

AGENDA

Monday, June 4, 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**

May 21, 2018

5. Petitions, Communications, Remonstrance and Memorials

Presentation of the D.A.R.E City Champion Essays Ava Atkinson Liberty Elementary Tony Wang Queen of Peace

Appeal No. 2018-15 Development Variance for number of Parking Spaces for New Restaurant & Use Variance to Permit Residential Use in C-1 Commercial 426 E. Mishawaka Ave.

Petition No. 2018-16 Rezone from C-1 Commercial to R-1 Residential for an Existing House 1028 S. Ironwood Dr.

Petition No. 2018-18 PUD Amendment for Permitted Uses & Development Standards Part of Walker PUD & NW Capital - Toll Road PUD - NW corner of Capital Ave. and Beacon Parkway

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2018-13 Additional Funds CEDIT \$808,472.50 Local Major Moves 823,573.24 Sidewalk & Curb Repair 3,266.20

8. Resolutions

R2018-12 Establishing an Expanded Municipal Riverfront Development Project (Riverfront District)

9. Ordinances on Second Reading

P.O. NO. 2018-10 Rezone from I-1 Light Industrial to R-1 Single Family 1111 Webster (Assigned to Land Use Planning Committee)

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 (Assigned to Land Use Planning Committee)

P.O. NO. 2018-12 Rezone from C-1 General Commercial to C-4 Auto Oriented Commercial for Car Wash East of 1030 W. Edison (Assigned to Land Use Planning Committee)

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 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 21, 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 May 21, 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.

The Minutes from the May 9th meeting were approved as received from the City Clerk's Office.

Clerk Block read letter from the City Plan Commission regarding recommendations from their May 15, 2018 meeting.

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.

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

PROPOSED ORDINANCE NO. 2018-10

**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.**

(Rezoned from I-1 to R-1 Single Family – 1111 Webster)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-11

**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 R-1 Single Family 421 & 501 S. Capital Ave.)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-12

**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 C-1 to C-4 Auto Oriented Commercial for Car Was E. of 906 W. Edison)
(Assigned to the Land Use Planning Committee)

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

RESOLUTION NO. 2018-11

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

Geoff Speiss, Corporation Counsel stated the agreement was approved by the Board of Solid Waste Management District by 5-2 vote on May 14, 2018. He continued to say the agreement laid out the respective responsibilities of the two entities. Mr. Spiess mentioned Tim Ryan, Street Commissioner and Central Service Director and Randy Przybysz, Executive Director of the Solid Waste District were in attendance to answer questions regarding the agreement or operation center.

Mr. Tanner asked for conformation the seasonal program would begin June to November. Tim Ryan, Mishawka Street Commissioner and Central Service Director replied yes, training for his employees would begin June 5th. He continued to say this was originally set up for April but it depended on when the snow fall would stop, April to mid-December was the standard season. Mr. Ryan explained this was delayed a couple of times through readings to the Solid Waste District, they finally got it squared away.

Mr. Bellovich asked other than the difference in the time line would it run the same. Mr. Ryan replied yes, they would accept electronics, tires, hazardous household waste, paints and more.

He said the only differences were city employees would operate the facility and the county would pay for all the disposal fees for anything they collect.

Mr. Canarecci said since the collection facility moved there was less participation from Mishawaka residence, he asked Mr. Ryan was that his observation. Mr. Ryan said the last report at the Solid Waste District meeting did show there was a tremendous drop off usage from Mishawaka residence. He continued to say in the past the drop off was South Bend. Mr. Ryan said since the center moved the residence refusing to go to South Bend would leave or throw the recycling in the trash, leave it in the alley or find a field. He continued to say since the Solid Waste Center left Mishawaka, they constantly pick up tires and televisions and other waste.

Mr. Emmons commented this was a 5year agreement and every year they would see how this was financed and if everything worked according to what they passed. Mr. Ryan added after a 6-month period notification would be sent to the city and county to see the operation progress of Mishawaka. He said the Solid Waste District in South Bend would continue to run.

Mr. Mammolenti asked would there be pick-up for the disposals. Mr. Ryan explained Solid Waste Management would pick up the full trailer and drop off an empty trailer at the facility. He said in his 22 years he did not expect to see a whole lot drop off volume. Mr. Ryan continued to say his first day was working at the recycling center, he said it never dropped off, it always seemed to gain. He said he did not see the city loading and transporting trailers, he believed they would have to get more involved as a city.

Mr. Bellovich asked would they have to hire more staff. Mr. Ryan said they originally ran the facility with two people in the past then it became three when solid waste hired one of their own. He continued to say he had an employee who was good handling the organics and was crossed trained in hazardous waste. Mr. Ryan said they had good control on the organics, controlling who comes out and getting rid of contractors. He hoped two employees would work, if not, he would hire a third employee mid-summer for a month as opposed to an entire season or year. Mr. Ryan continued to say the volume picked up early, drop offs picked up in the summer, when fall came it dropped off again. He said he planned on having four of his personnel and one manager to go through the eight-hour course to be certified to work the facility.

Randy Przybysz, Executive Director of the District 828 Kurr Street South Bend clarified they did not own trucks but once this passed he would call their vendors to tell them which location to pick up, which would go in the contracts. He continued to say their budget grew over the last several years as they have taken more materials but the vendors did not care, they just wanted to know where to pick up materials. Mr. Przybysz added this year since they moved there was a 19% increase in South Bend residence using the program and there was almost an equal decrease in the number of Mishawaka residence. He said Mishawaka always had the highest percentage of residence using the program, County residence were second, in last the City of South Bend. Mr. Przybysz went on to say the idea of this was to give the option to people to promote them to use the program and not throw the materials out.

Mr. Mammolenti thanked the administration and Mr. Emmons for all their time and effort bringing this back to Mishawaka. He believed it was a true value to the residence and environment.

Question was called for at 7:15 P.M. for **RESOLUTION 2018-11**  **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.

UNFINISHED BUSINESS

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)
(Assigned to the Land Use Planning Committee)

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.

Clerk Block read a letter from the petitioner requesting to table **PROPOSED ORDINANCE NO. 2018-07** until the next meeting on June 04, 2018.

Mr. Deal made a motion to table **PROPOSED ORDINANCE NO. 2018-07** until the June 04, 2018 meeting second by Mr. Banicki motion carried.

Ken Prince, City Planner said he recalled there were questions regarding the PUD and what the city was proposing from the administration. He provided maps for anyone interested.

NEW BUSINESS

Mr. Deal reminded the Memorial Day Parade would be Monday May 28, 2018.

ADJOURNMENT 7:19 P.M.

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

Matt Mammolenti _____/s/
Matt Mammolenti, President

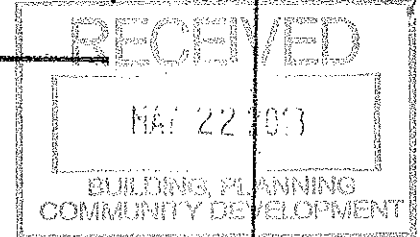
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DEBORAH S. BLOCK, MMC

MAY 30 2018

DATE: May 14, 2018

CITY CLERK
MISHAWAKA, IN

TO: Board of Zoning Appeals
City of Mishawaka, Indiana



The undersigned appellant respectfully shows the Board:

1. I, SEE ATTACHED PURCHASE AGREEMENT, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

426 E Mishawaka Ave., Mishawaka, IN. 46545-6820, St. Joseph County

LOT 4 G W R FOWLERS 1ST (71-09-10-359-010,000-023)

(PROVIDE ACCURATE LEGAL DESCRIPTION AND ALSO THE COMMON ADDRESS--A TAX KEY NUMBER IS NOT A LEGAL DESCRIPTION)

2. The above-described real estate presently has a zoning classification of C1-Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Restaurant
4. Appellant desires to

Run and operate Scoobies Restaurant in the above mentioned property. Zoning requirements state that 10 parking spots are required for every 1,000 sq. ft. of space. The current office space that is being planned to be used for the restaurant is 600 sq. ft. thus requiring a minimum of 6 parking spots. The property lot size does not accommodate the requirements needed for parking. Requesting a zero parking space requirement. Rezone property to mixed use where the front portion of the property is to be zoned and used commercially for restaurant use and the main structure to be zoned residential to be lived in by owner.

5. The Zoning Ordinance of the City of Mishawaka requires

Zoning ordinance requires 6 parking spaces. Requesting zero parking spaces. Parking to be on the street with use of the driveway for employees/delivery driver's vehicles. Requesting property to be zoned commercial and residential.

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

At the current time there is not any room for parking lots/spaces to be installed. 2 driveways opposed to one. Lot cannot accommodate the parking requirements thus impeding the business from normal operating day to day functions. Applicant is also requesting to be able to live in the requested main portion of the home in order not to have to pay for multiple mortgages.

7. 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.

No approval of this variance and rezoning to commercial/residential will not injure public health, safety, morals or general welfare of the community. Parking variance is being requested for the business hours of Monday-Tuesday 10:30 am to 5:00 pm; Wednesday-Friday 10:30 am to 8:00 pm; Saturday 11:00 am to 4:00 pm; Sunday-Closed.

RECEIVED

MAY 22 2018

BUILDING PLANNING

COMMUNITY DEVELOPMENT

- (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.

No the use and value of the area to the adjacent property will not be affected in an adverse manner. It is the believe that it will help values of surrounding properties. The main home if approved to be zoned residential will be lived in and not vacant.

- (3) Does the need for the variance arise from some condition peculiar to the property involved? YES OR NO and explain your reason why.

Yes; the current property does not have the required area to install a proper parking space with driveways as well as currently zoned commercial where the property could not be lived in by the owner.

- (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.

Yes, there will be a monetary and business hardships if both the parking variance and use variance are not approved. Business and property cannot accommodate major construction of a parking lot and proposed owner will not be able to afford two mortgage payments

- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? YES OR NO and explain your reason why.

