

AGENDA

Monday, April 9, 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 19, 2018

5. Petitions, Communications, Remonstrance and Memorials
6. Report of Special Committee
7. Ordinances on First Reading
8. Resolutions

R2018-06 Approving An Agreement Extending the St. Joseph County Housing Consortium and Authorizing the Execution Thereof

R2018-07 Establishing An Expanded Municipal Riverfront Development Project Area

9. Ordinances on Second Reading

P.O. NO. 2018-05 Annex and Zone - 137.89 acres - east of Fir Rd, south of Toll Rd, west of Grand Trunk - S-2 PUD for golf course, golf maintenance, club house, banquet facility and municipal wellfield and water production facility. **Public Hearing - No Vote**

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 **(Assigned to Land Use Planning Committee)**

P.O. NO 2018-07 PUD Amendment - for development of an Apartment Complex - south of Vistula, east of Bittersweet **(Assigned to Land Use Planning Committee)**

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

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

R2018-04 Use Variance to allow expansion of JP'S Complete Auto Care in I-1 Light Industrial - 1802 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 19, 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 19, 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 lead by Andrew Madland, Troop 572.

 Roll Call.

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

Absent: Mr. Compton, Mr. Emmons.

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

Clerk Block read a letter from the Board of Zoning Appeals and the City Plan Commission regarding recommendations from their March 13th Meeting.

APPEAL No. 2018-09 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.

PETITION No. 2018-06 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.

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 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 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 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.

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.

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

PROPOSED ORDINANCE NO. 2018-05**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE**

(Annex and zone 137.89 acres E. of Fir S. of Toll Road- Juday Creek)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-06**AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA**

(PUD Amd -Penn PUD- Lot 2- Juday Creek Business Park)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-07**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 Amd -Apartment Complex S. of Vistula Rd. E. of Bittersweet)
(Assigned to Land Use Planning Committee)

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

RESOLUTION NO. 2018-05

**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

Matthew Smith with Anchor Construction and tenant of Grape Road LLC spoke on behalf of the applicant. He went on to say they were a design/build general contractor for commercial and industrial construction projects. Mr. Smith said they did not typically self-perform much work, sometime minor carpentry but they were primarily a professional service business. He went on to discuss the storage container use for storing their tools and materials they use on projects they self-perform. Mr. Smith said the type of tools and materials they use were not suitable for in office storage. He felt the containers were well screened around the premises, on the residential side on the west and north, the containers were screened by solid wood fence and trees, on the south and east side, the containers were screened by existing buildings. Mr. Smith also mentioned the containers were located 400 feet away from any public right of way. He hoped to receive the council's approval.

Mrs. Voelker questioned whether the containers were stationary. She also mentioned the conversation she had with Mr. Smith regarding linking the variance with the business; she asked would he be comfortable with linking the variance. Mr. Smith replied yes, they were stationary containers; they grab the materials they need. He continued to say they were in a 10-year lease agreement, the business started in 2014, and they were now 4 years into their lease. Mr. Smith said he was comfortable linking the variance to the lease. He said they were not going to extend their lease after the 10 years as they were beginning to outgrow the facility.

Mr. Mammolenti asked if Mr. Smith knew the reasoning of the board member in opposition. Mr. Smith believed he was opposed to having containers in commercial districts. He said the board member mentioned if the building was not conducive for storage, then perhaps they needed to find another building.

A motion was made by Mrs. Voelker to amend **RESOLUTION NO. 2018-05** by adding the Use Variance to allow two (2) outside storage containers for the length of the tenant's occupancy with a second by Mr. Deal motion carried.

Question called for at 7:12 P.M. for **RESOLUTION NO. 2018-05 AS AMENDED** Vote:
Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

UNFINISHED BUSINESS

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

RESOLUTION NO. 2018-03

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

1200 West Sixth Street, Mishawaka, Indiana

Ronald and Diana Quandt, owners of 1200 W. Sixth Street apologized for his potential tenant's absence. He assumed Mr. Jones absence was due to an emergency. Mr. Quandt went on to say his potential tenant Alex Jones was a Mishawaka resident for 15 years. He continued to say Mr. Jones worked at an auto body shop for years but he did not like where he was renting. Mr. Quandt said he spoke to Mr. Jones early in the day; he was unsure why he did not attend the meeting. He mentioned he made an agreement with Mr. Jones that he would asphalt the west and east entrance and in front of the building, which would improve the curb appeal of the building. Mr. Quandt said he would also put green canopies over the windows to make the building to give the business a retail look. He said Mr. Jones work was beautiful, he mostly works on vintage and sports cars, and he also did some insurance work. Mr. Quandt went on to say Mr. Jones can work and store 8 to 10 cars and would keep them all inside the building.

Mr. Deal questioned the smell of a paint shop, which was issue in the west end area and a concern. Mr. Deal said he could not support the resolution without verification from the tenant. Mr. Quandt said he spoke with paint shops regarding the smell of paint, there was a filter for fumes to go out through the roof. Mr. Deal expressed he needed to hear from Mr. Jones.

Mr. Bellovich questioned the hours of operation. He also was concerned the shops door would be open during the summer. Mr. Quandt believed hours would be from 10:00 A.M. to 6:00 P.M. He said the building has always been air conditioned and was recently replaced 4 years ago; there was no need to work with doors opened.

Mr. Mammolenti asked would the tenant be responsible to pay the utility bill. Mr. Quandt replied yes. Mrs. Quandt said before they sold their business back in 2004, their utility bill in the summer was around \$400 a month.

Mr. Canarecci said his biggest concern was the smell from paint. He continued to say he expects Mr. Jones to have a good filtration to reduce the smell of paint. Mr. Canarecci questioned the type of business Mr. Quandt ran. Mr. Quandt said he ran a commercial pedestrian automatic door business. He continued to say the building was used as a warehouse. Mr. Canarecci also asked Mr. Quandt if he would be comfortable living near an auto body paint shop. Mr. Quandt replied it would not bother him at all, 90% of the time the wind would blows from the SW

toward the railroad tracks. Mr. Canarecci said they were already combating unpleasant smells in the area; he would hesitate to add more.

Mr. Mammolenti questioned Mr. Jones communication and reliability. He also asked how long the building was vacant. Mr. Quandt said in the past he has had good communication with Mr. Jones. He went on to say the past few weeks Mr. Jones had family emergencies but for the most part he was reliable. Mr. Quandt said the building had been vacant since January of 2016 but it was not completely vacant. Mr. Quandt said he had several opportunities to lease the property for car repair shops; this was the first paint and body shop. Mr. Quandt continued to say he was so impressed with Mr. Jones work; he was clean and did great work. Mr. Mammolenti questioned why Mr. Quandt declined the repair shops. Mr. Quandt said he wanted good tenants.

Mr. Tanner referred to the application requesting for a Beauty Shop. He asked if the property has ever been on the market for sale or lease. Mr. Quandt said Mr. Jones wife runs a Beauty Shop and was looking to relocate. He went to say he had the property marketed for both sale and lease; he was waiting for the right tenant. Mr. Tanner asked what the other space of the building was being used for. Mr. Quandt said they built storage units inside, he rents them out.

Mr. Banicki asked where Mr. Jones was currently working and the potential business hours on weekends. Mr. Quandt said Mr. Jones worked at a shop on Byrkit south of Lippert Components building. He believed Mr. Jones did not work on weekends. Mr. Banicki also questioned the number of employees and was Mr. Jones planning on expanding his employee base. Mr. Quandt said Mr. Jones has not indicated that he would hire more employees; he has one employee he believed was part time.

Mr. Bellovich asked for the address of Mr. Jones current working location. Mr. Quandt believed the address was 428 Byrkit. Mr. Bellovich said he would like to ask Mr. Jones some questions and have an opportunity to look at his operation. Mr. Quandt replied that was fair.

Mr. Mammolenti informed Mr. Quandt they were pushing the limit postponing the resolution for the second time, the council needed to take action 60 days prior to the BZA meeting. Mr. Quandt appreciated the council's patients.

A motion was made by Mrs. Voelker to postpone **RESOLUTION NO. 2018-03** to the next council meeting with a second by Mr. Tanner 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 as well at other projects in the city.

Mrs. Voelker made a motion to suspend council rule to change the next meeting from April 02, 2018 to April 09, 2018 with a second Mr. Banicki motion carried.

Mr. Banicki announced there would be a Land Use Planning Committee Meeting on March 26th at 7:00 P.M. at City Hall regarding Piper Auto Repair 1802 W. Sixth Street.

Mrs. Voelker commended the city workers great job on cleaning the parks. She stated March 24th would be Clean-up in the Parks and were asking for volunteers.

ADJOURNMENT 7:33 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 COMMUNITY DEVELOPMENT

MEMORANDUM

Date: 3-22-2018
To: Common Council
From: Laura Viramontes
RE: Resolution no. 2018-6

Resolution 2018-6 extends the agreement for the St. Joseph County Housing Consortium which is made up by the St. Joseph County, City of South Bend, and City of Mishawaka, with South Bend being the lead entity. The Consortium was formed in 1991 and has been extended several times. The Agreement is similar to those passed every three years for the purpose of receiving and allocating and participating in programs administered by Housing and Urban Development (HUD). The Consortium is made up of 6 members consisting of the Mayors of South Bend, Mishawaka and the President of the St. Joseph County Council and each member appointing a member.

Thank you,
Laura Viramontes
Grant Manager

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 22 2018

CITY CLERK
MISHAWAKA, IN



MAR 22 2018

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2018-06

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA APPROVING AN AGREEMENT EXTENDING THE ST. JOSEPH COUNTY HOUSING CONSORTIUM AND AUTHORIZING THE EXECUTION THEREOF

WHEREAS, On November 28, 1990, the National Affordable Housing Act (NAHA) of 1990, also known as the Cranston-Gonzales Act, became law, to implement its stated goal that every American family be able to afford a decent home; and

WHEREAS, NAHA requires any governmental unit to formulate and submit appropriate plans in order to be eligible to receive funds from several existing federal programs, including Community Development Block Grant (CDBG), the HOME Investment Partnership Program (HOME), Emergency Solutions Grant (ESG), as well as to be eligible to receive funds from new housing assistance programs created by NAHA; and

WHEREAS, NAHA provides for the designation of geographically contiguous units of general local government to participate as consortia in, and thereby be considered a single Unit of general local government, for purposes of HOME; and

WHEREAS, I. C. 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of the others, powers that may be exercised by such units severally; and

WHEREAS, pursuant to the Interlocal Cooperation Act, the Cities of South Bend and Mishawaka, and the County of St. Joseph, being contiguous units of general local government have formed the St. Joseph Housing Consortium, which, by agreement of the member entities, is to terminate on **December 31, 2018**; and

WHEREAS, the Cities of South Bend, Mishawaka, and St. Joseph County are desirous of re-establishing the Consortium for the purposes of receiving an allocation and participating in HOME, and all other housing programs administered by HUD for which they may be eligible, and for the purpose of cooperating to undertake or to assist in the undertaking of housing assistance activities for HOME and other HUD programs, including using a January 1st program year; and

WHEREAS, substantially similar resolutions will be approved by the St. Joseph County Council and the South Bend Common Council.

