

AGENDA

July 1, 2013

**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**

June 17, 2013

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2013-27 Use Variance to allow indoor car sales and various developmental variances - 805 S. Cleveland St.

Petition No. 2013-09 Rezone property to C-4 Auto Oriented Com & C-7 Auto Oriented Restaurant Com - Main St and McKinley Ave

Petition No. 2013-10 Rezone to C-6 Linear Office Com 1600 to 1800 block of N Main St

Petition No. 2013-11 Rezone to R-1 Single Family and C-6 Linear Office Com - 1400 to 1500 Block of N Main Street

Petition No. 2013-12 Rezone to R-1 Single Family 1200 to 1300 Block of N Main Street

Petition No. 2013-13 Rezone to R-1 Single Family - NW Broadway St and N Main St and South of Grand Trunk Railroad

Petition No. 2013-14 Rezone to C-3 City Center Com - between W Mishawaka Ave and W Grove St and N Main St and Elizabeth St.

Petition No. 2013-15 Rezone to C-6 Linear Office Com - 2319 LWE

Petition No. 2013-16 Rezone to R-1 Single Family - 309 Smith St

Petition No. 2013-17 Vacation of Public Right of Way - First North-South Alley East of Main Street, running from McKinley Ave. South to Russ Ave.

Petition No. 2013-18 Vacation of Public Right of Way - portion of first East-West Alley South of Omer Ave. running East from Main St for approximately 105 Ft.

Petition No. 2013-19 Vacation of Public Right of Way - Portion of first East-West Alley South of Jefferson Blvd., running from Main St. East approximately 59 Ft. and a portion of Stanley St. running E from Main St. for approximately 48 Ft.

Petition No. 2013-20 Vacation of Public Right of Way - Portion of Borley St running E from Main St. approximately 65 Ft., portion of first North-South Alley E of Main St running from Jefferson Blvd. N to an existing East-West Alley

Petition No. 2013-21 Vacation of Public Right of Way - Portion of first East-West Alley N of Marion St running from Main St East approximately 193 Ft.

Petition No. 2013-22 Vacation of Public Right of Way - Portion of Marion St. running W From Main St Approximately 110 Ft., portion of the first East-West Alley N of Broadway St running from Main St W approximately 74 Ft., portion of the second East-West Alley N of Broadway St running W from Main St approximately 135 Ft.

Petition No. 2013-23 Vacation of Public Right of Way - First East-West Alley S of Grove St., running from Elizabeth St E approximately 269 Ft.

Petition No. 2013-28 Amend the PUD for Fir Rd Athletic Club to allow for a Nursing Facility - 5800 Block Fir Rd

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2013-17 Rezone from C-1 General Commercial to R-1 Single Family Residential - 408 W 7th Street (Assigned to Land Use Planning Committee)

P.O. NO. 2013-18 Amendment to Design Review Development Plan Ordinance (Assigned to Land Use Planning Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 17, 2013

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 June 17, 2013 at 7:00 p.m. The meeting was called to order by President Michael Compton and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following:



Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bilancio, Mr. Roggeman.

Absent/Excused: Mr. Bellovich.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the Jun 3, 2013 meeting were approved as received from the Clerk's Office.

Clerk Block stated there would be a presentation of DARE City Champion Essay Awards.

Lt. Tim Williams, Mishawaka Police DARE Officer said this was his 13th year serving in this position. He said he has really enjoyed this job and when he started back in 2002 he actually added the SACY Champion to the program because he thought it was important to work on reading and writing part of this program. Lt. Williams stated he had the students read their essays in the class and a winner was chosen from each class from each school to represent each of the schools in the City Championship. He said the history of the essay winners were 2 State Champions, and every year other than that Mishawaka Schools have been in the top five.

Lt. Williams said representing the Mishawaka Catholic Schools would be Rosa Trippel. Lt. Williams introduced Kaylee Kern Representing Liberty School who wrote a poem about what she learned in DARE.

Lt. Williams thanked the Council for allowing the essay winners to bring their great talents and share their essays with them.

President Compton said to Lt. Williams that it was he they owe the gratitude to for the work he does with these students and bring the champions to read their essays year in and year out. He also congratulated Kaylee and Rosa on a great job.

Mr. Roggeman said he wanted to say to the girls, not only was the quality of their essays excellent in everyway but the performance of it and the confidence they exhibited far exceeds their years. He encouraged them to keep up the great work.

Clerk Block read a letter from the Plan Commission regarding the Recommendations from their June 11, public hearing.

PETITION NO. 2013-05

A petition submitted by Jeffrey and Deborah Van Poppel to rezone 408 West Seventh Street from C-1 General Commercial District to R-1 Single Family Residential District.

RECOMMENDED APPROVAL.

PETITION NO. 2013-08

The City of Mishawaka Planning Commission has initiated an amendment of the City Municipal Code. Specifically, Chapter 105, the Design Review Development Plan Ordinance to allow for /the placement of menu boards and banners within the C-3 City Center Zoning District only. Section 105-171 Signage Form has been proposed to be modified to allow both menu boards and banners. In addition, section 105-179 has been proposed to further clarify restrictions on the placement of menu boards. Section 105 has been proposed to be added to further clarify restrictions on the placement of banners.” **RECOMMENDED APPROVAL.**

The following proposed ordinance was given first reading, and assigned to committee, to be set for public hearing at the next regular meeting.

PROPOSED ORDINANCE NO. 2013-17

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 ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA
(Rezoned from C-1 General Commercial to R-1 Single Family Residential – 408 West 7th Street)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-18

AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME

**AMENDED, COMMONLY KNOWN AS THE “DESIGN REVIEW
DEVELOPMENT PLAN ORDINANCE”
OF THE CITY OF MISHAWAKA, IDNAIANA**
(Amendment to Design Review Development Plan Ordinance)
(Assigned to Land Use Planning Committee)

Clerk Block read **RESOLUTION NO. R2013-14** opening it for public hearing.

RESOLUTION NO. R2013-14

**HONORING ANNA ROHRER MHS STATE TRACK AND FIELD
HAMPION IN THE 3200 METER RUN**

Mr. Reisdorf made a motion to continue this resolution due to a scheduling conflict. He said Anna and her family were unable to attend this meeting as they were invited to Nike Elite Athletic Camp, in Eugene, Oregon, honoring the top 10 high school Cross Country Runners in the Country, all expenses paid by Nike. With a second by Mr. Roggeman the motion carried.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-16** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-16

**AN ORDINANCE DECLARIANG AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013**
(Additional Funds – Human Resources \$2,785,015.00)

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

Rebecca Miller, City Controller said due to the error in the advertising of the Budget of School City in which Mishawaka City was tied to the DLGF stated that they had to revert to the 2012 Budget. She went on to explain the 2013 numbers were reverted to 2012 and the additional is to restore the 2013 Budget.

President Compton said for those that are not regular attendees there was some confusion about how the budget was posted by School City Of Mishawaka and state law has tied the two budgets together and because the State of Indiana did not feel the School City Budget was posted properly the penalty for that would be to revert back to the previous year budget. He explained the penalty affected the City of Mishawaka also because the two budgets are tied together, resulting in both entities having to revert back to the 2012 Budget. He said this proposed ordinance was to re-appropriate the money that was previously appropriated.

Clerk Block said as simply as they can put it was they are re-appropriating money that was already appropriated in 2013. Mr. Compton said exactly. Clerk Block said she wanted to make sure everyone understands it was not a City of Mishawaka error.

Question was called for at 7:25 p.m. on **PROPOSED ORDINANCE NO. 2013-16** the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bilancio, Mr. Roggeman.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-13** opening it for public hearing.

UNFINISHED BUSINESS

PROPOSED ORDINANCE NO. 2013-13

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-6 Office/Commercial with Residential allowed to R-1 Single Family Residential – 617 Lincolnway West)

Scott Stevens 617 Lincolnway West said he and his wife have lived here since 1992 and it was zoned C-1, they downgraded to a C-6 when they opened a Bed and Breakfast for a number of years. He said at this time they wanted to rezone to R-1 so they could refinance their home as they plan to keep it as a single family residence.

Ms. Voelker asked when they stopped running it as a bed and breakfast. Mr. Stevens said 2001-2002.

Question was called for at 7:28 p.m. on **PROPOSED ORDINANCE NO. 2013-13** the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bilancio, Mr. Roggeman.

NEW BUSINESS

Mr. Emmons said he wanted to remind everyone that he had a neighborhood watch meeting on June 27, 2013 at 7:00 p.m. at St. Bavo School and the Speaker would be Dr. Barker and Randy Squadroni regarding the financial crisis at Mishawaka High School.

Mr. Mammolenti said he would be having a round table meeting at the 12th Street Fire Station on June 26, 2013 at 7:00 p.m. with City’s Director of Engineering Gary West talking on public improvements.

There being no further business to come before the Council, President Compton adjourned the meeting at 7:30 p.m.