None Seen.

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

Signature

Signature

RICHARD PARKER ESTATE

Print Name Here

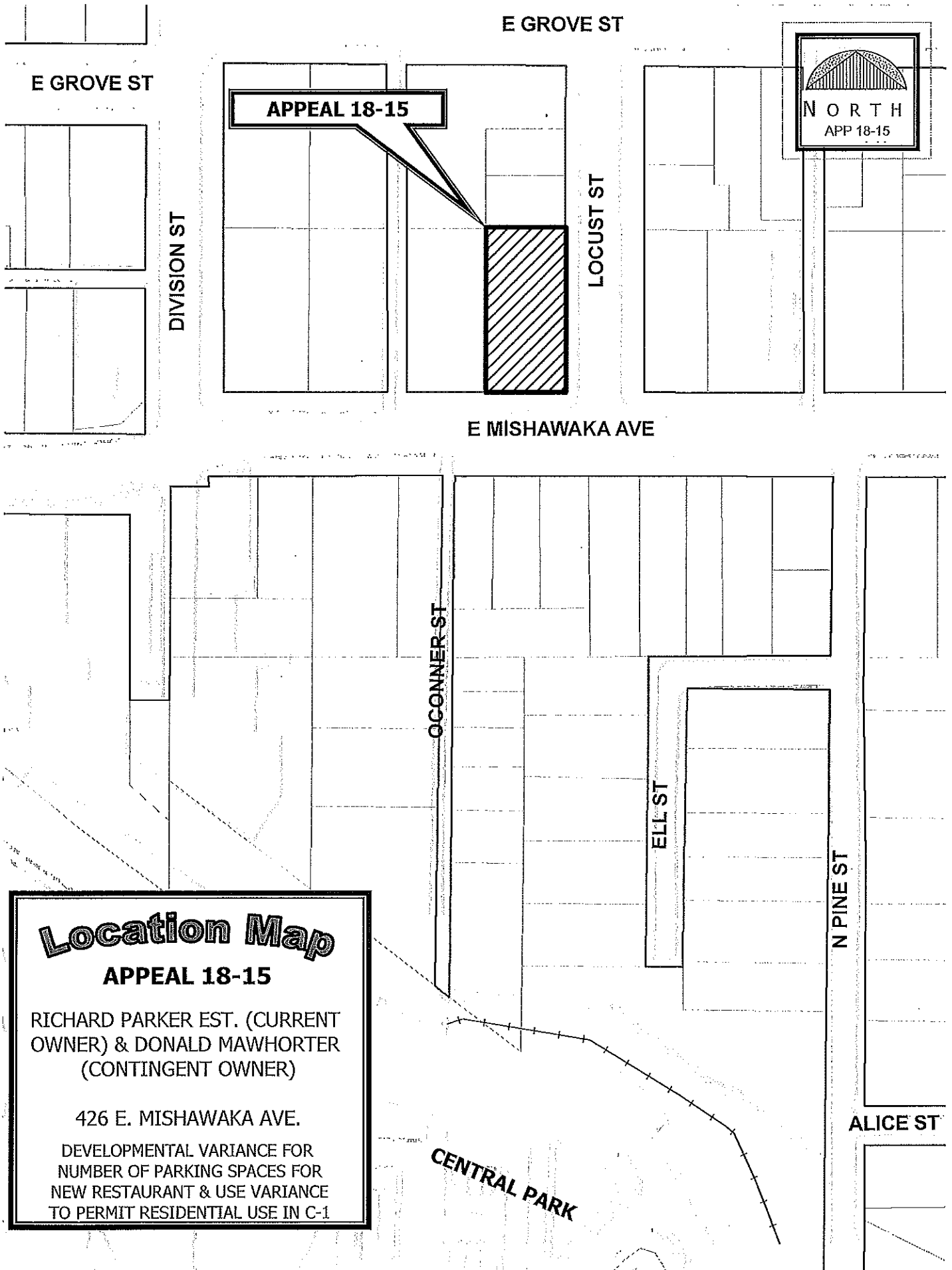
Print Name Here

MARIANNE PARKER

CONTACT PERSON:

Name: Michael Worden
Address: 1539 N. Ironwood Dr., South Bend, In. 46635
Day Phone Number: 574-292-1513
Fax Number: 574-273-0024
Email: michaelwordensells@gmail.com

Dion Mawhorter
dmawhorter@sbcglobal.net



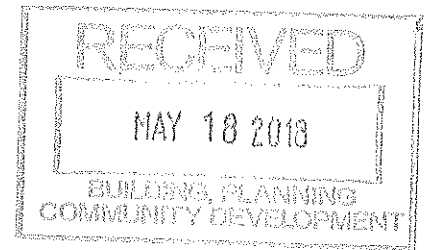
Location Map

APPEAL 18-15

RICHARD PARKER EST. (CURRENT
OWNER) & DONALD MAWHORTER
(CONTINGENT OWNER)

426 E. MISHAWAKA AVE.

DEVELOPMENTAL VARIANCE FOR
NUMBER OF PARKING SPACES FOR
NEW RESTAURANT & USE VARIANCE
TO PERMIT RESIDENTIAL USE IN C-1



Date 5/18/2018

Honorable members of the
common council

City of Mishawaka and

Mishawaka City Plan commission City of Mishawaka Indiana

Re: Petetion to rezone

Pet 18-16
RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2018

CITY CLERK
MISHAWAKA, IN

The undersigned Dittrich Properties respectfully show that they are owners of the following described real estate located in the city of Mishawaka, county of St Joseph, state of Indiana, to wit

1028 S. Ironwood Mishawaka Indiana 46544

Lot 66 Lafayette Pl exc. 15 feet to city for R-W wd 70429-20-96

Parcel number 710917356 013. 00-023

Petitioners own 100% of the above described parcel of land which carries a zoning classification of Commercial Said property is a 3 bedroom home.

Petitioners desire said real estate to be rezoned to R-1 residential district.

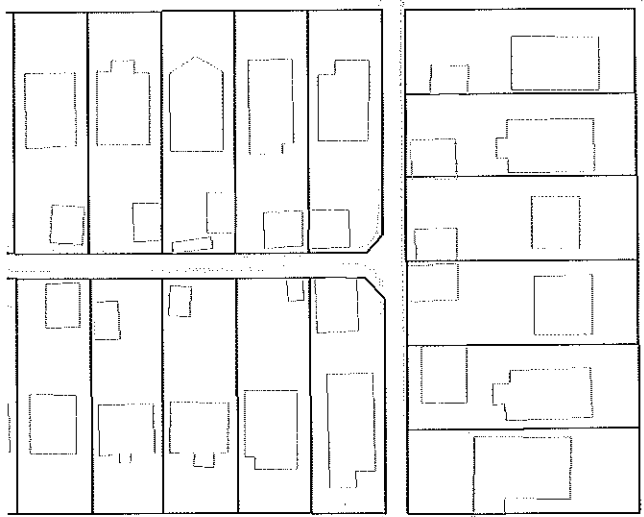
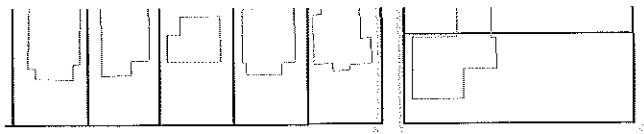
Petioners further state that they intend to use the property as a residential home. Would like to sell property but banks are hesitant to loan on commercial property.

Wherefor, 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 a hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

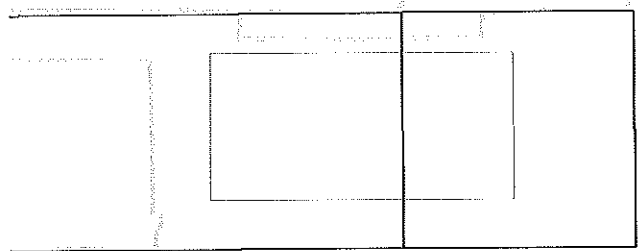
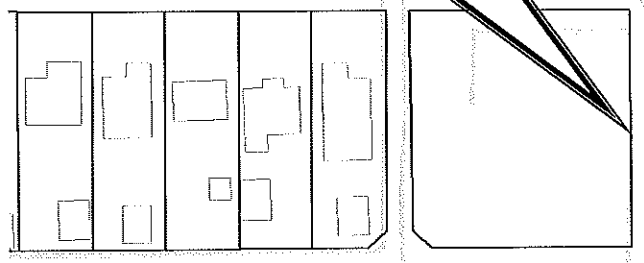
Dittrich Properties LLC - Pat Dittrich
Dittrich Properties LLC

Contact person Michael Williams or Jay Primmer 404 E 4th St Mishawaka, In

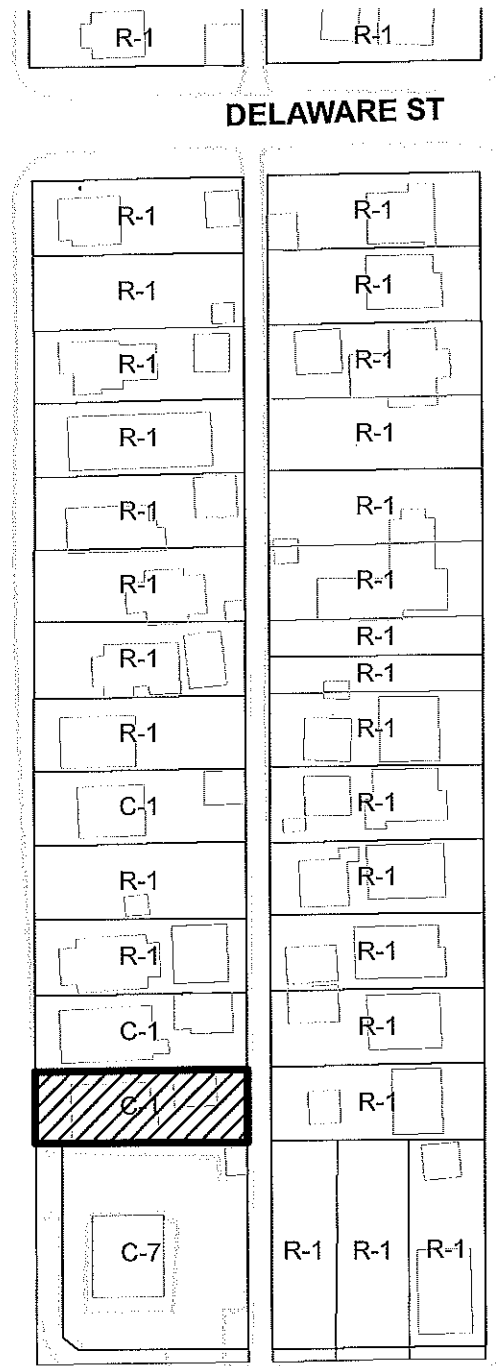
Ph. 574 220 6828 email mustang-mike@comcast.net