NOW, THEREFORE, AND PURSUANT TO THE AUTHORITY GRANTED THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA UNDER I.C. 36-1-7, THE INDIANA INTERLOCAL COOPERATION ACT, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AS FOLLOWS:

Section I. THAT The Common Council of the City of Mishawaka, Indiana has considered and hereby approves the extension of and participation in the St. Joseph County Housing Consortium for purposes of the formulation, update, submission and implementation of applicable plans and programs and the implementation of the HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG) and other housing assistance programs funded by the Department of Housing and Urban Development (HUD) under the National Affordable Housing Act of 1990 (NAHA).

Section II. THAT The Common Council of the City of Mishawaka, Indiana hereby authorizes the Mayor to enter into an Agreement extending the St. Joseph County Housing Consortium, in form and substance the same as or similar to that of the Agreement attached hereto.

Section III. THAT The Common Council of the City of South Bend, Indiana hereby confirms its commitment to the goals and the reality of fair housing within the City of South Bend.

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 9th day of April, 2018.

_____/s/
Member, Common Council

ATTEST:

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

PRESENTED by me to the Mayor this 9th day of April, 2018, at _____ o'clock ____ M.

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

APPROVED by me this _____ day of April, 2018.

_____/s/
David Wood, Mayor
City of Mishawaka

**AN AGREEMENT AMONG THE CITIES OF SOUTH BEND, MISHAWAKA, AND THE
COUNTY OF ST. JOSEPH EXTENDING THE ST. JOSEPH COUNTY HOUSING
CONSORTIUM**

THIS INTERLOCAL AGREEMENT (Agreement) is entered into this _____ day of _____, 2018 by and among the City of South Bend, Indiana (South Bend), the City of Mishawaka, Indiana (Mishawaka), and The County of Saint Joseph, Indiana (St. Joseph County).

RECITALS

WHEREAS, on November 28, 1990, the National Affordable Housing Act (NAHA) of 1990, also known as the Cranston-Gonzales Act, became law, to implement its stated goal that every American family be able to afford a decent home; and

WHEREAS, NAHA requires any governmental unit to formulate and submit applicable plans in order to be eligible to receive funds from several existing federal programs, including Community Development Block Grants (CDBG), Emergency Solutions Grant (ESG), and the HOME Investment Partnerships Program (HOME); and

WHEREAS, NAHA provides for the designation of geographically contiguous units of general local government to participate as a consortia in, and thereby be considered a single unit of general local government for the purpose of HOME; and

WHEREAS, South Bend, Mishawaka, and the St. Joseph County (collectively, "Consortium Members"), being contiguous units of general local government, first formed a consortium on _____, 1991, with continual renewals every three years, for the purposes of formulating and submitting required plans for the purpose of receiving an allocation and participating in the HOME, CDBG, ESG, and all other housing programs administered by the Department of Housing and Urban Development (HUD) for which they may be eligible, and for the purpose of cooperating to undertake or to assist in the undertaking of housing assistance activities for HOME and other HUD programs, which consortium expires by its terms unless it is extended prior to December 31, 2018; and

WHEREAS, HUD's Notice CPD-06-04 and 24 CFR Parts 91 and 92 set forth requirements for a consortium agreement, and the intent of this Agreement is to comply with the Notice and CFR Parts 91 and 92.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, and pursuant to the authority granted the parties under I.C. 36-1-7, the Indiana Interlocal Cooperation Act, the Consortium Members AGREE as follows:

1. Preamble

Program Activity. Consortium Members agree to cooperate to undertake or to assist in undertaking housing assistance activities for the HOME Program.

Fair Housing. Consortium Members confirm their commitment to cooperate and further the goal of decent, safe, sanitary and affordable housing for every American, as set forth under NAHA, by taking affirmative steps to strengthen partnerships between public and private institutions, and to undertake such activities in conformance with fair housing policies.

Program Year. Consortium Members agree to a program year start date of January 1.

2. Consortium

Term. This Agreement shall specify the three year qualification period of the Consortium to be 2019, 2020, and 2021. This Agreement shall terminate at the later of the following dates: December 31, 2021 or the date on which all activities funded under NAHA during the federal fiscal years 2019, 2020, and 2021 have been carried out.

Prior to the termination of this Agreement the Consortium may elect to extend the term of this Agreement, by the adoption of substantially similar resolutions of each of the governing bodies of each consortium member, approving the extension of the Consortium and the amendment of this Agreement, and authorizing the chief elected official of each member to execute the amendments to this Agreement.

During the duration of this Agreement, no Consortium member may take any action to withdraw from the Agreement while it is in effect; terminate the Consortium, this Agreement, or the membership of that or another member in the Consortium.

Amendment. Changes and amendments to this Agreement shall be made only upon the affirmative vote of two-thirds of the Consortium membership voting upon a motion to change or amend at a meeting of the Consortium.

Limitations. No Consortium Member may obstruct implementation of the Consortium's approved Consolidated Plan.

Representative Appointment. South Bend, Mishawaka, and St. Joseph County hereby designate South Bend as the Consortium's Lead Entity and authorize South Bend to act in a representative capacity, as Lead Entity for the Consortium, for purposes of HOME, and to exercise through its Department of Community Investment the activities of a Lead Entity.

Representative Responsibilities. South Bend, as representative member of the parties to this Agreement, and acting through its Department of Community Investment shall:

- (a) Assume overall responsibility for ensuring that the Consortium's HOME program is carried out in compliance with the requirements of the HOME Program.
- (b) Assume overall responsibility for the formulation, update, and timely submission of any required plans, including, but not limited to a Consolidated Plan as identified by HUD's Notice CPD-060-04 and approved of by the Consortium; overall responsibility for formulating and updating a community profile (including a needs assessment and assessment of the Consortium's housing market and inventory) and the formulating and updating of a five (5) year strategy (including a plan that addresses geographic and program priorities) and addresses the issues of homelessness and other fair housing issues.
- (c) Assume overall responsibility for implementing required plans within the Consortium.
- (d) Assume overall responsibility for administration and management of all housing activities funded through HOME and other NAHA programs, within the Consortium, including but not limited to, application processing, applicant capacity review, property and market reviews, recommendations for funding, contract processing, and monitoring.
- (e) Assume the overall responsibility to monitor and assure compliance with all HOME requirements during project implementation and the affordability period, including the right to enforce provisions of this Agreement and, to the reallocation of funds from activities for non-performance or non-compliance.

Allocation of Project Funds. The initial funding of an activity, as well as any program income derived from that activity, shall be allocated on a project based method.

Allocation of Administrative Funds. Administrative funds to compensate the Lead Entity South Bend Department of Community Investment for the services to the Consortium members will be determined on an annual basis.

Consortium Membership: Membership of the Consortium shall be composed of the following:

- (a) The Mayor of South Bend or designee;

- (b) A member appointed by the Mayor of South Bend;
- (c) The Mayor of Mishawaka or designee;
- (d) A member appointed by the Mayor of Mishawaka;
- (e) President of the Board of County Commissioners of St. Joseph County or designee;
- (f) A member appointed by the President of the Board of County Commissioners of St. Joseph County

Each chief elected official member of the Consortium who elects to be represented by a designated alternate, shall, upon designating that alternate, so advise the Lead Entity, South Bend.

Consortium Communications. The Consortium shall meet from time to time, as necessary to carry out its responsibilities and purposes hereunder, and shall publish notice of its meetings and conduct its meetings in accordance with the provisions of I.C. 5-14-1.5.

Quorum and Majority. A simple majority of the Consortium membership shall constitute a quorum at any meeting of the Consortium. The act of the majority of the members present and voting at a meeting at which a quorum is present shall be the act of the Consortium.

Consortium Administration and Duties. To the extent not inconsistent herewith or restricted hereby, and to the extent not inconsistent with nor restricted by federal, state or local law, the Consortium may authorize any officer or officers, agent or agents, including employees of the Lead Entity, the City of South Bend Department of Community Investment, to enter into any contract or execute and deliver any instrument in the name of or on behalf of the Consortium, and such authority may be general or confined to specific instances. Further the Consortium shall:

- (a) Conduct its business and affairs for the benefit of the Consortium Members.
- (b) Provide policy direction to the Lead Entity, in its exercise of its obligations here under.
- (c) Review and approve the applications made to HUD for funding for other housing programs funded under NAHA to be implemented by the Consortium.

- (d) Enter into, make and perform contracts directly with private corporations, partnerships, associations, or foundations public and private, the United States of America, the State of Indiana, or any political subdivision or agency in order to implement and further the purposes of this Agreement.
- (e) Accept grants and gifts from Consortium members, the United States of America, the State of Indiana, other units of general government, and from any unit, private corporation, partnership, association or individual provided, however, that no gift or grant may be accepted from any individual receiving services or from any member of the professional or clerical staff of the South Bend Department of Community Investment. Further, any grant or gift received by the Consortium shall be transferred for deposit in the St. Joseph County Housing Consortium Checking Account.
- (f) In general, exercise all powers which now or hereafter may be conferred by law upon the Consortium for purposes of carrying out the purposes of this Agreement.

3. Fiscal Responsibility

Financial and fiscal responsibility for all funds received and administered in connection with this Agreement, shall, on a day-to-day basis, be vested in the Lead Entity the City of South Bend Department of Community Investment and/or the City of South Bend's Controller. The Department of Community Investment and/or the South Bend Controller shall be responsible for the receipt, disbursement, and accounting of all Consortium funds.

4. Expansion of Consortium.

During the term of this Agreement, any other unit of general local government contiguous to South Bend, Mishawaka, and/or St. Joseph County, may petition the Housing Consortium to join, and thereby expand the Consortium. Such petition shall be signed by the Chief elected Official of the petitioning governmental unit and shall demonstrate the interest, desire, and commitment of that governmental unit to participate in and further, affirmatively, the purposes of the Consortium. The Consortium shall consider and vote on such petition at a regular or special Consortium meeting. Upon the unanimous vote of the current Consortium membership approving such a petition, the Consortium shall direct the petitioning governmental unit to seek the adoption of a resolution by its governing body, resolving to join the Consortium and authorizing the Chief elected Official of the petitioning governmental unit to execute and join the Agreement.

