

AGENDA

Monday, March 19, 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**

March 05, 2018

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their March 13, 2018 meeting.

A letter from the City Plan Commission regarding recommendations from their March 13, 2018 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2018-05 Annex and Zone - 137.89 acres - east of Fir Rd, South of Toll Rd, West of Grand Truck - S-2 PUD for golf course, golf maintenance, club house, banquet facility and municipal wellfield and water production facility

P.O. NO. 2018-06 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.

P.O. NO. 2018-07 PUD Amendment - for development of an Apartment Complex - South of Vistula, East of Bittersweet Rd

8. Resolutions

R2018-05 Use Variance to allow Outdoor Box Storage Containers - 7121 Grape Rd

9. Ordinances on Second Reading

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
March 05, 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 March 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.



Roll Call.

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

Absent: Mr. Compton, Mr. Emmons.

The minutes from the February 19, 2018 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter the following Appeals and Petition to the Council, who referred them to the City Plan Commission and Board of Zoning Appeals for their recommendations.

APPEAL NO. 2018-09

Use Variance to allow Outdoor box storage
containers – 7121 Grape Road

PETITION NO. 2018-06

Annex and Zone – 137.89 acres – east of Fir
Road, 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

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

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)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Canarecci motion carried.

Jennifer Gerber said she was hoping the council would grant approval to do micro-blading at proposed facility.

Mr. Deal asked for Ms. Gerber to explain what micro-blading was and how long she'd been performing. Mr. Deal also questioned how long was training for micro-blading and what kind of license she held. Ms. Gerber explained micro-blading was a semi permeant tattoo that goes into three layers of skin as compared to a permeant tattoo which goes through seven layers of skin. She went on to say the semi a permeant eventually fades away over time. Ms. Gerber said the micro blading she would perform was specifically for eyebrows, this particular tattooing was good for people who have experienced hair lost due to cancer or other health related problems. She continued to say she trained for micro blading in January and now she was interested in opening her own facility. Ms. Gerber said she had three-day training in Chicago through a business that travels to train throughout the US. She went on to say every state had different licensing and requirements, after training they went over what was needed to continue to perform. Ms. Gerber said for Indiana she held a practitioner permit through the Health Department and now she is working on getting the proper facility with the correct zoning.

Mrs. Voelker asked did Ms. Gerber have the Health Department permit and was she a cosmetologist. Ms. Gerber replied no, she was not a cosmetologist but she did have her permit from the Health Department, and once the correct zoning was approved, she would appear back to the Health Department to apply for the Facility permit. She explained the Health Department would visit the facility to make sure it met requirements. Ms. Gerber went on to say the property would be inspected annually and renewal of permits would be every February. She also mentioned one requirement for the state, she had to acquire a blood borne pathogens license for proper disposals of razor and needles.

Mr. Banicki asked did Ms. Gerber have to hold a tattooing license and did she also have to apply for a permit through the Board of Public Works and Safety. Ms. Gerber explained because she was not doing the traditional tattooing, she had to have a tattoo practitioner permit.

Mr. Bellovich asked would she be the only employee of this business. Ms. Gerber replied yes.

Mr. Canarecci referred to the city ordinance for tattooing, he believed in the city ordinance it defined tattooing as any scarification or any puncturing of the skin with any sort of ink. He also

believed it referenced whether it was temporary or not, it required a separate tattoo license with the City of Mishawaka. Ms. Gerber said she would look in to it.

Mrs. Voelker expressed her support. She said she seen the value in the services Ms. Gerber would be offering for people who have experienced hair loss from health-related situations.

Mr. Tanner said although Ms. Gerber was not performing the traditional tattooing, he asked was there a lot of blood involved. Ms. Gerber replied no not usually. She said it is recommended that no one takes any anti-inflammatory or blood thinner medications. Ms. Gerber continued to say it was a pin point bleed, once the blood was whipped away it usually stops bleeding.

Mr. Mammolenti questioned the type of equipment used for micro-blading compared to a tattoo gun and how long how long did it take. Ms. Gerber explained the equipment to be a hand-held stylus with a tiny u-blade made up of 18 tiny needles. She said it would typically take 2 to 3 hours; a lot of the time involved in it was outlining the shape of the eyebrow before applying the ink to make sure the client was satisfied with the shape.

Mr. Canarecci asked would this be the only service Ms. Gerber would offer at this facility. Ms. Gerber replied yes and by appointment only.

Mr. Banicki asked Mr. Prince to confirm whether a tattoo license through the city was required. Mr. Prince, City Planner replied yes, the permit would be required which would initiate background check. He said the Board of Works was the next step but she had to have the proper zoning in place before applying.

Question was called for at 7:18 P.M. for **PROPOSED ORDINANCE NO. 2018-04**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Deal.

UNFINISHED BUSINESS

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

Clerk Block said the petitioner asked that she request on their behalf to postpone the public hearing to the March 19, 2018 meeting.

A motion was made by Mr. Tanner to postpone **RESOLUTION NO. 2018-03** to the March 19, 2018 meeting second by Mr. Deal motion carried.

NEW BUSINESS

Mr. Deal announced the Twin Branch Neighborhood Meeting would be March 21st at 7:00PM at Fire Station #4. He said guess speaker would be Chris Jamrose, City Engineer speaking about the next phase of the 12th street widening project.

Mrs. Voelker commended the city workers during the recent flooding. Kate also stated March 24th would be Clean-up in the Parks and were asking for volunteers.

Mr. Tanner announced the City of Mishawaka is in the Strongest Town Sweet 16 Competition. Voting would begin soon.

Mayor Wood reminded everyone The State of the City would be March 12th at 7:00PM at Battell Center

ADJOURNMENT 7:23 P.M.

Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

Matt Mammolenti /s/
Matt Mammolenti, President



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

RECEIVED
DEBORAH S. BLOCK, MMC

March 14, 2018

MAR 15 2018

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
March 13, 2018, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

APPEAL #18-09 An appeal submitted by Grape Road BMC Partners, L.P. requesting a Use Variance for **7121 Grape Road, Granger**, to allow outside storage containers.

The Board, with a vote of 4-1, recommended approval.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Matthew Smith

STAFF REPORT

General Location: 7121 Grape Rd

Date: March 13, 2018

Appeal: 18-09

Prepared By: CH

GENERAL INFORMATION

Applicants: BMC Partners LP/Anchor Construction LLC

Status: Property Owner/Tenant

Request: Use Variance for outside storage

Zoning Classification: S-2 Planned Unit Development

Lot Size: 2.6 Acres

Applicable Regulations: Section 137-671 Planned Unit Development S-2 District Intent
Section 137-42 (4) Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: R Single Family (St. Joseph County)
South: S-2 Planned Unit Development
East: S-2 Planned Unit Development (JC Penny Home Store)
West: R Single Family (St. Joseph County)

Thoroughfare: Cleveland Road (State Road 23) and Grape Road

School District: South Bend Community School Corporation

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies the area as General Commercial.

ANALYSIS

The University Marketplace Planned Unit Development is located at the northwest corner of Grape Road and Cleveland Road. Anchor Construction occupies the former Brown Mackie College building at the northwest corner of the site.

Storage in accessory buildings is not allowed in any commercial districts, nor was it and allowed use within the PUD. Outside storage is only permitted as a conditional use in I-2 Heavy Industrial.

Last year, the Planning Department noticed an increase in the number of businesses using temporary storage containers on a more permanent basis. Those businesses were contacted and asked to remove the storage containers within 6 months or apply for a Use Variance. The storage containers first appear on the 2015 aerial photography.

The Appellant is requesting to keep 2 storage containers in order to provide storage for their construction equipment. The building use of an office does not lend itself to storage. There is already a fence and landscaping buffering the site from the residential to the north and west. The storage containers sit over 500' from either right-of-way.

All pertinent City departments have reviewed and approved the request. Planning Staff would not like to see the storage containers continued for a different, perhaps retail use, so recommend the Use Variance be limited to the current tenant only.

RECOMMENDATION

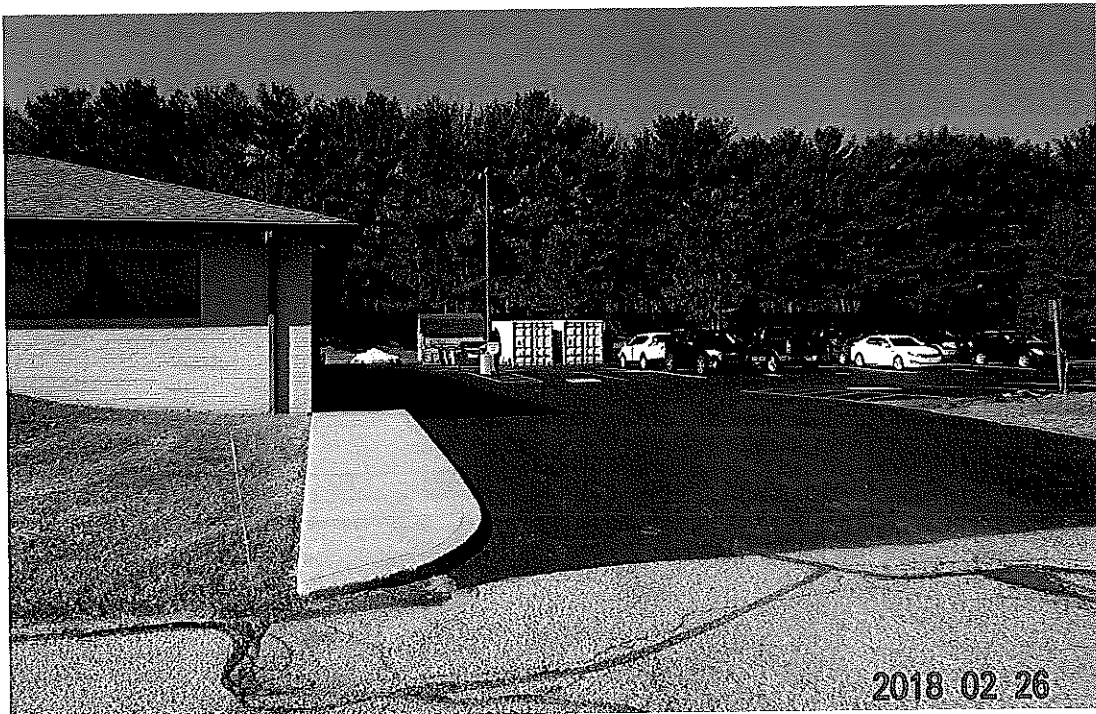
The Staff recommends in favor of Appeal 18-09, a Use Variance to allow two outside storage containers for property located at 7121 Grape Road, for the length of the tenant's lease.

This recommendation is based on the following reasons:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will have little to no additional impact on the adjacent commercial or residential uses.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the existing fence, landscaping and buildings help screen the view of the containers.
3. The need for a variance arises from the type of equipment needed for the business, and the lack of a proper storage area indoors.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would not be the highest and best use for the shopping center by allowing the more intense uses of that district.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this intersection as General Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Photographs of Site, Petition, Location Map



View from the JC Penny Home Store parking lot



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

March 14, 2018

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 15 2018

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
March 13, 2018, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #18-06 A petition submitted by City of Mishawaka and Lindy's, Inc., requesting to annex and zone approximately 138 acres near the northeast corner of Fir and Douglas Roads, Mishawaka, Indiana, to S-2 Planned Unit Development.

The Commission, with a vote of 7-0, recommended approval.

PETITION #18-07 A petition submitted by the City of Mishawaka requesting to amend the Penn Planned Unit Development to allow for a golf course, golf maintenance, municipal wellfield and water production facilities, and regional recreational facility.

The Commission, with a vote of 7-0, recommended approval subject to the attached conditions.

PETITION #18-09 A petition submitted by In Good Company on behalf of Mervin D. Lung Revocable Trust to amend the Bercado Planned Unit Development to allow for a 27 building, 205 unit apartment complex.

The Commission, with a vote of 6-1, recommended approval subject to the attached conditions.

RES. #18-01 A Resolution Amending the City Municipal Riverfront District.

The Commission, with a vote of 7-0, recommended approval.

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Michael Reese

PETITION #18-07
Penn Planned Unit Development Amendment
Conditions of Approval

This recommendation includes the following amended conditions, *with changes from the original approved conditions in italics*. Omissions and edits from the original conditions were made when appropriate.

Uses:

1. Outside sale display for loose items shall be prohibited.
2. Off-premise signs/billboards shall be prohibited.

Internal Road connections:

1. Private collector road connections shall be provided through the site and connected to adjacent properties where deemed appropriate. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between properties. The exact location of these connection points shall be subject to review and approval by the City.
2. At a minimum, internal sidewalks shall be provided within the property connecting to the adjacent roadways. *This walk shall connect to any sidewalk that may be provided along Veteran's Parkway or any other future adjacent public right-of-way.* Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
3. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer of the each final planned unit development site plan. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.
4. A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall

be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.

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.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Each outlot/development parcel may be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

Building Limitations/Architecture:

1. *All building façades visible from the public right-of-way shall be constructed with 50% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended.*
2. For all parcels, there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any buildings within the development shall be 60'.

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual

development parcel shall comply with the landscape requirements of the C-1 General Commercial zoning district.

