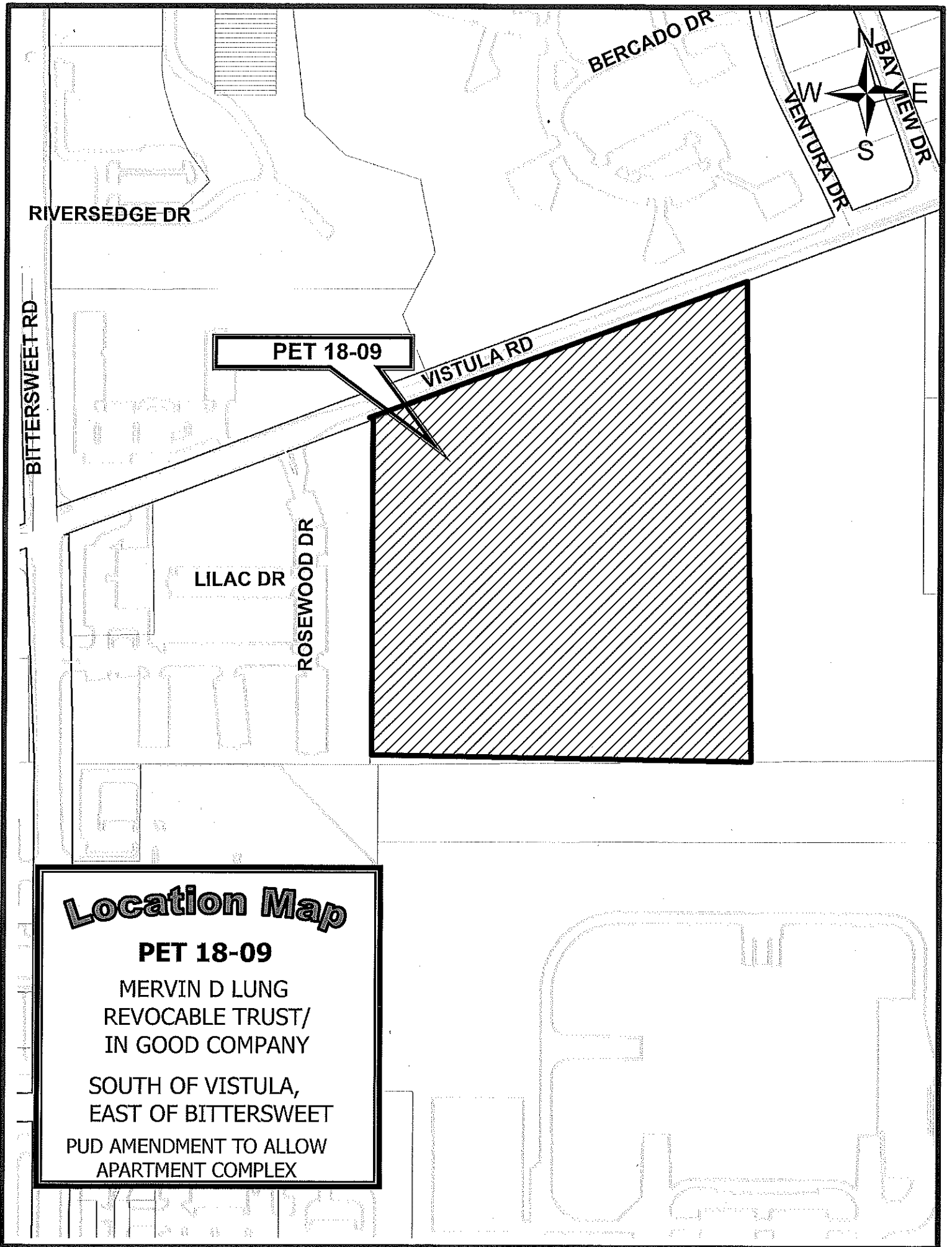
Total # of Buildings: 27
Total # of Units: 205

Open Parking Lot Spaces: 103 spaces
Street Parking Spaces: 328 spaces
Available Garage Spaces: 205 spaces

Total # of Parking Spaces = 636
Parking to Units Ratio: 3.10 : 1

LEGEND

	Building Type 1 11 Buildings
	Building Type 2 6 Buildings
	Building Type 3 10 Buildings
	Clubhouse
	Stormwater Retention Areas
	Asphalt Roads
	8' Paved Trail
	Emergency Access



Location Map

PET 18-09

MERVIN D LUNG
REVOCABLE TRUST/
IN GOOD COMPANY

SOUTH OF VISTULA,
EAST OF BITTERSWEET
PUD AMENDMENT TO ALLOW
APARTMENT COMPLEX

FEB 15 2018

PETITION 18-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-04

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

1st Reading *2-19-18*
2nd Reading
Passed
Failed
Continued To

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

Unit 21 and 22, University Gardens Office Park

COMMON ADDRESS: 6910 North Main Street

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow microblading services in Units 21 and 22 only.