PET 18-16

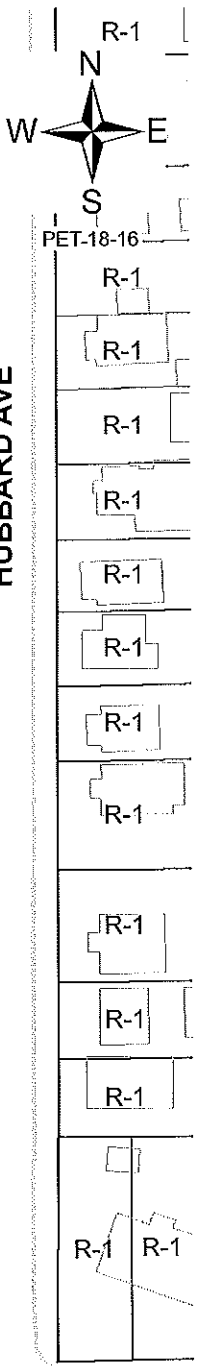


S IRONWOOD DR

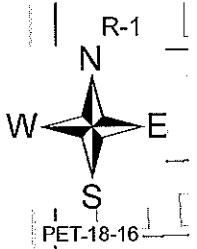


DELAWARE ST

HUBBARD AVE



EWING AVE



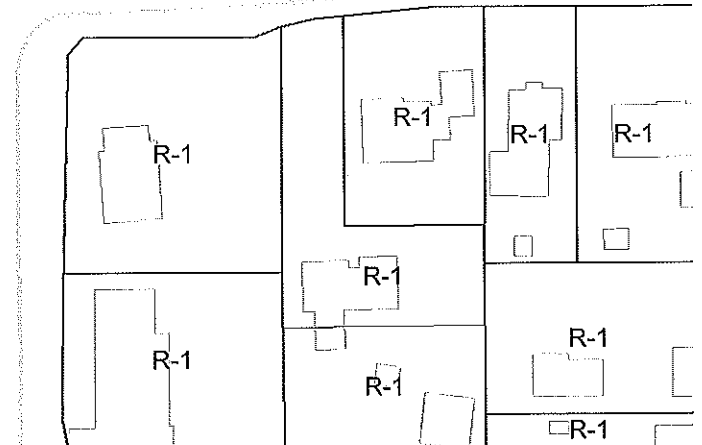
Location Map

PET 18-16

DITTRICH PROPERTIES, LLC

1028 S. IRONWOOD AVE.

**REZONE FROM C-1 GENERAL
COMMERCIAL TO R-1 SINGLE
FAMILY RESIDENTIAL
FOR AN EXISTING HOUSE**



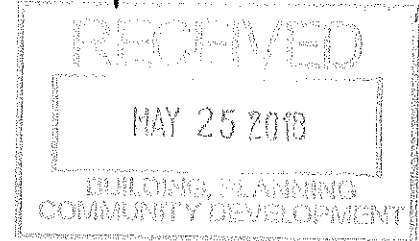
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DEBORAH S. BLOCK, MMC

MAY 30 2018

CITY CLERK
MISHAWAKA, IN

Date: May 23, 2018

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



RE: Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC,
Petition for an Amended PUD:

The undersigned, Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC, the Petitioners, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, St. Joseph County, Indiana:

A Part of Section 23, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East (All Bearings assumed) along the East line of the Northwest Quarter of said Section 23, 2,325.75 feet more or less to the point of beginning, said point being the intersection of the North & South Quarter Line of said Section 23 and the Northerly Right-of-Way line of Beacon Parkway; thence along said Northerly right-of-way line for the next two (2) courses, South 48°15'13" West a distance of 271.87 feet more or less and around a 1060.00 foot more or less radius curve to the left an arc distance of 78.00 feet more or less; thence North 43°44'30" West a distance of 361.29 feet more or less; thence North 35°00'28" West a distance of 715.48 feet more or less; thence South 90°00'00" West a distance of 330.00 feet more or less to a point on the West line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence North 00°00'00" West along said West line, a distance of 135.96 feet more or less to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along said North line, North 89°56'37" East a distance of 776.60 feet more or less to the Westerly Right-of-Way line of Capital Avenue; thence along said West line for the next Nine (9) courses, around a 2009.86 foot more or less radius curve to the left an arc distance of 75.24 feet more or less and South 42°34'41" East a distance of 379.94 feet more or less and South 47°25'19" West a distance of 40.00 feet more or less and South 42°34'41" East a distance of 341.03 feet more or less and South 00°33'26" East a distance of 139.82 feet more or less and North 89°55'48" East a distance of 90.00 feet more or less and North 48°15'42" East a distance of 58.00 feet more or less and South 42°23'12" East a distance of 147.00 feet more or less and South 00°33'26" East a distance of 30.00 feet more or less to a point of intersection with the Northerly Right-of-Way line of said Beacon Parkway; thence along said Northerly line South 48°15'42" East a distance of 250.00 feet more or less to the point of beginning and excepting therefrom any property owned by Bayer Healthcare, LLC as identified by St. Joseph County, Indiana Tax Key No. 030-1008-010006 in the records of said Auditor's office.

Containing 19.1 acres, more or less, and subject to any easements, covenants, and right-of-ways of record.

Also, commonly known as the Northwest corner of Capital Avenue and Beacon Parkway, Granger, Indiana 46530.

The above described parcel of land is presently zoned "S-2" Planned Unit Development District under the City of Mishawaka zoning development codes.

The Petitioners desire to amend the existing standards for the previously approved "S-2" Planned Unit Development District, known by Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186. The requested amended standards would be for the above described real estate portion of the previously approved "S-2" Planned Unit Development District. More specifically the Petitioners are requesting amended standards for Permitted Uses, Prohibited Uses, Lighting, Building Setbacks Limitations/Architecture, Temporary and permanent Signage, Parking setback/Landscaping and Parking reduction. Also included are standards for future use of the Outlot along Beacon Parkway.

With regards to Permitted Uses, the following permitted uses on Beacon property would be allowed:

- a). Hospital
- b). Medical Office Buildings, Surgery Centers and related medical patient care.
- c). Medical Support Services, Diagnostics, Imaging and all related medical practice types and needs.
- d). Pharmacy, Compounding and related drug preparation or drug therapy practices.
- e). Professional Office Buildings providing medical, billing, scheduling, tele-med or similar medical support offices.
- f). Retail Uses;
- g). Restaurant uses with a drive-thru;
- h). Medical and Dental Laboratories;

Standards for the Retail Outlot along Beacon Parkway would be as following uses as enumerated by Mishawaka Zoning Ordinances:

Sec. 137-300. - Intent.

The purpose of the Retail Outlot is to provide ~~limited~~ retail and/or service type establishments that may be an attractive amenity to support the medical campus ~~without competing with the campus services.~~ The Retail Outlot area is designed to provide for freestanding commercial uses ~~which require limited comparison shopping.~~ Customers may include users of the medical campus and impulse transient users arriving by automobile.

- a). Commercial C-1 Uses
- b). Commercial C-2 Uses
- c). Commercial C-7 Uses

RETAIL OUTLOT SETBACK REQUIREMENTS:

Building Front Yard Setback:	minimum 50'-0" to property line
Building Side Yard Setbacks:	minimum 30'-0" to property line
Building Rear Yard Setbacks:	minimum 25'-0" to property line
Front Yard Paving & Parking Setbacks:	minimum 30'-0" to property line
Side Yard Paving & Parking Setbacks:	minimum 8'-0" to property line
Rear Yard Paving & Parking Setbacks:	minimum 10'-0" to property line

Maximum (2) two buildings on the Retail Outlot
 Maximum (3) tenants in a +/- 4,000 sf Building
 Maximum (1) tenant in a +/-2,000 sf Coffee Shop

RETAIL OUTLOT PARKING REQUIREMENTS:

Drive-Thru: Provide 10 cars per 1,000 SF of gross tenant or gross building area.

Restaurant: Provide 8 cars per 1,000 SF of gross tenant area.

Office/Service: Provide 4 cars per 1,000 sf of gross tenant area.

Standards for entire site:

With regards for site Lighting, the previously approved Ordinance standards requires lighting poles limited to a maximum height of 25 feet and having 90-degree cut-off shielded fixtures. The amended request would allow fixtures to be placed on 3'-0" tall bases which would limit light poles with base to a maximum height of 28'-0" feet. The fixtures will still have 90-degree cut-off shielding. The lighting plan submitted would still limit maximum footcandles at property line to 3 footcandles. The amended standard would also allow for the use of ornamental light standards that would be similar in design to those used by the City for Beacon Parkway. The submitted final site plan would provide specifications for all planned site lighting which will allow for full review by the Planning staff.