4. Sidewalks and utilities may be provided within the required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.
5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, 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.

PETITION #18-09
Bercado Planned Unit Development Amendment
Conditions of Approval

Uses:

1. Permitted uses shall be limited to a 205 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, playground, dog park, and detached parking garages.

Utilities:

1. The developer shall connect to the City of Mishawaka sanitary sewer, water, and electric as directed by applicable codes, the City Director of Engineering, the Manager of the Water Division, and the Manager of the Electric Division. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.
2. The extension of all other utilities to and throughout the site shall be applicant/developer's cost and expense.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Landscaping:

1. Landscaping/screening shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.

Signage:

1. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.

Road Improvements/Right-of-Way Dedication:

1. Road improvements along Vistula Road shall be installed as determined by the Department of Engineering.
2. Additional right-of-way and/or easements may be required along Vistula Road as determined by review of the City Director of Engineering and City Planner. If required, the right-of-way and/or easements shall be dedicated as a part the subdivision plat.

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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.

Parking:

1. Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.

Architectural Requirements:

1. Building materials and colors shall comply with the C-1 General Commercial Zoning District

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the south side of Vistula Road within the dedicated right-of-way and along the entire property frontage.

Other:

1. All other developmental standards not identified shall comply with the R-3 Multiple-Family Residential standards.



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING

MEMORANDUM

DATE: March 8, 2018

TO: City of Mishawaka Planning Commission

FROM: Kenneth B. Prince, City Planner

RE: Amending the City Municipal Riverfront District Resolution 2018-01

This memo has been drafted to provide the background information for Resolution 2018-01 which re-establishes the redevelopment project area for the City Municipal Riverfront District. The role of the Planning Commission in this process is primarily to determine compliance with the City's Comprehensive Plans.

The original boundary was established in 2004 and a map of this existing area has been included in the packet. As you may or may not be aware, the primary objective in originally establishing the district was to afford businesses the opportunity to take advantage of a provision in State Law that allows for special river development district liquor licenses to be obtained if you are within 1500 lineal feet of a waterway. In 2004, this boundary was created in and around the St. Joseph River predominantly downtown.

Over the years, because of the very high cost to obtain a license, the City has been approached by numerous business owners who have had an interest in expanding the district. Many times, the businesses were located outside of both the established City district and were beyond the 1500 lineal foot distance to the waterway identified by state law. Although we tried to be logical in 2004 on where the boundary would be, we ended up choosing a boundary that did not maximize the benefit afforded by law. The proposed map and area uses both the St. Joseph River and Juday Creek as waterways and establishes a 1500 lineal foot boundary on either side of the waterway or public park adjacent to the waterway maximizing the entire area that we believe would be eligible based on our understanding of the law.

This does not change where the sale of alcohol is permitted. Restaurants, bars, and night clubs are all further regulated by the City as part of the Zoning Ordinance. In fact, the vast majority of the proposed area is not zoned for that type of use, and being in the district would not in and of itself be a valid reason for changing a zoning classification.

The reason for trying to maximize the area is that 3-way liquor licenses is that we believe the current circumstances as they exist could be a barrier to some restaurants and businesses. It can cost hundreds of thousands of dollars for a 3-way liquor license in Mishawaka and be a significant factor in establishing a new restaurant in the City. With the on-going redevelopment of the downtown and the City wanting to further establish ourselves as the regional center for commerce on the north side, we feel that fully embracing the benefits contained within state law could lead to more commercial opportunities along both the St. Joseph River and Juday Creek over time. Although interest has been expressed, we are not aware of any business currently looking that would locate here immediately as a result of the proposed change.

This Resolution was prepared for us by the City Department of Law. To amend the district requires multiple resolutions before the Redevelopment Commission, the Planning Commission, and the Common Council. Approval of this resolution would be next step in the process. If you have any specific questions prior to the meeting, please let me know. If the Commission approves the resolution, a similar one will be drafted by the City Department of Law and forwarded to the Common Council for final consideration.

STAFF REPORT

Location: Juday Creek Golf Course generally bound by Fir Road to the west,
the Indiana Toll Road to the north, and Douglas Road to the south

Date: March 13, 2018

Petition: 18-06 Annex and establish zoning for 137.9 acres of
property currently occupied by the Juday Creek Golf
Course

Prepared By: DJS

GENERAL INFORMATION

Applicants: City of Mishawaka, Department of Redevelopment & Lindy's, Inc.

Status: Property Owners

Request: To annex and establish zoning to permit use as a golf course, golf
maintenance, and club house/banquet facilities; and a municipal well field
and water production facilities

Existing Zoning: Unincorporated St. Joseph County

Proposed Zoning: S-2 Planned Unit Development (Uses limited to those identified in the
petition)

Lot Size: 137.9 acres

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District,
Section 137-41 / Amendments to the Zoning Map &
Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:

North: Unincorporated St. Joseph County (Single-Family Residential &
Juday Creek Golf Course Club House) & Indiana Toll Road

South: S-2 Planned Unit Development (Agricultural Land/Approved for
Commercial and Office Use per Petitions 11-28 & 11-29) &
Unincorporated St. Joseph County (Single-Family Residential)

East: S-2 Planned Unit Development (Agricultural/Approved for
Commercial, Office, and Single-Family Residential Use per
Petitions 11-29 and 11-30)

West: Unincorporated St. Joseph County (Single-Family Residential &
Church), S-2 Planned Unit Development (Assisted Living Facility),
and C-10 Filling Station Commercial (Convenience Store/Gas
Station)

Thoroughfare: Fir Road

School District: Penn-Harris-Madison School Corporation

Public Utilities: All public utilities are available and/or will be extended to the site at the
owner's/developer's expense.

ANALYSIS

Proposal:

The applicants are proposing to annex and establish zoning to permit use of the property for a golf course, golf maintenance, and club house/banquet facilities; and a municipal wellfield and water production facilities. The 137.89 acre site, which has an address of 14770 Lindy Drive, is generally located north of Douglas Road, east of Fir Road, and south of the Indiana Toll Road.

The site consists of two separate parcels with current tax identification numbers of 006-1011-0131.79 and 006-1011-0131.82. Parcel "A", as shown on the attached exhibit, is a 114.68 acre parcel that was purchased by the City of Mishawaka in July 2017. This parcel will be leased back to Lindy's Inc. for the continued use of the property for the Juday Creek Golf Course. The city intends to install municipal wellfield and water production facilities throughout the parcel. Parcel "B", as shown on the attached exhibit, is a 23.21 acre parcel owned by Lindy's Inc. This parcel will also continue to be occupied and used as a part of the golf course. Infrastructure to support the municipal wellfield may also be located on this parcel.

Normally when an annexation and zoning petition is filed, a preliminary Planned Unit Development Site Plan is required to conceptually show how the property will be developed. In this case, no preliminary site plan was provided since the property will continue to be occupied and used as is with the exception of installing infrastructure for the City's new wellfield.

The applicants are requesting a zoning classification of S-2 Planned Unit Development to limit the permitted uses to only those identified in the petition. Since there are no plans to develop the property, basic development requirements and conditions of approval are not being proposed as a part of the approval.

Annexation:

In mid-2012, the adjacent property to the south and east was annexed into the City and approved for a range of permitted uses including commercial, office, and single-family residential. There were no specific plans for development when the annexation occurred. Excluding plans to construct the municipal wellfield, water production facilities, and Veteran's Parkway, no final planned unit development site plans have been submitted for any of the adjacent property.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. Based on the provided exhibit, 7,357 feet, or 44.6%, of the total 16,502 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located to the northeast of the Douglas Road and Fir Road intersection, and is bordered to the north by the Indiana Toll Road, and the Juday Creek Golf Course club house and single-family residential lots within unincorporated St. Joseph County; to the west by single-family residential parcels and a church within unincorporated St. Joseph County, and an assisted living facility and convenience store/gas station within the City; to the south by agricultural land within the City approved for commercial and office use, and a single-family residential lot within unincorporated St. Joseph County; and to the east by agricultural land within the City approved for commercial, office, and single-family residential use. Permitted uses within a part of the Penn Planned Unit Development to the east are being amended to allow a golf course, golf maintenance, municipal wellfield and water production facilities, and a regional recreational facility (Petition 18-07).

Zoning Change:

Staff believes that the proposed zoning of this property for continued use as a golf course, golf maintenance, and club house/banquet facilities, and a new municipal wellfield and water production

facilities is appropriate. The zoning change is proposing little to no change in how the property is currently being occupied and used.

Transportation/Roads:

According to the latest available traffic counts on roads near or adjacent to the property, there were 7,405 annual average daily trips (AADT) (2013) along Fir Road just south of the Indiana Toll Road. Traffic counts along Douglas Road show 11,426 AADTs (2013) west of Fir Road and 11,641 AADTs (2017) near the Grand Trunk railroad. With the increase of commercial and residential development in this part of the City, it is anticipated that traffic volumes will only increase in future years.

The 2040 Transportation Plan, prepared by the Michiana Area Council of Government with input from City staff and the St. Joseph County Engineering Department, includes added travel lanes along Douglas Road between Fir Road and Bittersweet Road. However, this plan can be amended in future years should travel demand exceed the roadway capacity.

Preliminary Planned Unit Development Site Plan:

As previously indicated, the zoning ordinance requires a preliminary Planned Unit Development Site Plan be submitted with a petition for annexation and zoning. The purpose of the preliminary site plan is to identify the basic requirements that will be followed in the preparation of final planned unit development site plans. These requirements normally include, but are not limited to, elements such as parking ratios, setbacks, curb cut/access locations, and proposed phasing. For this petition, no preliminary site plan was required since the property will continue to be occupied and used as is with the exception of installing infrastructure for the new municipal wellfield.

All pertinent City Departments have reviewed and approved the request for annexation and zoning providing no comments.

RECOMMENDATION

Staff recommends in favor of rezoning Petition 18-06 to annex and establish zoning for 137.9 acres of property generally bound by Fir Road, the Indiana Toll Road, and Douglas Road, and to permit use as a golf course, golf maintenance, and club house/banquet facilities; and a municipal well field and water production facilities.

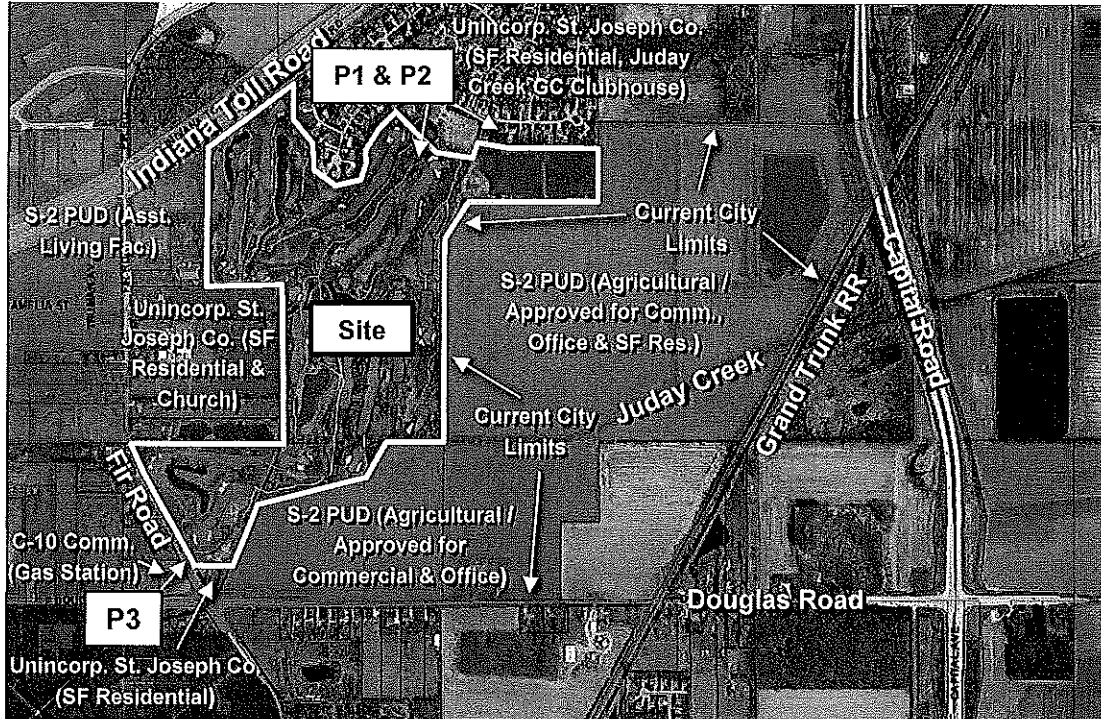
This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject parcels, which are occupied by the Juday Creek Golf Course, are adjacent to agricultural land approved for commercial, office, and single-family residential use to the east and south; single-family residential lots, the golf course club house, and the toll road to the north; and single-family residential parcels, a church, an assisted living facility, and a convenience store/gas station to the west. A municipal wellfield and water production facilities are proposed within the subject parcel and on the adjacent property to the east. Fir Road and Douglas Road are moderately travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City.
2. Character of Buildings in Area – The character of buildings along both the Fir Road and Douglas Road corridors vary greatly and include, but are not limited to, agricultural land, low-density single family residential homes, a convenience store/gas station, a golf course, skilled nursing/long-term care facilities, an assisted living facility, hotels, a hospital/medical offices, and a television/radio broadcast station.
3. The most desirable/highest and best use – With the property's location between an existing single-family residential neighborhood to the north and vacant agricultural land approved for commercial and office use to the south and east, the most desirable use for the property is for its continued use as a golf course, and a planned municipal wellfield and water production facilities.
4. Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area because the property will continue be used as a golf course with little to no change in the present use.