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

1. Existing Conditions – The use will be located in an existing building with other similar personal services/salon uses.
2. Character of Buildings in Area – The character of the buildings located within this development and the surrounding area are professional and commercial.
3. The Most Desirable/Highest and Best Use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/professional services.
4. Conservation of Property Values – The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development.

Proposed Ordinance No: 2018-04

Ordinance No: _____

5. Comprehensive Plan – The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

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

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

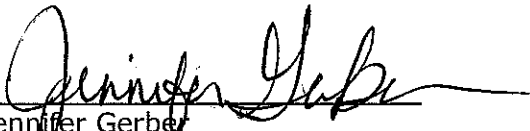
LEGAL DESCRIPTION: UNIT 22 UNIVERSITY GARDENS OFFICE PARK

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.

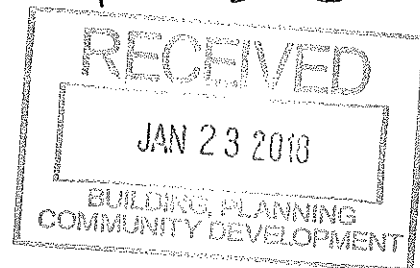
Petitioner desire said real estate to be amended to allow for microblading services.

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
jennifergerber1@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

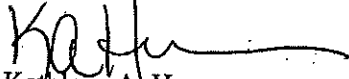
Legal Description: UNIT 21 UNIVERSITY GARDEN OFFICE PARK

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.