The membership of the Consortium shall be expanded automatically, from time to time, by the addition of additional contiguous units of general local government,

as they are accepted for membership upon petition and resolution as provided herein; provided, however, that the expansion of Consortium membership shall have no effect upon the designation of South Bend herein as representative member of the Consortium, nor shall such expansion have any effect upon the composition, number, operations, and authority of the Consortium, as set forth herein.

5. Existing Programs

Some Consortium members' existing programs may need to be modified if the programs are to be carried out with HOME funds; however, the Consortium's activities do not impact CDBG funded programs.

6. Recitals and Headings

The headings in this Agreement are for convenience and reference only and will not be considered in the interpretations of this Agreement. The recitals are an integral part of the Agreement and are incorporated by reference.

7. Authorizing Resolution

Each Consortium Member previously adopted a resolution resolving to approve this Agreement, and authorizing the execution of this Agreement by the chief elected official of the respective local unit of general government. True and accurate copies of each Consortium Member's resolutions are incorporated by reference and attached hereto as Exhibit 1.

It is desirable and advantageous, and in the public interest to enter into an Agreement for joint and cooperative action, as embodied in this Agreement.

NOW, THEREFORE, the elected officials of each of the previously mentioned local units of government approve this Agreement, and as authorized representatives of their unit of government pledges cooperation and enter into such Agreement as previously authorized and directed.

FOR ST. JOSEPH COUNTY:

DATE

Andrew Kostielney, President
Board of Commissioners for St. Joseph County

FOR THE CITY OF MISHAWAKA:

DATE

David A. Wood, Mayor
City of Mishawaka, Indiana

FOR THE CITY OF SOUTH BEND:

DATE

Pete Buttigieg, Mayor
City of South Bend, Indiana



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

March 27, 2018

Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 28 2018

CITY CLERK
MISHAWAKA, IN

Mr. President and Honorable Members of the Council:

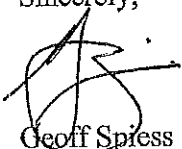
I respectfully request your approval of the attached proposed resolution, approving the designation of certain areas in Mishawaka as redevelopment project areas. The ultimate purpose of this designation is to establish an expanded Municipal Riverfront Development Project ("MRDP"), more commonly referred to as a Riverfront District.

In order for an MRDP to be established, the area(s) must first have been designated one of four economic development areas under Indiana Code Title 36, Article 7, one of which is a redevelopment project area (IC 36-7-14-15). Designation as a redevelopment project area first requires designation by the Redevelopment Commission, which was accomplished by the Commission's Resolution No. 2018-02 (attached), adopted and approved on February 26, 2018. The next requirement is submission to the Plan Commission for approval. Such approval was granted by the Mishawaka Plan Commission on March 13, 2018 by its Resolution 2018-01 (also attached). Once approved by the Plan Commission, approval by the Common Council is required. Should you approve the resolution, the final step in designating the redevelopment project area is a public remonstrance hearing, conducted by the Redevelopment Commission, before final designation by the Commission.

Upon final designation of the redevelopment project area by the Redevelopment Commission, the administration plans to submit a proposed resolution to the Council to approve the newly-designated redevelopment project area as an MRDP. I plan to be present at the April 9, 2018 meeting to answer any legal questions, and a member of the City's Planning Department will be available that night, as well.

Thank you in advance for your consideration.

Sincerely,



Geoff Spiess

Geoffrey D. Spiess
Corporation Counsel
600 East Third Street
Mishawaka, Indiana 46544
(574) 258-1702
fax: (574) 254-0197

John J. Roggeman
City Attorney
600 East Third Street
Mishawaka, Indiana 46544
(574) 258-1637
fax: (574) 254-0197

David V. Bent
Deputy City Attorney
320 West Fourth Street
Mishawaka, Indiana 46544
(574) 255-3680
fax: (574) 255-3969

Robert C. Beutter
Deputy City Attorney
4100 Edison Lakes Parkway
Mishawaka, Indiana 46545
(574) 243-4100
fax: (574) 232-9789

MAR 28 2018

PROPOSED RESOLUTION NO. 2018-07

RESOLUTION NO. _____

**CITY CLERK
MISHAWAKA, IN**

**A RESOLUTION OF THE CITY OF MISHAWAKA COMMON COUNCIL
APPROVING THE DESIGNATION OF CERTAIN AREAS AS
REDEVELOPMENT PROJECT AREAS FOR ESTABLISHMENT AS A
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT**

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 Redevelopment Project 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 Commission, at its regularly scheduled meeting of February 26, 2018, designated the Areas as a Redevelopment Project Area; and

WHEREAS, the City of Mishawaka Plan Commission, at its regularly scheduled meeting of March 13, 2018 approved the designation of the Areas as a Redevelopment Project Area;

NOW THEREFORE, BE IT RESOLVED by the City of Mishawaka Common Council that the proposal is consistent with the approved comprehensive plans of the City, and that it concurs with the Redevelopment and Plan Commissions 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 has found and determined 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 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 Common Council.

PASSED by the Common Council of the City of Mishawaka, Indiana, this 9th day of April, 2018, at ____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of April, 2018, at ____ o'clock ____M.

David A. Wood, Mayor

EXHIBIT A

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

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

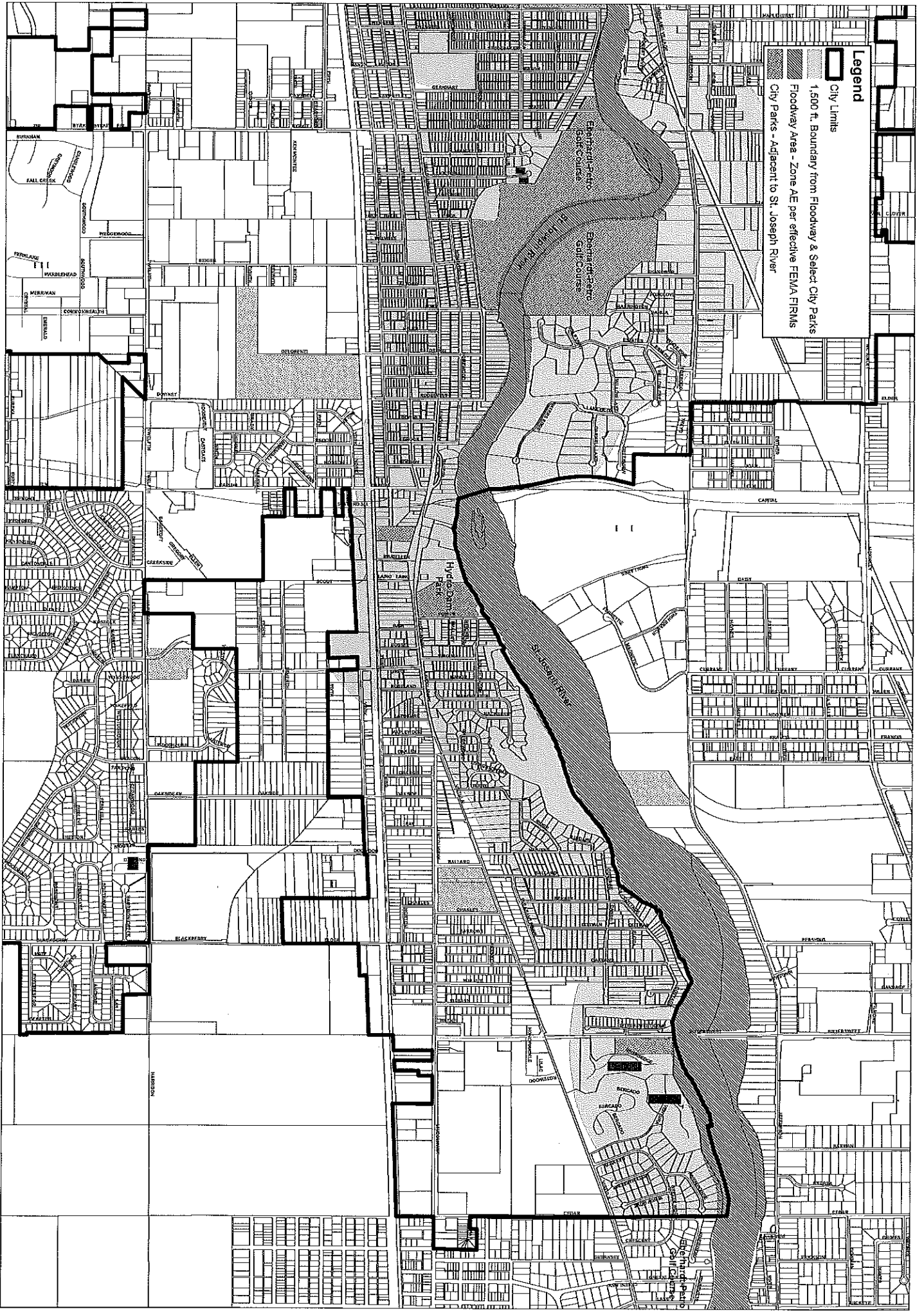
CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
MAP: JUDAY CREEK

EXHIBIT E

CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
LEGAL DESCRIPTION

Legend

-  City Limits
-  1,500 ft. Boundary from Floodway & Select City Parks
-  Floodway Area - Zone AE per effective FEMA FIRMs
-  City Parks - Adjacent to St. Joseph River