5. Comprehensive Plan – The parcel is not located within the boundaries of the City of Mishawaka Comprehensive Plan. However, the existing and proposed land uses are reasonably consistent with the goals, objectives and policies of the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Photographs, Petition, Annexation Exhibit, Location Map



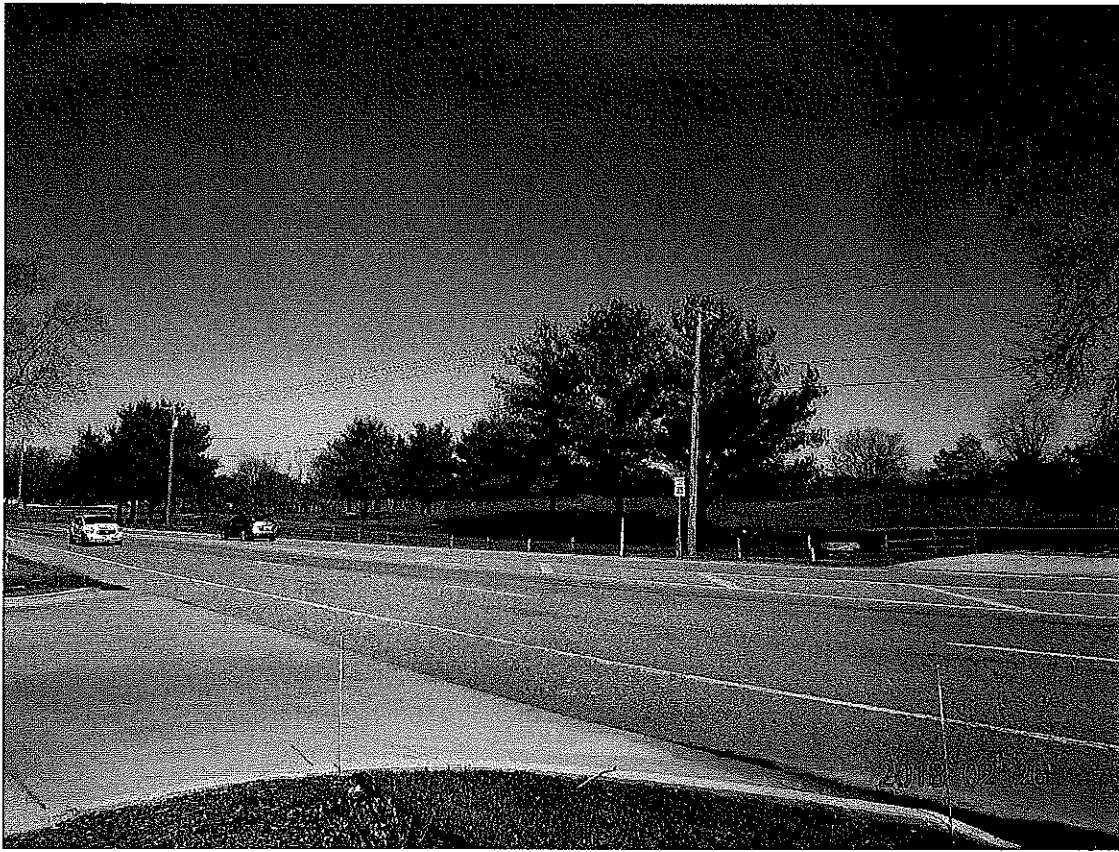
Aerial Photograph
Existing Juday Creek Golf Course
Area to be Annexed and Zoned S-2 PUD



P1. Looking southerly from the parking lot adjacent to the Juday Creek Golf Course clubhouse toward the area to be annexed.



P2. Looking easterly from the parking lot adjacent to the Juday Creek Golf Course clubhouse toward the area to be annexed.



P3. Looking northeasterly from Fir Road toward Juday Creek Golf Course and the area to be annexed.

STAFF REPORT

Location: North of Douglas Road & East of Fir Road - Lot 2 of the
proposed Juday Creek Business Park Subdivision (Plat 18-08)

Date: March 13, 2018

Petition: 18- 07

Prepared By: DJS

GENERAL INFORMATION

Applicant: City of Mishawaka

Status: Property Owner

Request: Amend part of a Planned Unit Development, known as the Penn PUD, to allow for a golf course, golf maintenance, municipal wellfield and water production facilities, and a regional recreational facility

Zoning Classification: S-2 Planned Unit Development

Lot Size: 43.8 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County pending S-2 Planned Unit Development per Annexation and Rezoning Petition 18-06 (Juday Creek Golf Course)

South: S-2 Planned Unit Development (Agricultural/Approved for Commercial & Office Use per Petition 11-29)

East: S-2 Planned Unit Development (Agricultural/Approved for Commercial, Office, and Single-Family Residential Use per Petitions 11-29 & 11-30)

West: Unincorporated St. Joseph County pending S-2 Planned Unit Development per Annexation and Rezoning Petition 18-06 (Juday Creek Golf Course)

Thoroughfare: Access will be provided to Douglas Road via Veteran's Parkway as shown on the proposed Juday Creek Business Park Subdivision (Plat 18-08)

School District: Penn-Harris-Madison School Corporation

Township: Harris

Public Utilities: All utilities will be extended to the site by the City (Project Numbers ENT-17-013 and ENT-18-008)

Comprehensive Plan: Property is not located within the boundaries of the Mishawaka 2000 Comprehensive Plan

ANALYSIS

The petitioner, the City of Mishawaka, is requesting to amend a part of a Planned Unit Development, known as the Penn PUD, to allow for a golf course, golf maintenance, municipal wellfield and water production facility, and a regional recreational facility on Lot 2 in the proposed Juday Creek Business Park subdivision (Plat 18-08). This amendment only affects an internal lot within the PUD located to the northeast of Fir Road and Douglas Road. Currently, the lot is agricultural land.

The PUD, approved in March 2017 (Petitions 11-29 and 11-30), limits permitted uses within the proposed lot to those listed in the C-1 General Commercial, C-5 Neighborhood Commercial, C-6 Linear Office Commercial, C-7 Restaurant Oriented Commercial, C-8 High Density Suburban Commercial, and the R-1 Single Family Residential districts. The PUD only established a range of permitted uses as no specific development plans or uses were considered. This amendment will further limit permitted uses within the proposed lot to only those identified in this request.

In June 2017, the City purchased the 43.8 acre parcel to be amended with this petition from the Penn family. Original plans were to use the south portion of the parcel for a new municipal wellfield and water production facility and the north portion of the parcel for relocating three holes of the adjacent Juday Creek Golf Course. While the plans for the municipal wellfield and water production facility are definite, it has yet to be determined if any portion of the parcel will be used and occupied as a part of the golf course. The amendment request also includes a regional recreational facility as a permitted use. Plans have not been submitted for such a facility, however including it as permitted use, will allow for the proper marketing of the lot for this potential use.

The plat for the Juday Creek Business Park subdivision (Plat 18-08) was submitted concurrently with the PUD amendment petition. Access to the lot will be provided from Douglas Road via Veteran's Parkway, a new road to be dedicated as public right-of-way. Currently, Veteran's Parkway is proposed to terminate in a cul-de-sac adjacent to the southeast corner of the lot. The road could be extended northeasterly further into subdivision, and potentially all the way to Cleveland Road, should future development plans warrant additional means of access.

Several conditions were approved as a part of the original Planned Unit Development. Based upon the limited uses identified within this amendment request, these conditions are proposed to be further amended as listed following Staff's recommendation below.

RECOMMENDATION

Staff recommends in favor of amending a part of a Planned Unit Development, known as the Penn PUD, to allow for a golf course, golf maintenance, municipal wellfield and water production facilities, and a regional recreational facility on Lot 2 in the proposed Juday Creek Business Park subdivision.

This recommendation includes the following amended conditions, *with changes from the original approved conditions in italics*. Omissions and edits from the original conditions were made when appropriate.

Uses:

1. Outside sale display for loose items shall be prohibited.
2. Off-premise signs/billboards shall be prohibited.

Internal Road connections:

1. Private collector road connections shall be provided through the site and connected to adjacent properties where deemed appropriate. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be

approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between properties. The exact location of these connection points shall be subject to review and approval by the City.

2. At a minimum, internal sidewalks shall be provided within the property connecting to the adjacent roadways. *This walk shall connect to any sidewalk that may be provided along Veteran's Parkway or any other future adjacent public right-of-way.* Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
3. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer of the each final planned unit development site plan. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.
4. A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.

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.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Each outlot/development parcel may be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

Building Limitations/Architecture:

1. *All building façades visible from the public right-of-way shall be constructed with 50% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended.*

2. For all parcels, there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any buildings within the development shall be 60'.

Parking/Landscaping:

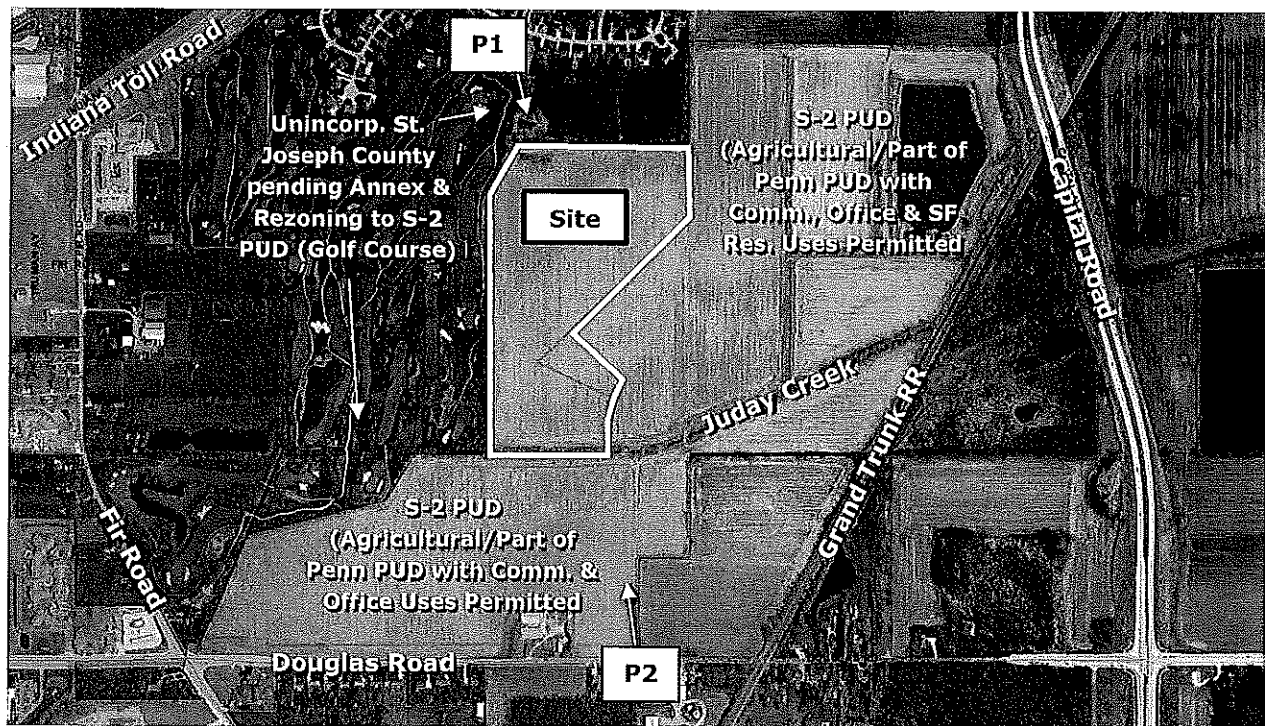
1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual development parcel shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within the required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.
5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, 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.

This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject parcel consists of undeveloped agricultural property located north of Juday Creek and adjacent to the Juday Creek Golf Course. Public water and sewer are currently being installed along Douglas Road to the south. These utilities will be extended northerly with the construction of Veteran's Parkway providing services to the parcel.
2. Character of Buildings in Area – The character of buildings along both the Fir Road and Douglas Road corridors vary greatly and include, but are not limited to, agricultural land, low-density single family residential homes, a convenience store/gas station, a golf course, skilled nursing/long-term care facilities, an assisted living facility, hotels, a hospital/medical offices, and a television/radio broadcast station.
3. The most desirable/highest and best use – The proposed amendment for a golf course, golf maintenance, municipal wellfield and water production facilities, and a regional recreational facility within the PUD is not inconsistent with surrounding existing or permitted land uses.
4. Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area because the vast majority of adjacent property remains undeveloped. The extension of City infrastructure to service this development along Douglas Road will actually add value to adjacent properties.
5. Comprehensive Plan – The parcel is not located within the boundaries of the City of Mishawaka Comprehensive Plan. However, the proposed land uses are reasonably consistent with the goals, objectives and policies of the Comprehensive Plan.