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

□ □ S. Michael Compton _____
S. Michael Compton,
Presiding Officer

RECEIVED
DEBORAH S. BLOCK MMC

AP 1327

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

Date: June 13, 2013

Mishawaka Board
of Zoning Appeals

RE: Land Use and Variance
Requests

FOR: Sells Enterprises LLC
2527 Lincolnway West
Mishawaka, Indiana 46544

Petition Address: 805 South Cleveland Street,
Mishawaka, Indiana 46544

The undersigned appellants respectfully show the Board:

- 1). That they are the owners of the below-described real estate located in the City of Mishawaka, Indiana, to-wit:

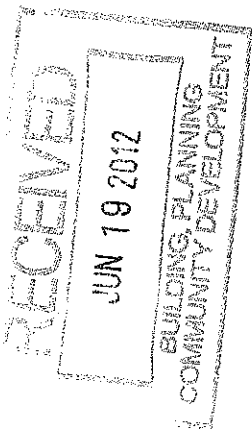
That part of the Southwest Quarter of Section 16, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, being described as follows; Commencing at the intersection of the South Right-of-way line of West 8th Street with the West Right-of-way line of South Cleveland Street; thence S. 00°-00'-00" E., along said West line, a distance of 270 feet more or less for the point of beginning; thence continuing along the West line of South Cleveland Street, S. 00°-00'-00" E. a distance of 100.00 feet more or less; thence S. 90°-00'-00" W. a distance of 382.00 feet more or less to the East line of an old Railroad Spur line; thence N. 00°-00'-00" W. along said East line a distance of 100.00 feet more or less; thence N. 90°-00'-00" E. a distance of 382.00 feet more or less to the point of beginning. Containing 0.88 acres more or less.

Subject to all legal highways, easements and restrictions of record.

ALSO Commonly known as 805 South Cleveland Street, Mishawaka, Indiana 46544.

- 2). The above described real estate presently has a Zoning classification of "I-2" INDUSTRIAL DISTRICT" under the Zoning Ordinance of the City of Mishawaka.

- 3). The Appellants have been the owners of the property for the past several years as shown in the records of the County Auditor's Office. The existing buildings were used previously for a Bottling company distribution facility, but they have remained vacant for approximately the last 15 years. The Appellants have been approached by an interested party who desires to acquire the



property and operate an indoor automotive sales facility for used vehicles. Based on discussions with the City's Planning staff and review of the City's Zoning Ordinance, an automotive sales facility requires a "C-4" Commercial District classification. The options available to the owner and contingent purchaser would be to either request a rezoning from the "I-2" Industrial District classification to the "C-4" Commercial District classification or request a Land Use Variance to allow the proposed indoor automotive facility under the existing "I-2" Industrial classification. The preference from discussions with the Planning Commission staff was to request a "Land Use" Variance. This would leave the property as Industrial which fits with the surrounding area and would allow the placement of any necessary restrictions on the proposed commercial use. The request for the "Land Use" variance also requires approval of several Variances to operate the proposed automotive facility within the industrial district. The Variances relate to developmental standards required for "C-4" Commercial uses. The Variances are in regards to the number of parking spaces provided, location of the West existing building from the property lines, using the existing gravel parking areas and drives instead of paving a large portion of the property, width of driveways, perimeter trees and screening of parking areas along street frontage.

4). After discussions with the Mishawaka Planning Staff and as stated above, it was determined that in order to allow for the proposed indoor automotive sales facility, the best procedure would be to request approval of Land Use Variance in an "I-2" Industrial District. This process would help to maintain the existing industrial character of the area and not introduce a more intense Zoning classification into the established industrial use area. The proposed use will be done within the existing buildings. This would help maintain the existing character of the area. The contingent purchaser plans to renovate the exterior of the building by painting the structures. The indoor automotive facility would be operated four (4) days a week Wednesday through Saturday. The hours of operation would be 12pm to 6pm on Wednesday to Friday and 9am to 1pm on Saturdays. The owners and contingent purchasers believe with the limited days and hours of operation, the request for approval of the "Land Use" Variance would fit in this industrial use area of Mishawaka.

5). The Appellants and contingent purchasers are also requesting a few Variances from Developmental standards for the "I-2" Industrial District classification for the operation of the commercial use.

The first Variance is to request a reduction in the amount of parking spaces provided for the proposed indoor automotive use from 87 spaces to a minimum of 11 spaces. The "C-4" Commercial standards require 5.5 parking spaces per 1,000 sq.ft. of gross floor area. Based on that standard, this proposed use would require 87 parking spaces for 15,734 sq.ft. of buildings. The proposed use will house the vehicles for sale within the existing buildings. As shown, the contingent purchaser will provide 11 on-site parking spaces. They believe for the limited time the facility is opened, there would be no need to provide 87 parking spaces. The property itself would not

be large enough to have 87 spaces. The contingent purchasers do not believe they would have more than 3-5 customers at any one time. They would ask for approval for the reduction in parking for the proposed use. The Appellants and contingent purchaser do not believe approval of this Variance would be detrimental to any surrounding property.

The second and third Variance requests are to allow the existing west building to encroach into the side yard along the north property line and the west property line. The setbacks under "C-4" Commercial standards require a 5 ft. side yard setback and a 30 ft. rear yard setback. The building shown is existing and has been for the past several decades. The building sets just 2 ft. off the north property line and just 3 ft. off the west property line. The Appellants and contingent purchaser would ask for approval to leave the building as shown. The Appellants and contingent purchaser do not believe approval of this Variance would adversely affect any surrounding property.

The fourth Variance request is to be allowed to use gravel parking as shown in lieu of paving the parking spaces. The parking shown in front of the building would be paved, but the spaces shown between the two buildings would be located in the area of existing gravel. With the limited use of the facility, the Appellant and contingent purchaser are asking to be allowed to use the existing gravel areas for seven parking spaces. The Appellants and contingent purchaser do not believe approval of this Variance would have a negative impact on any adjacent property.

The fifth Variance request is to be allowed to use the existing 12 wide gravel driveway that runs from the front of the property along the north line to the proposed seven parking spaces shown between the two existing buildings, and not be required to pave the driveway. The Appellants and contingent purchaser are asking not to be required to pave over 240 feet of driveway that will be used on a limited basis as it relates to the hours of operation for the facility. The Appellants and contingent purchaser do not believe approval of this Variance would be detrimental to any surrounding property.

The sixth Variance request is to allow the use the existing 12 ft. wide driveway to access the shown seven parking spaces instead of the usual 22 ft. wide driveway. The "C-4" Commercial development standards do not specifically state the width of an access driveway, but the standard has always been to use at least a 22 ft. wide driveway in parking areas. The area on the north side of the building would not be wide enough to place a 22 ft. wide driveway. The Appellants and continent purchaser believe as stated above that with the limited use envisioned for this facility, using the existing gravel driveway should be sufficient for the proposed indoor automotive facility. The Appellants and contingent purchaser do not believe approval of this Variance would adversely affect any surrounding property.

The seventh Variance request is to allow the existing gravel driveway to remain as shown. It presently encroaches into the 5 ft. wide side yard setback along the north property line to a point as close as 1 ft. from said line. The "C-4" Commercial development standards do not allow any driveways/parking to encroach into the setback area. As this driveway is existing and allows access to

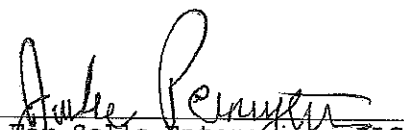
the gravel area between the buildings through the existing gates, the Appellants and contingent purchaser are asking to be allowed for the driveway to encroach into the side yard setback. They do not believe approval of this Variance would be detrimental to any surrounding property.

