

AGENDA

Monday, May 21, 2018

**Mishawaka School Board Member
Amanda Roberts/Update to Council
6:00PM**

**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**

May 09, 2018

5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their May 15, 2018 meeting.

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**

P.O. NO. 2018-10 Rezone from I-1 Light Industrial to R-1 Single Family 1111 Webster

P.O. NO. 2018-11 Rezone from C-1 General Commercial to R-1 Single Family for Two Existing Houses and Accessory Building - 421 501 S. Capital

P.O. NO. 2018-12 Rezone from C-1 General Commercial to C-4 Auto Oriented Commercial for Car Wash East of 906 W. Edison

8. Resolutions

R2018-11 Approving an Interlocal Agreement for the Operation of a Seasonal Household Hazardous Waste Collection Center

- 9. Ordinances on Second Reading**
- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**

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

- 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
May 09, 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 Wednesday May 09, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.



Roll Call.

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

Clerk Block read the following Petition to the council, who referred them to the City Plan Commission for their recommendations.

PETITION NO. 2018-12 Rezone from I-1 Light Industrial to R-1
Single Family 1111 Webster

PETITION NO. 2018-13 Rezone from C-1 General Commercial to R-1
Single Family for Two Existing Houses and
Accessory Building 421 & 501 S. Capital

PETITION NO. 2018-14 Rezone from C-1 General Commercial to C-4
Auto Oriented Commercial for Car Wash
East of 906 W Edison

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

RESOLUTION NO. 2018-10

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A
WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE
PROPERTY LOCATED AT:**

Juday Creek Golf Course consisting of 137.89 acres and being commonly located at 14770
Lindy Drive, Granger, IN 46530.

Ken Prince, City Planner stated the proposed request was forwarded for review to all applicable City Departments. He said each department were asked what expenditure/cost would be required to service the area and if the request could be accommodated with the funds currently approved within the City Budget. Mr. Prince continued to say in this case it was an existing golf course it was a well intensity use which would be used for wells for the new city wellfield. He said none of the departments requested any additional funding for their budget at this time.

Question was called for at 7:04 P.M. for **RESOLUTION NO. 2018-10**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

PROPOSED ORDINANCE NO. 2018-08

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

(Rezone from C-1 to C-7 Auto Oriented Restaurant 4515 LWE)
(Assigned to the Land Use Planning Committee)

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

Donald Smith, Attorney represented the petitioners. He said the letter spoke for itself. Mr. Smith hoped for the council's support.

Mrs. Voelker asked when they planned to open the new Starbucks. Mr. Smith said they were looking to close on the property in the next 3 to 4 weeks. He continued to say they were hoping to open mid or late fall. Mr. Smith said there would mostly be interior construction, renovation should be quick.

Question was called for at 7:07 P.M. for **PROPOSED ORDINANCE 2018-08**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

PROPOSED ORDINANCE NO. 2018-09

AN ORDINANCE CONCERNING THE CONSTRUCTION OF ADDITION AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY OF MISHAWAKA, THE ISSUANCE OF REVENUE BONDS TO PROVIDE THE COST THEREFORE, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE SAFEGUARDING OF THE INTEREST OF THE OWNER OF SAID REVENUE BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT THEREWITH,

(Sewage Work Revenue Bond)
(Assigned to the Budget and Finance Committee)

Mr. Canarecci reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Tanner motion carried.

John Julian, Partner Umbaugh & Associates said this was the authorization step to move forward with the next round of improvements that were called for in the sewage works. He went on to say the bonds authorized were approximately 13 million dollars, which would address the needs in the Linden, Milburn and Crawford neighborhoods as well as other projects. Mr. Julian said this was a step they contemplated when the overall master financial plan was created a couple years ago when rates and charges were adjusted in a multiple phase. He continued to say this was the financing to take care of the next round of projects.

Mayor Wood encouraged the councils support. He said this would help do projects as a part of the city's long-term control plan in areas of the city. Mayor Wood went on to say they were attempting to renegotiate their long-term control plan with IDEM. He said the city was currently held to 0 overflows, they were negotiating for 8. Mayor Wood said if they could receive 8 overflows, it would eliminate 1.8 million gallons or get 1.8 million gallons down from 321 million gallons in a typical base line year which started in 1990. He continued to stay this was an impressive 99.4% reduction in volume if they were allowed the 8 overflows. Mayor Wood said as they take out a bond for the projects they had and accrue now, these projects were necessary whether or not they receive the additional overflows, the city would continue the projects. He explained this would help reduce the flows for this year. Mayor Wood said they believe this was a good faith effort to continue to reduce CSO Volume. He mentioned the bond was currently built into the current rate structure; sewer rates would not be raised to complete projects.

Mrs. Voelker questioned the number of overflows this year. Mayor Wood said they had 15 overflows. He continued to say there were some large and some small overflows. Mayor Wood said the City of Mishawaka was the only CSO community held at 0 overflows, which is the reason they were negotiating to get to a level that was realistic for the rate payers.

Mr. Tanner asked was the tremendous flooding from a couple months ago considered as one overflow event. Mayor Wood believed it was. He continued to say the ground freezing and the snow melting were factors that played a part in the flooding event. Mayor Wood mentioned every overflow was documented where it occurred. He said the waste water treatment plant did very well, they did not put any waste into the St. Joseph River during that flooding event, whereas other communities did. Mayor Wood said as a part of renovations to the plant overtime flooding was a big concern, they have designed and tried to accommodate floods as a part of their design work, which he believed would help in negotiations. He continued to say although Mishawaka did not suffer any damage and with St. Joseph County recently being opened up for flood relief, the city would be able to tell the story of the waste water treatment plant operating exceptionally well.

Mr. Canarecci asked in regard to the time line for projects, would they ever come a point when they would need an answer from IDEM. Mayor Wood said the clock was ticking on some of the

projects especially as it relates to the long-term control plan. He continued to say there were bench marks but their biggest was the Deep Tunnel Storage. Mayor Wood said they were 90% finished working with the Engineering Department on the project. He said if they were unable to renegotiate, the city would have to complete that project but they were optimistic they would not. Mayor Wood informed the council the EPA and IDEM were aware of the time line for the projects. He said they were negotiating in good faith, the EPA and IDEM sent a response letter and the administration met with them personally. Mayor Wood continued to say they were in the early stages; they had great consultants on board to help with scientific modeling and come up with good alternatives that were cost affective, showed a good level of control and essentially solving the problems they want the city to solve without impacting the rate payers. He hoped the time line worked out, they did not know how long the process would take but they were moving in the right direction. Mayor Wood said if they did not reach a bench marks for the deep tunnel, he did not believe they would see major penalties. He said he was very confident they would not have to build the deep tunnel, they were building economic hardship case to help, and they believed it was effective. Mayor Wood continued to say they had millions of dollars of construction projects that were completed, which made a difference and allowed the door to be open to renegotiate. He said the city eliminated 98.2% discharge by volume, it was compelling and not too many of the neighboring communities could say that.

Mr. Mammolenti questioned the neighboring cities percentage of discharge by volume. Mayor Wood said he did not know by number but they were not close to the City of Mishawaka. He continued to say they began working on the long-term control projects before they signed the consent decree, they took a proactive approach. Mayor Wood hoped this would help the city get out of some of their major commitments.