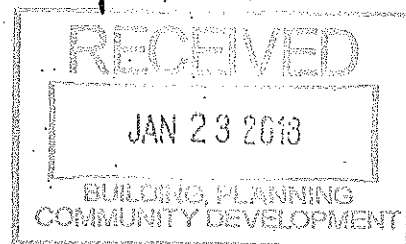
6910 N. Main Street

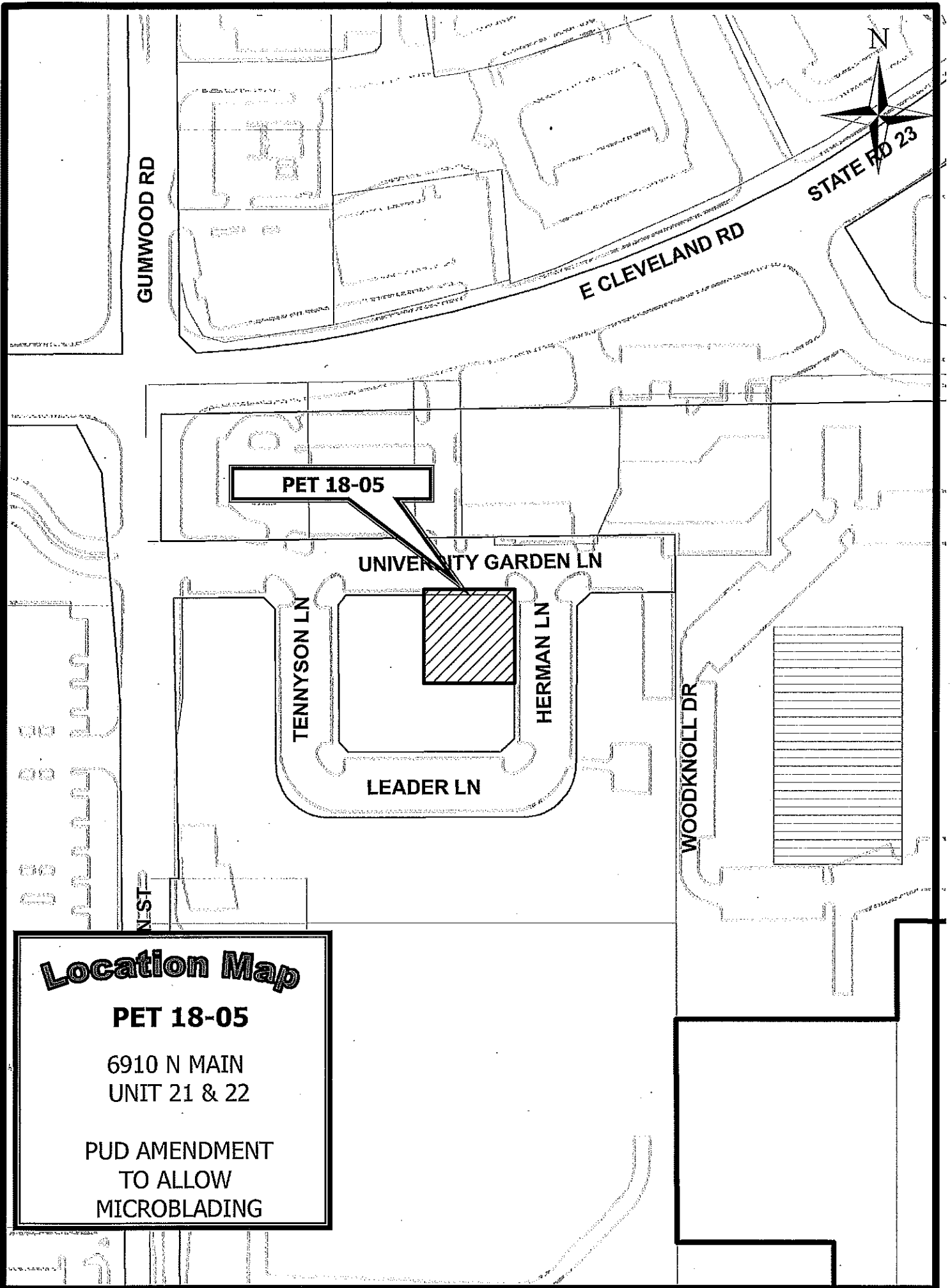
Unit 3

Granger, IN 46530

Phone 574-282-2596

Fax 574-237-6766





Location Map

PET 18-05

6910 N MAIN
UNIT 21 & 22

PUD AMENDMENT
TO ALLOW
MICROBLADING

FEB 15 2018

APPEAL #18-02

RESOLUTION NO. 2018-03

CITY CLERK
MISHAWAKA, IN

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA,
APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY
LOCATED AT:

1200 West Sixth Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made an unfavorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **1200 West Sixth Street, Mishawaka, Indiana**, more particularly known and described as follows:

Lots 7, 8, 9, 10, 11, 12, and 13, Manoka Place, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance, if approved, will permit automobile service, body, and paint shop on I-1 Light Industrial zoned property subject to the following conditions:

1. Use variance shall limit automotive maintenance, automotive body repair, and automotive painting, to the inside of the building. Salvage of parts and storage of non-repairable vehicles are prohibited. No outside storage of materials and/or vehicle parts will be permitted.
2. Exterior lighting shall be provided within the existing and expanding parking areas. Lighting shall be shielded/cut-off as to not shine unto the adjacent public right-of-way or residential properties.
3. All employees shall park on the property when possible, and not on the adjacent streets. When employees do park on the adjacent streets, the owner shall coordinate with the 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 be not stored in the street where they are located overnight.
4. 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.

5. Overnight parking in the proposed lot to the east 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.
6. Hours of operation for automotive repair work that creates noise heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
7. 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;
8. 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.
9. All proposed and existing parking areas, where to be resurfaced, shall be paved.
10. Additional landscaping and screening shall be provided in conformance with the I-1 Light Industrial District.
11. An administrative site plan shall be submitted and shall conform to all required developmental regulations including, but not limited to, storm water drainage, utility improvements, and landscaping/screening.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval for an automobile service, body and paint shop will be injurious to the public health, safety, morals, and general welfare of the community as these proposed uses, and potential expansion thereof, will have a negative impact on the surrounding residential uses.
2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner if the proposed automotive uses are permitted.
3. The need for the use variances arise due to the existing zoning classification not allowing for the proposed uses.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current I-1 Light Industrial zoning would not allow for the proposed automobile oriented commercial uses.
5. The approval for the automobile service, body and paint shop will interfere substantially with the goals and objectives of the Mishawaka 2000 Plan as these uses are not compatible in a primarily single-family residential neighborhood.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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.

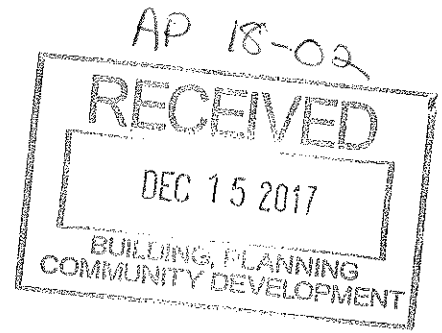
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

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.