With regards for Building Setbacks Limitations/Architecture, the previously approved Ordinance standards require buildings to be constructed of 100% approved materials as identified within Section 161.41 of the City Municipal Code as mended. Materials and colors shall be varied to provide architectural interest. The amended request would allow for materials to include pre-cast linear embossed brick texture with a 25-year pigmented stain finish. This amendment would still allow for varying building materials and at the same time providing for architectural interest. The submitted final site plan would provide color building elevations with specifications for all planned building materials which will allow for full review by the Planning staff.

Also under Building Limitations/Architecture, the previously approved Ordinance standards require buildings to be setback a minimum 75 feet from public right-of-ways and private collector drives. The amended request would allow for a minimum setback of 50 feet along Beacon Parkway and 40 feet along Capital Avenue. This 50' foot building setback would still maintain a visual and physical setback

of approximately 70'-0" from Beacon Parkway pavement and over 90 feet from the Capital Avenue pavement. The amended building setbacks along the public right-of-ways should provide a more than adequate open space along the public street frontages. In regard to the building setback from the private collector drives, in most instances, any proposed development done along the private collectors, a 40 foot building setback should be more than adequate, except as noted for Retail Outlot. Interior sites typically place parking in front of the proposed building, which results in buildings being further back from the private collector drives.

With regards to temporary and permanent site signage, the requested amendment is to allow an increase in the total square footage for temporary and permanent site signage. For temporary site signage the maximum total square footage allowed would be 2,000 square feet with a maximum height of 10 feet. Said temporary signage can be a stand-alone type signage or signage placed on fencing. Materials can be fabric, wood, plastic or equal materials. Temporary signage may remain in place from the commencement of site construction until the issuance of an occupancy permit for the facility constructed.

Permanent site signage would allow the following:

- 1). Capital Avenue frontage signage at southeast corner at Beacon Parkway for Beacon signs:
 - a. Maximum monument height 40'-0"
 - b. Maximum signage allowed display area 500 sf and copy area 300 sf. total
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on (2) faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency"
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lite.
- 2). Beacon Parkway frontage at (2) entry drives for Beacon signage:
 - a. Signage shall have maximum monument signage height of 20'-0"
 - b. Monument signage allowed display area 150 sf and copy area 100 sf at each sign
 - c. Signage base shall be landscaped
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lite.
- 3) East side of west entry drive for Retail Outlot:
 - a. Signage shall have maximum monument signage height of 15'-0".
 - b. Signage shall be (1) sign, double faced
 - c. Monument signage allowed display area of 150 s.f. and copy area of 100 sf at each face.
 - d. Signage base shall be landscaped.
 - e. Signs may be internally or externally lite
- 4). Directional Signage on interior private roads of Beacon property;
 - a). Maximum monument sign height of 8'-0".
 - b). Maximum monument sign display area 100 s.f. and copy area of 80 sf each face.
 - c). Maximum number of monument signs not to exceed (4) units, double faced.
 - d). Signs can be externally or internally lite.

- 5). Front canopy pier on hospital for "Emergency" signage:
 - a. Maximum pier height of 40'-0"
 - b. Maximum display area 280 sf and copy area 180 sf at each face, total (2) faces
 - c. Signage base shall be landscaped
 - d. Signage may be a bold red color with white letters "Emergency"
 - e. Signage may be externally or internally lite.
- 6) Future development buildings with internal signage, at each building allow:
 - a. Signage shall have maximum monument signage height of 20'-0"
 - b. Allow (1) Monument signage with display area 150 sf and copy area 100 sf at each sign
 - c. Signage base shall be landscaped
 - d. Signs may be internally or externally lite.
 - e. Allow (2) internal drive directional signs per building similar to item #4 above.
- 7). Building façade signage:
 - a. Signage allowed on building façades equal to 30% of the total square footage of each facade.
 - b. Emergency signage not included in calculation of allowed façade signage.
- 8). Incidental signage for Hospital Uses:
 - a). Site bollards: Maximum height 4'-0"
 - b). May be internally lighted;
 - c). Spacing: minimum 100 ft.

With regards to Parking setback/Landscaping, the previously approved Ordinance standards require placement of a minimum three (3) foot high earth mound along all public right-of-ways and internal collector drives, maximum 3' horizontal to 1' vertical slope. The amended request would eliminate the requirement of the earth mound along the Capital Avenue frontage from Beacon Parkway on the South and running North along said right-of-way frontage for a length of 675 feet and a zero (0) foot parking/driveway setback along this portion of the Capital Avenue frontage. There is a large right-of-way width along this portion of Capital Avenue which will provide for a buffer for any proposed drives or parking. Landscape screening for drives and parking is not required along this portion of the Capital Avenue frontage.

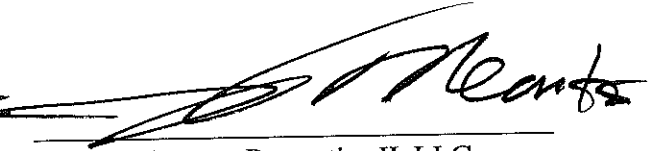
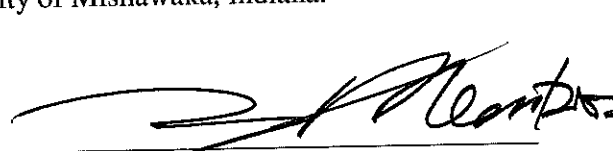
With regards to parking ratios the request is to allow parking to be provided at a ratio of 3 parking spaces per 1,000 square foot of gross floor area for any medical office use. The previously approved standard for parking was 4 spaces per 1,000 square foot other retail gross floor area. The requested slight adjustment would allow for better usage of property without having to provide more parking than needed. Excessive parking leads to less open space and creating a more intense heat island affect for paved areas.

Allow ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital.

These requested amended changes to the PUD Development standards are shown on the attached preliminary site plan.

All other previously approved PUD standards for Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186, shall be adhered to for the development of the above described property.

Wherefore, the Petitioners prays and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted the rezoning the above described parcel of real estate located in the City of Mishawaka, Indiana.



Capital Avenue Properties, LLC
2400 Miracle Lane
Mishawaka, Indiana 46545
574-259-2580

Capital Avenue Properties II, LLC
2400 Miracle Lane
Mishawaka, Indiana 46545
574-259-2580

Contact person:
Philip E. Panzica, RA, NCARB
President / Principal Architect
Panzica Architecture Group
416 East Monroe Street, Suite 320
South Bend, Indiana 46601
(574) 234-1123
e-mail: pepanzica@panzica.net

May 23, 2018

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

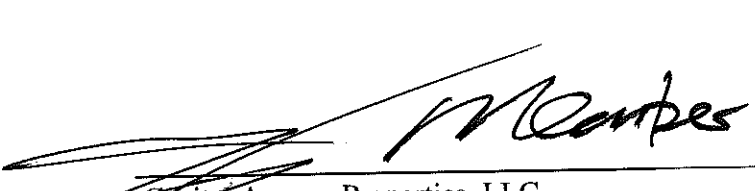
RE: Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC,
Petition for an Amended PUD:

Dear Council Members and Plan Commission Members,

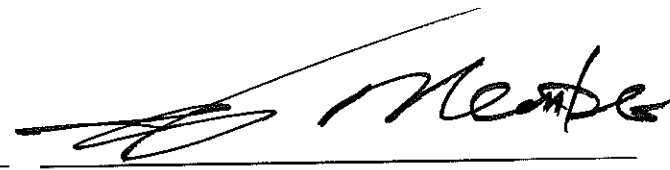
This letter is to inform the Board Members that we have granted authority to Panzica Architecture Group to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Amended PUD Request will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 574-647-3699.

Sincerely,



Capital Avenue Properties, LLC
2400 Miracle Lane
Mishawaka, Indiana 46545
574-259-2580



Capital Avenue Properties II, LLC
2400 Miracle Lane
Mishawaka, Indiana 46545
574-259-2580

LEGAL DESCRIPTION

A Part of Section 23, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East (All Bearings assumed) along the East line of the Northwest Quarter of said Section 23, 2,325.75 feet more or less to the point of beginning, said point being the intersection of the North & South Quarter Line of said Section 23 and the Northerly Right-of-Way line of Beacon Parkway; thence along said Northerly right-of-way line for the next two (2) courses, South 48°15'13" West a distance of 271.87 feet more or less and around a 1060.00 foot more or less radius curve to the left an arc distance of 78.00 feet more or less; thence North 43°44'30" West a distance of 361.29 feet more or less; thence North 35°00'28" West a distance of 715.48 feet more or less; thence South 90°00'00" West a distance of 330.00 feet more or less to a point on the West line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence North 00°00'00" West along said West line, a distance of 135.96 feet more or less to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along said North line, North 89°56'37" East a distance of 776.60 feet more or less to the Westerly Right-of-Way line of Capital Avenue; thence along said West line for the next Nine (9) courses, around a 2009.86 foot more or less radius curve to the left an arc distance of 75.24 feet more or less and South 42°34'41" East a distance of 379.94 feet more or less and South 47°25'19" West a distance of 40.00 feet more or less and South 42°34'41" East a distance of 341.03 feet more or less and South 00°33'26" East a distance of 139.82 feet more or less and North 89°55'48" East a distance of 90.00 feet more or less and North 48°15'42" East a distance of 58.00 feet more or less and South 42°23'12" East a distance of 147.00 feet more or less and South 00°33'26" East a distance of 30.00 feet more or less to a point of intersection with the Northerly Right-of-Way line of said Beacon Parkway; thence along said Northerly line South 48°15'42" East a distance of 250.00 feet more or less to the point of beginning and excepting therefrom any property owned by Bayer Healthcare, LLC as identified by St. Joseph County, Indiana Tax Key No. 030-1008-010006 in the records of said Auditor's office.

Containing 19.1 acres, more or less, and subject to any easements, covenants, and rights-of-way of record.