Questioned was called for at 7:21 P.M. for **PROPOSED ORDINANCE NO. 2018-09** 

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

PRIVILEGE OF THE FLOOR

John Young Middle School History Teacher Brian Zbrzeny, and 8th grade students Grace Zerbel, Kathryn Habel, Bailey Darnell, Bowen Basker were participating in a National History Day Competition at the University of Maryland from June 11-15th. They were asking for monetary funding in the community to help with expense for their trip.

Members of the council express their support and congratulated Mr. Zbrzeny and the students for their hard work.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2018-05

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

(Annex and Zone E. of Fir Rd. S. of Toll Rd. – wellfield and water facility)
(Assigned to the Land Use Planning Committee)
(VOTE ONLY)

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

Question was called for at 7:35 P.M. for **PROPOSED ORDINANCE NO. 2018-05** 
Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

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 Amend- Apartment Development S. of Vistula, E. of Bittersweet)

Clerk Block read a letter from the developer requesting to table **PROPOSED ORDINANCE NO. 2018-07** until the next meeting on May 21, 2018.

NEW BUSINESS

Mr. Deal announced the Twin Branch Neighborhood Meeting would be Wednesday May 16th at 7:00PM. The speaker would be Ken Prince, City Planner.

Mrs. Voelker announced the Unveiling of a Historic Marker on May 22nd 1:00PM at 834 LWE. This recognition is honoring Elizabeth Ann Richardson 1918-1945 a Mishawaka High School Graduate. She died in a plane crash while serving in the U.S. Military; she was buried in the Normandy American Cemetery.

Mr. Emmons announced the St. Bavo’s First District Neighborhood Meeting would be May 17th at 7:00PM the speaker To Be Announced.

Mayor Dave Wood informed the council the city is sponsoring a Habitat Home in the Jimmy and Rosalynn Carter Project, if anyone is interested in participating they needed to sign up.

Mayor Dave Wood also announced the Police Memorial on May 17th, 7:00PM at the Police Station.

ADJOURNMENT 7:42P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 16, 2018

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 18 2018

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Plan Commission Recommendation
May 15, 2018, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #18-12 A petition submitted by Brittany Conard requesting to rezone **1111 Webster Street** from I-1 Light Industrial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, recommended approval.

PETITION #18-13 A petition submitted by James J. and Joyce L. Vance requesting to rezone **421 South Capital Avenue and 501 South Capital Avenue** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, recommended approval.

PETITION #18-14 A petition submitted by the Donald and Patricia Cressy Foundation requesting to rezone vacant land **west of and adjacent to 906 West Edison Road** from C-1 General Commercial District to C-4 Automotive Oriented Commercial District.

The Commission, with a vote of 7-1, recommended denial.

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Brittany Conard
James Vance
Greg Shearon

STAFF REPORT

Location: 1111 Webster Street

Date: May 15, 2018

Petition: 18 12

Prepared By: KM

GENERAL INFORMATION

Applicant: Brittany Conard

Status: Property Owner

Request: Rezone from I-1 Light Industrial District to R-1 Single Family Residential District

Zoning Classification: I-1 Light Industrial District

Lot Size: 34' X 130'

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial District
South: R-1 Single Family Residential District
East: I-1 Light Industrial District
West: I-1 Light Industrial District

Thoroughfare: Webster Street north of W. Marion Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Industrial

ANALYSIS

The Petitioner is requesting to rezone 1111 Webster Street from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located on Webster Street north of West Marion Street and is surrounded on the north, east and west by I-1 zonings, and R-1 neighborhood to the south.

Prior to the 1980's residential uses were permitted in the I-1 Light Industrial District. Around 1986 the Zoning Ordinance was amended to prohibit residential uses. Originally constructed as a private residence in 1957, the home historically has remained residential in its use. The Petitioner states she is selling the home and needs the rezoning in order to close on the property.

Pertinent City Departments reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #18-12 to rezone 1111 Webster Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are multiple zonings in the immediate vicinity and many of the structures are residential in use. This property's historic use as a single family dwelling would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,
5. The City's Comprehensive Plan identifies the area as Industrial, but its historical use as a single family home is not inconsistent with the Plan.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP



1111 Webster Street

STAFF REPORT

Location: 421 S. Capital
501 S. Capital

Date: May 15, 2018

Petition: 18 13

Prepared By: KM

GENERAL INFORMATION

Applicant: Joyce L. Vance/James J. Vance

Status: Property Owner/Power of Attorney

Request: Rezone from C-1 General Commercial District to R-1 Single Family Residential District

Zoning Classification: C-1 General Commercial District
421 S. Capital – 42' X 132'

Lot Size: 501 S. Capital – 84' X 132'

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District
South: R-1 Single Family Residential District
East: State-owned Property (Capital Avenue/SR 331)
West: R-1 Single Family Residential District

Thoroughfare: Capital Avenue south of Fifth Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioners are requesting to rezone 421 S. Capital Avenue and 501 S. Capital Avenue from C-1 General Commercial District to R-1 Single Family Residential District. The properties are located on Capital Avenue south of Fifth Street and are surrounded on the north, south, and west by R-1 zoning, and State-owned Capital Avenue to the east.

Both properties have been in the Vance family for many, many years. Vance Refrigeration was located at 421 S. Capital since 1949, but closed in 2005. The building at the rear of the property was used for the refrigeration business and the house (built in 1947) used as their residence. The Petitioners state the shop at 421 S. Capital is being used as storage. The house at 501 S. Capital, built in 1929, has been used as a residence. The garage at 501 S. Capital and the former shop building at 421 S. Capital are attached and the two properties share a driveway.

Prior to the 1980's residential uses were permitted in the C-1 General Commercial District. Around 1986 the Zoning Ordinance was amended to prohibit residential uses. The Petitioners state they are selling the properties as Mr. Vance passed away in 2017 and Mrs. Vance is in an assisted living facility.

Pertinent City Departments reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #18-13 to rezone 421 S. Capital Avenue and 501 S. Capital Avenue to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. The zoning in the immediate vicinity is R-1 and the structures are residential in use. The two properties historic uses as single family dwellings would be compatible to the area;
2. Use and value of the area adjacent to the properties included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for these properties are their historical single-family use;
3. Because the parcels are located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for these properties;
4. As opposed to the range of potential commercial development that could occur with their current zoning, rezoning these parcels to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the homes; and,
5. The City's Comprehensive Plan identifies the area as Low Density Residential and their historical use as single-family homes is consistent with the Plan.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP



421 S. Capital (right side of photo)
501 S. Capital (left side of photo)

STAFF REPORT

Location: Vacant property east of 1030 W. Edison Road (Family Express)

Date: May 15, 2018

Petition: 18- 14

Prepared By: DJS

GENERAL INFORMATION

Applicant: Donald & Patricia Cressy Foundation / Unidentified Developer

Status: Property Owner / Contingent Purchaser

Request: To rezone from C-1 General Commercial District to C-4 Automobile Oriented Commercial District to allow for the construction of a car wash facility

Zoning Classification: C-1 General Commercial

Lot Size: 1.5 acres

Applicable Regulations: Section 137-379 thru 137-380 / C-4 Automobile Oriented Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (Vacant/Commercial Lot South of Cinemark Movies 14)

South: C-1 General Commercial (Government Office/National Guard & Commercial/Evergreen Spas & Saunas)

East: C-2 Shopping Center Commercial (Parking Lot/Cinemark Movies 14) & C-1 General Commercial (Bank/First Federal Savings)

West: C-10 Filling Station Commercial (Convenience Store with Gas Pumps & Car Wash/Family Express)

Thoroughfare: W. Edison Road

School District: South Bend Community School Corporation

Township: Penn Township

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

Comprehensive Plan: General Commercial (Downtown Retail Sales & Shopping Centers)

ANALYSIS

The Petitioner, Donald & Patricia Cressy Foundation, is requesting to rezone an approximate 1.5 acre parcel of land located east of 1030 W. Edison Road from C-1 General Commercial to C-4 Automobile Oriented Commercial to allow for the construction of a carwash facility. The developer and contingent purchaser is not identified in the petition.