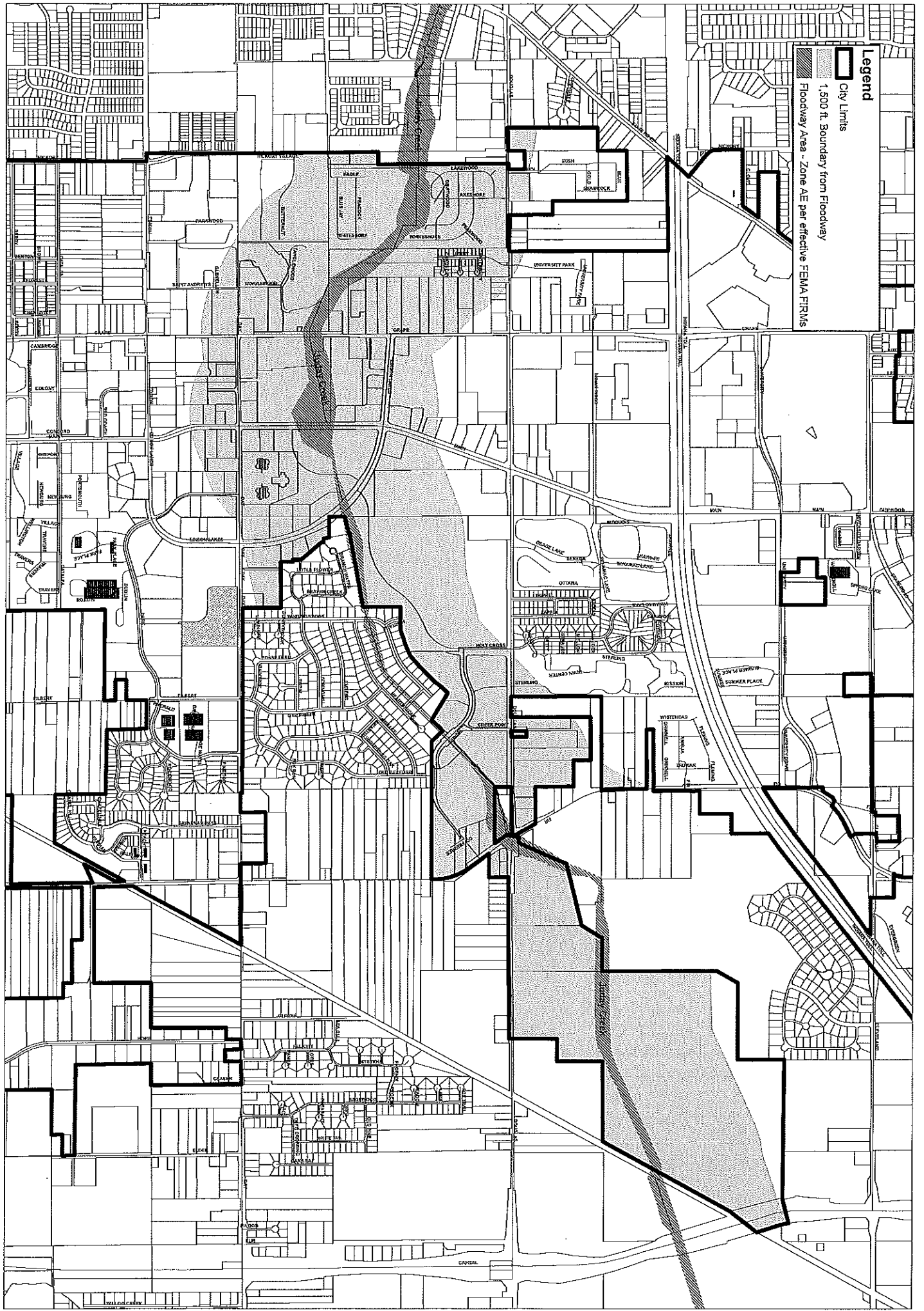


**CITY OF MISHAWAKA - MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
EAST PORTION ALONG THE ST. JOSEPH RIVER**



Legend

- City Limits
- 1,500 ft. Boundary from Floodway
- Floodway Area - Zone AE per effective FEMA FIRMs



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.

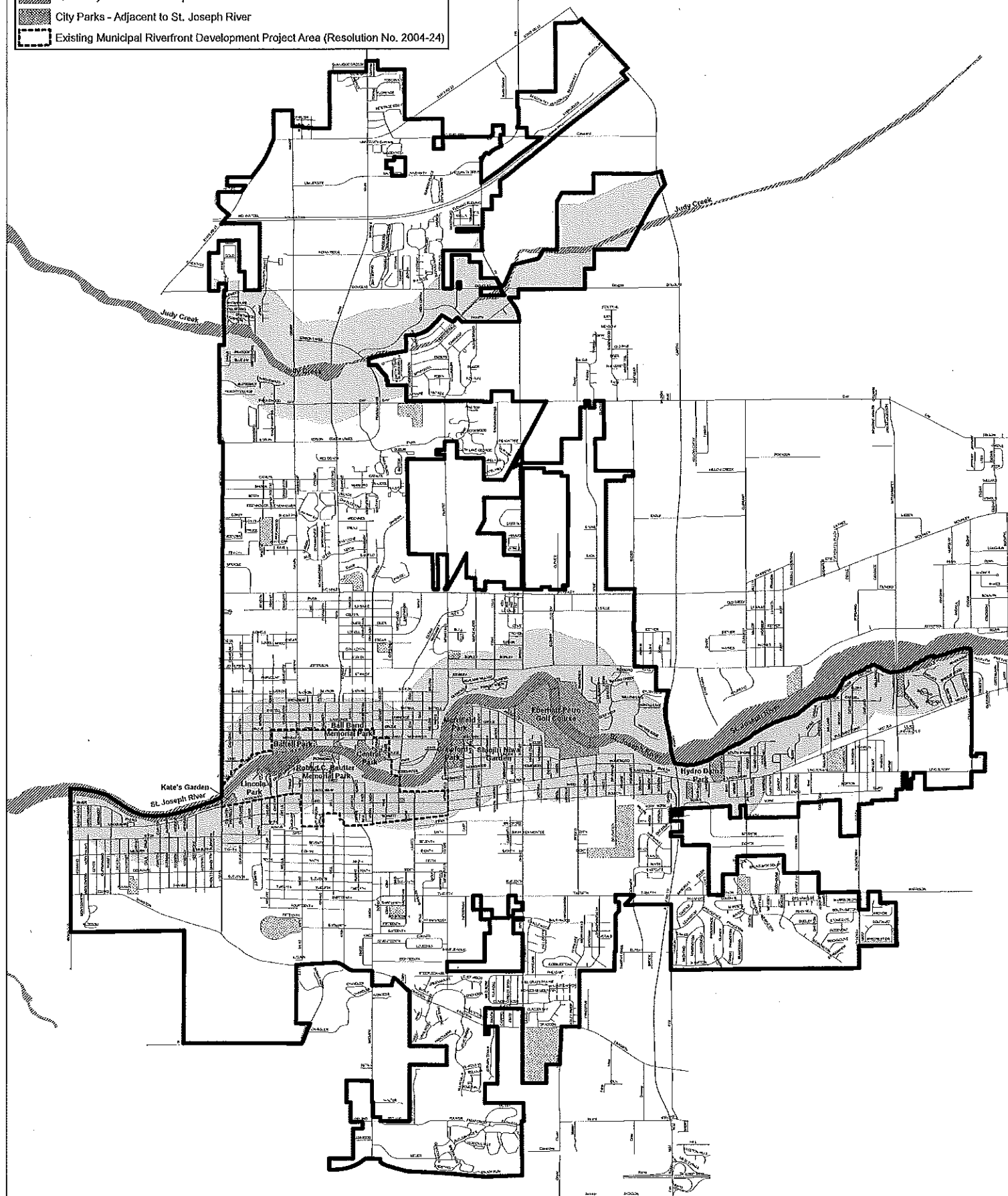
NORTH OF JUDAY CREEK

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.

Legend

- City Limits
- 1,500 ft. Boundary from Floodway & Select 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)



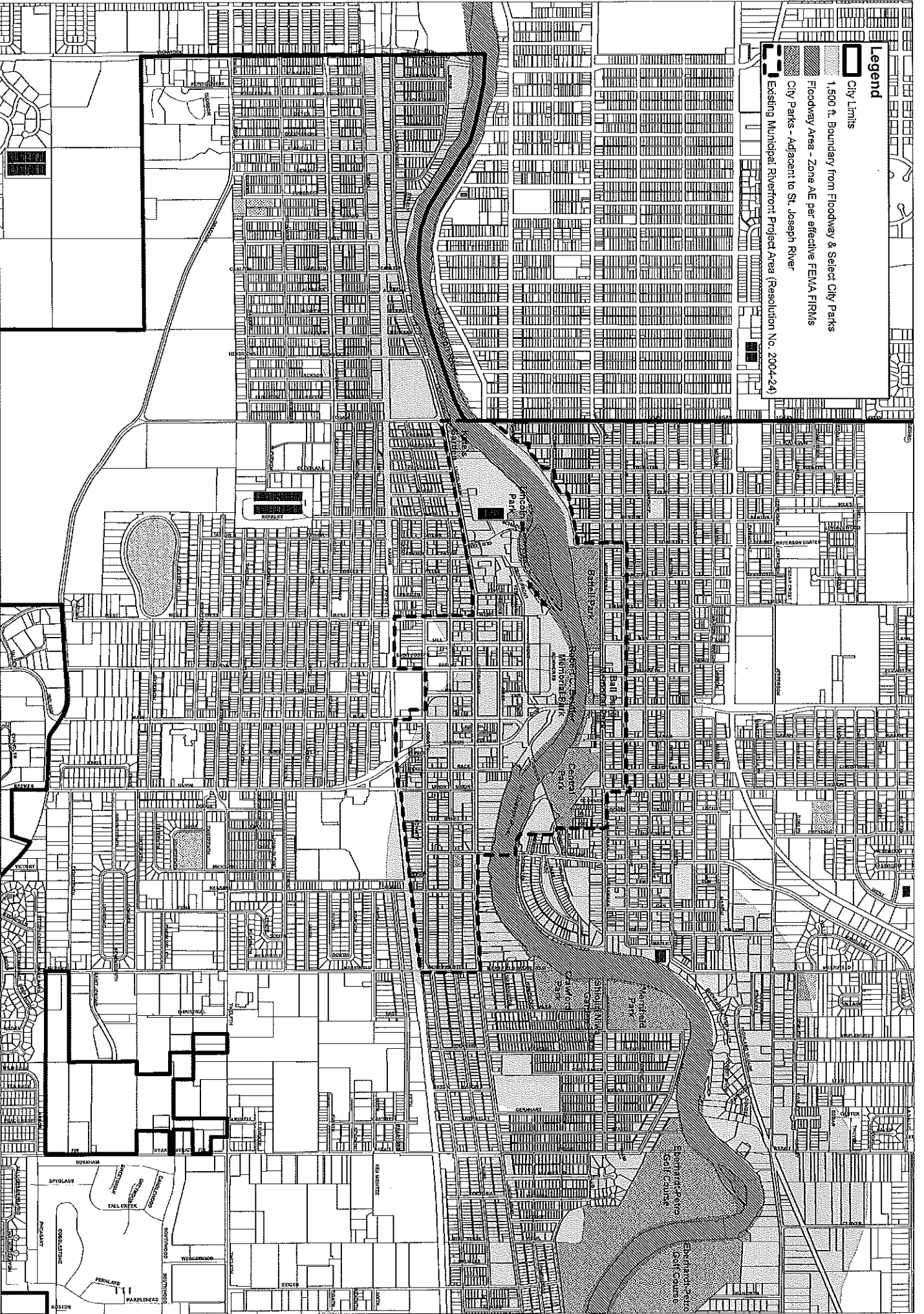
CITY OF MISHAWAKA - MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA

PREPARED BY: DEPARTMENT OF CITY PLANNING
DATE: AUGUST 16, 2017 (REVISED 12/14/17)



Legend

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



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

PREPARED BY DEPARTMENT OF CITY PLANNING
DATE: AUGUST 15, 2017 (REVISED 7/18/17)