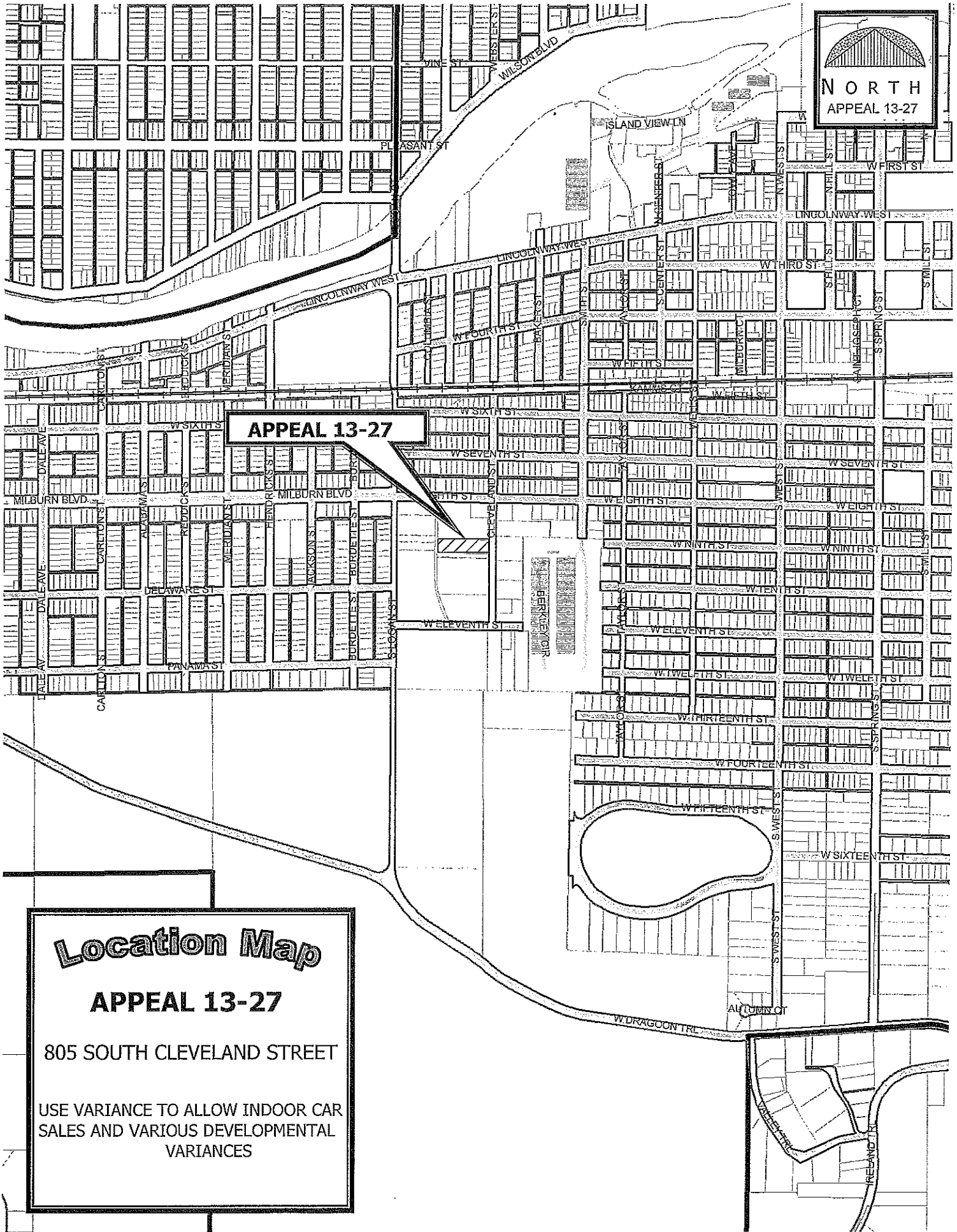
The last Variance request is from providing the required minimum perimeter trees at a spacing of 40 ft. on center along the east property line for the South Cleveland Street frontage and perimeter trees at a spacing of 60 ft. on center along the south, west and north property lines to providing no additional trees. The location of the existing building and overhead utility lines limits the placement of any perimeter trees along the south, west and north and east property lines. This is an area of old industrial uses and the placement of perimeter trees would not work well with the existing infrastructure and adjacent industrial uses. The Appellants and contingent purchaser do not believe approval of this Variance would adversely affect any surrounding property.

6). The Appellants and contingent purchasers would state that if the proposed Land Use Variance and Developmental standard Variances were approved, it would not adversely affect the adjacent properties or the surrounding neighborhood. The Appellants and contingent purchasers would hope that the Board Members would agree, that the allowing the proposed indoor automotive sales facility, meets the intent of the requested Land Use Variance and Developmental standards within the "I-2" Industrial District.

For the above stated reasons, the Appellants and contingent purchasers would contend that approval of the Land Use Variance and Developmental standards Variances would not be injurious to the public health, safety, morals and general welfare of the Community. The use and value of the area adjacent to the property included in the above requests will not be affected in a substantially adverse manner. The need for the above requested Land Use Variance and Developmental standard Variances arises from a condition peculiar to the Appellant's property and that the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the Appellant's property. The Appellants and contingent purchasers would also state that approval of the requested Land Use Variance and Developmental standard Variances would not interfere substantially with the Comprehensive Plan for this entire area.

The Appellants and contingent purchasers therefore prays and respectfully requests a hearing on this appeal and that after such hearing the Board recommends approval of the Land Use Variance and approves the requested Developmental standard Variances.


 For Sells Enterprises LLC
 2527 Lincolnway West
 Mishawaka, Indiana 46544
 574-298-3001



APPEAL 13-27

Location Map

APPEAL 13-27

805 SOUTH CLEVELAND STREET

USE VARIANCE TO ALLOW INDOOR CAR
SALES AND VARIOUS DEVELOPMENTAL
VARIANCES



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

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

RE: Petition Rezoning Classification

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

Lot 1:

A part of the Southeast Quarter of Section 4, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as: Lot "C" and the South 10.00 feet more or less of Lot "D", Lot 2, Lot "A" and Lot "B" of the Plat of "Normain Heights Subdivision" as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots taken for Right-of-way purposes for Main Street and McKinley Avenue.

Containing 0.68 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Commonly known as the Northwest corner of Main Street & McKinley Avenue

Lot 2:

A part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as: Lots # 1 through # 5 and the 7 ft. wide Vacated Public Alley East of and adjacent to said Lots of the Plat of "Shivey's First Subdivision" as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots and vacated Alley taken for Right-of-way purposes for Main Street and McKinley Avenue.

Containing 0.48 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Commonly known as the Southeast corner of Main Street & McKinley Avenue

Petitioner(s) own one hundred (100%) percent of the above described parcels of land which carries a zoning classification as follows:

Lot 1: C-4 Automobile Oriented Commercial and C-1 General Commercial

Lot 2: C-4 Automobile Oriented Commercial

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ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

Building Phone: (574) 258-1607 Fax: (574) 968-6999

Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999

Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

Petitioner(s) desire said real estate to be rezoned as follows:

Lot 1: C-4 Automobile Oriented Commercial
Lot 2: C-7 Automobile Oriented Restaurant Commercial

Wherefore, the petitioner 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.

Sincerely,

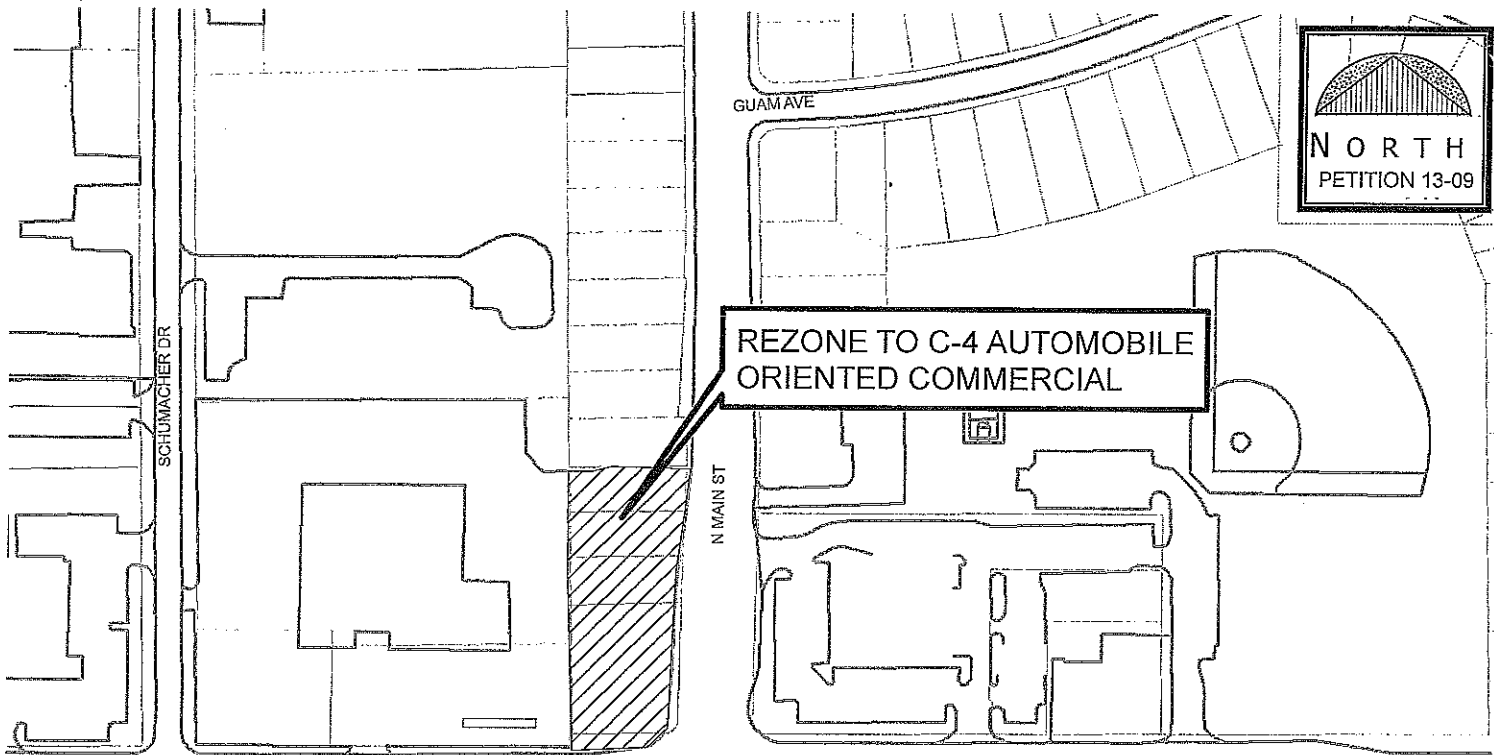
David Thomas
Director, Dept. of Community development
City of Mishawaka