STATE RD 23

CAPITAL AVE

CAPITAL AVE

PET 18-18

CAPITAL AVE
BEACON PKWY

JUDAY CREEK

INDIANA TOLL RD

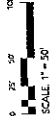
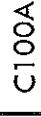
Location Map

PET 18-18

CAPITAL AVENUE
PROPERTIES LLC & CAPITAL
AVENUE PROPERTIES II LLC

PART OF WALKER PUD & NW
CAPITAL-TOLL ROAD PUD

AMEND PERMITTED USES &
DEVELOPMENT STANDARDS



<u>SUEL DATA OVERVIEW</u>	
TOTAL AREA OF SITE	
AREA FOR DEVELOPMENT	
• 44.8 ACRES • 8376,800 SF	
PRIMARY BUILDING	32,000 SF
SUBSEQUENT BUILDINGS	60,000 SF
ESTIMATED PAVEMENT	10,000 SF
GASOLINE STORAGE WATER SURFACE	51,000 SF
OPEN AREA	
TOTAL	= 375,000 SF
ESTIMATED Cdn = 0.66	

**DON'T
DIG
BLIND!"**

**Call two working days
before you dig!**
WITHIN INDIANA
1 800 382-5544
PEOPLE OUTSIDE INDIANA
1 800 428-5200

MAY 25 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 6-4-18
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2018-13

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2018

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
INDIANA, THAT:

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2018 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the CEDIT fund of the City of Mishawaka the sum of \$808,472.50 for assignment as follows:

CEDIT

<u>Capital Outlays</u>		
430-50-442-04	Street/Sewer/Sdwlk/Curb	\$ 8,472.50
430-50-442-11	Splash Pad (Mary Gibbard)	\$ 650,000.00
430-50-445-17	Park Improvements (Twin Branch)	<u>\$ 150,000.00</u>
	Total	\$ 808,472.50

Section 3. There is hereby appropriated from the Local Major Moves fund of the City of Mishawaka the sum of \$823,573.24 for assignment as follows:

Local Major Moves

<u>Capital Outlays</u>		
403-50-460-01	12 th Street Reconstruction	\$ 823,573.24

Section 4. There is hereby appropriated from the Sidewalk and Curb Repair fund of the City of Mishawaka the sum of \$3,266.20 for assignment as follows:

Sidewalk and Curb Repair

Capital Outlays

220-50-442-04

Street/Sewer/Sdwlk/Curb

\$ 3,266.20

Section 5. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

On this _____ day of _____, 2018 at _____ o'clock, _____. M.

Matt Mammolenti, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on 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 LAW

May 29, 2018

Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

Mr. President and Honorable Members of the Council:

I respectfully request your approval of the attached proposed resolution, establishing an expanded Municipal Riverfront Development Project ("MRDP"), 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 was accomplished with approval of Resolution Number 2018-05 by the Redevelopment Commission on May 21, 2018.

I plan to be present at the June 4, 2018 meeting to answer any legal questions, and City Planner, Ken Prince, will be available that evening, as well.

Thank you in advance for your consideration.

Sincerely,

Geoff Spiess
Corporation Counsel

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 29 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
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(574) 258-1637
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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 29 2018

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2018-12

**A RESOLUTION OF THE CITY OF MISHAWAKA COMMON COUNCIL
ESTABLISHING A MUNICIPAL RIVERFRONT DEVELOPMENT
PROJECT AREA WITHIN THE RECENTLY DESIGNATED
REDEVELOPMENT PROJECT AREA**

WHEREAS, on May 21, 2018, the City of Mishawaka Redevelopment Commission passed Resolution No. 2018-05, designating certain areas within the City of Mishawaka as a Redevelopment Project Area for the purpose of stimulating development and redevelopment in those areas; and

WHEREAS, it is in the best interests of the citizens of the City of Mishawaka for economic development and redevelopment to occur in those areas of the City of Mishawaka; and

WHEREAS, Indiana Code Sections 7.1-3-20-16 and 7.1-3-20-16.1 authorize local governing bodies to establish Municipal Riverfront Development Project Areas in order to facilitate the purchase by business owners of alcoholic beverage permits that may be issued without regard to the quota provisions of Indiana Code Section 7.1-3-22 as long as the proposed permit premises are located within the boundaries of the Municipal Riverfront Development Project Area and otherwise meet certain geographic restrictions; and

WHEREAS, the establishment of such a Municipal Riverfront Development Project Area within the City of Mishawaka would enhance the ongoing efforts of the City of Mishawaka to promote development and redevelopment;

NOW THEREFORE BE IT RESOLVED by the City of Mishawaka Common Council as follows:

1. A Municipal Riverfront Development Project Area is authorized and established within the boundaries described in Exhibits A, B, C, D, and E as attached hereto; and

2. 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; and

3. 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; and

4. 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 4th day of June, 2018, at ____ o'clock ____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of June, 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

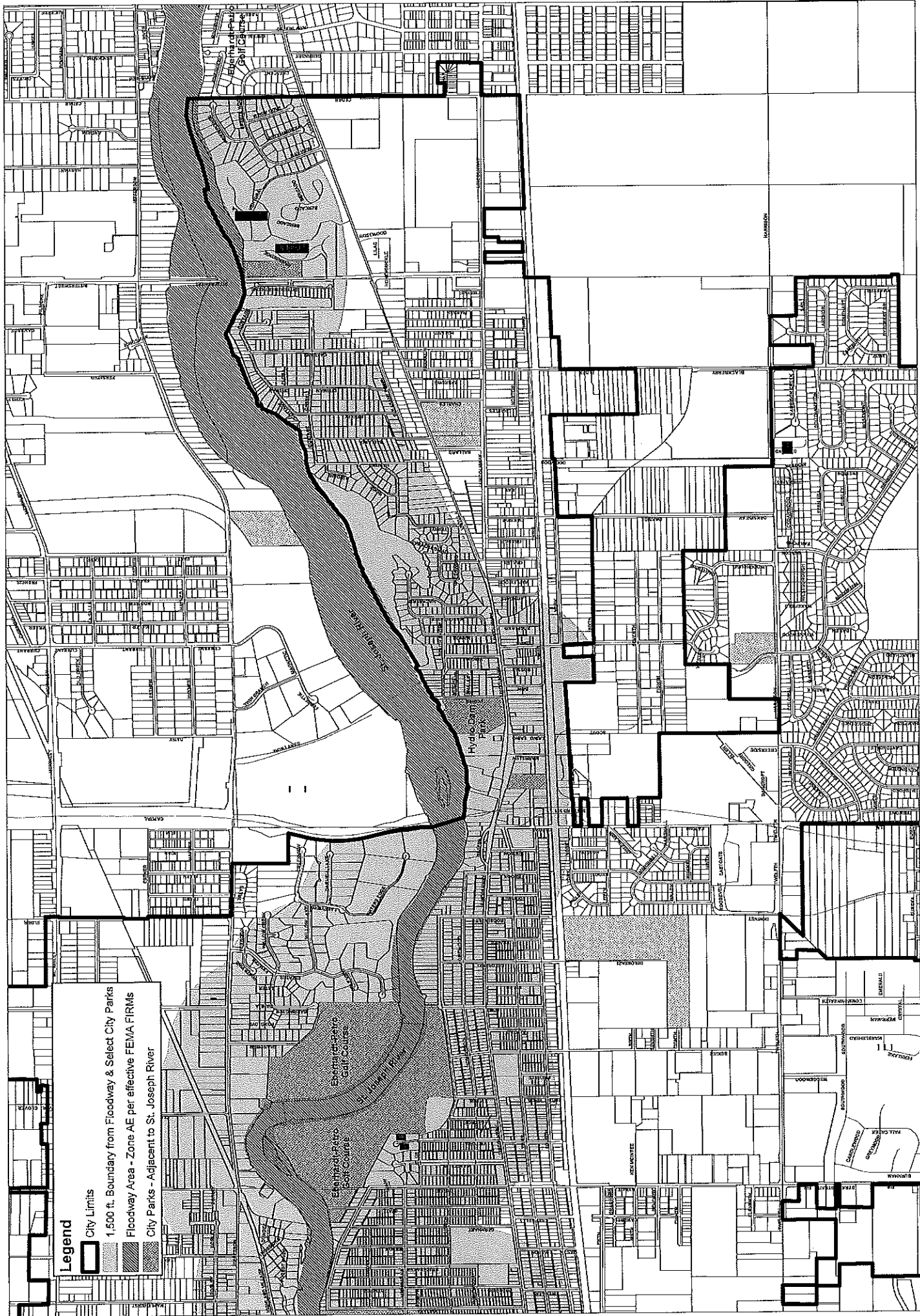
CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
MAP: EAST PORTION ALONG THE ST. JOSEPH RIVER