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 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:

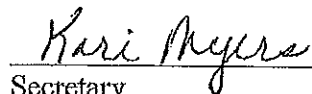
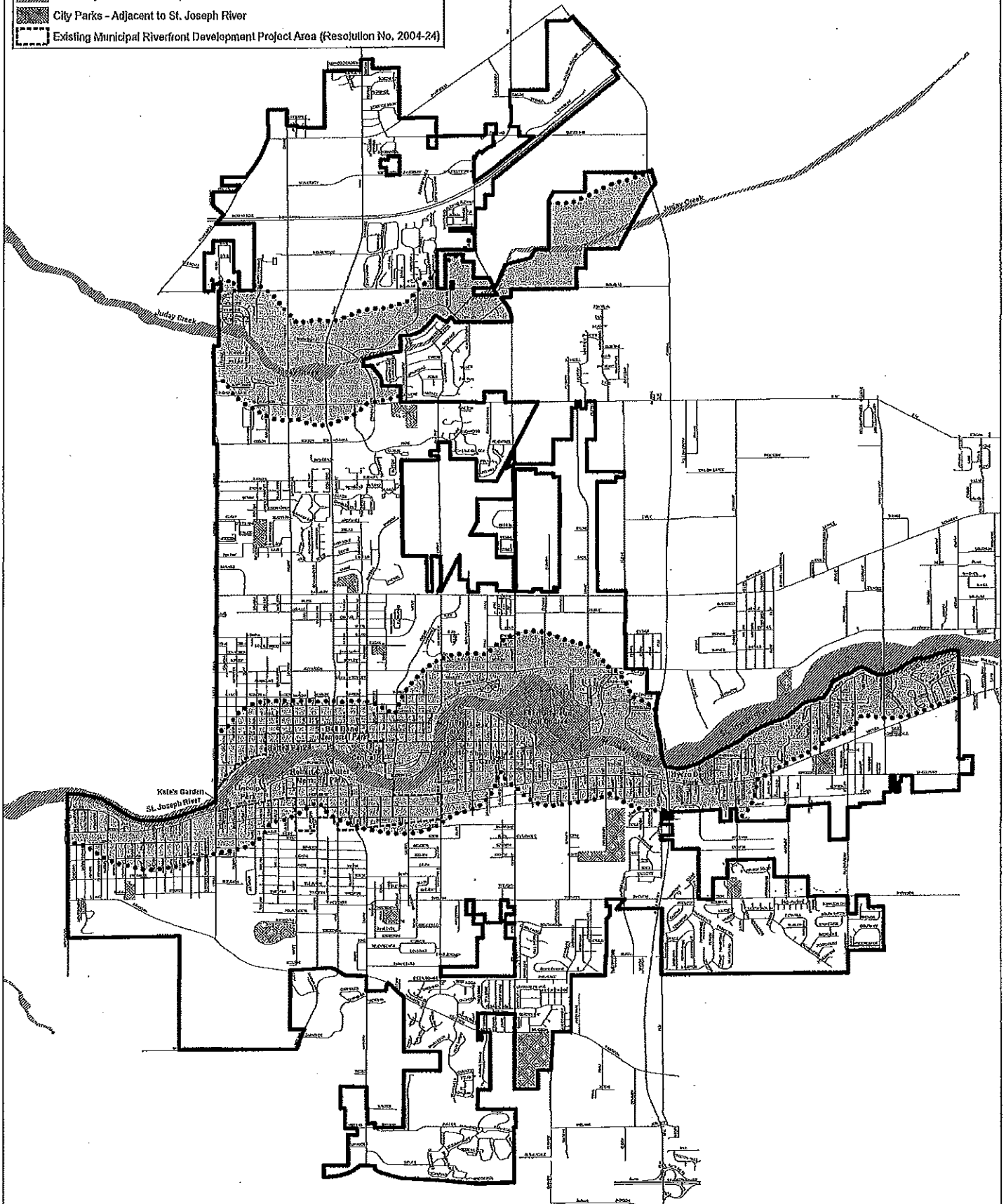

Secretary

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)



CITY OF MISHAWAKA - MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA EXHIBIT A - ST. JOSEPH RIVER & JUDAY CREEK

PREPARED BY DEPARTMENT OF CITY PLANNING
DATE: AUGUST 15, 2017 (REVISED 2/2019)



EXHIBIT B

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

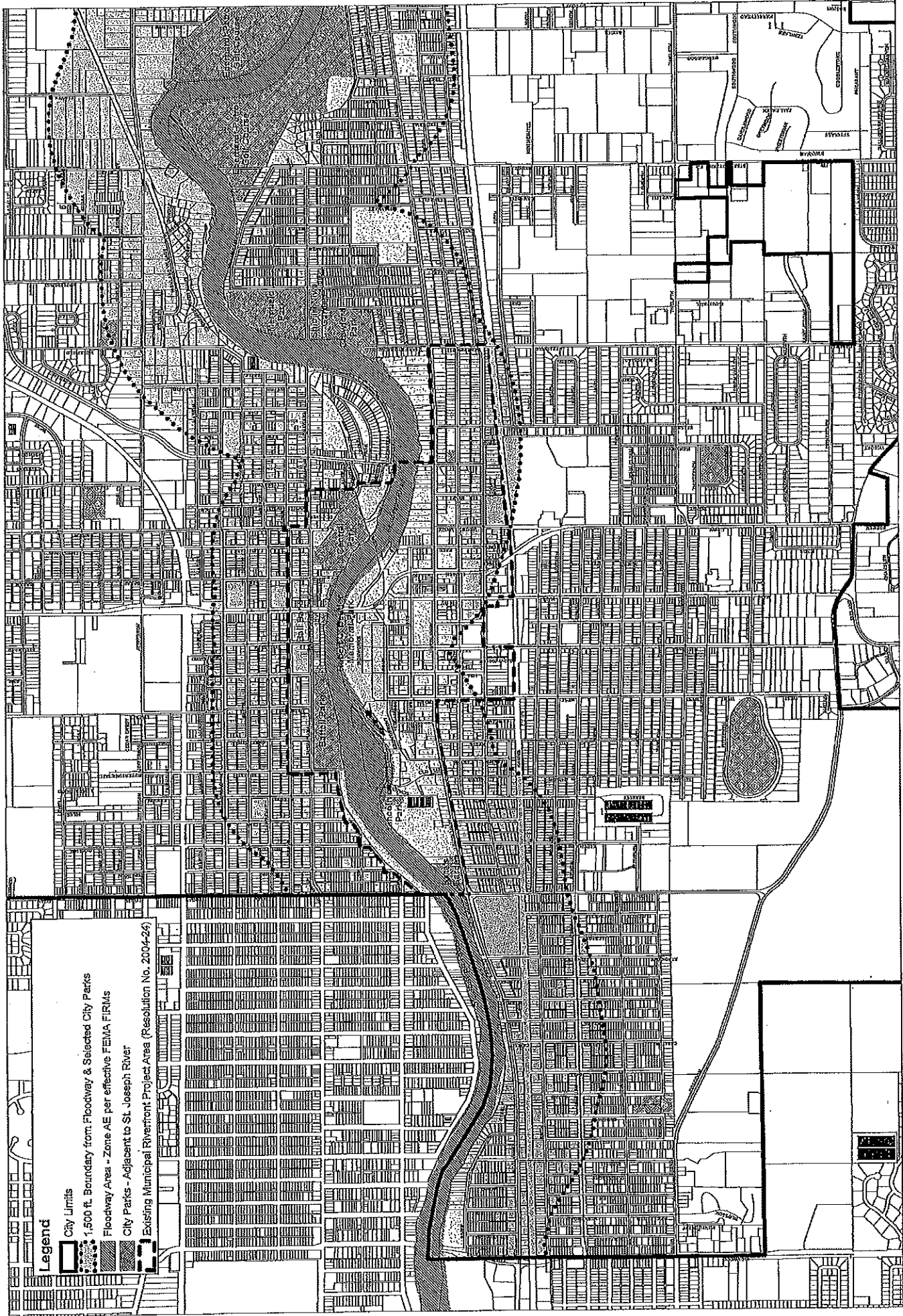
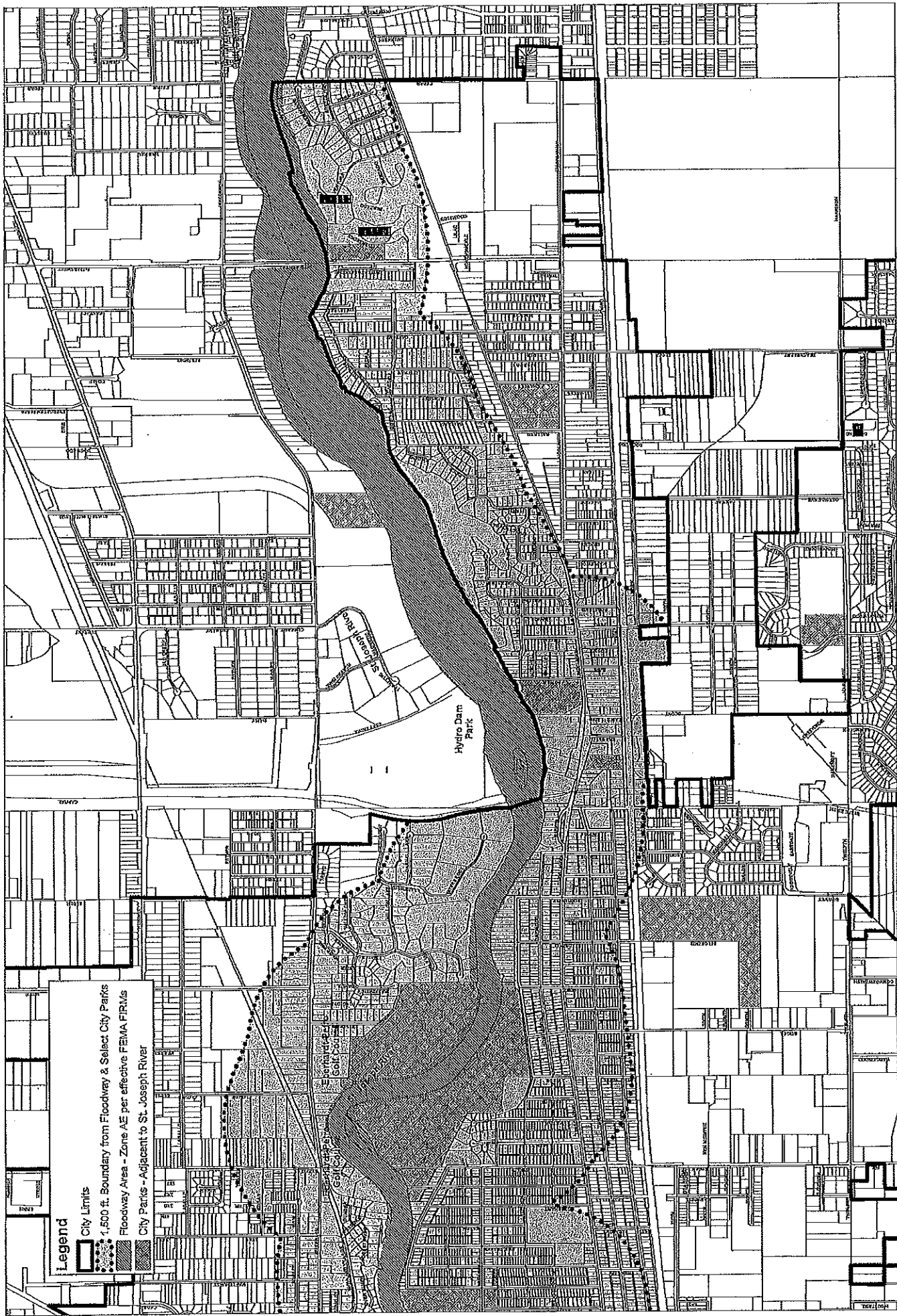