The parcel is currently an undeveloped commercial property that has historically served multiple temporary uses not requiring any permanent structures. Until 2015, it was seasonally occupied by Sweet

Corn Charlie, a transient merchant operating a roadside produce stand. In 2007, a use variance was approved for the northeast corner of W. Edison Road and Hickory Road, which included the subject parcel and allowed Gates Chevy World to hold a four-day regional automobile sales event. This annual event has since relocated to the University Park Mall parking lot.

No structures are located on the relatively flat property. Elevations range from +/-741 ft. along W. Edison Road to just under 739 ft. in the center part of the site. Access drives are located along the north and east property lines and parallel to W. Edison Road permitting cross-access between all the adjacent parcels.

Per the conceptual site plan submitted with the rezoning petition, the future developer is proposing to construct a one-story 4,920 sq. ft. automatic car wash facility, a thirty (30) space parking lot, and other required infrastructure (access drives, stormwater detention basin, etc.). Access to the site will be provided via the existing east-west access drive located adjacent to and parallel with W. Edison Road. No new access points are proposed onto the public right-of-way. The landscaping, conceptually shown, shall comply with the commercial landscaping requirements. The development is proposed to be constructed in one phase.

The conceptual site plan shows that the site will comply with the required height, area and developmental regulations for the C-4 Automobile Oriented Commercial District. If any variances from these regulations are required, the Board of Zoning Appeals shall be petitioned when the final site plan is submitted.

With this petition, the property owner and contingent purchaser are only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development.

Prior to submitting the petition, Staff requested photographs of similar carwash facilities that have been constructed by the contingent developer. Although not likely to be the same exact structure, the attached photo reveals a higher quality development that appears to meet the city's architectural design requirements for commercial property. Building elevations and a dumpster enclosure detail must be submitted with the final site plan to ensure compliance with the permitted construction materials and colors.

Since the property is currently zoned for general commercial uses and located along the Edison Road commercial corridor, the Staff supports the request for rezoning. The proposed automatic carwash facility is not out of character and is compatible with the existing adjacent land uses and those along Edison Road. Furthermore, the proposed use is consistent with the recommended use per the comprehensive plan.

The Building, Fire, Electric, and Water Departments have reviewed and approved the rezoning request providing no additional comments.

The Engineering Department had no comments related to the rezoning petition but provided the following comments to be addressed with the final site plan:

1. Provide drainage calculations for the 100 year/24-hour storm event to be handled on-site.
2. Car wash waste will be required to go through a sand/oil water separator (may need multiples) prior to connecting to the sewer main. A sewer tap should be available along the front of the property within the existing 10' sanitary easement constructed as a part of the Family Express project.

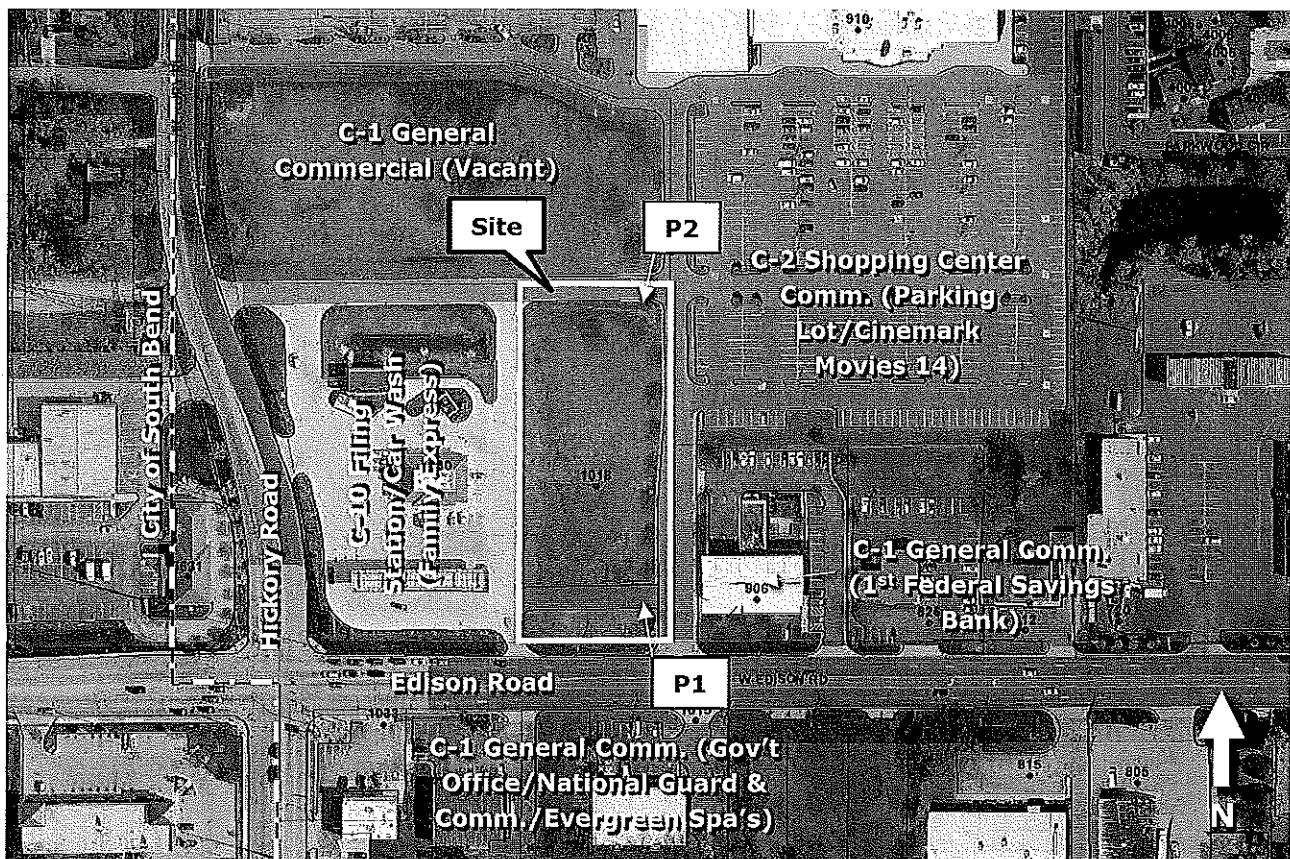
RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 18-14 to rezone approximately 1.5 acres located east of 1030 W. Edison Road from C-1 General Commercial to C-4 Automobile Oriented Commercial to allow for the construction of a carwash facility. This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property consists of a vacant parcel of land located near the intersection of W. Edison Road and Hickory Road. These arterial roads are highly travelled corridors providing major north-south and east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include a vacant parcel zoned for commercial use to the north, a recently developed convenience store with gas station and car wash to the west, a government office and commercial/retail use to the south, and a bank to the east.
2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial.
3. The most desirable/highest and best use – Because of the parcel's location and the existing commercial development along W. Edison and Hickory Road, the most desirable use for the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The proposed carwash facility use and other permitted C-4 Auto Oriented Commercial uses are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Site Photographs, Petition, Location Map, Photograph of Existing Carwash Facility Developed by Contingent Purchaser, Preliminary/Conceptual Site Plan



Aerial Photograph
Vacant Commercial Property
East of 1030 W. Edison Road (Family Express)



P1. Looking northerly from Edison Road and the southeast corner of parcel to be rezoned.