ATTACHMENTS

Aerial Map, Photographs, Petition, Proposed Juday Creek Business Park Subdivision Plat indicating the area to be Amended, Location Map



Aerial Photograph – Undeveloped Agricultural Land within the Penn PUD



P1. Looking southerly from the parking lot adjacent to the Juday Creek Golf Course clubhouse toward the area of the Penn PUD to be amended.



P2. Looking northerly from Douglas Road east of the future Veteran's Parkway toward the area of the Penn PUD to be amended. (Lot 2 is an agricultural area north of the tree row.)

STAFF REPORT

Location: South of Vistula Road approximately 700' east of Bittersweet Road Date: March 13, 2018

Petition: 18- 09

Prepared By: DJS

GENERAL INFORMATION

Applicant: Mervin D. Lung Revocable Trust / In Good Company

Status: Property Owner / Contingent Purchaser & Developer

Request: Amend a part of the Bercado PUD to allow for the construction of a 205 unit multi-family residential apartment complex

Zoning Classification: S-2 Planned Unit Development

Lot Size: 20+/- acres

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District;
Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (Medical Offices/Beacon Medical Group & Multi-Family Residential/River Pointe Apartments)
South: S-2 Planned Unit Development (Light Industrial/Patrick Metals)
East: S-2 Planned Unit Development (Vacant/Agricultural)
West: S-2 Planned Unit Development (Multi-Family Residential/Reflections Apartments)

Thoroughfare: Vistula Road

School District: Penn-Harris-Madison School Corporation

Township: Penn

Public Utilities: All public utilities are available and/or will be extended to the site at the developer's expense.

Comprehensive Plan: Medium Density Residential (Apartment Complexes & Nursing Facilities)

ANALYSIS

The Petitioner is requesting to amend part of the Bercado PUD to allow for the construction of a 205 unit multi-family residential apartment complex. The approximate 20 acre site, which is a part of two separate parcels (Tax Parcel #027-1001-0905 and #027-1001-0916), is located south of Vistula Road approximately 700' east of Bittersweet Road. The property is currently vacant agricultural land.

As indicated on the Preliminary Planned Unit Development site plan, the project is proposed to include 205 apartment units within 27 separate two-story buildings. The development will be constructed in two phases. The first phase will include 17 buildings and the clubhouse generally located in the northern two-

thirds of the property. The second phase will include 10 buildings within the southern one-third of the property and will be developed dependent on market demand. Three different building types are proposed with 7 to 8 units per building. Building Type 1 will include 7 units and 4 garage parking spaces, while Building Type 2 and 3 will have 8 units. Additional amenities include a clubhouse/community building, a playground, a dog park, and a three-quarter mile 8' wide paved walking path to be located around the perimeter of the property. The outer buildings will face the walking path which is proposed to connect to the internal sidewalks within both the development and the Reflections Apartment complex to the west. Three stormwater retention areas are located throughout the site to provide adequate storage for runoff generated from the development. A total of 636 parking spaces will be provided within both the surface parking lots, apartment buildings, and private garages. Each unit will have access to one indoor parking space either within the apartment building or within a separate structure. Parking spaces will be provided at a ratio of 3.10 spaces per unit exceeding the 1.5 spaces per unit as required per the zoning ordinance.

No landscaping areas or trees are shown on the preliminary site plan. A detailed landscape plan conforming to the C-1 General Commercial District requirements shall be submitted with the Final Planned Unit Development site plan, and will subject to review and approval by the Planning Staff.

The applicants are proposing one access off of Vistula Road to serve the development. Emergency access shall be provided along both Vistula Road and from the apartment complex to the west. All drives and parking lots interior to the site will be privately owned and maintained.

The R-3 Multiple-Family Residential development standards are applicable to the site since no variances from these standards were requested with the PUD amendment petition. If deviations from these standards are proposed as a part of the Final Planned Unit Development site plan, the proper variances will need to be submitted to and approved by the Board of Zoning Appeals.

At this time, the applicants are only proposing to amend a previously approved PUD to allow for the development of a multi-family residential apartment complex. *The Bercado Farms PUD, as attached, shows that the part of the PUD to be amended was originally approved for medium density residential development (apartments, condominiums, and related services and recreational areas).* If approved, a detailed Final Planned Unit Development site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements. A subdivision plat will also be required to establish a legal lot of record and separate ownership from the parent parcels.

All pertinent City Departments have reviewed and approved the Preliminary Planned Unit Development site plan.

The Engineering Department provided the following comments to be considered with the submittal of the Final Planned Unit Development site plan:

1. The site is located at the end of the sanitary sewer system. Depending on elevations, a private force main and lift station may be required to serve the development.
2. An acceleration/deceleration lane and passing blister designed to City standards will be required on Vistula Road.
3. All stormwater runoff from a 100 year, 24 hour storm event shall be stored on-site.

RECOMMENDATION

Staff recommends **approval** of Petition 18-09 to amend a part the Bercado PUD to allow for the construction of a 205 unit multi-family residential apartment complex subject to the following conditions:

Uses:

1. Permitted uses shall be limited to a 205 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, playground, dog park, and detached parking garages.

Utilities:

1. The developer shall connect to the City of Mishawaka sanitary sewer, water, and electric as directed by applicable codes, the City Director of Engineering, the Manager of the Water Division, and the Manager of the Electric Division. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.
2. The extension of all other utilities to and throughout the site shall be applicant/developer's cost and expense.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Landscaping:

1. Landscaping/screening shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.

Signage:

1. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.

Road Improvements/Right-of-Way Dedication:

1. Road improvements along Vistula Road shall be installed as determined by the Department of Engineering.
2. Additional right-of-way and/or easements may be required along Vistula Road as determined by review of the City Director of Engineering and City Planner. If required, the right-of-way and/or easements shall be dedicated as a part the subdivision plat.

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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.

Parking:

1. Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.

Architectural Requirements:

1. Building materials and colors shall comply with the C-1 General Commercial Zoning District

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the south side of Vistula Road within the dedicated right-of-way and along the entire property frontage.

Other:

1. All other developmental standards not identified shall comply with the R-3 Multiple-Family Residential standards.

This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject parcel is vacant agricultural land located within an area of varying land uses including multi-family and single-family residential, commercial, industrial, and agricultural.

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with multi-family and single-family residential buildings to the north and west, a multi-tenant commercial strip center to the southwest, industrial to the south, and agricultural to the east.
3. The most desirable/highest and best use – Because of the parcel's proximity to existing multi-family and single-family residential uses to the north and west, the most desirable use for the property is residential. Furthermore, the Bercado Farms PUD shows that the part of the PUD to be amended was originally approved for medium density residential development (apartments, condominiums, and related services and recreational areas).
4. Conservation of property values - The proposed PUD amendment to permit a multi-family residential development should not be injurious to property values in the surrounding area. Other similar multi-family residential apartment developments are located in the area. Furthermore, the proposed development will be required to comply with the C-1 General Commercial landscaping/screening requirements.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identified medium density residential (Apartment Complexes & Nursing Facilities) as the preferred land use.

ATTACHMENTS

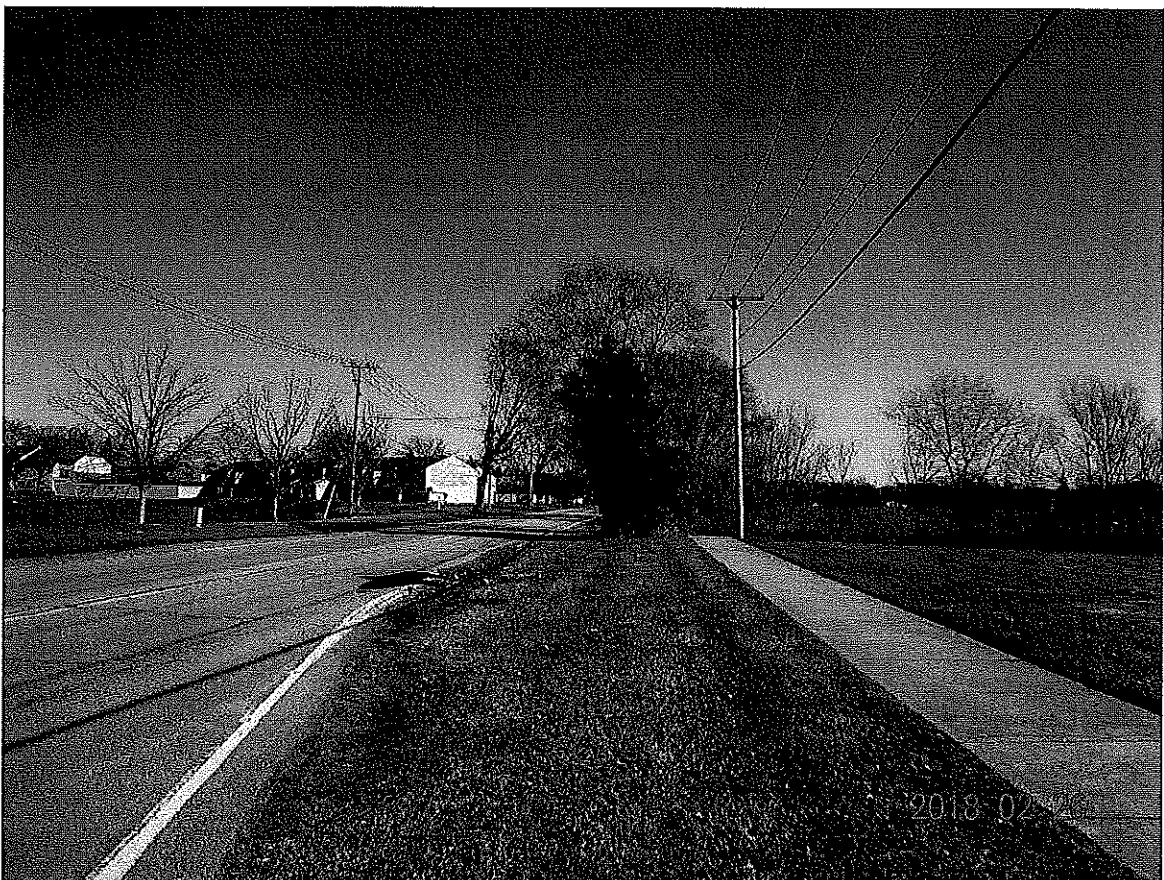
Aerial, Photograph(s), Petition, Preliminary Planned Unit Development Site Plan, Original Approved Bercado Farms PUD (9/12/72), Location Map



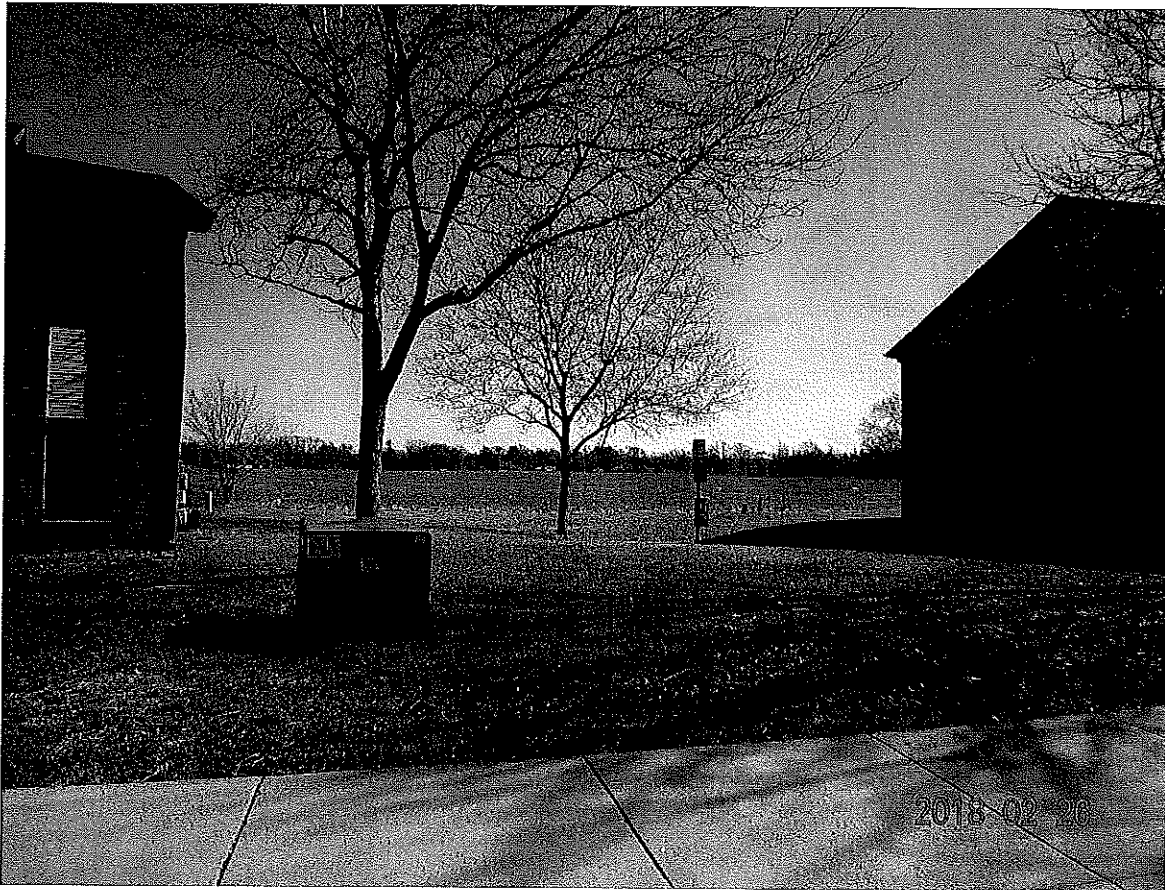
Aerial Photograph
Proposed 205 Unit Multi-Family Residential Apartment Complex
South of Vistula Road & 700' East of Bittersweet Road



P1. Looking southeasterly toward the property from Vistula Road.