EXHIBIT C

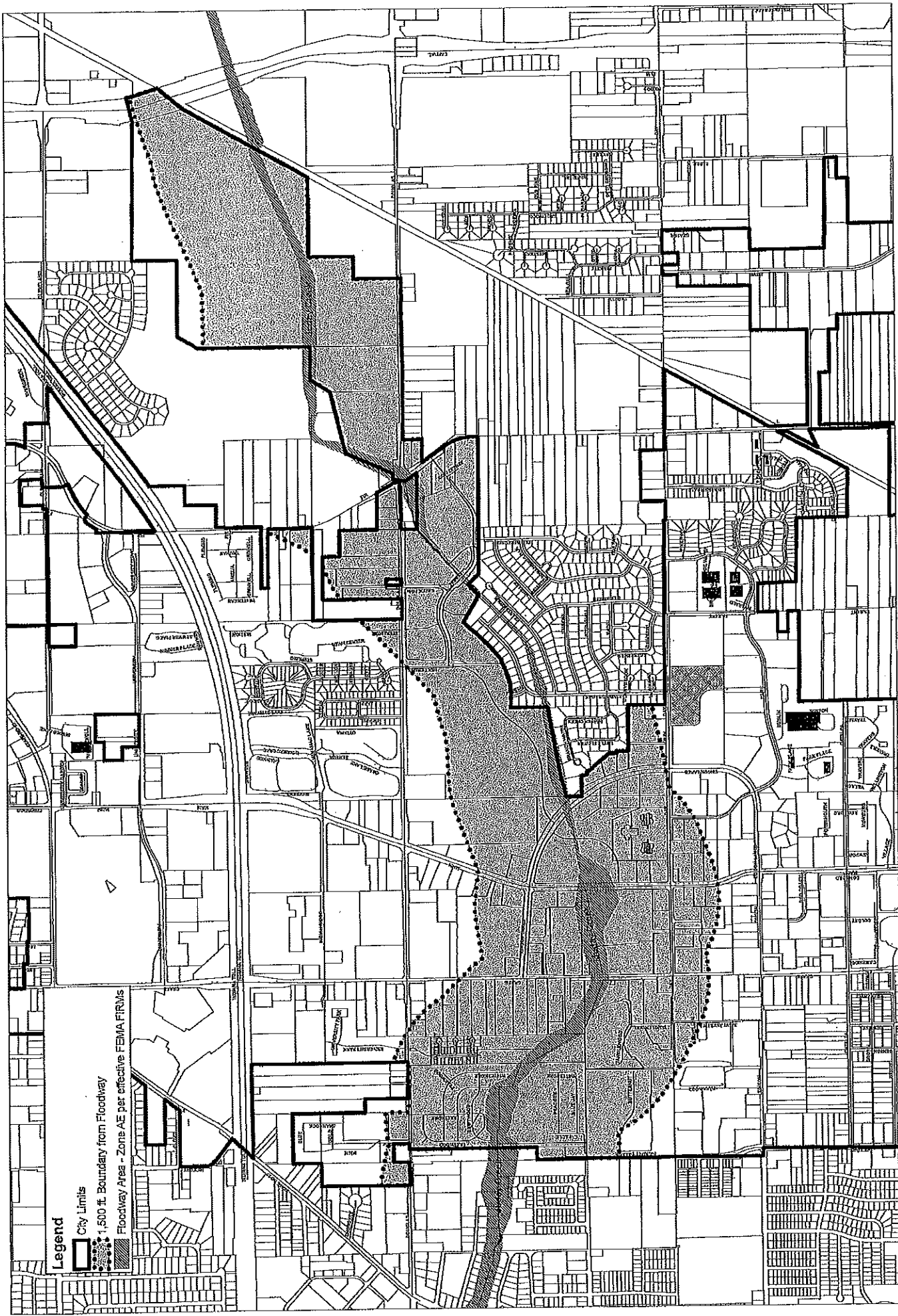
CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
MAP: EAST PORTION ALONG THE ST. JOSEPH RIVER



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

EXHIBIT D

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



Legend

- City Limits
- 1,500 ft. Boundary from Floodway
- Floodway Area - Zone AE per effective FEMA FIRMs

CITY OF MISHAWAKA - MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
EXHIBIT D - JUDAY CREEK

PREPARED BY: DEPARTMENT OF CITY PLANNING
DATE: NOVEMBER 28, 2017 (REVISED 2/20/2018)

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;

Proposed Ordinance No. 18-05

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;

Proposed Ordinance No. 18-05

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;

Proposed Ordinance No. 18-05

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

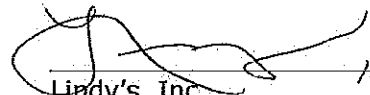
**RE: Petition for Annexation and Zoning Classification
Letter of Support**

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;

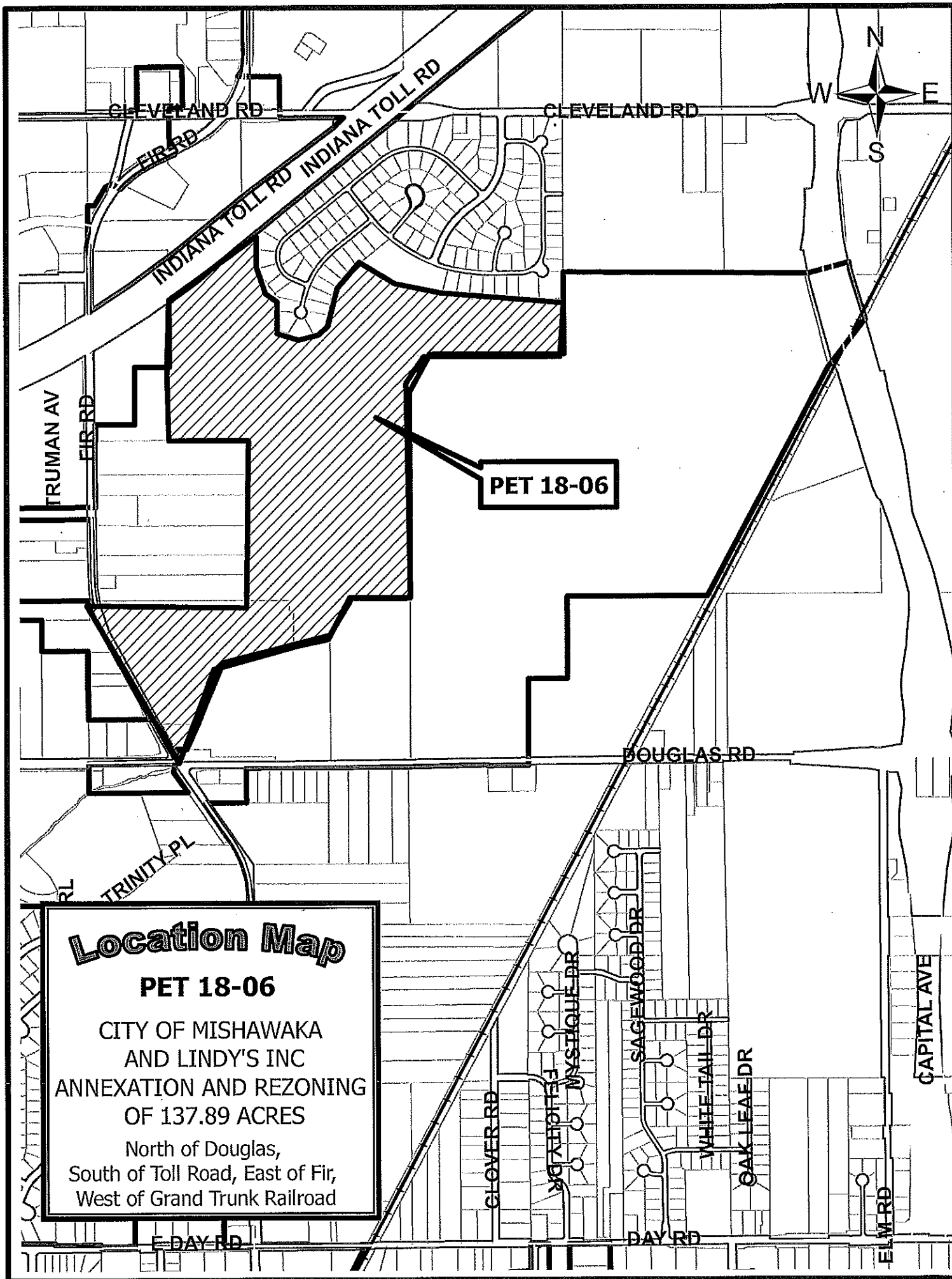
thence continuing South 89 degrees 48 minutes 25 seconds East 1246.33 feet (1246.20 feet by plat and Instrument #8617056) along the south line of said Brittany Minor Subdivision to the west line of the West Half of said Section 26;