P2. Looking southerly from the east-west access road north of the parcel to be rezoned.

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2018

CITY CLERK
MISHAWAKA, IN

PETITION 18-12

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-10

ORDINANCE NO. _____

1st Reading 5-21-18
2nd Reading
Passed
Failed
Continued To

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

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

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

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

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

Lot 12, Northern Indiana Realty Co.

COMMON ADDRESS: 1111 Webster Street

which real estate is now classified as I-1 Light Industrial District shall hereafter be within and a
part of that District known as R-1 Single Family Residential District designated in "The Zoning
Ordinance of 1966" as amended.

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

1. There are multiple zonings in the immediate vicinity and many of the structures are
residential in use. This property's historic use as a single family dwelling would be
compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be
affected in a substantially adverse manner because given the context of its location, its
relationship to surrounding properties, and the potential of development as an industrial
project, staff feels that the most desirable use for this property is its historical single-
family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1
Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial development that could occur with its
current zoning, rezoning this property to the R-1 Single Family Residential classification
will have a favorable and stabilizing impact on the neighborhood, conserving property

Proposed Ordinance No: 2018-10

Ordinance No: _____

values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,

5. The City's Comprehensive Plan identifies the area as Industrial, but its historical use as a single family home is not inconsistent with the Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2018, at _____ o'clock ____M.

Presiding Officer

ATTEST:

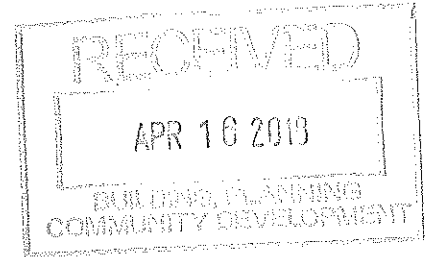
Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor



DATE: April 16, 2018

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

PETITION TO REZONE

The undersigned, Brittany Conard, respectfully shows 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:

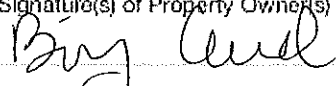
Lot 12 of Northern Indiana Realty Company's first addition/1111 Webster Street Mishawaka, IN. 46545

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-1 Light Industrial District. Said property is currently occupied as a single family residence.

Petitioner(s) desire said real estate to be rezoned to the R-1 Single Family Residential District. Petitioner(s) further state that they intend to utilize said land for continued use as a single family residence.

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 rezoning the above described parcel of land located in the City of Mishawaka

Signature(s) of Property Owner(s)


Brittany Conard

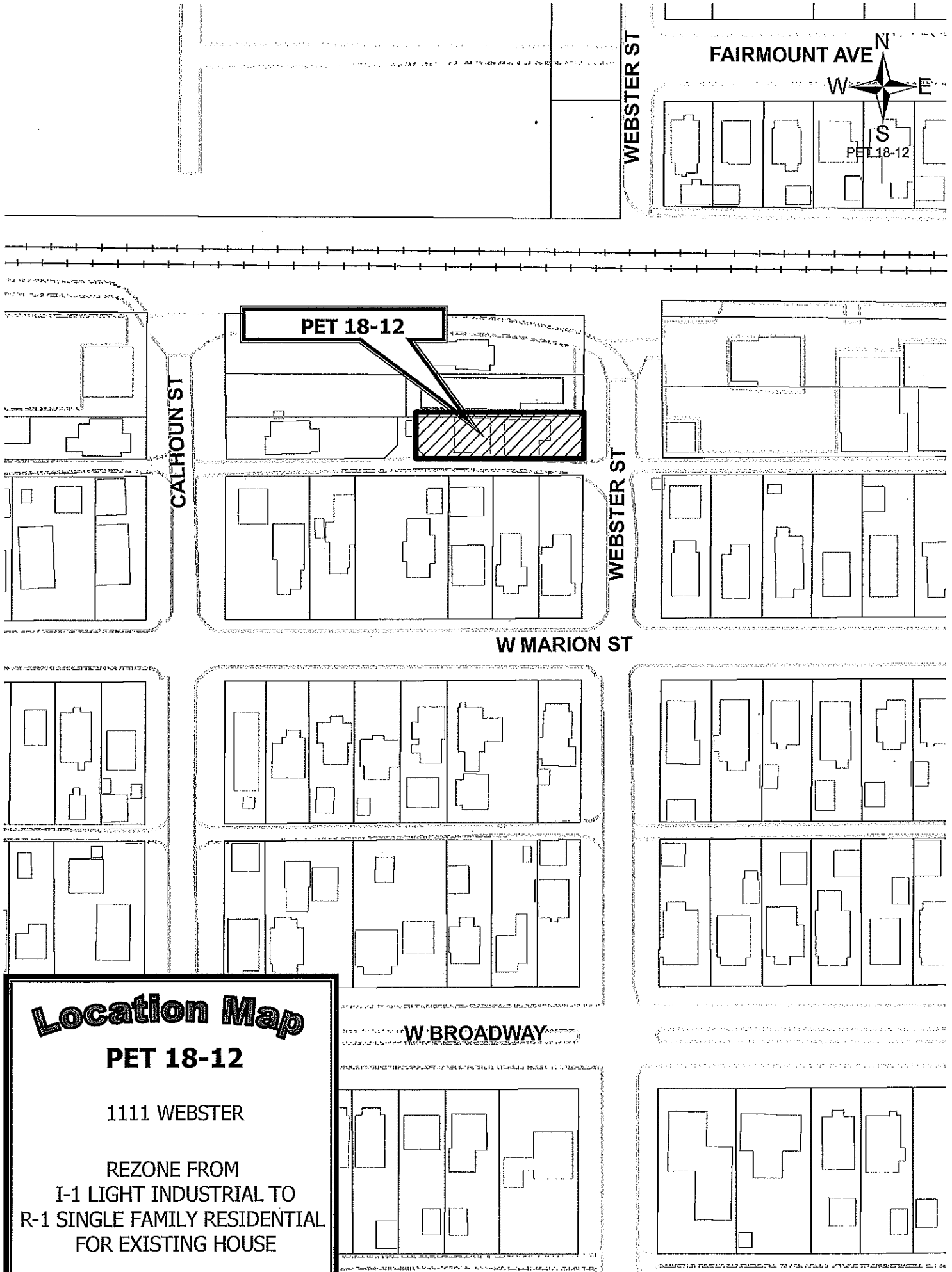
CONTACT PERSON:
BRITTANY CONARD
ADDRESS: 3617 Vistula Road Mishawaka, IN. 46544
PHONE NUMBER: (574)360-6048
FAX: N/A
EMAIL: BNCONARD@aol.com

RECEIVED
DEBORAH S. BLOCK MMC

MAY 01 2018

CITY CLERK
MISHAWAKA, IN

Pet 18-12



Location Map

PET 18-12

1111 WEBSTER

REZONE FROM
I-1 LIGHT INDUSTRIAL TO
R-1 SINGLE FAMILY RESIDENTIAL
FOR EXISTING HOUSE

1st Reading 5-21-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-13
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. **2018-11**
ORDINANCE NO. _____

MAY 16 2018
CITY CLERK
MISHAWAKA, IN

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:

Lot 316, Brookside 2nd Addition and part of vacated alley adjacent

COMMON ADDRESS: 421 South Capital Avenue

Lots 317, and 318, Brookside 2nd Addition and part of vacated alley adjacent

COMMON ADDRESS: 501 South Capital Avenue

which real estate is now classified as C-1 General Commercial District shall hereafter be within
and a part of that District known as R-1 Single Family Residential District designated in "The
Zoning Ordinance of 1966" as amended.