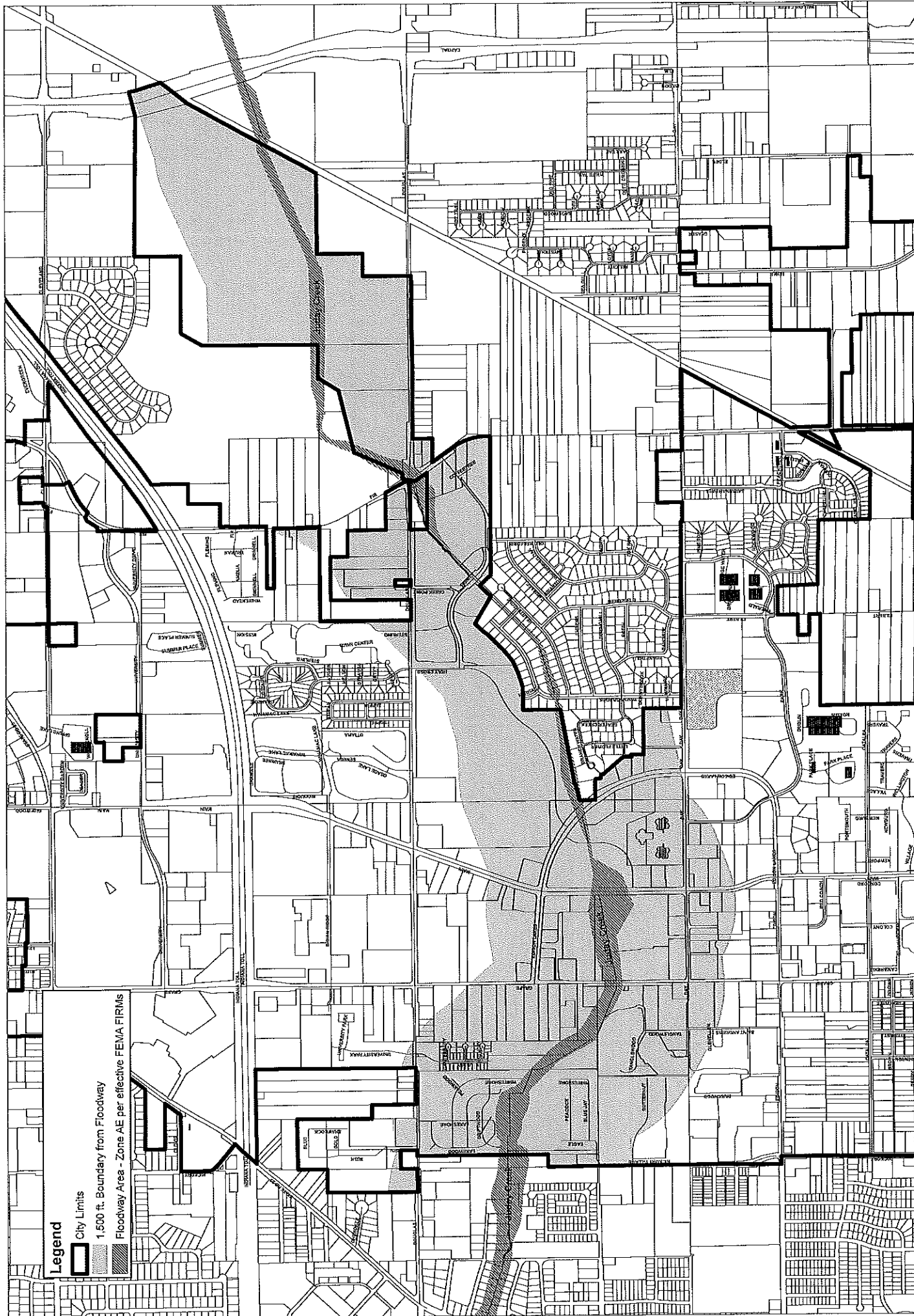
EXHIBIT D

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

EXHIBIT E

CITY OF MISHAWAKA-
MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
LEGAL DESCRIPTION





CITY OF MISHAWAKA - MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT AREA
JUDAY CREEK



PREPARED BY: DEPARTMENT OF CITY PLANNING
 DATE: NOVEMBER 28, 2017 (REVISED 2/13/2019)

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.

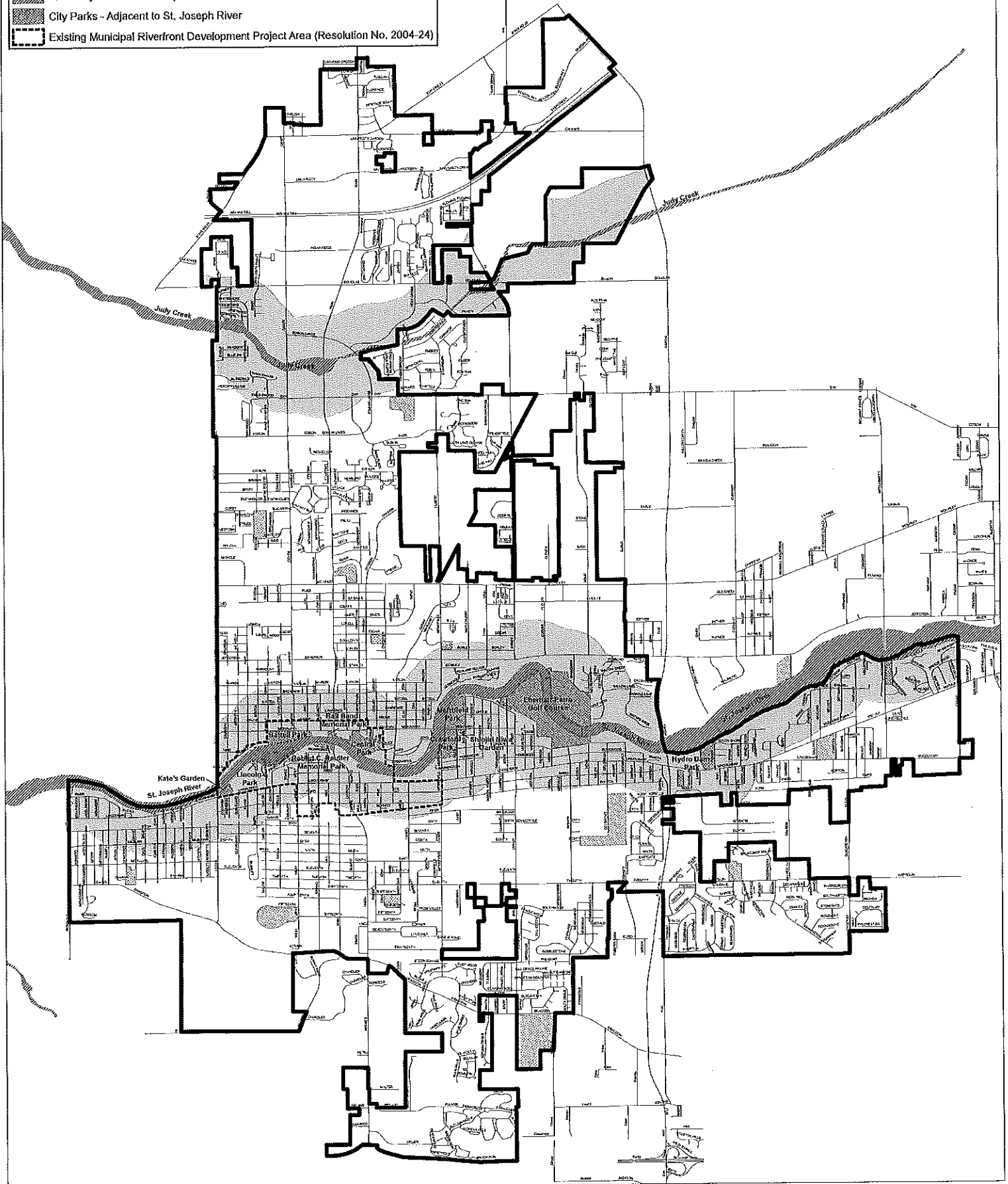
NORTH OF JUDAY CREEK

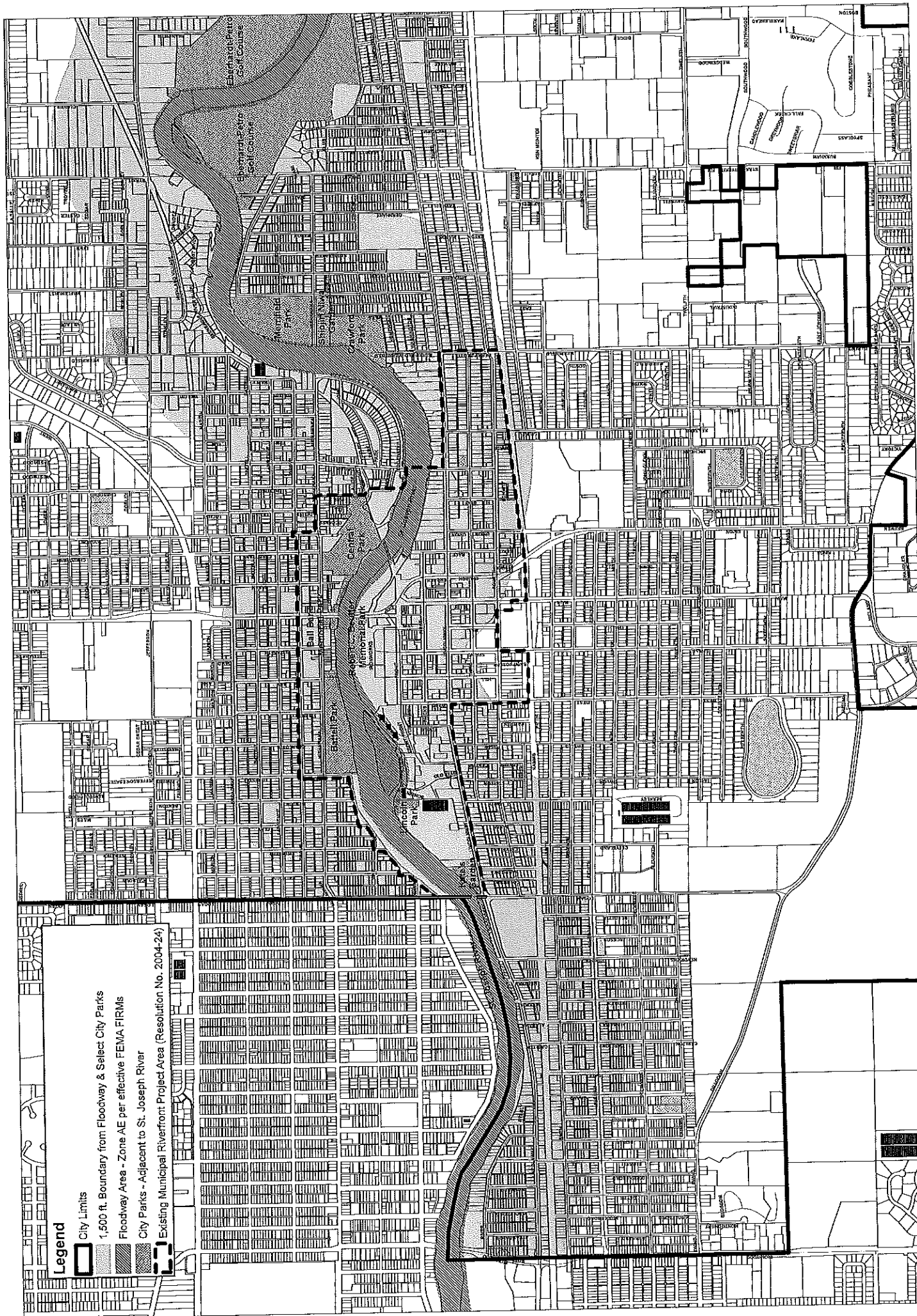
A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 28; PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE NORTHWEST AND NORTHEAST QUARTER OF SECTION 33; PART OF 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
WEST PORTION ALONG THE ST. JOSEPH RIVER**