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

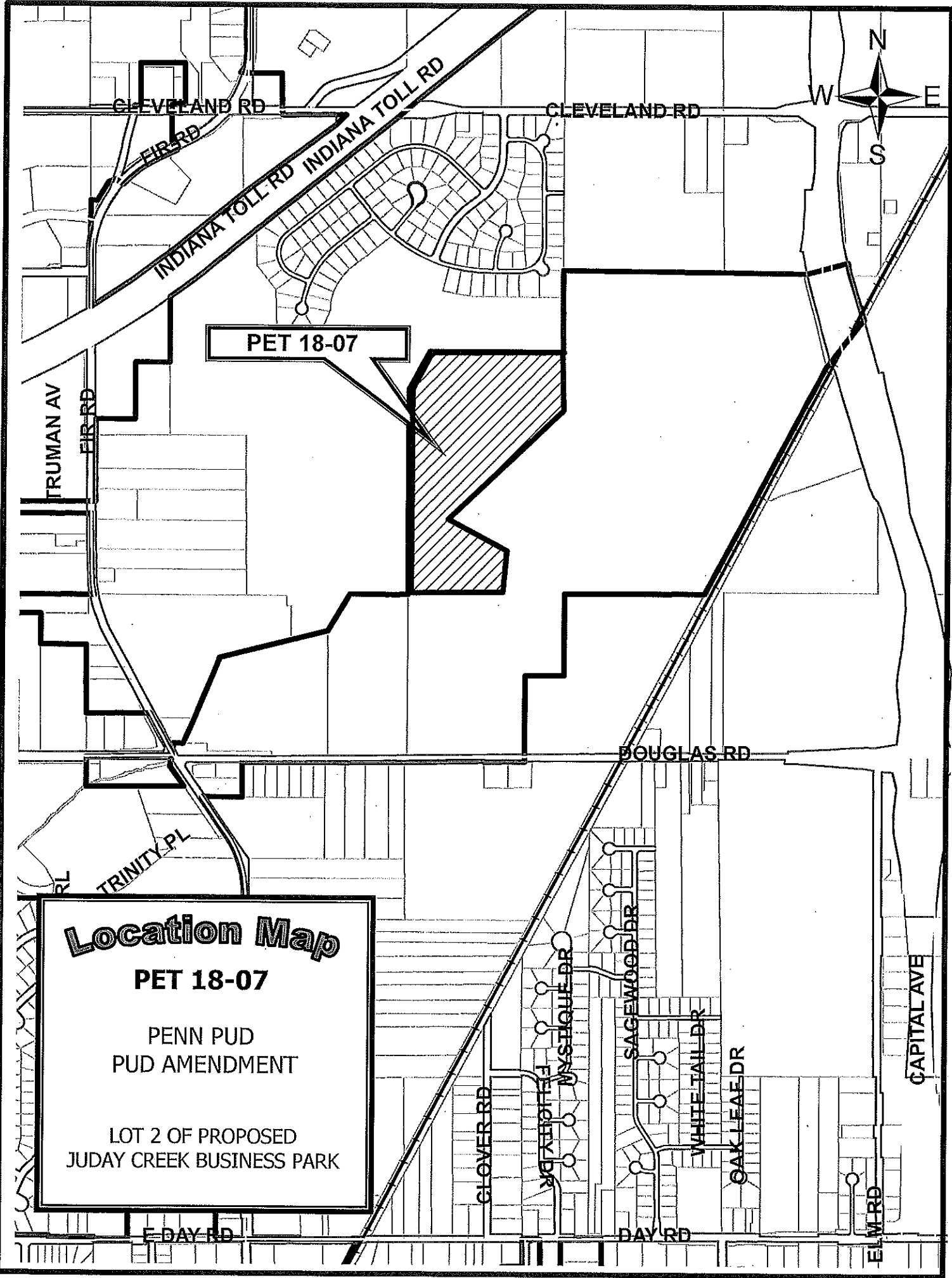
A part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 38 North, Range 3 East, City of Mishawaka, Harris Township, St. Joseph County Indiana, and being that part of the grantor's land described in Instrument Numbers 0644091 and 0647623, as recorded in the Office of the Recorder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

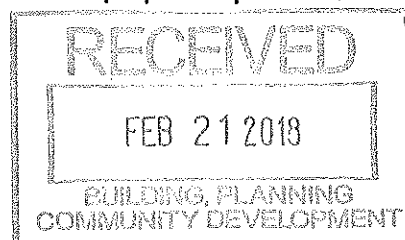
Commencing at a Progressive cap pin at the Southwest corner of the Southeast Quarter of said Section 7, also being the Northwest corner of the Northeast Quarter of said Section 18; thence North 89°35'54" East, (basis of bearings established by INDOT VRS Base, using Indiana East NAD83 coordinate system), 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. & T.O.

Mervin D Lung Revocable Trust

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

CONCEPT SUMMARY

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

UPDATED LAYOUT

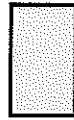
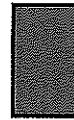
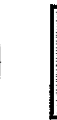
Building Type 1: 11 buildings = 77 units
 Building Type 2: 6 buildings = 48 units
 Building Type 3: 10 buildings = 80 units

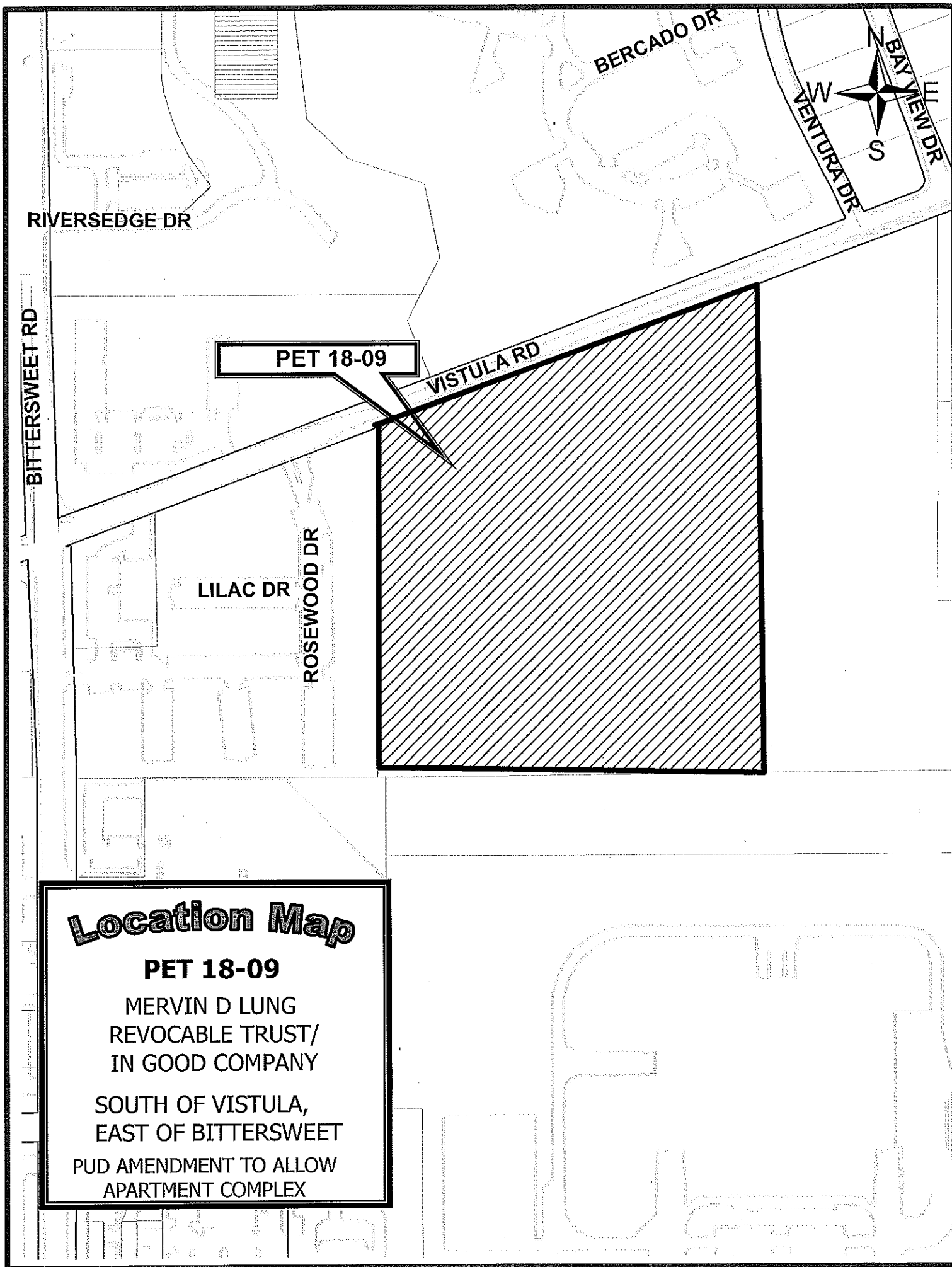
Total # of Buildings: 27
Total # of Units: 205

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

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

LEGEND

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



Location Map

PET 18-09

MERVIN D LUNG
REVOCABLE TRUST/
IN GOOD COMPANY

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

FEB 15 2018

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.

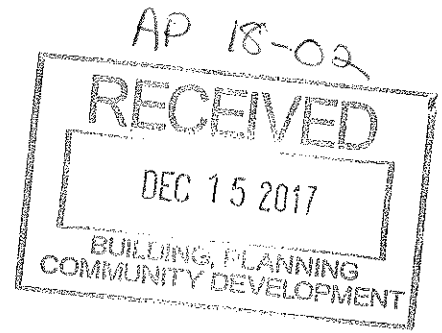
David A. Wood, Mayor

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.