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

1. The zoning in the immediate vicinity is R-1 and the structures are residential in use.
The two properties historic uses as single family dwellings would be compatible to the
area;
2. Use and value of the area adjacent to the properties included in the rezoning will not be
affected in a substantially adverse manner because given the context of its location, its
relationship to surrounding properties, and the potential of development as a
commercial project, staff feels that the most desirable use for these properties are their
historical single-family use;
3. Because the parcels are located in an area of residential properties, the rezoning to R-1
Single-Family Residential is a desirable use for these properties;

Proposed Ordinance No: 2018-11

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with their current zoning, rezoning these parcels to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the homes; and,
5. The City's Comprehensive Plan identifies the area as Low Density Residential and their historical use as single- family homes is consistent with the Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2018, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

April 15, 2018

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

421 S. CAPITAL
501 S. CAPITAL

Petition to Rezone:

Joyce L. Vance is the owner of lot number Three Hundred Sixteen (316) Brookside Second Addition to City of Mishawaka and lot number Three Hundred Seventeen (317) Brookside Second Addition to City of Mishawaka. Presently both lots are zoned Commercial C-1 and Vance Refrigeration was the business residing on the lots since 1949. Vance Refrigeration shutdown in 2005 and James H. Vance passed in 2017. The properties have been utilized as a residential setting from the 2005 date. Recently Joyce L. Vance has become a resident of the Hearth at Juday Creek, Mishawaka, Indiana. Joyce L. Vance and Power of Attorney James J. Vance request to rezone lots 316 and 317 to Residential R-1 for the sale of the properties.

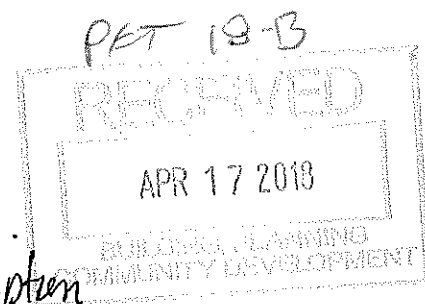
Wherefore, Joyce L. Vance pray and respectfully request that the Common Council of the city of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature of Property Owner

Joyce L. Vance

Contact Person

James J. Vance
71093 Dawn Dr
Union, MI 49130
574-596-5989
jim.anita.vance@gmail.com



See attached for full legal description

RECEIVED
DEBORAH S. BLOCK MMC

MAY 07 2018

CITY CLERK
MISHAWAKA, IN

Christa Hill

From: Christa Hill
Sent: Thursday, April 05, 2018 12:32 PM
To: 'jim.anita.vance@gmail.com'
Subject: Rezoning 421 and 501 S Capital Avenue
Attachments: 421-501 S Capital Mailing Labels.pdf

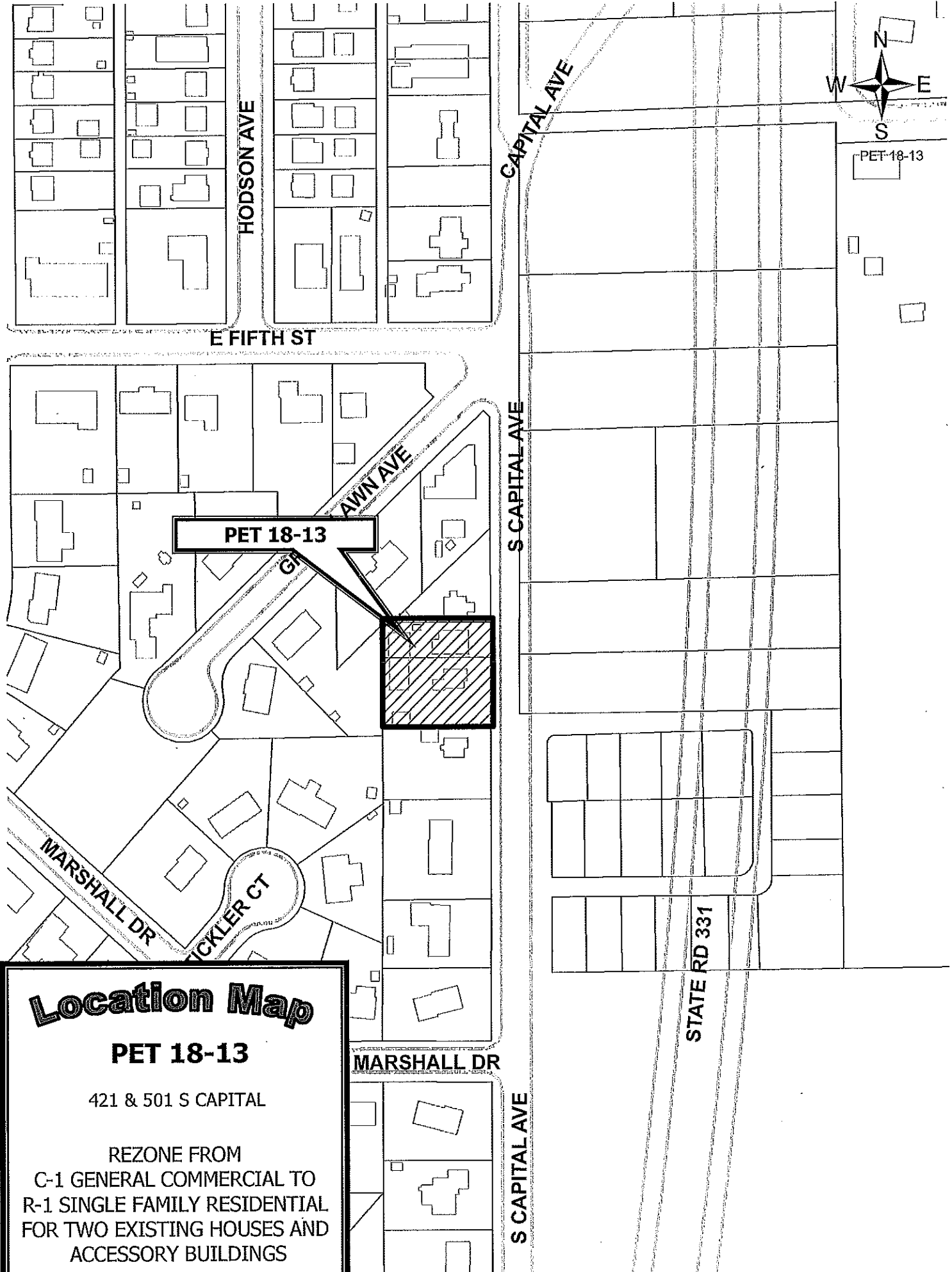
Mr. Vance,

The legal description for 421 S Capital is Lot 316 Brookside 2nd Addition and part of vacated alley adjacent.
The legal description for 501 S Capital is Lots 317 and 318 Brookside 2nd Addition and part of vacated alley adjacent.