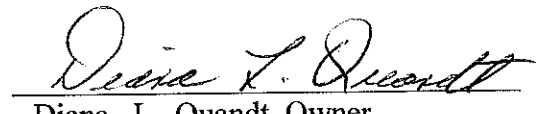
F. With the change of a usage variance, the property and the entity would not create a problem or be injurious to the public health of the community. It would not affect the safety of the public under the amended usage or the morals of the community. It would be adding a service to the people of the 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.

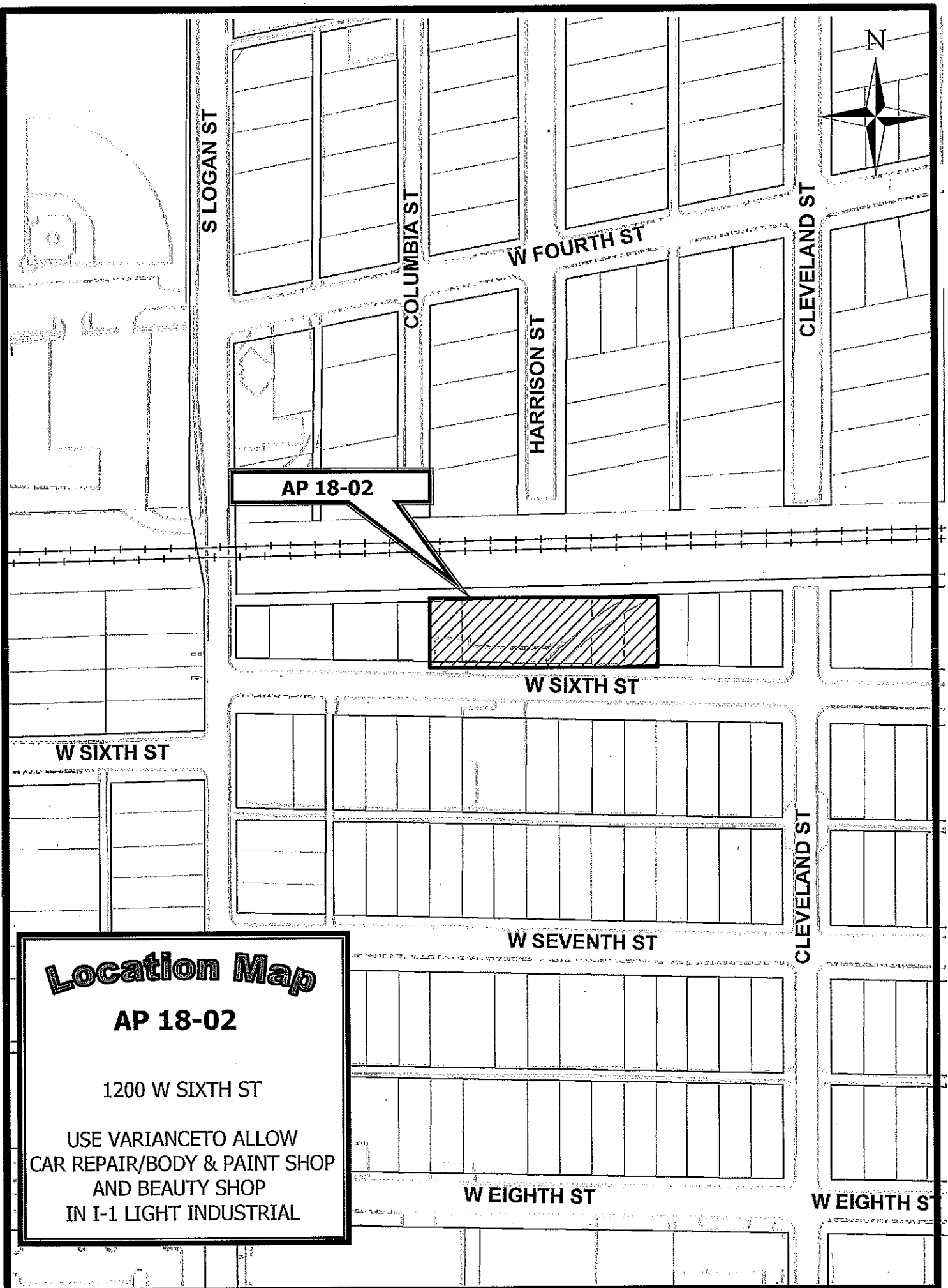
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


Ronald E Quandt, Owner


Diana L Quandt, Owner

CONTACT PERSON

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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