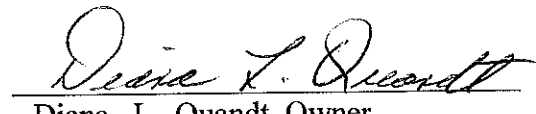
F. With the change of a usage variance, the property and the entity would not create a problem or be injurious to the public health of the community. It would not affect the safety of the public under the amended usage or the morals of the community. It would be adding a service to the people of the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

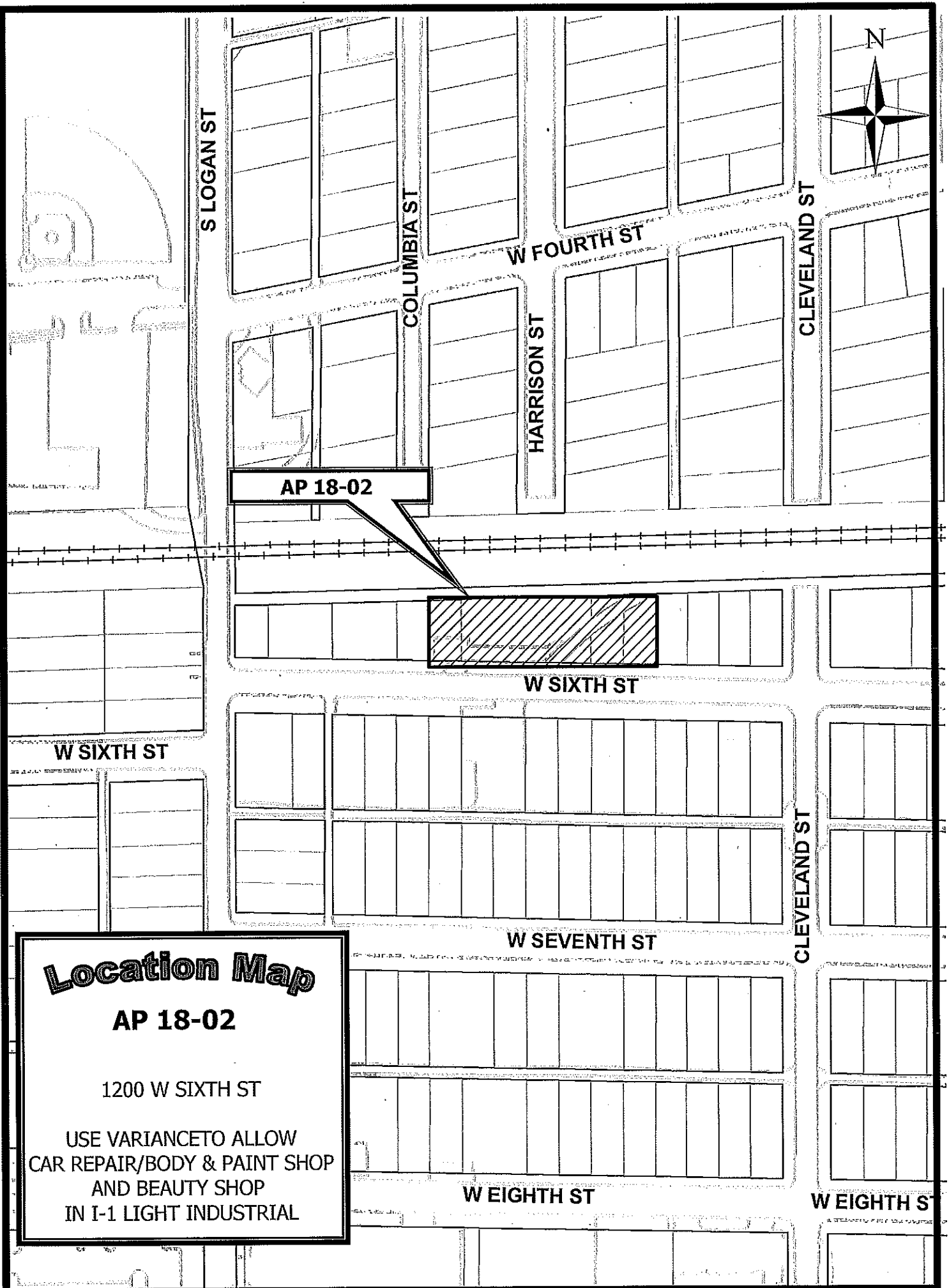
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


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



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

FEB 15 2018

APPEAL #18-07

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2018-04

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

1802 West Sixth Street, Mishawaka, Indiana

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 no 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 **1802 West Sixth Street, Mishawaka, Indiana**, more particularly
known and described as follows:

Lot Numbers 65-70, Milburn Place, and 60' vacated Reddick Street, City of
Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance, if approved, will permit the expansion of automotive body
repair/maintenance business to the lot to the east subject to the following conditions:

1. Use Variance shall be limited to automotive body repair and automotive maintenance
is limited to indoors. No outside storage of materials and/or vehicle parts will be
permitted. Salvage of parts and storage of non-repairable vehicles are prohibited.
Disabled cars may be held on a temporary basis to resolve insurance related claims
within the designated long term storage area. No parts or other outside storage is
permitted within this area.
2. Exterior lighting shall be provided within the gated parking area. If lighting is not a
cut-off type fixture, direct lighting away from residential properties.
3. All employees shall park within the fenced area on the property when possible, and
not on adjacent streets. When employees do park on adjacent streets, the owner
shall coordinate with adjacent residents and make accommodations to move vehicles

as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up, shall not be stored in the street where they are located there overnight.

4. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. Sidewalks shall not be blocked by parked unoccupied vehicles.
5. Overnight parking in the fenced lot adjacent and visible to the street shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles. Within this parking area, a minimum of five parking spaces shall be reserved for continually rotating customers.
6. Hours of operation for repair work that creates noise that can be heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
7. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments.
8. Temporary signage, other than directional signs, is prohibited. Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.
9. A long term storage area shall be created on the east side of the building between the current parking area and the alley. This area shall be completed by July 1, 2018. Long term storage is meant for the storage of cars with pending insurance litigation issues or other related issues that require them to be stored for weeks or months. Parking in this area should not exceed 18 months for any one individual vehicle. This area shall be fenced with an opaque fence that is 8' high. The surface of the area may be gravel or hard paved. Hard paving or other improvements shall be accomplished as necessary to prevent the migration of gravel on West 6th Street. At a minimum, one dry well shall be provided for this area. Surface drainage from this area shall be directed toward the drywell and away from neighboring property.
10. The future short term storage area, if constructed, shall be paved and shall be required to meet all C-1 general commercial standards, including but not limited to, landscaping and drainage.

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 expansion will have no additional impact on the surrounding commercial and residential uses that currently exist. The proposed use is consistent with the existing industrial properties within the area;
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 of the mixed commercial/industrial/residential nature of the area along the railroad tracks. The revised conditions will also ensure that the business will not negatively affect the residential neighborhood to the south and north;
3. The need for a variance arises from the nature of the area, where property owners are very protective of the intensive zonings of their properties. Previous resolutions allow the existing automobile use. The expansion will alleviate some of the on-street parking and storage problems currently affecting the business while still protecting the industrial zoning for future use and also protecting the neighboring residential users;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the previously approved Resolutions do not include Lot 65, therefore denying the use of that lot for the automobile/commercial use; and
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies the site as Industrial surrounding areas as 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

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

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at
_____ o'clock _____ .m.

David A. Wood, Mayor

DATE: January 8, 2018

JAN 8 1 2018

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

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

AP 18-07

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

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

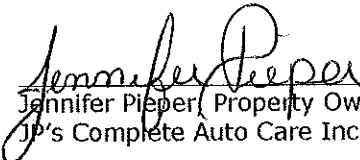
The Zoning Ordinance of the City of Mishawaka requires no automotive uses in I-1 Light Industrial District. The existing automotive use was permitted under a previous use variance.

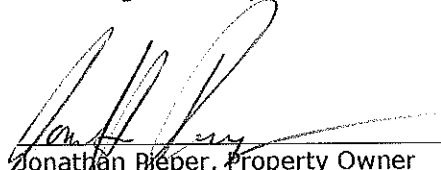
Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

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

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

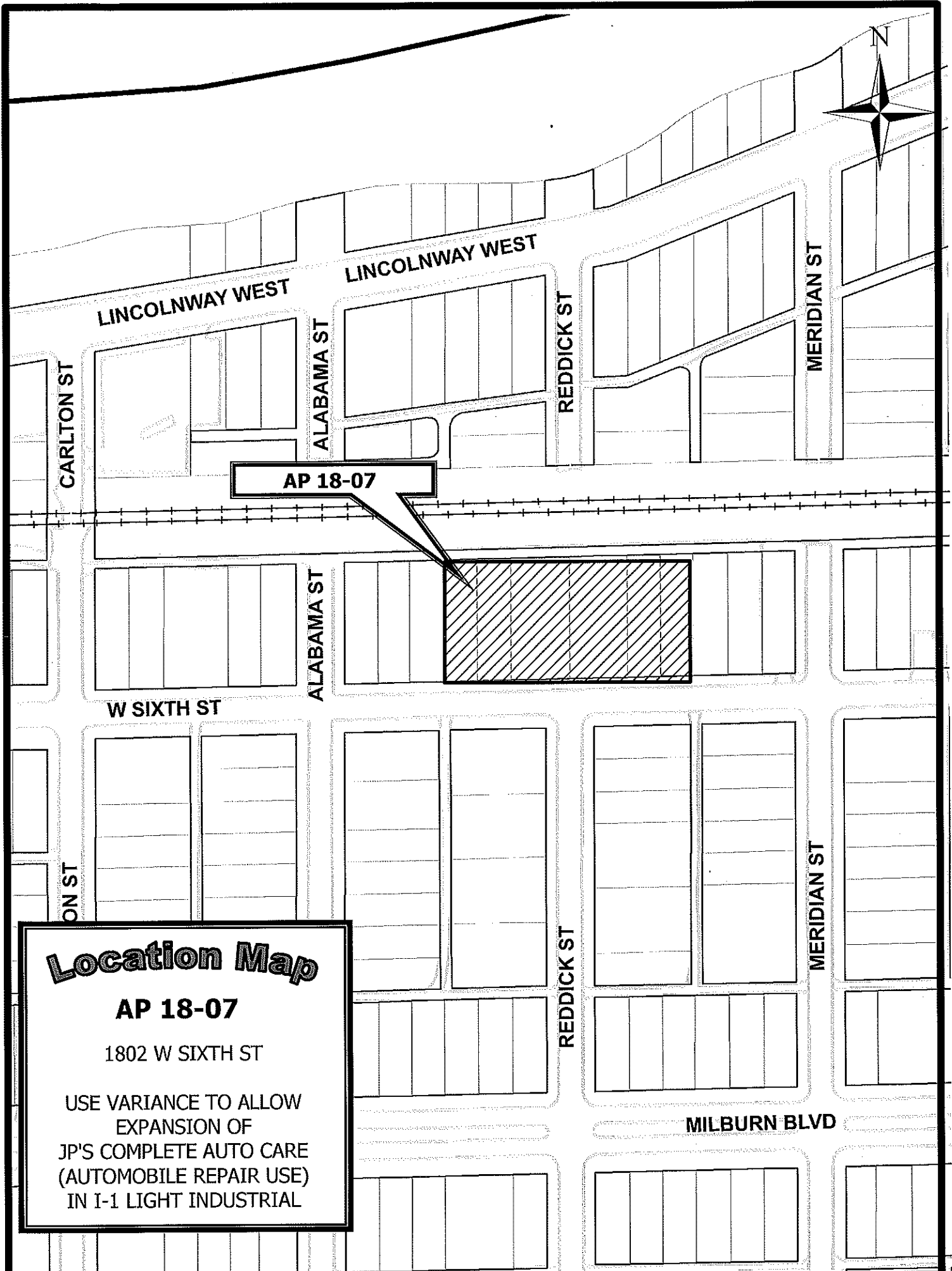
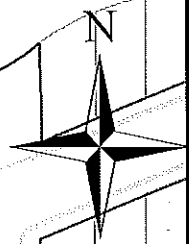
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


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


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

CONTACT PERSON:

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



Location Map

AP 18-07

1802 W SIXTH ST

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