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

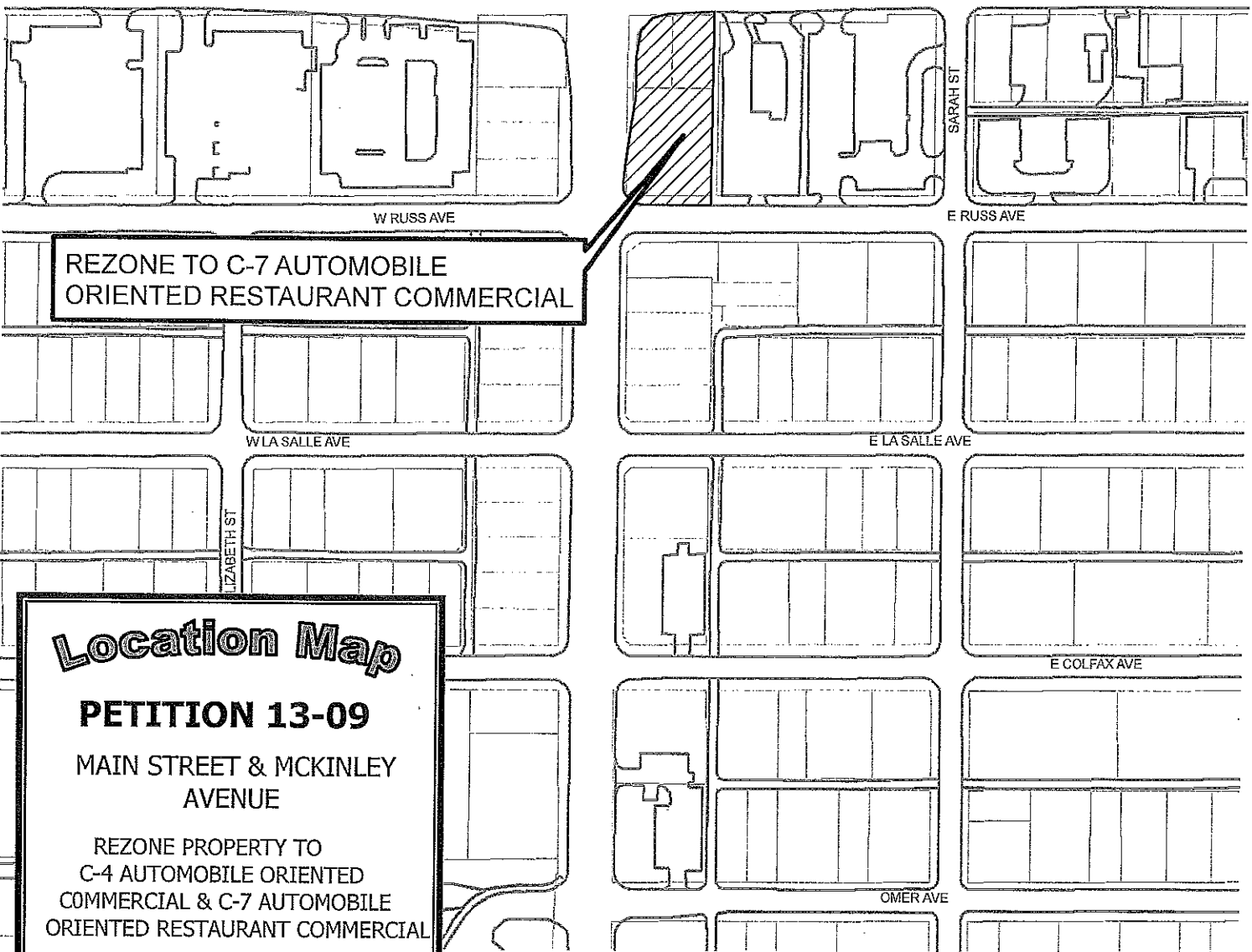
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REZONE TO C-4 AUTOMOBILE
ORIENTED COMMERCIAL



REZONE TO C-7 AUTOMOBILE
ORIENTED RESTAURANT COMMERCIAL



Location Map

PETITION 13-09

MAIN STREET & MCKINLEY
AVENUE

REZONE PROPERTY TO
C-4 AUTOMOBILE ORIENTED
COMMERCIAL & C-7 AUTOMOBILE
ORIENTED RESTAURANT COMMERCIAL



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

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

RE: Petition for Rezoning Classification

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

Lot 1:

A part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as: Lots # 1 through # 3 and the North 7 ft. of a Vacated Public Alley adjacent to said Lot # 1 of the Plat of "Hantz's First Addition" Subdivision and Lots # 161 through # 163 and the South 7 ft. of a Vacated Public Alley adjacent to said Lot # 1 of the Plat of "Lowell Heights" Subdivision both as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots taken for Right-of-way purposes for Main Street, Omer Avenue and Lowell Avenue.

Containing 0.57 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Commonly known as the block east and adjacent to Main Street between Omer Avenue & Lowell Avenue

Lot 2:

A part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lots # 121 through # 126 of the Plat of "Lowell Heights" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots taken for Right-of-way purposes for Main Street, Lowell Avenue and Edgar Avenue.

Containing 0.58 acres more or less.

Subject to all legal highways, easements and restrictions of record

Commonly known as the block east and adjacent to Main Street between Lowell Avenue & Edgar Avenue

Lot 3:

A part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lots # 81

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ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

Building Phone: (574) 258-1607 Fax: (574) 968-6999

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Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

through # 86 of the Plat of "Lowell Heights" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots taken for Right-of-way purposes for Main Street, Edgar Avenue, and Donaldson Avenue. Containing 0.60 acres more or less.
Subject to all legal highways, easements and restrictions of record.

Commonly known as the block east and adjacent to Main Street between Edgar Avenue & Donaldson Avenue

Petitioner owns one hundred (100%) percent of the above described parcels of land which carries a zoning classification as follows:

Lot 1: C-6 Linear Office Commercial and R-1 Single Family Residential
Lot 2: C-5 Neighborhood Commercial and R-1 Single Family Residential
Lot 3: C-6 Linear Office Commercial and R-1 Single Family Residential

Petitioner desires said real estate to be rezoned as follows:

Lot 1: C-6 Linear Office Commercial
Lot 2: C-6 Linear Office Commercial
Lot 3: C-6 Linear Office Commercial

Wherefore, the petitioner 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.

Sincerely,

David Thomas
Director, Dept. of Community development
City of Mishawaka

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PETITION 13-10

C-6

C-6

C-6

LOWELL AVE

E LOWELL AVE

E EDGAR AVE

E DONALDSON AVE

E BORLEY AVE

WJEFFERSON BLVD

E JEFFERSON BLVD

STANLEY ST

STANLEY ST

E MARION ST

E BROADWAY

N MAIN ST

SARAH ST

DIVISION ST

CHRISTYANN ST

E BORLEY AV

SARAH ST

CHRISTYANN ST

Location Map

PETITION 13-10

REZONE TO C-6 LINEAR
OFFICE COMMERCIAL

Pet 13-11



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

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

RE: Petition for Rezoning

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

Lot 1:

A part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lots # 41 through # 46 and the North half of Vacated Borley Avenue adjacent to said Lot #41 all in the Plat of "Lowell Heights" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots and Vacated Borley Street taken for Right-of-way purposes for Main Street and Donaldson Avenue.
Containing 0.54 acres more or less.
Subject to all legal highways, easements and restrictions of record.

Commonly known as the block east and adjacent to Main Street between Donaldson Avenue & Borley Avenue

Lot 2:

A part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lots # 4 through # 6, the North 9 ft. more or less of Lot # 3 and the South half of Vacated Borley Avenue adjacent to said Lot #6 all in the Plat of "Lowell Heights" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots and Vacated Borley Street taken for Right-of-way purposes for Main Street.
Containing 0.16 acres more or less.
Subject to all legal highways, easements and restrictions of record.