P2. Looking northeasterly along Vistula Road west of the northwest corner of the property.



P3. Looking easterly toward the property from the Reflections Apartment complex to the east.



P4. Looking southwesterly along Vistula Road east of the northeast corner of the property.

MAR 15 2018

RESOLUTION NO. 2018-01

CITY CLERK
MISHAWAKA, IN

**RESOLUTION OF THE CITY OF MISHAWAKA PLANNING
COMMISSION CONCERNING THE DESIGNATING AND DECLARING
CERTAIN AREAS AS REDEVELOPMENT PROJECT AREAS
SPECIFICALLY RE-ESTABLISHING THE CITY MUNICIPAL
RIVERFRONT DISTRICT**

WHEREAS, the City of Mishawaka Redevelopment Commission (the "Commission"), governing body of the City of Mishawaka Department of Redevelopment (the "Department") and the Redevelopment District of the City of Mishawaka, Indiana (the "Redevelopment District"), exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission desires to establish certain areas (the "Areas") described in Exhibits A, B, C, D, and E as attached hereto as a Riverfront Redevelopment Area. This shall be considered separate to and not intended to modify any properties located in previously established redevelopment project areas including any parcels within the described areas which are already designated economic development areas, allocation areas, redevelopment project areas, urban renewal areas or other designations as provided in Title 36, Article 7 of the Indiana Code, as a Redevelopment Project Area in accordance with Section 15 of the Act; and

WHEREAS, in the Areas, the Commission finds that normal development and occupancy are either difficult, undesirable, or impossible because of lack of development and cessation of growth, and unrealized potential, and are therefore "areas in need of redevelopment" as defined by Indiana Code 36-7-1-3; and

WHEREAS, the Commission finds that the lack of development and cessation of growth cannot be corrected in the Areas by regulatory processes or the ordinary operations of private enterprise without resort to the Act; and

WHEREAS, the Commission finds that the public health and welfare will be benefited by the redevelopment of the Areas; and

WHEREAS, the Commission has caused to be prepared maps and legal descriptions, attached as Exhibits A through E, showing the boundaries of the area in which property would be affected by the establishment of the Redevelopment Project Area and the location of various parcels of property, streets, alleys, and other notable features of the area which may affect the future acquisition, clearance, remediation, re-platting, re-planning, rezoning, or redevelopment of the area; and

WHEREAS, the responsibility of the Planning Commission is to evaluate the proposal relative to the Comprehensive Plan for the City of Mishawaka;

NOW THEREFORE, BE IT RESOLVED by the City of Mishawaka Planning Commission that the proposal is consistent with the approved comprehensive plans of the City, and that it concurs with the Redevelopment Commission as follows:

1. The area needing development is currently limited relative to the social and economic interest of the unit and its inhabitants.
2. It will be of public utility and benefit to establish the Areas and allow them to develop them under the Act.
3. The Areas are designated as a Redevelopment Project Area for the purposes of the Act.
4. The Commission does not currently intend to acquire any property pursuant to declaration of the Areas as a Redevelopment Project Area except those that are placed on the City acquisition list which are and would be defined by a separate process.
5. The Commission hereby finds and determines that declaration of the Redevelopment Project Area conforms to other development and redevelopment plans for the City.
6. Nothing in this resolution shall be construed as to modify or supersede any elements of Common Council Resolution R82-31 establishing the Central Business District, or of Redevelopment Commission Resolution 2014-03 establishing the Consolidated Area Improvement Project.
7. The maps and plats of the Redevelopment Project Area showing its boundaries, the location of the various parcels of property, streets, alleys, and other features affecting the potential acquisition, clearance, replatting, replanning, rezoning, or redevelopment of the Redevelopment Project Area, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, are hereby approved and adopted as the maps and plats for the Redevelopment Project Area.
8. This Resolution, together with supporting data, shall be submitted to the City Common Council, as provided by Section 16 of the Act, for the approval of the Resolution, and if approved by the Common Council, the Resolution shall be submitted to public hearing and remonstrance as provided by Section 17 of the Act and Indiana Code 5-3-1 and after all required filings with governmental agencies and officers have been made pursuant to Section 17(b) of the Act.
9. This Resolution does not affect any rights or liabilities accrued, penalties incurred, offenses committed, or (except as otherwise provided herein) proceedings begun before the effective date of this Resolution.
10. This Resolution shall be in full force and effect from and after its adoption by the Commission.

* * * * *

ADOPTED AND APPROVED at a meeting of the City of Mishawaka Planning Commission held on the 13th day of March, 2018.

CITY OF MISHAWAKA
PLANNING COMMISSION


President

ATTEST:

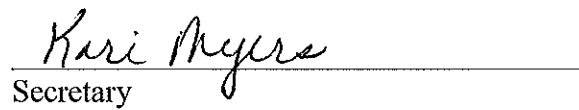

Secretary

EXHIBIT A

CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
OVERALL MAP: ST. JOSEPH RIVER & JUDAY CREEK

Legend

- City Limits
- 1,500 ft. Boundary from Floodway & Selected City Parks
- Floodway Area - Zone AE per effective FEMA FIRMs
- City Parks - Adjacent to St. Joseph River
- Existing Municipal Riverfront Development Project Area (Resolution No. 2004-24)