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:

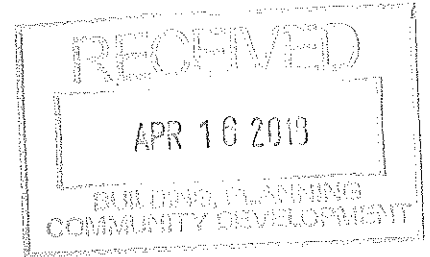
Deborah S. Block, IAMC, MMC, City Clerk

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:

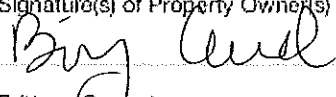
Lot 12 of Northern Indiana Realty Company's first addition/1111 Webster Street Mishawaka, IN. 46545

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

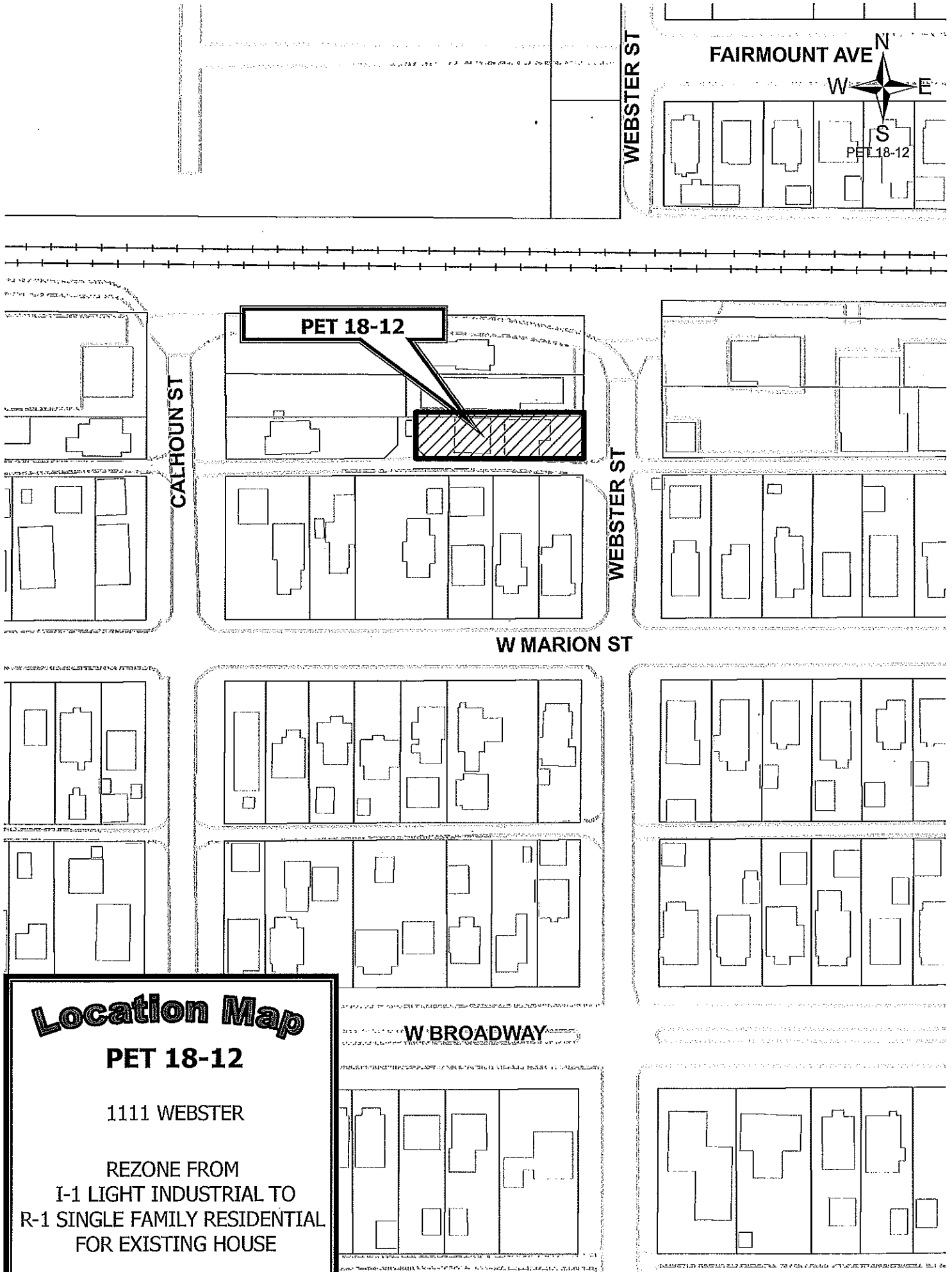
CONTACT PERSON:
BRITTANY CONARD
ADDRESS: 3617 Vistula Road Mishawaka, IN. 46544
PHONE NUMBER: (574)360-6048
FAX: N/A
EMAIL: BNCONARD@aol.com

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

MAY 16 2018

CITY CLERK
MISHAWAKA, IN

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. _____

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.

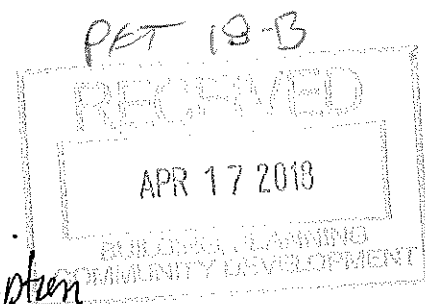
Wherefore, Joyce L. Vance pray and respectfully request that the Common Council of the city of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

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

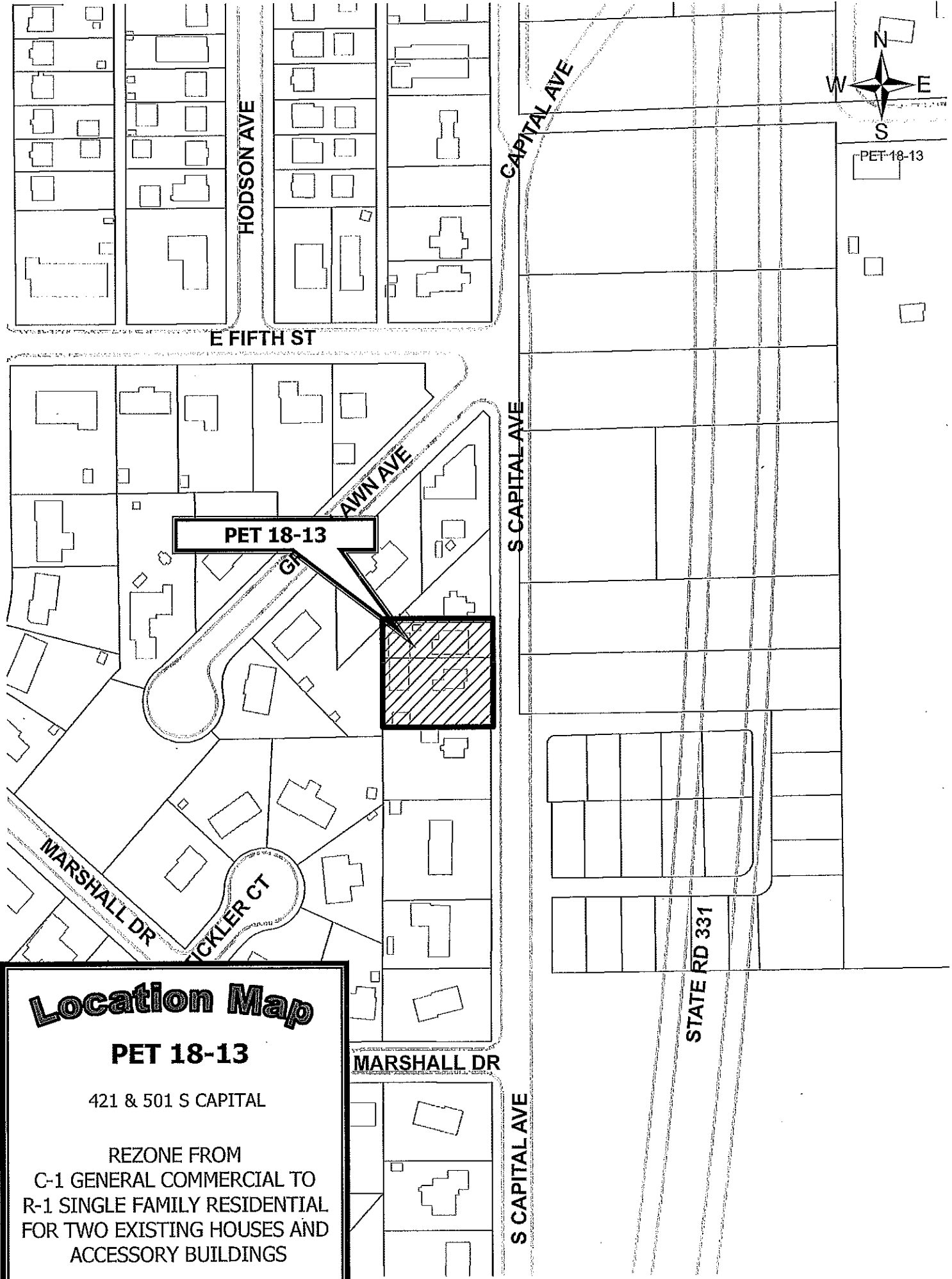
Mr. Vance,

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



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

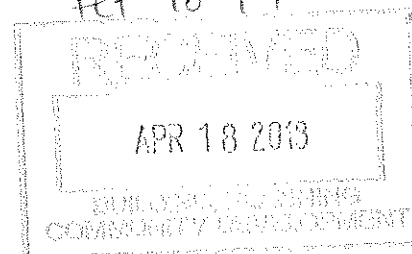
PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock ____ .M.