Commonly known as the north half block east and adjacent to Main Street between Borley Avenue & Jefferson Blvd

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Lot 3:

A part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lots # 1, # 2, the South 32 ft. more or less of Lot # 3 and the 14 ft. wide Vacated Public Alley adjacent to said Lots all in the Plat of "Lowell Heights" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots and Vacated Public Alley taken for Right-of-way purposes for Main Street and Jefferson Boulevard.

Containing 0.13 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Commonly known as the south half block east and adjacent to Main Street between Borley Avenue & Jefferson Blvd

Petitioner owns one hundred (100%) percent of the above described parcels of land which carries a zoning classification as follows:

Lot 1: C-1 General Commercial

Lot 2: C-1 General Commercial

Lot 3: C-1 General Commercial

Petitioner desires said real estate to be rezoned as follows:

Lot 1: C-6 Linear Office Commercial

Lot 2: R-1 single-Family Residential

Lot 3: R-1 single-Family Residential

Wherefore, the petitioner 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.

Sincerely,

David Thomas
Director, Dept. of Community development
City of Mishawaka

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REZONE PROPERTY TO
C-6 LINEAR OFFICE COMMERCIAL
& R-1 SINGLE-FAMILY RESIDENTIAL

1400 - 1500 BLOCK
NORTH MAIN STREET

Location Map PETITION 13-11

REZONE TO R-1 SINGLE-
FAMILY RESIDENTIAL

REZONE TO C-6 LINEAR
OFFICE COMMERCIAL

W JEFFERSON BLVD

N MAIN ST

E BROADWAY

SARAH ST

E MARION ST

CHRISTYANN ST

STANLEY ST

STANLEY ST

E JEFFERSON BLVD

E BORLEY AVE

E DONALDSON AVE

E EDGAR AVE

SARAH ST

E FLOWELL AVE

E FLOWELL AVE

NORTH
PETITION 13-11



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

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

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

RE: Petition for Rezoning

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

Lot 1:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lot # 7 in the Plat of "E.A. Smith's Addition" Subdivision and Lot # 62 in the Plat of "O'Neil's 2nd Addition" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots taken for Right-of-way purposes for Jefferson Boulevard.

Containing 0.22 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Lot 2:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lots # 1 through # 5, Lots # 10 through # 14, the 14 ft. wide Vacated Public Alley adjacent to said Lots # 3 through # 5 and said Lots # 10 through # 12 and the 50 ft. wide Vacated portion of Stanley Street adjacent to said Lots # 10, # 11 and # 14 all in the Plat of "E.A. Smith's Addition" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots and Vacated Public Alley taken for Right-of-way purposes for Main Street, Jefferson Boulevard and Stanley Street.

Containing 0.37 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Lot 3:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as a part of Lot # 10 of "Mishawaka Farm Lots" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office and being more particularly described as: Beginning at a point on the South Right-of-way line of Stanley Street which is S. 89°-14'-12" W., a distance of 93 feet more or less from the Northwest corner of Lot # 90 in the Plat of "O'Neil's 2nd Addition" Subdivision as recorded in the records of the St. Joseph County,

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Indiana recorder's Office; thence S. 00°-30'-55" E., a distance of 87.94 feet more or less; thence N. 89°-21'-50" E., a distance of 93.53 feet more or less to the West line of said Plat of "O'Neil's 2nd Addition" Subdivision; thence S. 00°-27'-17" E., along said West line a distance of 164.18 feet more or less to the North line of the Canadian National (AKA Grand Trunk Western) Railroad right-of-way; thence along said North line around a 8572.90 foot radius curve to the left an arc distance of 142.33 feet more or less to the end of a chord bearing N. 88°-52'-03" W., and having a chord length of 142.33 feet more or less to the East line of Main Street; thence N. 00°-31'-35" W. along said East line a distance of 254.33 feet more or less to the South right-of-way line of Vacated Stanley Street; thence N. 89°-14'-12" E., along said South line a distance of 49.00 feet more or less to the point of beginning.

Containing 0.64 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Lot 4:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lot # 93 in the "O'Neil's 2nd Addition" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office.

Containing 0.07 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Petitioner owns one hundred (100%) percent of the above described parcels of land which carries a zoning classification of C-1 General Commercial, C-5 Neighborhood Commercial, R-1 Single-Family Residential, and C-4 Automobile Oriented Commercial.

Petitioner desires said real estate to be rezoned to R-1 Single-Family Residential.

Wherefore, the petitioner 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.

Sincerely,

David Thomas
Director, Dept. of Community development
City of Mishawaka

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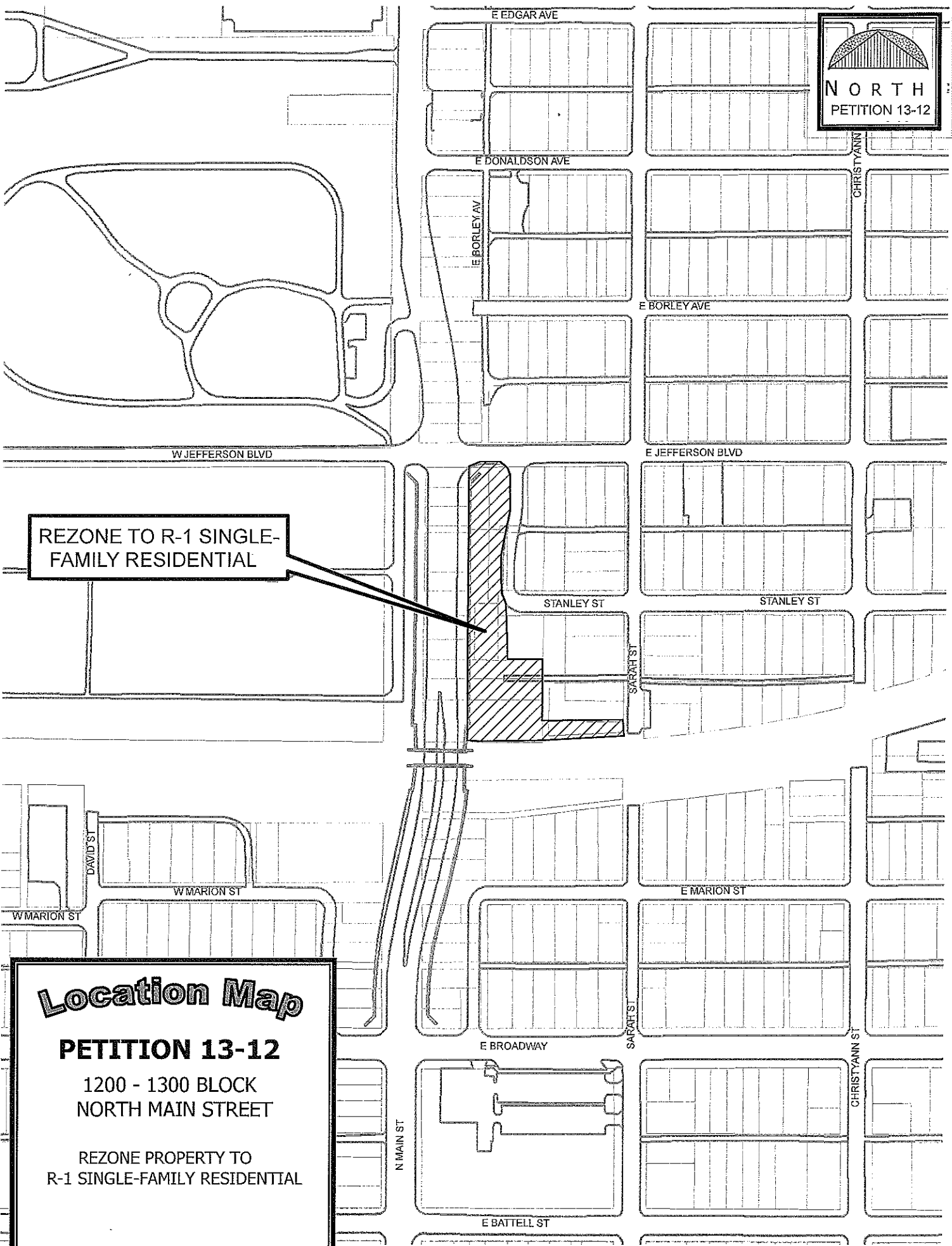
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REZONE TO R-1 SINGLE-FAMILY RESIDENTIAL

Location Map

PETITION 13-12

1200 - 1300 BLOCK
NORTH MAIN STREET

REZONE PROPERTY TO
R-1 SINGLE-FAMILY RESIDENTIAL



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

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

RE: Petition for Rezoning

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

Lot 1:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as: Beginning at a point of intersection of the West right-of-way of Sarah Street with the North line of the Canadian National (AKA Grand Trunk Western) Railroad right-of-way; thence S. 00°-27'-17" E., along said West line of Sarah Street a distance of 45.92 feet more or less to the North line of a 12 ft. wide Public Alley; thence S. 83°-07'-19" W., along said North line a distance of 155.24 feet more or less; thence N. 00°-25'-12" W., a distance of 58.64 feet more or less to the South line of the Canadian National (AKA Grand Trunk Western) Railroad right-of-way; thence along said South line around a 8652.90 foot radius curve to the left an arc distance of 155.81 feet more or less to the end of a chord bearing N. 87°-48'-59" E. and having a chord length of 155.81 feet more or less to the West line of Sarah Street to the point of beginning.