Attached is the list of property owners within 300 feet of said property. Please provide stamped envelopes addressed to each. You can make labels or simply cut and paste. If you notice several for the same property owner, for instance State Indiana INDOT Laporte District, they only need one envelope.

Please let me know if you have questions about the procedure. Our zoning records only go back to 1958, but there is no record of a rezoning taking place at these addresses.

Christa Hill
Associate Planner
574-258-1625
Chill2@mishawaka.in.gov



PET 18-13

Location Map

PET 18-13

421 & 501 S CAPITAL

REZONE FROM
C-1 GENERAL COMMERCIAL TO
R-1 SINGLE FAMILY RESIDENTIAL
FOR TWO EXISTING HOUSES AND
ACCESSORY BUILDINGS

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 5-21-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-14

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-12

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 forwarded an unfavorable recommendation regarding the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

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

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

The parcel is legally described as: A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT #1 OF THE PLAT OF "FAMILY EXPRESS MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 1614939 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 00°45'56" WEST (BEARING ASSUMED) A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 88°51'23" EAST A DISTANCE OF 166.67 FEET MORE OR LESS TO THE EAST LINE OF PROPERTY OWNED BY THE DONALD AND PATRICIA CRESSY FOUNDATION; THENCE ALONG SAID EAST LINE SOUTH 00°45'56" EAST A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE SOUTH 89°14'04" WEST ALONG SAID NORTH LINE A DISTANCE OF 166.67 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 1.50 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: Vacant property east of 1030 West Edison Road

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-4 Automobile Oriented Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The subject property consists of a vacant parcel of land located near the intersection of W. Edison Road and Hickory Road. These arterial roads are

Proposed Ordinance No: 2018-12

Ordinance No: _____

highly travelled corridors providing major north-south and east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include a vacant parcel zoned for commercial use to the north, a recently developed convenience store with gas station and car wash to the west, a government office and commercial/retail use to the south, and a bank to the east.

2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial.
3. The most desirable/highest and best use – Because of the parcel's location and the existing commercial development along W. Edison and Hickory Road, the most desirable use for the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The proposed carwash facility use and other permitted C-4 Auto Oriented Commercial uses are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.

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

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

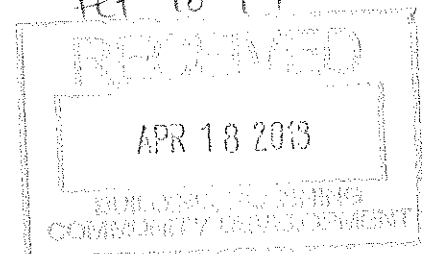
PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

Pet 18-14



Date: April 15, 2018

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

RE: Donald & Patricia Cressy Foundation
Petition for Rezoning:

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

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 1 OF THE PLAT OF "FAMILY EXPRESS MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 1614939 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 00°45'56" WEST (BEARINGS ASSUMED) A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 88°51'23" EAST A DISTANCE OF 166.67 FEET MORE OR LESS TO THE EAST LINE OF PROPERTY OWNED BY THE DONALD AND PATRICIA CRESSY FOUNDATION; THENCE ALONG SAID EAST LINE SOUTH 00°45'56" EAST A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE SOUTH 89°14'04" WEST ALONG SAID NORTH LINE A DISTANCE OF 166.67 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 1.50 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also, commonly known as the vacant land West of and adjacent to 906 West Edison Road, Mishawaka, Indiana 46545.

The above described parcel of land is presently zoned "C-1" Commercial District.

The Petitioners desire said real estate, to be rezoned to the "C-4" Commercial District classification. The purpose for the rezoning is to allow for the real estate to be purchased by an interested party who desires to build a carwash facility on the site.

Wherefore, the 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 rezoning the above described parcel of real estate located in the City of Mishawaka.

M. Rose Meissner

Name: M. Rose Meissner, Secretary/Treasurer Contact person:

For the Donald & Patricia Cressy
Foundation
574-271-4060

Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574) 234-4003

RECEIVED
DEBORAH S. BLOCK MMC

MAY 01 2018

CITY CLERK
MISHAWAKA, IN

LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 1 OF THE PLAT OF "FAMILY EXPRESS MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 1614939 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 00°45'56" WEST (BEARINGS ASSUMED) A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 88°51'23" EAST A DISTANCE OF 166.67 FEET MORE OR LESS TO THE EAST LINE OF PROPERTY OWNED BY THE DONALD AND PATRICIA CRESSY FOUNDATION; THENCE ALONG SAID EAST LINE SOUTH 00°45'56" EAST A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE SOUTH 89°14'04" WEST ALONG SAID NORTH LINE A DISTANCE OF 166.67 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 1.50 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

PETITIONERS:

Donald & Patricia Cressy Foundation
205 W. Jefferson Blvd, Suite 610
South Bend, Indiana 46624

LAND SURVEYOR:

Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003

REZONING REQUEST:

REZONING FROM "C-1" COMMERCIAL DISTRICT TO "C-4" COMMERCIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A CARWASH FACILITY ON THE SITE.

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

April 15, 2018

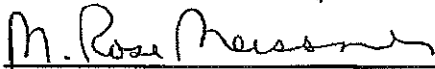
RE: Donald & Patricia Cressy Foundation
Rezoning & Subdivision Request:

Dear Council Members and Plan Commission Members,

This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Rezoning Request and subdivision will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 271-4060.