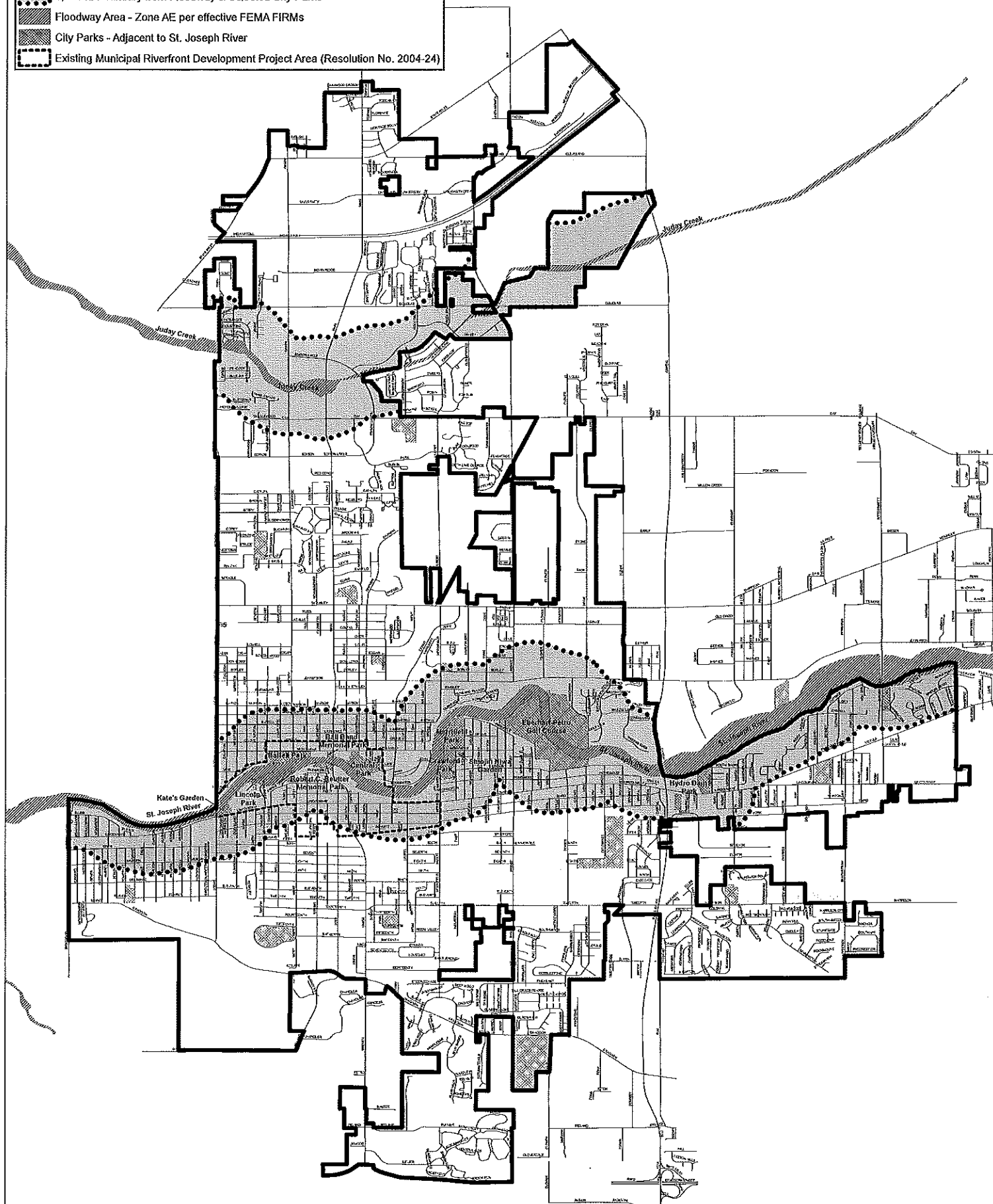


EXHIBIT B

CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
MAP: WEST PORTION ALONG THE ST. JOSEPH RIVER

EXHIBIT C

CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
MAP: EAST PORTION ALONG THE ST. JOSEPH RIVER

EXHIBIT D

CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
MAP: JUDAY CREEK

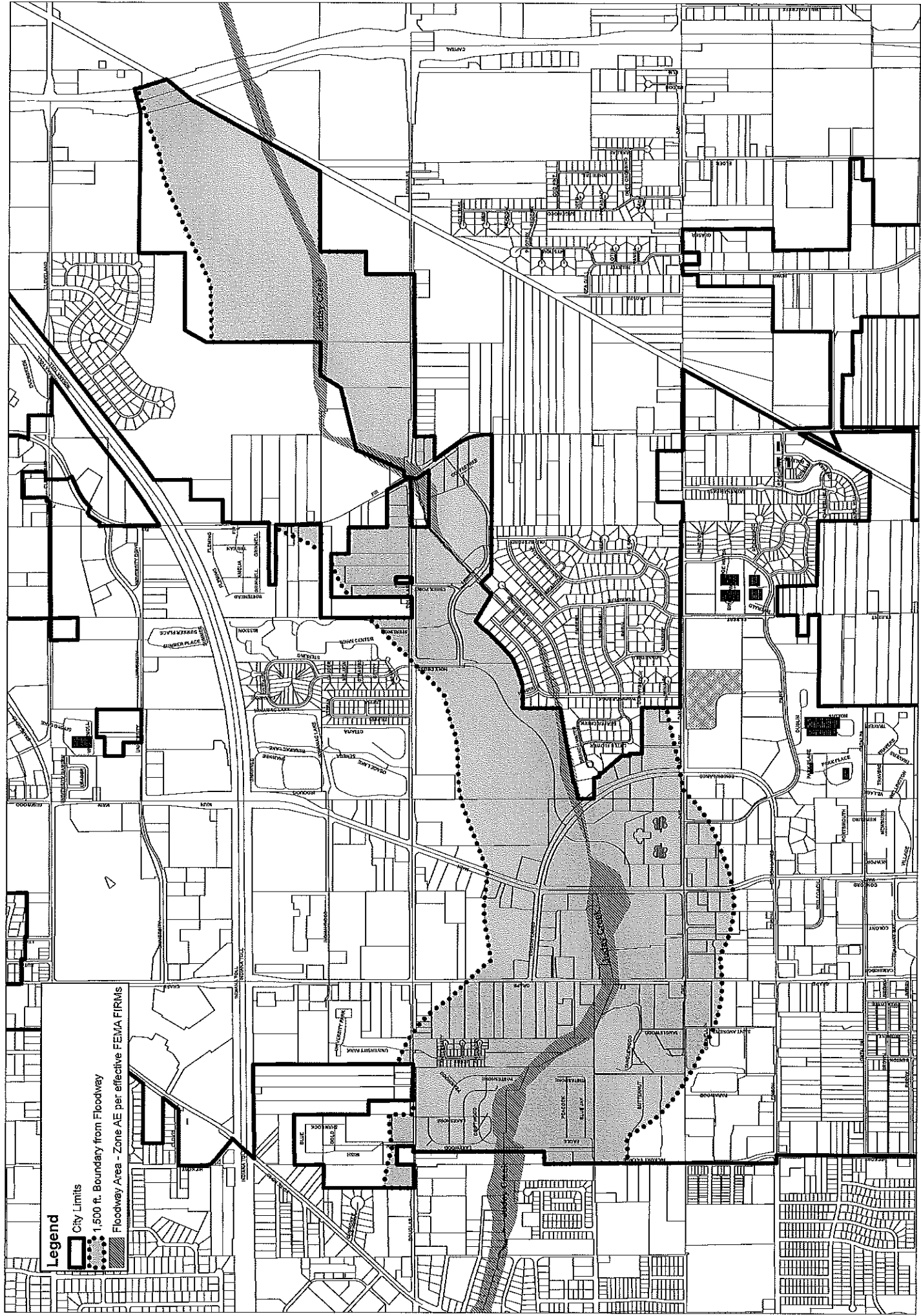


EXHIBIT E

CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
LEGAL DESCRIPTION

EXHIBIT E

MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA

SOUTH OF THE ST. JOSEPH RIVER

A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER, THE SOUTH HALF OF THE NORTHEAST QUARTER, AND THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 17; PART OF THE NORTHWEST AND NORTHEAST QUARTER, THE NORTH HALF OF THE SOUTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16; PART OF THE NORTHWEST AND NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15; PART OF THE SOUTHEAST QUARTER OF SECTION 10; PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11; PART OF NORTHWEST AND NORTHEAST QUARTER OF SECTION 14; PART OF THE NORTHWEST AND NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13; PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA; AND A PART OF THE SOUTHWEST AND SOUTHEAST QUARTER AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 1,500 FOOT OFFSET FROM THE FLOODWAY BOUNDARY ALONG THE SOUTH BANK OF THE ST. JOSEPH RIVER SHOWN AS A FLOODWAY AREA IN ZONE AE PER THE FLOOD INSURANCE RATE MAPS (FIRMS) PANEL NUMBERS 18141C0212D AND 18141C0216D WITH AN EFFECTIVE DATE OF JANUARY 6, 2011, AND FIRM PANEL NUMBERS 18141C0217E AND 18141C0236E WITH AN EFFECTIVE DATE OF DECEMBER 16, 2015, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND FROM THE FOLLOWING PROPERTY OWNED BY THE CITY OF MISHAWAKA AND THE INDIANA AND MICHIGAN ELECTRIC COMPANY: KATE'S GARDEN BOUND BY THE ST. JOSEPH RIVER TO THE NORTH, LOGAN STREET TO THE WEST, LINCOLNWAY WEST TO THE SOUTH AND PROPERTY OWNED BY THE CITY OF MISHAWAKA (TAX PARCEL 016-1014-9999) BEING THE CITY WASTEWATER TREATMENT PLANT TO THE EAST; ROBERT C. BEUTTER RIVERFRONT PARK BOUND BY THE ST. JOSEPH RIVER TO THE NORTH, THE RIVER RACE TO THE WEST AND SOUTH, AND NORTH MAIN STREET TO THE EAST; CRAWFORD PARK BOUND BY MISHAWAKA AVENUE TO THE NORTH, THE ST. JOSEPH RIVER TO THE WEST, NILES AVENUE TO THE EAST, AND PROPERTY OWNED BY JAMES P. AND CRISTAL M. CAMPBELL (TAX PARCEL 016-1030-123301 AS DESCRIBED IN A QUIT CLAIM DEED RECORDED UNDER INSTRUMENT NUMBER 1128203 IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA), LOT 66 OF MERRIFIELD PARK ADDITION REVISED, NORTH MERRIFIELD AVENUE, AND A 15' WIDE EAST-WEST ALLEY NORTH OF LOTS 39 THROUGH 48 IN MERRIFIELD PARK ADDITION REVISED TO THE SOUTH; SHIOJIRI NIWA GARDEN BOUND BY MISHAWAKA AVENUE TO THE NORTH, NILES AVENUE TO THE WEST, ST. JOSEPH STREET TO THE SOUTH, AND INDIANA AVENUE TO THE EAST; MERRIFIELD PARK BOUND BY THE ST. JOSEPH RIVER TO THE NORTH AND WEST, INDIANA AVENUE TO THE EAST, AND MISHAWAKA AVENUE TO THE SOUTH; EBERHART-PETRO GOLF COURSE BOUND BY THE ST. JOSEPH RIVER TO THE NORTH, LOT 60 OF RIVERCREST ADDITION TO THE EAST, LINDEN AVENUE TO THE SOUTH, AND LOTS 24, 25, 26, AND 57 OF STARK REALTY CO. ADDITION INCLUDING A 16' ALLEY BETWEEN SAID LOTS, LOTS 1, 5, AND 6 OF

EBERHARDT ESTATES, PROPERTY OWNED BY JENNIFER A. ZIMMERMAN (TAX PARCEL 016-1052-221801 AS DESCRIBED IN A WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 0424492 IN THE OFFICE OF SAID RECORDER), A 14' WIDE ALLEY WEST OF LOTS 6 THROUGH 14 OF KELLYS SUBDIVISION OF LOT A LINCOLN GARDENS REALTY COMPANY 1ST ADDITION, AND LOT 34 OF SAID KELLYS SUBDIVISION TO THE WEST; AND THE HYDRO DAM PARK BOUND BY THE ST. JOSEPH RIVER TO THE NORTH, POWER DRIVE TO THE EAST, LINCOLNWAY EAST TO THE SOUTH, AND PROPERTIES OWNED BY DENNIS D. MILLER (TAX PARCEL 016-1082-325101 AS DESCRIBED IN A WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 9944636 IN THE OFFICE OF SAID RECORDER) AND TWIN BRANCH RETAIL CENTER LLC (TAX PARCEL 016-1082-3252 AS DESCRIBED IN A CORPORATE WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 0425588 IN THE OFFICE OF SAID RECORDER) TO THE SOUTH.

NORTH OF THE ST. JOSEPH RIVER

A PART OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16; PART OF THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 9; PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 15; PART OF THE SOUTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTH HALF OF THE NORTHEAST QUARTER, AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 10; PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF SECTION 11; AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 1,500 FOOT OFFSET FROM THE FLOODWAY BOUNDARY ALONG THE NORTH BANK OF THE ST. JOSEPH RIVER SHOWN AS A FLOODWAY AREA IN ZONE AE PER THE FLOOD INSURANCE RATE MAPS (FIRMS) PANEL NUMBERS 18141C0212D AND 18141C0216D WITH AN EFFECTIVE DATE OF JANUARY 6, 2011, AND FIRM PANEL NUMBER 18141C0217E WITH AN EFFECTIVE DATE OF DECEMBER 16, 2015, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND FROM THE FOLLOWING PROPERTY OWNED BY THE CITY OF MISHAWAKA: BATTELL PARK BOUND BY FOREST STREET TO THE WEST, MISHAWAKA AVENUE TO THE NORTH, THE ST. JOSEPH RIVER TO THE SOUTH, AND LOT 1 OF RIVERWALK 2ND MINOR SUBDIVISION AND LOT 3 OF BATTELL PARK ADDITION TO THE EAST; BALL BAND MEMORIAL PARK BOUND BY LOT 12 OF RIVERWALK 2ND ADDITION AND PROPERTY OWNED BY THE CITY OF MISHAWAKA (TAX PARCEL 016-2023-0766 AS DESCRIBED IN A WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 9932355 IN THE OFFICE OF SAID RECORDER) TO THE WEST, MISHAWAKA AVENUE TO THE NORTH, NORTH MAIN STREET TO THE EAST, AND THE ST. JOSEPH RIVER TO THE SOUTH; CENTRAL PARK BOUND BY LOTS 5, 6, 7, AND 8 OF WILLIAM SCHINDLER'S SUBDIVISION INCLUDING THE EAST HALF OF A VACATED 10' WIDE ALLEY AND THE NORTH 155' OF LOT C IN MISHAWAKA HYDRAULIC CO. ADDITION TO THE WEST, THE SOUTH LINE OF THE NORTH 155' OF SAID LOT C, MISHAWAKA AVENUE, PROPERTY OWNED BY THE CITY OF MISHAWAKA (TAX PARCELS 016-2075-2564 AND 016-2076-2625 AS DESCRIBED IN A CORPORATE WARRANTY DEED AND WARRANTY DEED AS RECORDED UNDER INSTRUMENT NUMBER 0513582 AND 1602083, RESPECTIVELY, IN THE OFFICE OF SAID RECORDER), LOT 4 OF O'CONNER'S ADDITION, THE SOUTH RIGHT-OF-WAY OF O'CONNER STREET, LOT 5 OF O'CONNER'S ADDITION EXCLUDING THE NORTH 44', LOT 10 OF V. BRUNNERS SUBDIVISION, THE SOUTH RIGHT-OF-WAY LINE OF ELL STREET, AND PROPERTY OWNED BY MICHAEL C. AND CATHERINE L. GRANT (TAX PARCEL 016-2076-2626 AS DESCRIBED IN A QUIT CLAIM DEED RECORDED UNDER INSTRUMENT

NUMBER 9247514 IN THE OFFICE OF SAID RECORDER) TO THE NORTH, PINE STREET TO THE EAST, AND THE ST. JOSEPH RIVER, LOTS B AND C OF CENTER OF HOSPICE SUBDIVISION, AND PROPERTY OWNED BY THE STATE OF INDIANA DEPARTMENT OF NATURAL RESOURCES (TAX PARCEL 016-2075-255801 AS DESCRIBED IN A WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 8912144 IN THE OFFICE OF SAID RECORDER) TO THE SOUTH; EBERHARD-PETRO GOLF COURSE BOUND BY PROPERTY OWNED BY LARRY D. AND KAY GREEN (TAX PARCEL 027-1001-0488 AS DESCRIBED IN A WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 0360082 IN THE OFFICE OF SAID RECORDER), DAVID J. AND TRACY REED-CASE (TAX PARCEL 027-1001-0490 AS DESCRIBED IN A WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 9639764 IN THE OFFICE OF SAID RECORDER), RUTH ANN MURPHY (TAX PARCEL 027-1001-0491 AS DESCRIBED IN A WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 0822169 IN THE OFFICE OF SAID RECORDER), MATTHEW E. AND KATHERINE M. KENT AND MARGARET KENT (TAX PARCEL 027-1001-0518 AS DESCRIBED IN A WARRANTY DEED RECORDED UNDER INSTRUMENT NUMBER 1505481 IN THE OFFICE OF SAID RECORDER), LOTS 9 AND 12 OF PETRO PARK ADDITION, THE SOUTH RIGHT-OF-WAY LINE OF SHANOWER DRIVE, AND LOTS 83, 88, AND 90 OF BARRINGTON ESTATES AREA 4 6TH REVISION TO THE NORTH, LOT 83 OF BARRINGTON ESTATES AREA 4 6TH REVISION, LOTS 52, 59 AND 60 OF BARRINGTON ESTATES AREA 1 6TH REVISION, AND LOT 54A OF MANN'S REPLAT TO THE EAST, AND THE ST. JOSEPH RIVER TO THE SOUTH AND WEST.

SOUTH OF JUDAY CREEK

A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, AND THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 33; PART OF THE WEST HALF OF THE SOUTHWEST QUARTER AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 34; PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27; AND PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 1,500 FOOT OFFSET FROM THE FLOODWAY BOUNDARY ALONG THE SOUTH BANK OF JUDAY CREEK SHOWN AS A FLOODWAY AREA IN ZONE AE PER THE FLOOD INSURANCE RATE MAPS (FIRMS) PANEL NUMBERS 18141C0204D, 18141C0208D, AND 18141C0209D WITH AN EFFECTIVE DATE OF JANUARY 6, 2011.

NORTH OF JUDAY CREEK

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 28; PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE NORTHWEST AND NORTHEAST QUARTER OF SECTION 33; PART OF THE NORTHWEST QUARTER AND NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 34; PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 27; AND PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTH HALF THE NORTHEAST QUARTER, AND THE NORTH HALF OF THE SOUTHEAST OF SECTION

26, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 1,500 FOOT OFFSET FROM THE FLOODWAY BOUNDARY ALONG THE NORTH BANK OF JUDAY CREEK SHOWN AS A FLOODWAY AREA IN ZONE AE PER THE FLOOD INSURANCE RATE MAPS (FIRMS) PANEL NUMBERS 18141C0204D, 18141C0208D, AND 18141C0209D WITH AN EFFECTIVE DATE OF JANUARY 6, 2011.

1st Reading 3-19-18
2nd Reading
Passed
Failed
Continued To

PETITION #18-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-05

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 15 2018

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA,
INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

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;

Proposed Ordinance No. 18-05

Ordinance No. _____

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;

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Ordinance No. _____

- 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;

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Ordinance No. _____

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;

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Ordinance No. _____

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.

COMMON ADDRESS: 138 acres near Northeast Corner of Fir and Douglas Roads

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development District.