Containing 0.18 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Lot 2:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as: Beginning at a point on the North right-of-way line of Marion Street which is S. 89°-43'-00" W., a distance of 16.00 feet more or less from the Southwest corner of Lot # 39 in the Plat of "Battell's Subdivision of Mishawaka Farm Lot 2" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office; thence S. 89°-43'-00" W., along the North line of Marion Street a distance of 72.46 feet more or less; thence N. 00°-25'-12" W., a distance of 202.22 feet more or less to South line of the Canadian National (AKA Grand Trunk Western) Railroad right-of-way; thence along said South line around a 8652.90 foot radius curve to the left an arc distance of 72.73 feet more or less to the end of a chord bearing N. 88°-34'-23" E. and having a chord length of 72.73 feet more or less; thence S. 00°-25'-12" E., a distance of 203.53 feet more or less to the point of beginning.

Containing 0.34 acres more or less.

Subject to all legal highways, easements and restrictions of record.

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Lot 3: A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as: Beginning at a point on the North right-of-way line of Marion Street which is S. 89°-43'-00" W., a distance of 88.46 feet more or less from the Southwest corner of Lot # 39 in the Plat of "Battell's Subdivision of Mishawaka Farm Lot 2" Subdivision as recorded in the records of the St. Joseph County, Indiana recorder's Office; thence S. 89°-43'-00" W., along the North line of Marion Street a distance of 145.85 feet more or less to the East right-of-way line of Main Street; thence along said East line around a 1604.14 foot radius curve to the left an arc distance of 137.14 feet more or less to the end of a chord bearing N. 11°-22'-07" E. and having a chord length of 137.10 feet more or less; thence continuing along said East line around a 577.17 foot radius curve to the left an arc distance of 67.23 feet more or less to the end of a chord bearing N. 06°-12'-54" E. and having a chord length of 67.19 feet more or less to South line of the Canadian National (AKA Grand Trunk Western) Railroad right-of-way; thence along said South line around a 8652.90 foot radius curve to the left an arc distance of 110.06 feet more or less to the end of a chord bearing N. 89°-10'-42" E. and having a chord length of 110.06 feet more or less; thence S. 00°-25'-12" E., a distance of 202.22 feet more or less to the point of beginning.
Containing 0.58 acres more or less.
Subject to all legal highways, easements and restrictions of record.

Lot 4:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lots # 11 through # 16 and the 14 ft. wide Vacated Public Alley adjacent to said Lots # 13 and # 14 all in the Plat of "Battell's Subdivision of Blocks 67 and 68" Block # 67 as recorded in the records of the St. Joseph County, Indiana recorder's Office, excepting therefrom that portion of said Lots and Vacated Public Alley taken for Right-of-way purposes for Main Street, Broadway Street and Marion Street.
Containing 0.42 acres more or less.
Subject to all legal highways, easements and restrictions of record.

Lot 5: A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lots # 11 through # 13 and the 14 ft. wide Vacated Public Alley adjacent to and West of said Lots and the 12 ft. wide Vacated Public Alley adjacent to and North of said Lot # 11 all in the Plat of "Battell's Subdivision of Blocks 67 and 68" Block # 68 as recorded in the records of the St. Joseph County, Indiana recorder's Office, and the 50 ft. wide portion of Vacated Marion Street adjacent to and South of said Lot # 13, excepting therefrom that portion of said Lots, the 12 ft. wide Vacated Public Alley and that portion of Vacated Marion Street taken for Right-of-way purposes for Main Street, Broadway Street and Marion Street.
Containing 0.51 acres more or less.
Subject to all legal highways, easements and restrictions of record.

Lot 6:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lot # 10 and the East 23 feet more or less of Lot # 9 in the Plat of "Battell's Subdivision of Blocks 67 and 68" Block # 68 as recorded in the records of the St. Joseph County, Indiana recorder's Office.
Containing 0.17 acres more or less.
Subject to all legal highways, easements and restrictions of record.

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Lot 7:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lot # 8, the West 20 feet more or less of Lot # 9 and the East 3 feet more or less of a 12 ft. wide Vacated Public Alley in the Plat of "Battell's Subdivision of Blocks 67 and 68" Block # 68 as recorded in the records of the St. Joseph County, Indiana recorder's Office.

Containing 0.17 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Lot 8:

A part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana which is described as Lot # 6 and the West 28.94 feet more or less of Lot # 7 in the Plat of "Battell's Subdivision of Blocks 67 and 68" Block # 68 as recorded in the records of the St. Joseph County, Indiana recorder's Office excepting therefrom that portion of said Lots taken for Right-of-way purposes for a Public Alley.

Containing 0.18 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Petitioner owns one hundred (100%) percent of the above described parcels of land which carries a zoning classification of C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial.

Petitioner desires said real estate to be rezoned to R-1 Single-Family Residential.

Wherefore, the petitioner 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.

Sincerely,

David Thomas
Director, Dept. of Community Development
City of Mishawaka

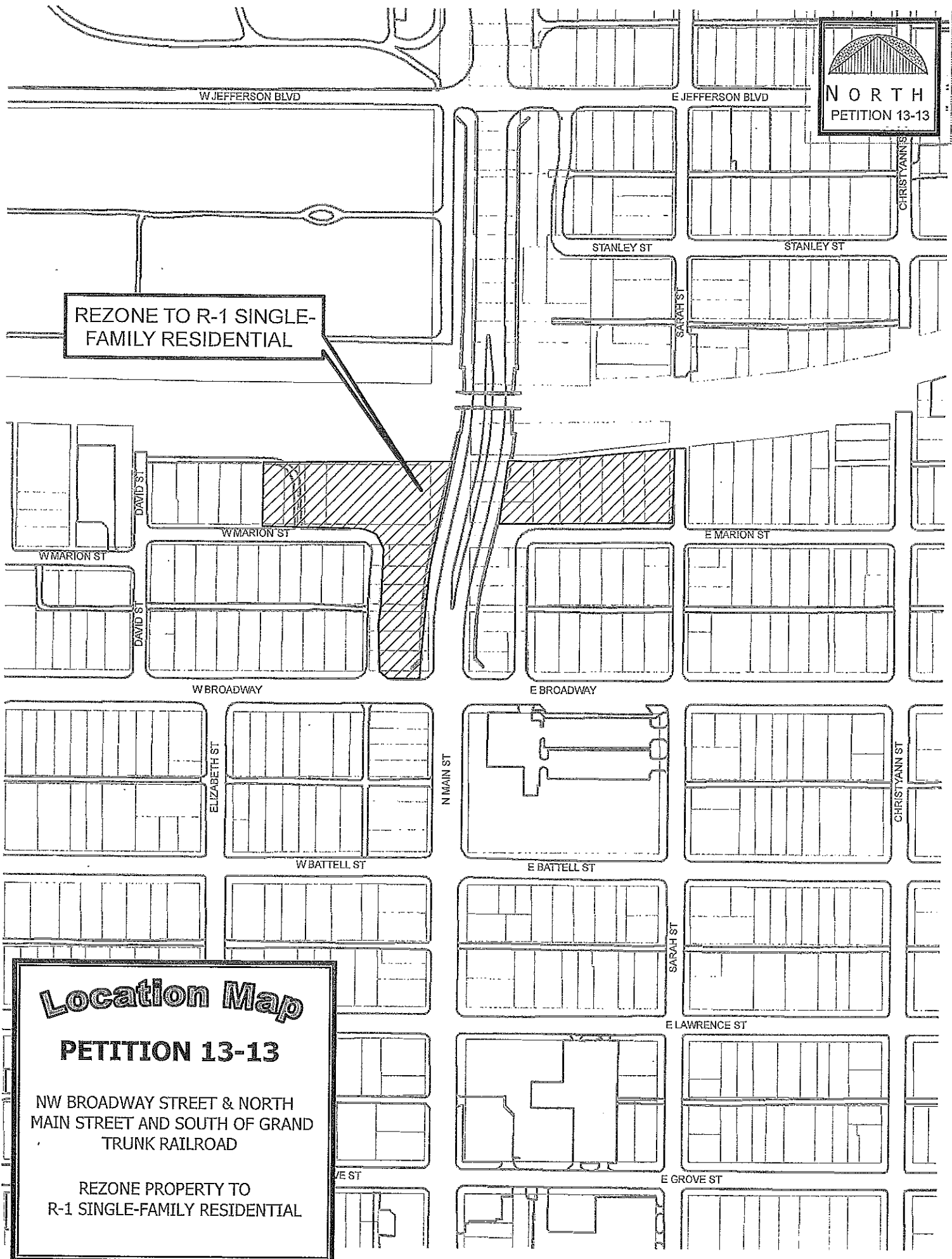
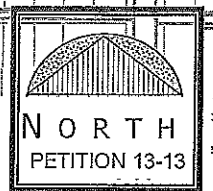
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REZONE TO R-1 SINGLE-FAMILY RESIDENTIAL

Location Map

PETITION 13-13

NW BROADWAY STREET & NORTH
MAIN STREET AND SOUTH OF GRAND
TRUNK RAILROAD

REZONE PROPERTY TO
R-1 SINGLE-FAMILY RESIDENTIAL



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

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

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

RE: Petition for Rezoning

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

Lot #1 through Lot #8, Lot #22 through Lot #26, together with the north half Lot #9 & 6' west end Lots 10 & 11, 6' west end Lots 12 & 13 & south half Lot #9, and 14.9033' east side Lot #19 & 4.66' west side Lot #18 Lawrence & Battell's Block 27

Petitioner owns one hundred (100%) percent of the above described parcels of land which carries a zoning classification of C-1 General Commercial and C-4 Automobile Oriented Commercial.