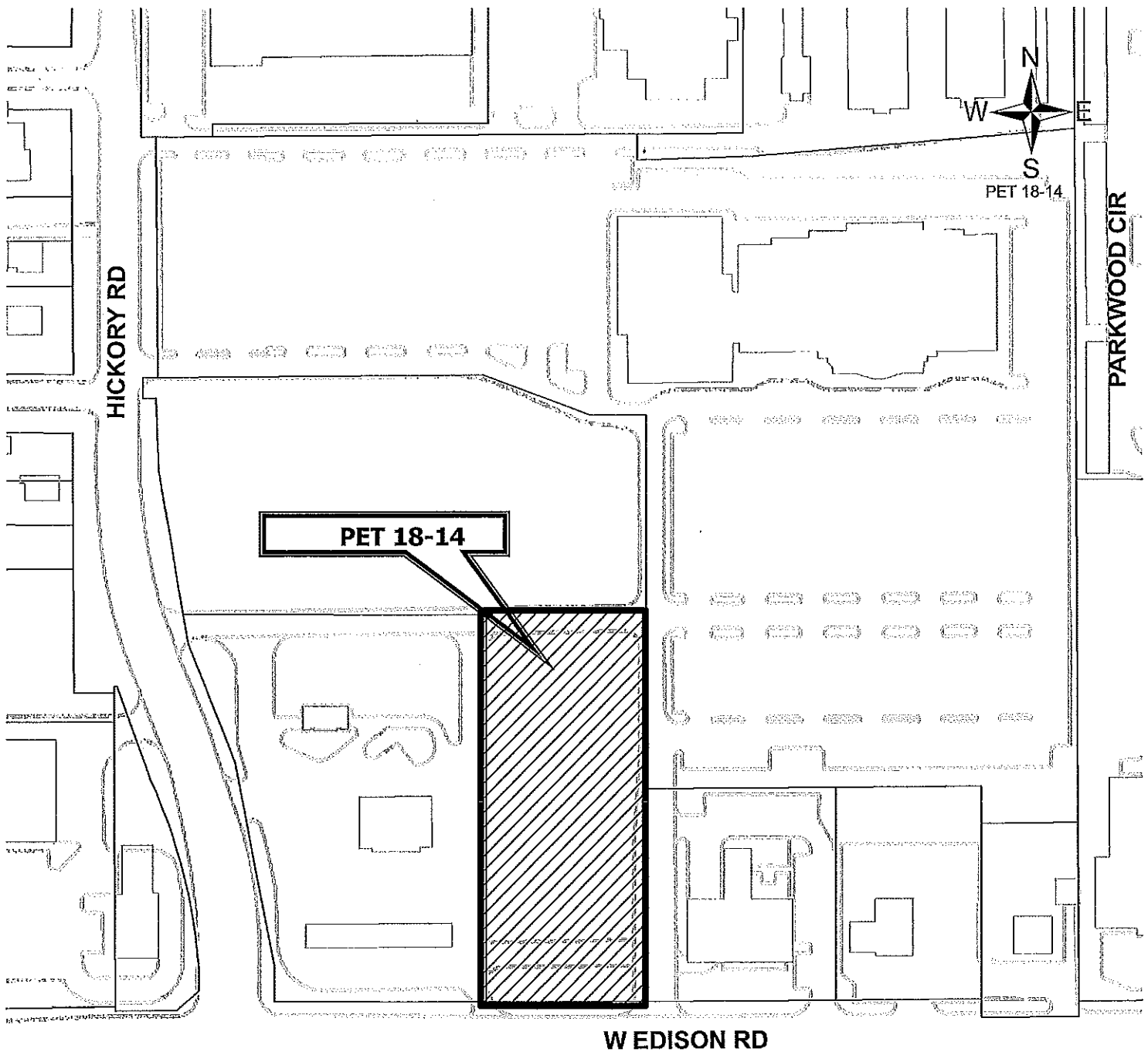
Sincerely,



Name: M. Rose Meissner, Secretary/Treasurer

For the Donald & Patricia Cressy Foundation
(574) 271-4060

File No. Edison Carwash "C" Md.



Location Map

PET 18-14

REZONE FROM
C-1 GENERALCOMMERCIAL
TO C-4 AUTOMOBILE ORIENTED
COMMERCIAL FOR CAR WASH

EAST OF 906 W EDISON



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

May 16, 2018

Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

Mr. President and Honorable Members of the Council:

I respectfully request approval of the attached proposed resolution, approving an interlocal agreement with the St. Joseph County Solid Waste Management District ("District") for the operation of a seasonal household hazardous waste collection center.

As I am sure you know, the District recently ceased operation at the 5th Street collection center and opened a new facility on the west side of South Bend. Data from the District for the first part of this year reflect much lower participation by Mishawaka residents than last year, and operating a seasonal collection center on the 5th Street site would improve those numbers drastically by having a more convenient location for Mishawaka residents and others in the eastern part of St. Joseph County.

Street Commissioner Tim Ryan will attend the meeting on Monday, May 21 to answer questions about the operation, and we have invited Randy Przybysz, Executive Director of the District, to the meeting, as well.

Sincerely,

Geoff Spiess
Corporation Counsel

RECEIVED
DEBORAH S. BLOCK MMC

MAY 16 2018

CITY CLERK
MISHAWAKA, IN

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

MAY 16 2018

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R2018-11

**RESOLUTION OF THE MISHAWAKA COMMON COUNCIL APPROVING AN
INTERLOCAL AGREEMENT FOR THE OPERATION OF A SEASONAL
HOUSEHOLD HAZARDOUS WASTE COLLECTION CENTER**

WHEREAS, the City of Mishawaka is a political subdivision organized and existing pursuant to the laws of the State of Indiana;

WHEREAS, the St. Joseph County Solid Waste Management District ("District") is a solid waste management district established under IC 13-21-3-1;

WHEREAS, pursuant to IC 36-1-7, *et seq.*, political subdivisions are empowered to enter into interlocal agreements with governmental entities for joint cooperative action;

WHEREAS, operation of a seasonal household hazardous waste collection center located in the City, in conjunction with the District, will facilitate proper disposal of hazardous household waste, which decreases negative impact on the environment;

WHEREAS, the proposed Interlocal Agreement presented at this meeting will enable such operation;

WHEREAS, the Board of the District, at its regular meeting on May 14, 2018, approved the Interlocal Agreement with the City; and

WHEREAS, there has been presented to this meeting a copy of the proposed form of the Interlocal Agreement, and the members of the Mishawaka Common Council have reviewed the proposed Interlocal Agreement and deem it advisable and in the best interests of the residents of the City of Mishawaka that the City enter into the Interlocal Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AS FOLLOWS:

SECTION 1. Approval of Interlocal Agreement. The Mishawaka Common Council hereby deems it advisable and in the best interest of Mishawaka for Mishawaka to enter into the Interlocal Agreement. The substantially final form of Interlocal Agreement presented to this meeting, and incorporated herein by reference, is hereby approved by the Mishawaka Common Council. The Mayor and City Clerk are hereby authorized and directed, for and on behalf of Mishawaka, to execute and deliver the Interlocal Agreement and to approve any changes in the form or substance of the Interlocal Agreement, such approval to be conclusively evidenced by its execution by the Mayor and City Clerk.

SECTION 2. No Conflict. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.

SECTION 3. Effectiveness. This Resolution shall be in full force and effect from and after its passage by the Mishawaka Common Council and approval by the Mayor.

PASSED, by the Common Council of the City of Mishawaka, Indiana, this 21st day of May, 2018.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____, 2018.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

**INTERLOCAL AGREEMENT FOR THE OPERATION OF A SEASONAL
HOUSEHOLD HAZARDOUS WASTE COLLECTION CENTER**

This Interlocal Agreement for the Operation of a Seasonal Household Hazardous Waste Collection Center (the "Agreement") is made and entered into this ____ day of _____, 2018, by and between the City of Mishawaka (the "City"), and the St. Joseph County Solid Waste Management District (the "District").

WITNESSETH

WHEREAS, the District operates a Household Hazardous Waste Program; and

WHEREAS, the City wishes to provide a local option for collection of Household Hazardous Waste; and

WHEREAS, the City and the District desire to enter into an agreement whereby the City shall operate a seasonal Household Hazardous Waste collection site.

NOW THEREFORE, the City and the District mutually agree to the following terms and conditions:

1. **Purpose of Interlocal Agreement.** The purpose of this Agreement is to create and operate a second site for the collection of Household Hazardous Waste. This second site shall service residents of the City of Mishawaka along with all other citizens that participate in the Household Hazardous Waste Program.

2. **Duration.** This Duration of this Agreement shall be five (5) years. However, either party may terminate this Agreement for any reason upon providing one hundred eighty (180) days' written notice to the other party of the termination.

3. **City Responsibilities.** The City shall:

- (a) Provide a physical site location at 1105 E. 5th St., Mishawaka, Indiana (the "Site").

- (b) Provide all maintenance of the physical grounds and structures of the Site.
- (c) Provide the loader and other equipment necessary to operate the Site, including all maintenance and associated costs of operating such equipment.
- (d) Be responsible for all utilities and required insurances for the Site and its operations.
- (e) Maintain and be responsible for compliance with all EPA, IDEM, or other applicable codes related to the Site and its operation.
- (f) Be responsible for fire protection and inspection of the Site.
- (g) Provide and be responsible for all staffing of the Site, including all compensation, pay and benefits for City personnel assigned to the Site.
- (h) Be responsible for providing HAZWOPER training for all City personnel assigned to the Site.
- (i) Inform the District of the dates it intends to operate the Site, including start and end date, as well as days and times of operation.
- (j) Require its personnel to follow appropriate procedures for handling, packaging, storing, and shipment of materials, in accordance with the protocols demonstrated by the District.
- (k) Provide District Staff, including the Executive Director and/or his/her designee, access, during regular operating hours, to the Site, for the purpose of inspection for proper handling and readying of materials for shipment; such access shall include the opportunity to observe City

personnel assigned to the Site and their activities relating to handling and readying of materials for shipment.