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

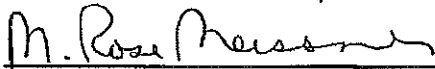
RE: Donald & Patricia Cressy Foundation
Rezoning & Subdivision Request:

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.

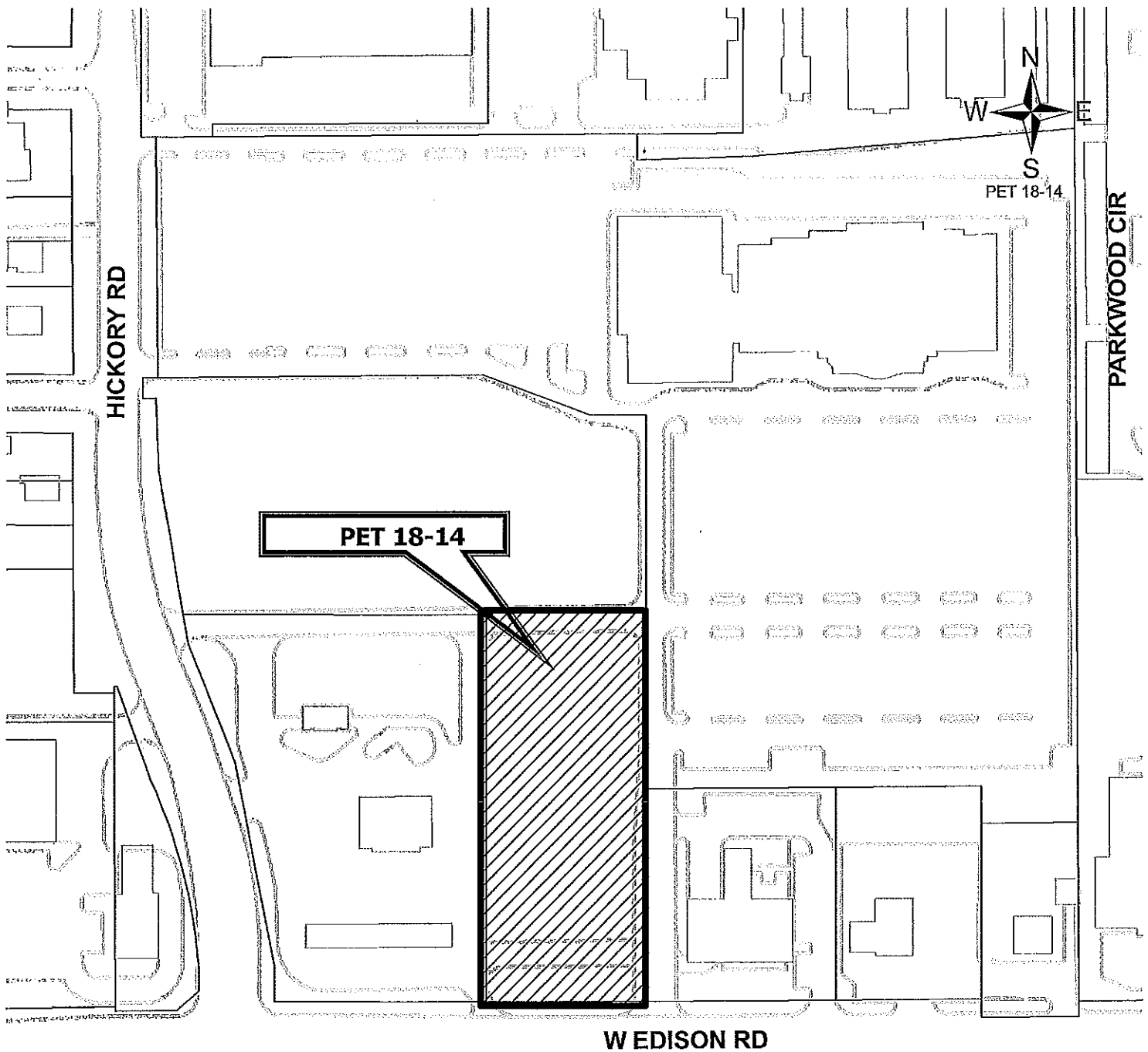
Sincerely,



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

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:

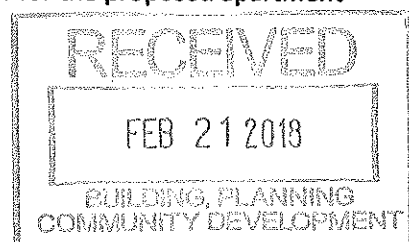
Commencing at a Progressive cap pin at the Southwest corner of the Southeast Quarter of said Section 7, also being the Northwest corner of the Northeast Quarter of said Section 18; thence North 89°35'54" East, (basis of bearings established by INDOT VRS Base, using Indiana East NAD83 coordinate system),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

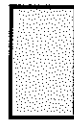
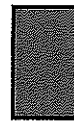
Building Type 1: 11 buildings = 77 units
 Building Type 2: 6 buildings = 48 units
 Building Type 3: 10 buildings = 80 units

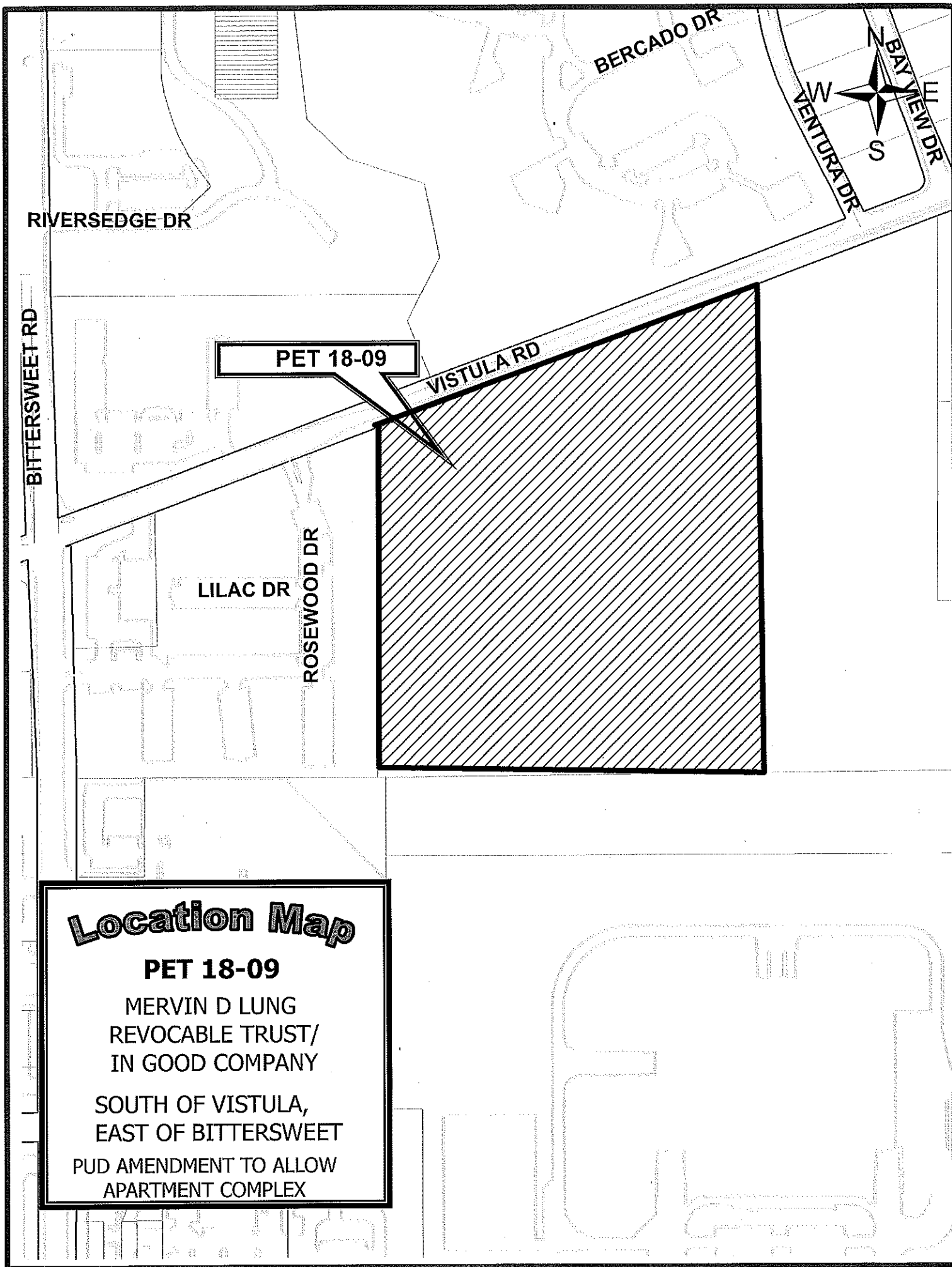
Total # of Buildings: 27
Total # of Units: 205

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