Petitioner desires said real estate to be rezoned to C-3 City Center Commercial District.

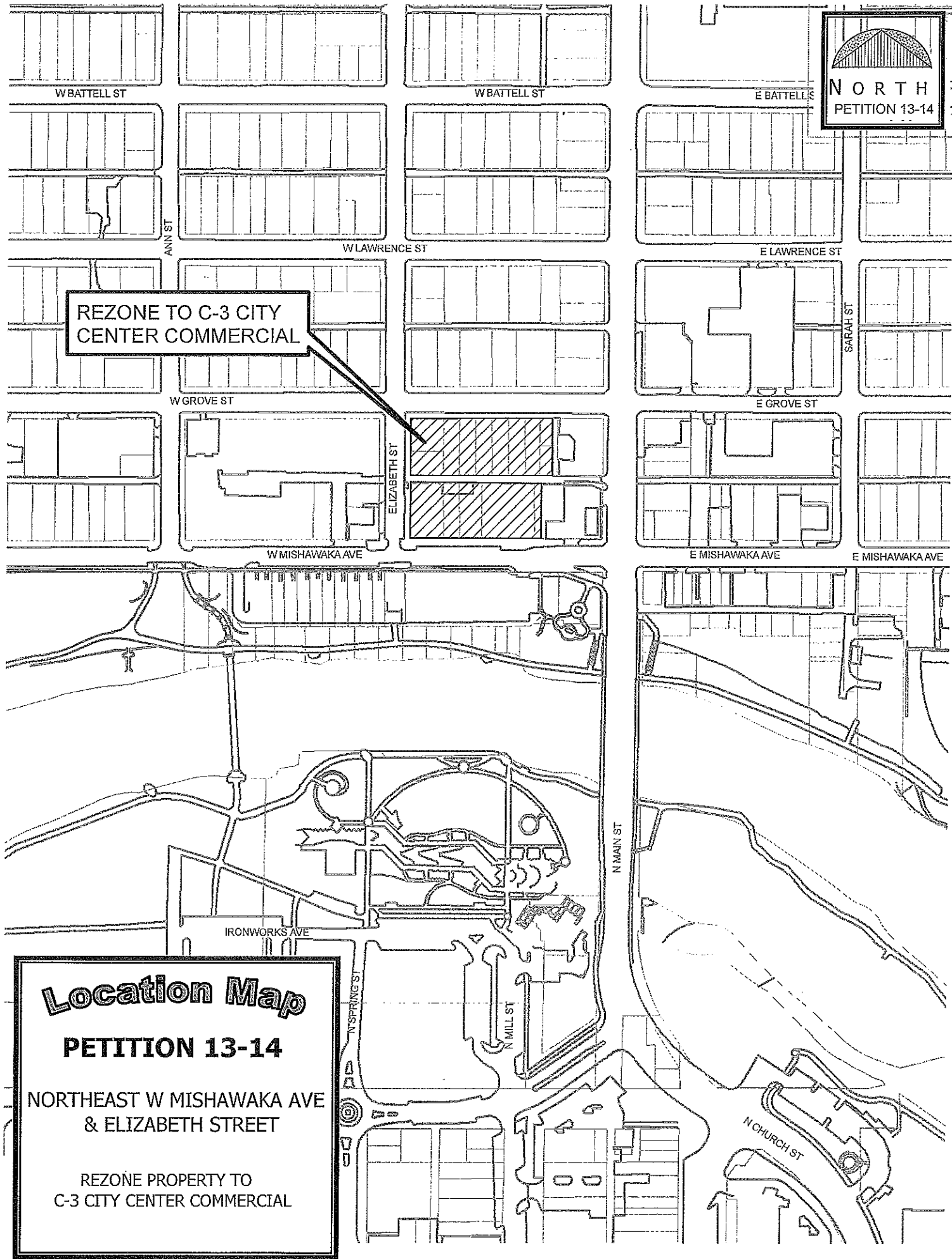
Wherefore, the petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Sincerely,

David Thomas
Director, Dept. of Community Development
City of Mishawaka

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REZONE TO C-3 CITY
CENTER COMMERCIAL

Location Map

PETITION 13-14

NORTHEAST W MISHAWAKA AVE
& ELIZABETH STREET

REZONE PROPERTY TO
C-3 CITY CENTER COMMERCIAL



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

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

RE: Petition Rezoning Classification

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

Lot #22 Brookside Addition, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Commonly known as the 2319 Lincolnway East

Petitioner(s) own one hundred (100%) percent of the above described parcels of land which carries a zoning classification as R-1 Single-Family Residential.

Petitioner(s) desire said real estate to be rezoned C-6 Linear Office Commercial.

Wherefore, the petitioner 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.

Sincerely,

David Thomas
Director, Dept. of Community development
City of Mishawaka

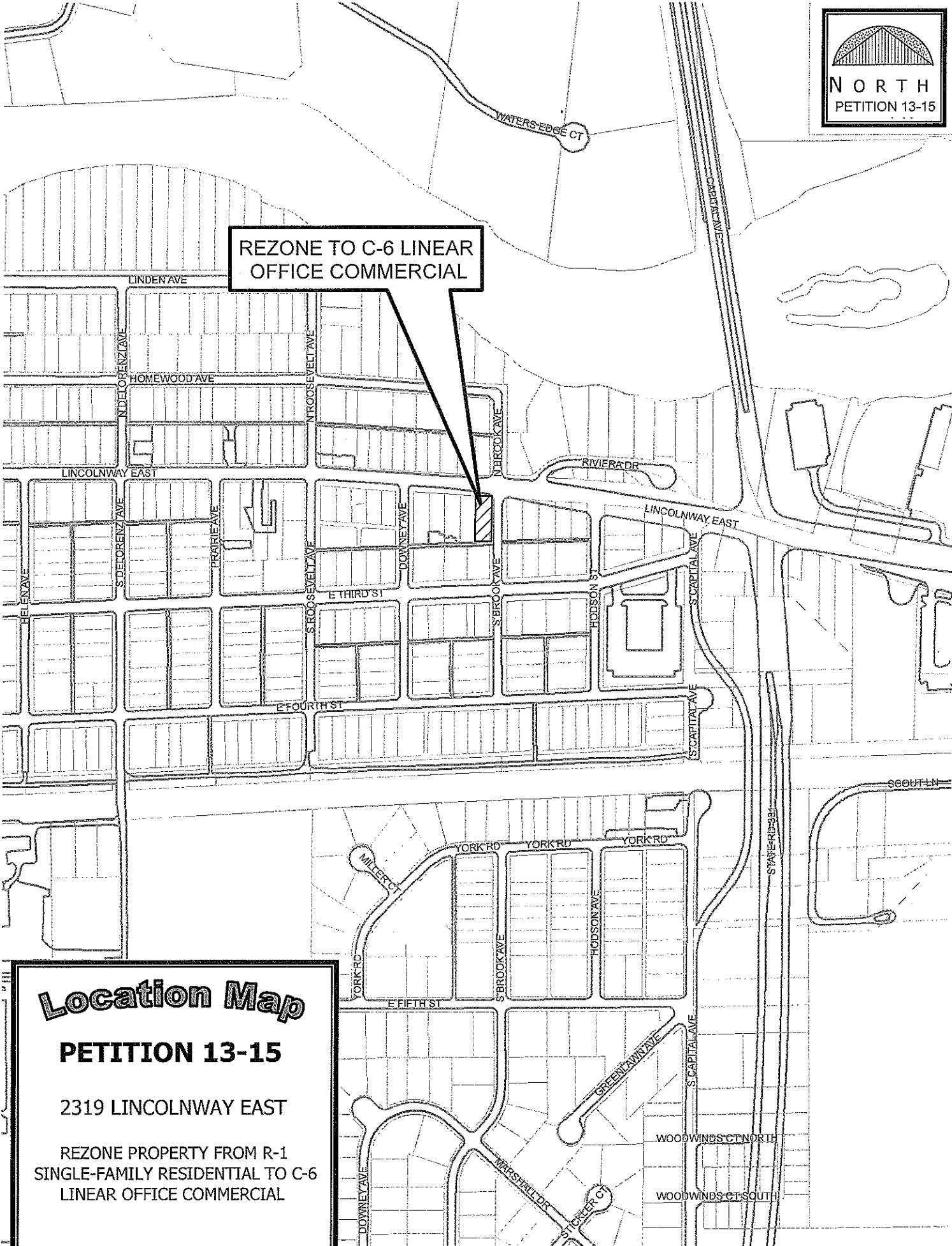
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Location Map