4. **District Responsibilities.** The District shall:

- (a) Provide to the Site the appropriate barrels, Gaylord boxes, poly-bags, over-pack drums, skids, and/or any other supplies associated with the proper packaging of materials for transport to vendors.
- (b) Provide a trailer to the Site, through arrangements with the contracted vendors, to contain, store, and transport electronics.
- (c) Provide, through arrangements with the contracted vendors, the transportation, disposal/recycling of materials collected at the Site (including, but not limited to, paints, stains, bulbs, household cleaners, etc.).
- (d) Be responsible for all costs associated to vendors for the transportation and appropriate disposal or recycling of materials collected at the Site.
- (e) Provide training for City personnel regarding the District's standard operating procedures and protocols on the handling, packaging, storage, and shipment of materials collected at the Site.

5. **Correction of Issues.** Should any inappropriate handling, packaging, skidding, or storing of materials ("Inappropriate Activities") be found by either the City or the District, such Inappropriate Activities shall be reported promptly to the other party, and the parties and their respective personnel shall cooperate in correcting any such Inappropriate Activities.

6. **Indemnification.** The City shall indemnify and hold harmless the District, its officers, officials, employees, agents, attorneys, and personnel from and against any and all claims, suits, actions or liabilities for injury or death of any person, or for loss or damage to property, which arises out of or is related to the City's operation of the Site, or from any activity, work or thing done, permitted, or suffered by the City in or about the Site, except only such injury or damage as shall have been occasioned by the sole negligence of the District.

7. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties. No alterations, modifications, or additions to this Agreement shall be binding unless reduced to writing and signed by the parties.

8. **Amendments.** The terms and conditions of this Agreement may not be modified or amended except by an instrument executed by each of the parties hereto. No oral modifications shall be enforceable.

9. **Effective Date.** This Interlocal Agreement is effective on the date stated in the first paragraph of this Agreement.

10. **Authority.** Each party signing hereto states that they have authority to bind the party they are signing on behalf of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

CITY OF MISHAWAKA

ST. JOSEPH COUNTY
SOLID WASTE MANAGEMENT
DISTRICT

By: _____

Printed: _____

Its: _____

By: _____

Printed: _____

Its: _____

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:

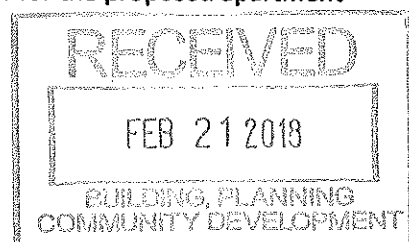
Commencing at a Progressive cap pin at the Southwest corner of the Southeast Quarter of said Section 7, also being the Northwest corner of the Northeast Quarter of said Section 18; thence North 89°35'54" East, (basis of bearings established by INDOT VRS Base, using Indiana East NAD83 coordinate system),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

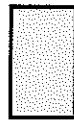
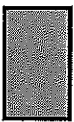
Building Type 1: 11 buildings = 77 units
 Building Type 2: 6 buildings = 48 units
 Building Type 3: 10 buildings = 80 units

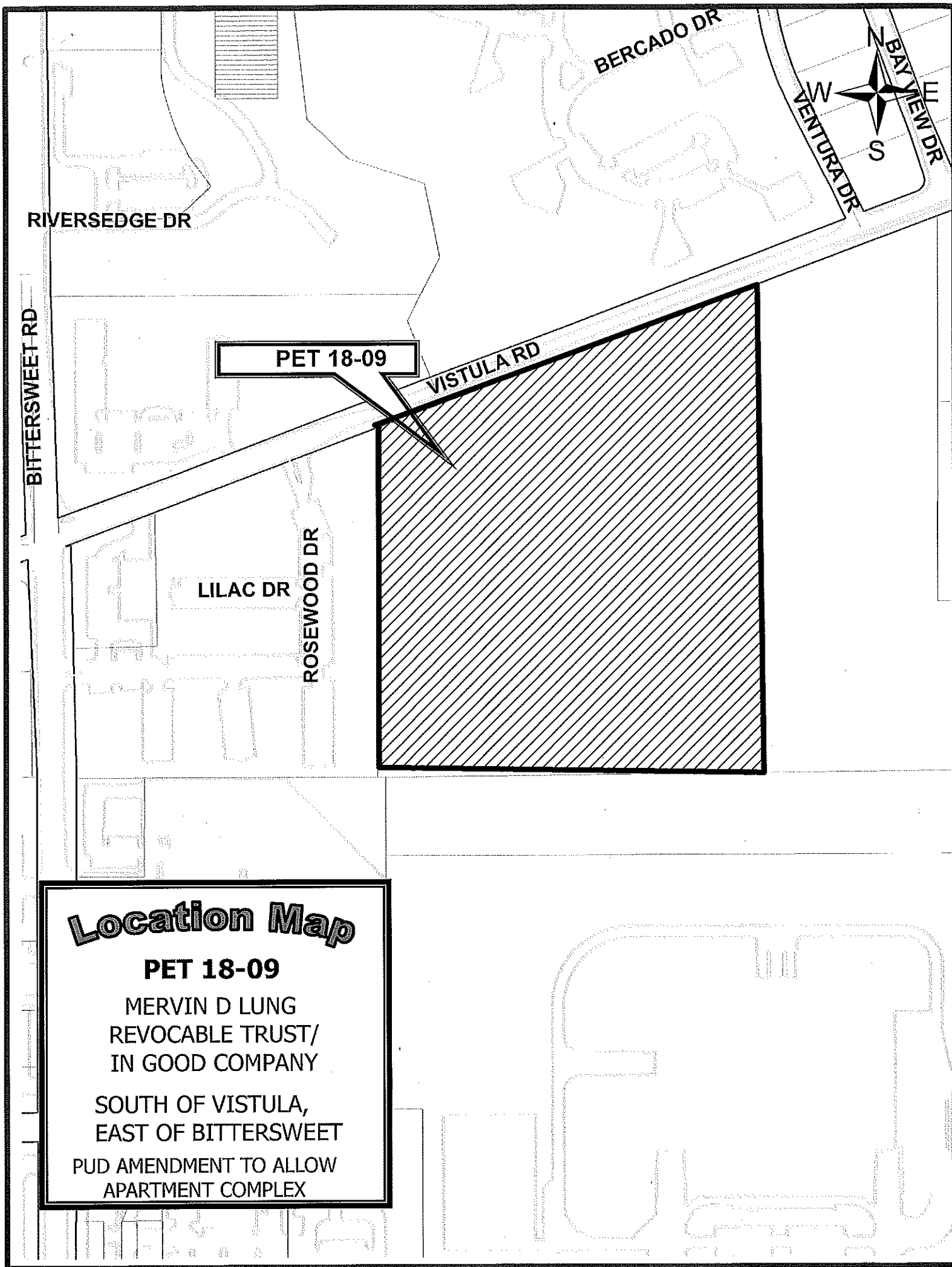
Total # of Buildings: 27
Total # of Units: 205

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