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

1. Existing Conditions – The subject parcels, which are occupied by the Juday Creek Golf Course, are adjacent to agricultural land approved for commercial, office, and single-family residential use to the east and south; single-family residential lots, the golf course club house, and the toll road to the north; and single-family residential parcels, a church, an assisted living facility, and a convenience store/gas station to the west. A municipal wellfield and water production facilities are proposed within the subject parcel and on the adjacent property to the east. Fir Road and Douglas Road are moderately travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City.
2. Character of Buildings in Area – The character of buildings along both the Fir Road and Douglas Road corridors vary greatly and include, but are not limited to, agricultural land, low-density single family residential homes, a convenience store/gas station, a golf course, skilled nursing/long-term care facilities, an assisted living facility, hotels, a hospital/medical offices, and a television/radio broadcast station.
3. The most desirable/highest and best use – With the property's location between an existing single-family residential neighborhood to the north and vacant agricultural land approved for commercial and office use to the south and east, the most desirable use for the property is for its continued use as a golf course, and a planned municipal wellfield and water production facilities.
4. Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area because the property will continue be used as a golf course with little to no change in the present use.
5. Comprehensive Plan – The parcel is not located within the boundaries of the City of Mishawaka Comprehensive Plan. However, the existing and proposed land uses are reasonably consistent with the goals, objectives and policies 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

Proposed Ordinance No. 18-05

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



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

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 01 2018

CITY CLERK
MISHAWAKA, IN

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

PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT • ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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

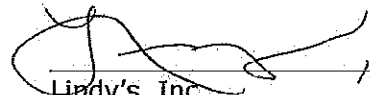
**RE: Petition for Annexation and Zoning Classification
Letter of Support**

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,


_____, SEC.
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;

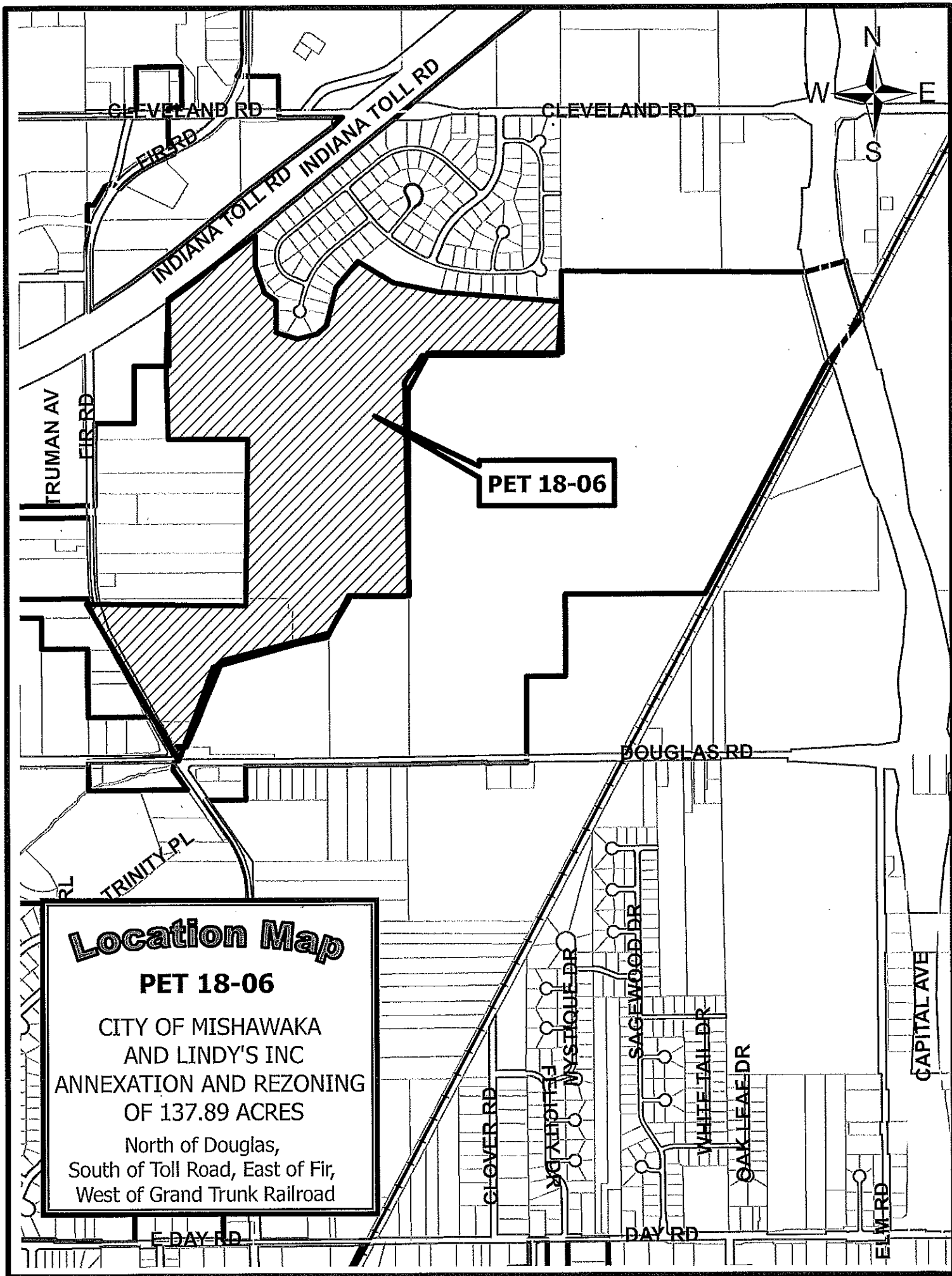
thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

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.



MAR 15 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 3-19-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. **2018-06**

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

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.

Proposed Ordinance No: 18-06

Ordinance No: _____

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.

COMMON ADDRESS: 138 Acres Near the Northeast Corner of Fir and Douglas Roads

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for a golf course, golf maintenance, municipal wellfield, water production facilities, and regional recreational facility subject to the following conditions:

Uses:

1. Outside sale display for loose items shall be prohibited.
2. Off-premise signs/billboards shall be prohibited.

Internal Road connections:

1. Private collector road connections shall be provided through the site and connected to adjacent properties where deemed appropriate. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval.

Proposed Ordinance No: 18-06

Ordinance No: _____

The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between properties. The exact location of these connection points shall be subject to review and approval by the City.

2. At a minimum, internal sidewalks shall be provided within the property connecting to the adjacent roadways. *This walk shall connect to any sidewalk that may be provided along Veteran's Parkway or any other future adjacent public right-of-way.* Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
3. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer of the each final planned unit development site plan. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.
4. A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.

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.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Each outlot/development parcel may be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.

Proposed Ordinance No: 18-06

Ordinance No: _____

2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

Building Limitations/Architecture:

1. *All building façades visible from the public right-of-way shall be constructed with 50% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended.*
2. For all parcels, there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any buildings within the development shall be 60'.

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual development parcel shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within the required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.
5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, 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.

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

Proposed Ordinance No: 18-06

Ordinance No: _____

1. Existing Conditions – The subject parcel consists of undeveloped agricultural property located north of Juday Creek and adjacent to the Juday Creek Golf Course. Public water and sewer are currently being installed along Douglas Road to the south. These utilities will be extended northerly with the construction of Veteran's Parkway providing services to the parcel.
2. Character of Buildings in Area – The character of buildings along both the Fir Road and Douglas Road corridors vary greatly and include, but are not limited to, agricultural land, low-density single family residential homes, a convenience store/gas station, a golf course, skilled nursing/long-term care facilities, an assisted living facility, hotels, a hospital/medical offices, and a television/radio broadcast station.
3. The most desirable/highest and best use – The proposed amendment for a golf course, golf maintenance, municipal wellfield and water production facilities, and a regional recreational facility within the PUD is not inconsistent with surrounding existing or permitted land uses.
4. Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area because the vast majority of adjacent property remains undeveloped. The extension of City infrastructure to service this development along Douglas Road will actually add value to adjacent properties.
5. Comprehensive Plan – The parcel is not located within the boundaries of the City of Mishawaka Comprehensive Plan. However, the proposed land uses are reasonably consistent with the goals, objectives and policies 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



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

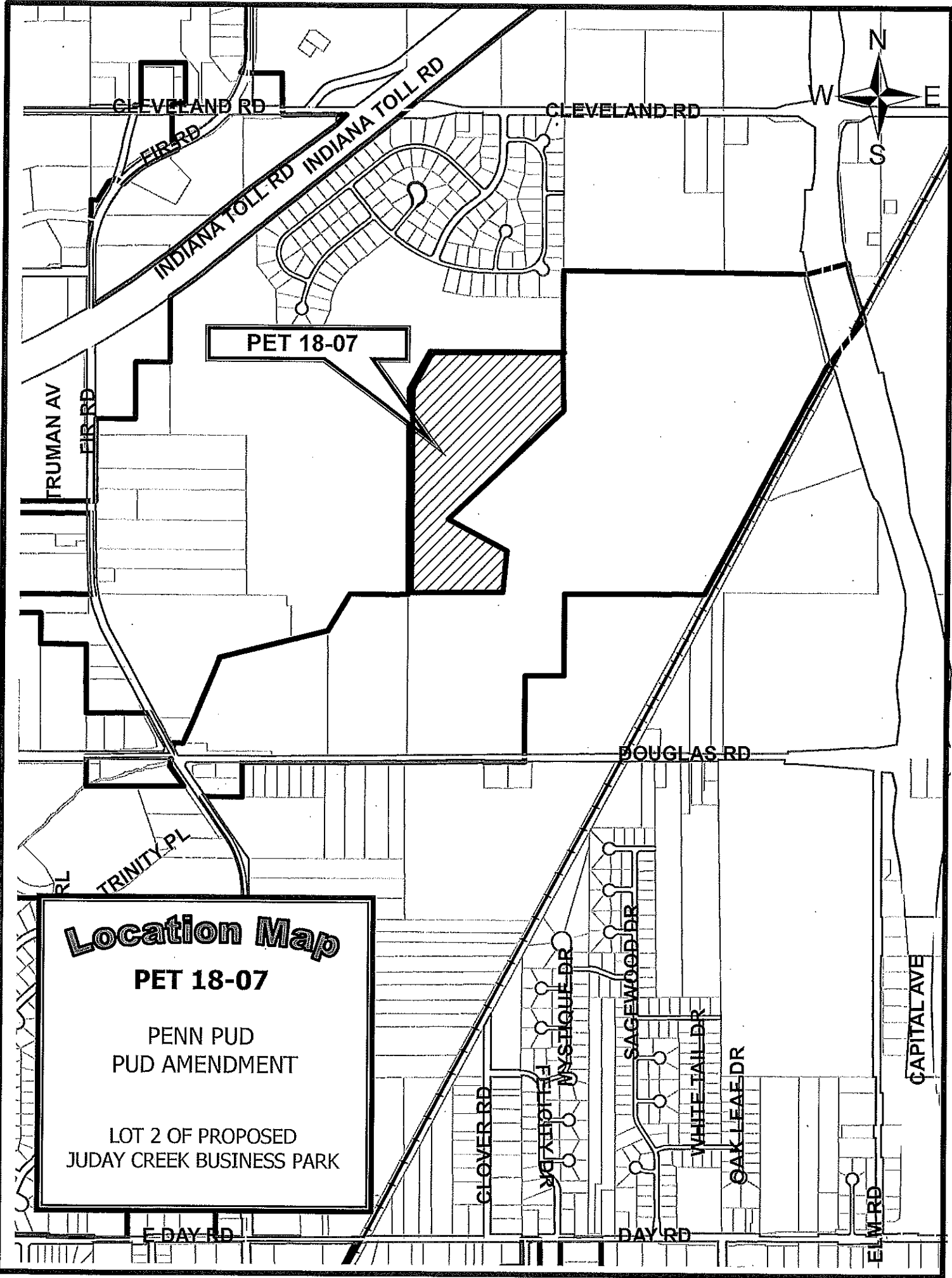
A part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 38 North, Range 3 East, City of Mishawaka, Harris Township, St. Joseph County Indiana, and being that part of the grantor's land described in Instrument Numbers 0644091 and 0647623, as recorded in the Office of the Recorder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

1st Reading 3-19-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-07

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:

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 map 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 ½" 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.

COMMON ADDRESS: Vistula Road 700' east of Bittersweet Road

Proposed Ordinance No: 18-017

Ordinance No: _____

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for the construction of a 205 unit multi-family residential apartment complex.

Uses:

1. Permitted uses shall be limited to a 205 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, playground, dog park, and detached parking garages.

Utilities:

1. The developer shall connect to the City of Mishawaka sanitary sewer, water, and electric as directed by applicable codes, the City Director of Engineering, the Manager of the Water Division, and the Manager of the Electric Division. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.
2. The extension of all other utilities to and throughout the site shall be applicant/developer's cost and expense.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Landscaping:

1. Landscaping/screening shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.

Signage:

1. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.

Road Improvements/Right-of-Way Dedication:

1. Road improvements along Vistula Road shall be installed as determined by the Department of Engineering.
2. Additional right-of-way and/or easements may be required along Vistula Road as determined by review of the City Director of Engineering and City Planner. If required, the right-of-way and/or easements shall be dedicated as a part the subdivision plat.

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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.

Proposed Ordinance No: 18-07

Ordinance No: _____

Parking:

1. Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.

Architectural Requirements:

1. Building materials and colors shall comply with the C-1 General Commercial Zoning District

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the south side of Vistula Road within the dedicated right-of-way and along the entire property frontage.

Other:

1. All other developmental standards not identified shall comply with the R-3 Multiple-Family Residential standards.

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

1. Existing Conditions – The subject parcel is vacant agricultural land located within an area of varying land uses including multi-family and single-family residential, commercial, industrial, and agricultural.
2. Character of Buildings – The character of the buildings within the surrounding area is mixed with multi-family and single-family residential buildings to the north and west, a multi-tenant commercial strip center to the southwest, industrial to the south, and agricultural to the east.
3. The most desirable/highest and best use – Because of the parcel's proximity to existing multi-family and single-family residential uses to the north and west, the most desirable use for the property is residential. Furthermore, the Bercado Farms PUD shows that the part of the PUD to be amended was originally approved for medium density residential development (apartments, condominiums, and related services and recreational areas).
4. Conservation of property values - The proposed PUD amendment to permit a multi-family residential development should not be injurious to property values in the surrounding area. Other similar multi-family residential apartment developments are located in the area. Furthermore, the proposed development will be required to comply with the C-1 General Commercial landscaping/screening requirements.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identified medium density residential (Apartment Complexes & Nursing Facilities) as the preferred land use.

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

Proposed Ordinance No: 18-87

Ordinance No: _____

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

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:

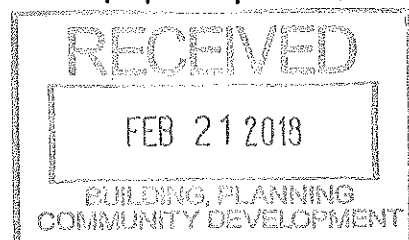
Commencing at a Progressive cap pin at the Southwest corner of the Southeast Quarter of said Section 7, also being the Northwest corner of the Northeast Quarter of said Section 18; thence North 89°35'54" East, (basis of bearings established by INDOT VRS Base, using Indiana East NAD83 coordinate system), 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



PET 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 King, V.P. & TO

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

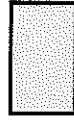
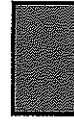
Building Type 1: 11 buildings = 77 units
 Building Type 2: 6 buildings = 48 units
 Building Type 3: 10 buildings = 80 units

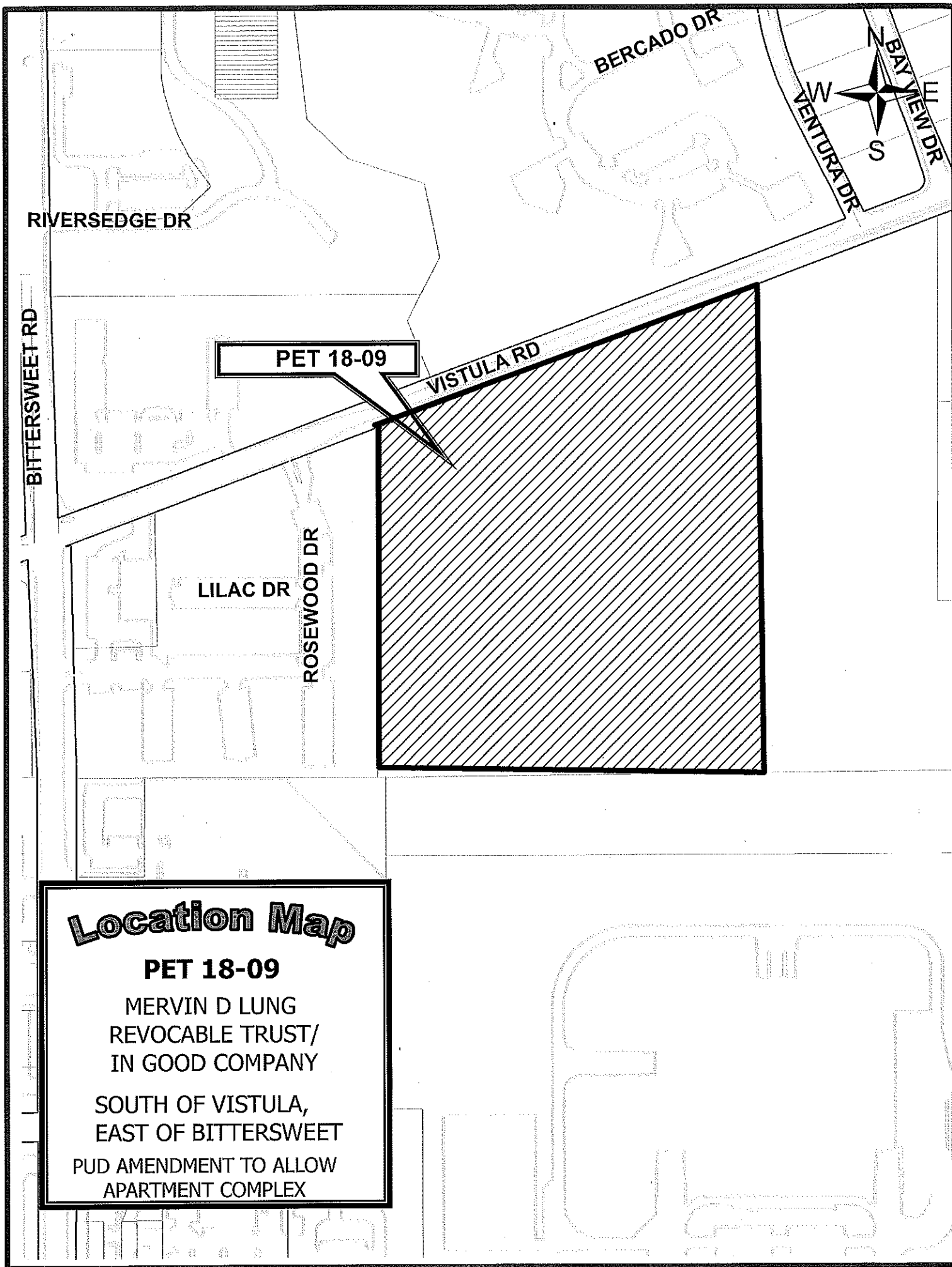
Total # of Buildings: 27
Total # of Units: 205

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

MAR 15 2018

APPEAL #18-09

RESOLUTION NO. 2018- 05

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:

7121 Grape Road, Granger, 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 a favorable 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 **7121 Grape Road, Granger, Indiana**, more particularly known and 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.

COMMON ADDRESS: 7121 Grape Road, Granger

The Use Variance, if approved, will allow two (2) outside storage containers for the length of the tenant's lease.

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 will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will have little to no additional impact on the adjacent commercial or residential uses.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the existing fence, landscaping and buildings help screen the view of the containers.
3. The need for a variance arises from the type of equipment needed for the business, and the lack of a proper storage area indoors.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would not be the highest and best use for the shopping center by allowing the more intense uses of that district.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this intersection as General Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

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

RESOLUTION #2018-05
7121 Grape Road
Page 3 of 3

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

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

CITY CLERK
MISHAWAKA, IN

AP 18-09

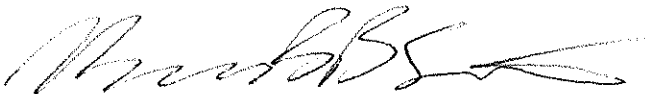
adherence to the Ordinance requirements would inhibit normal business operation, which requires temporary storage for certain items necessary to the services provided by the appellant's business. This would thus create unnecessary hardship on the appellant, as indoor storage of such items is conducive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

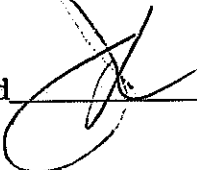
Regarding: 7121 Grape Road - Appeal for Use Variance
Authorization of Representative

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.

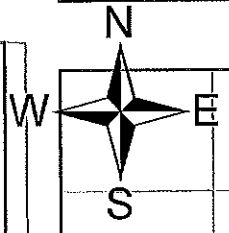
Sincerely,
Grape Road BMC Partners, L.P.

Signed 

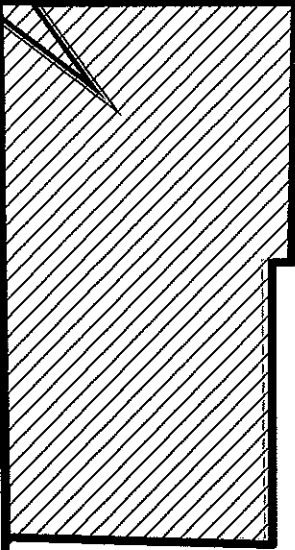
Name John T. Phair

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

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.

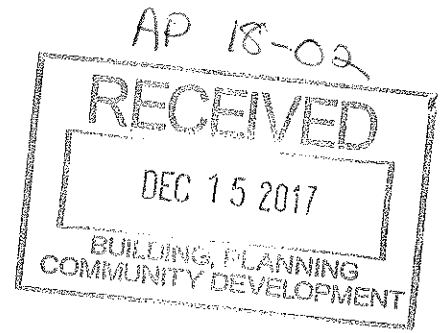
David A. Wood, Mayor

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.

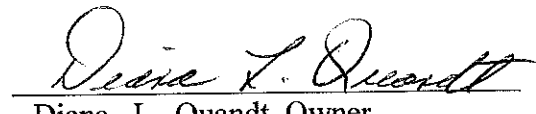
F. With the change of a usage variance, the property and the entity would not create a problem or be injurious to the public health of the community. It would not affect the safety of the public under the amended usage or the morals of the community. It would be adding a service to the people of the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

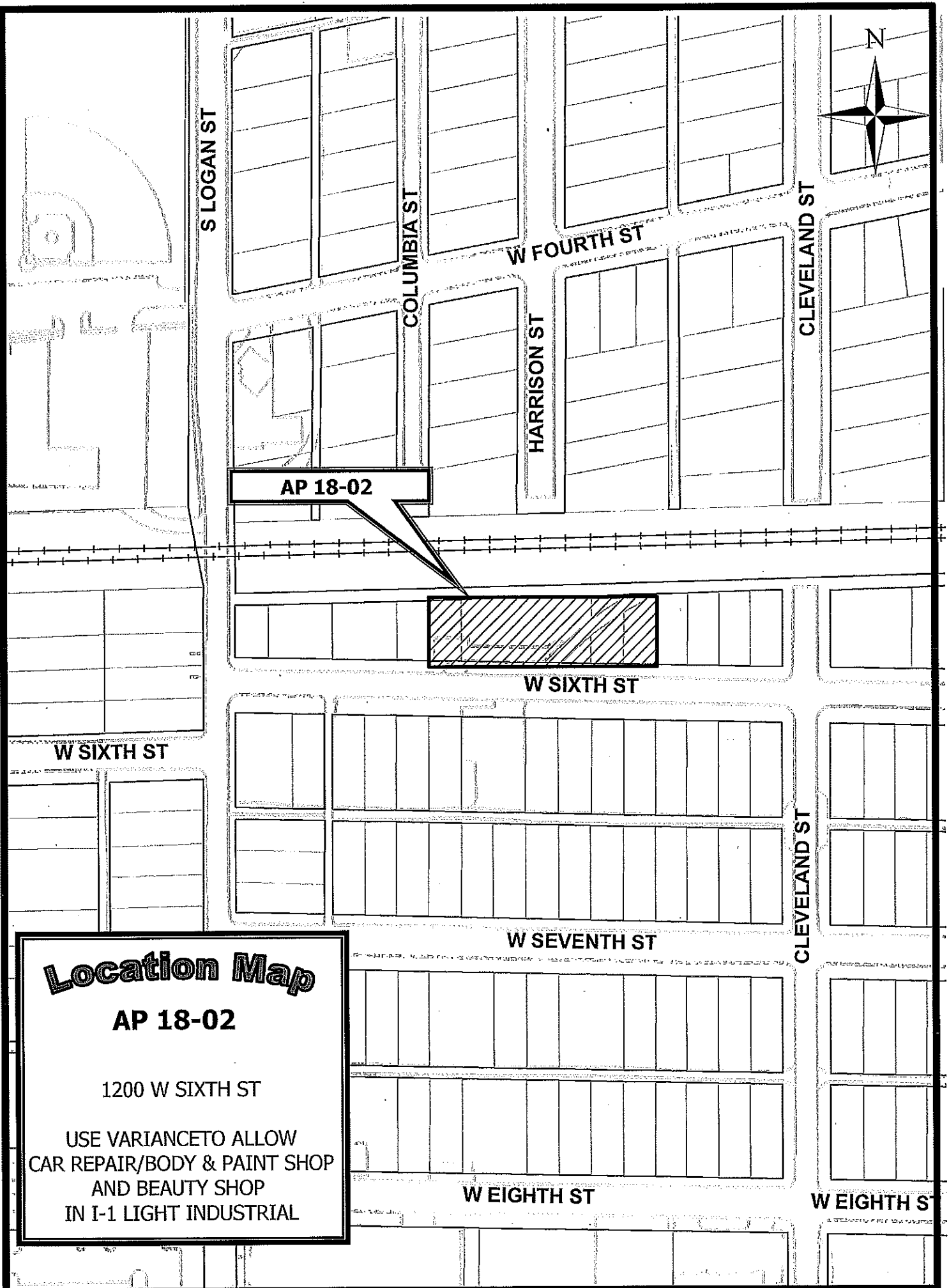
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


Ronald E Quandt, Owner


Diana L Quandt, Owner

CONTACT PERSON

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



S LOGAN ST

COLUMBIA ST

HARRISON ST

CLEVELAND ST

N

W FOURTH ST

AP 18-02

W SIXTH ST

W SIXTH ST

W SEVENTH ST

CLEVELAND ST

W EIGHTH ST

W EIGHTH ST

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