PETITION 13-15

2319 LINCOLNWAY EAST

REZONE PROPERTY FROM R-1
SINGLE-FAMILY RESIDENTIAL TO C-6
LINEAR OFFICE COMMERCIAL

Location Map

PETITION 13-15

2319 LINCOLNWAY EAST

REZONE PROPERTY FROM R-1
SINGLE-FAMILY RESIDENTIAL TO C-6
LINEAR OFFICE COMMERCIAL

Location Map

PETITION 13-15

2319 LINCOLNWAY EAST

REZONE PROPERTY FROM R-1
SINGLE-FAMILY RESIDENTIAL TO C-6
LINEAR OFFICE COMMERCIAL

Location Map

PETITION 13-15

2319 LINCOLNWAY EAST

REZONE PROPERTY FROM R-1
SINGLE-FAMILY RESIDENTIAL TO C-6
LINEAR OFFICE COMMERCIAL

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN



June 17, 2013

Honorable Members of the
Common Council
City of Mishawaka, IN
And
Mishawaka City Plan Commission
City of Mishawaka, IN

RE: PETITION TO REZONE

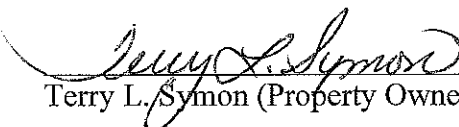
The undersigned (Terry L. Symon, Linda D. Johnson, and Karen M. Hiatt) respectfully show we are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, two-wit:

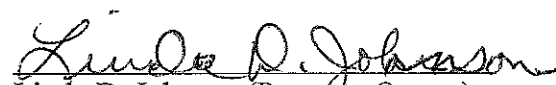
309 Smith St., Mishawaka, IN 46544;
Tax Key #16-1020-082501
Irr Tract Beg Se Cor Lot 27 Adam S Bakers 1st

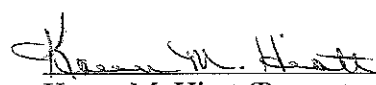
Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General Commercial District. Said property is being used as residential.

Petitioners desire said real estate to be rezoned to R-1 Single Family District. Petitioners further state that it is intended to utilize said land for single family. It has been in the family for over 35 years and for over the past 25 years has not been used for commercial use. Said property has only been utilized by family members and is intended to be kept it in the family.

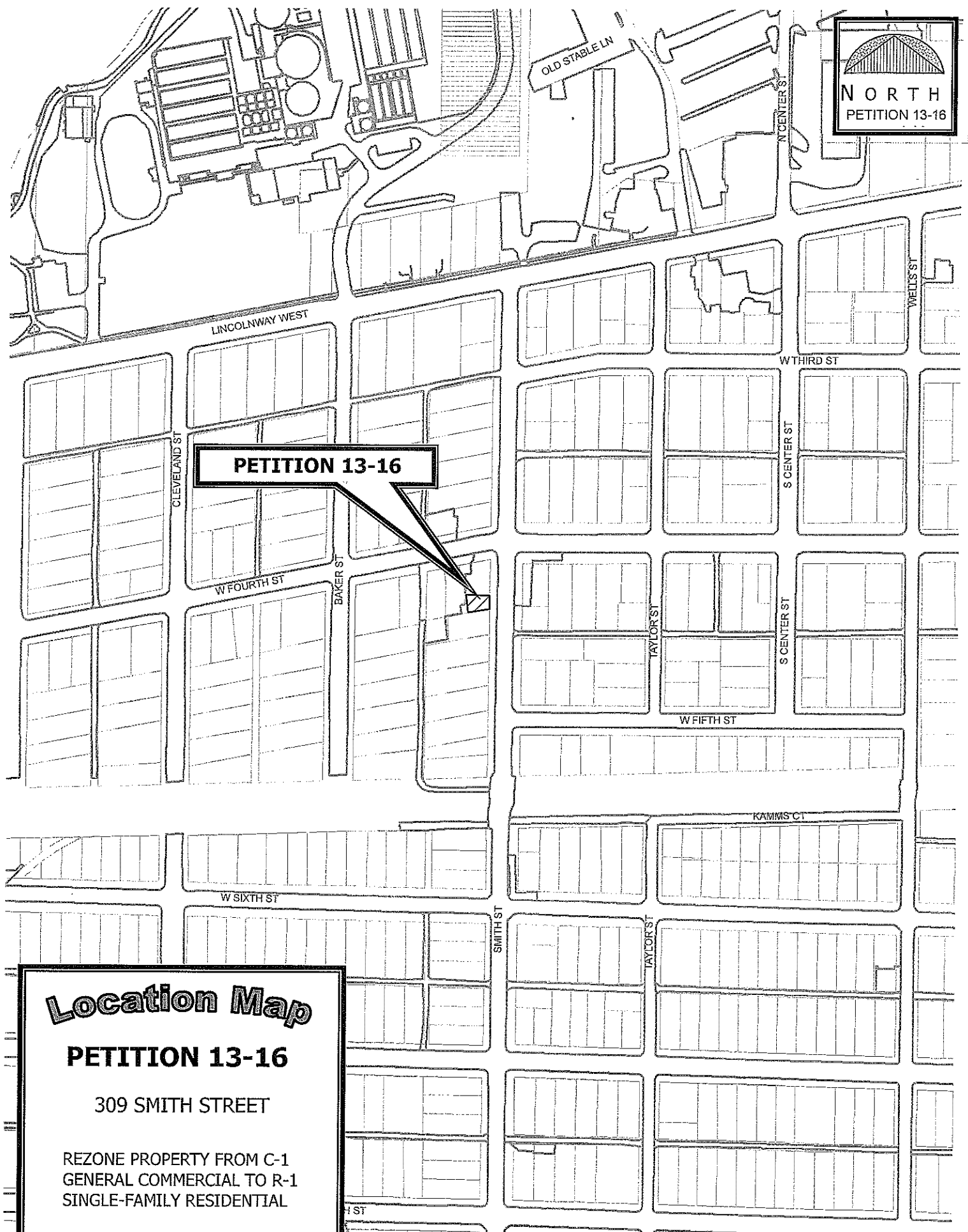
Wherefore, the petitioners, pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.


Terry L. Symon (Property Owner)


Linda D. Johnson (Property Owner)


Karen M. Hiatt (Property Owner)

Contact Information:
Karen Hiatt
(574) 289-1476
South Bend, IN 46619
(574) 292-4001



PETITION 13-16

Location Map

PETITION 13-16

309 SMITH STREET

REZONE PROPERTY FROM C-1
GENERAL COMMERCIAL TO R-1
SINGLE-FAMILY RESIDENTIAL

Pet 13-17

Date: June 19, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

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

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

RE: Petition for vacation of Public Right of Way:

The undersigned, Ken Prince, for the City of Mishawaka respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way(s) located in the City of Mishawaka, St. Joseph County, Indiana:

1). First North-South Alley East of Main Street, running from McKinley Ave. South to Russ Ave.;

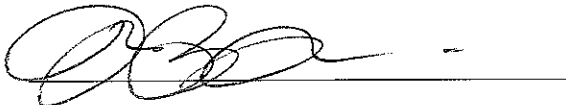
Part of the Northeast Quarter of Section 9, in Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana, being more particularly described as: Beginning at a point which is South 89°58'07" West, 1013.31 feet and South 00°33'30" West 54.00 feet from the Northeast corner of said Section 9: thence South 00°33'30" West, 241.83 feet to the North line of Russ Ave.; thence South 89°58'15" West along said North Line, 7.00 feet; thence North 00°33'30" East, 241.83 feet to the South line of McKinley Ave.; thence North 89°58'15" East along said South line, 7.00 feet to the point of beginning.

Subject to all legal right-of-ways, easements, and restrictions of record.

Affected Lots: Lots 2 through 5 of "Shivey's 1st Subdivision" and Tax Key Parcel 16-2046-1552.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way(s).

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 vacating the above described right of way(s) located in the City of Mishawaka.



Ken Prince, for the City of Mishawaka, Indiana

Contact Person:

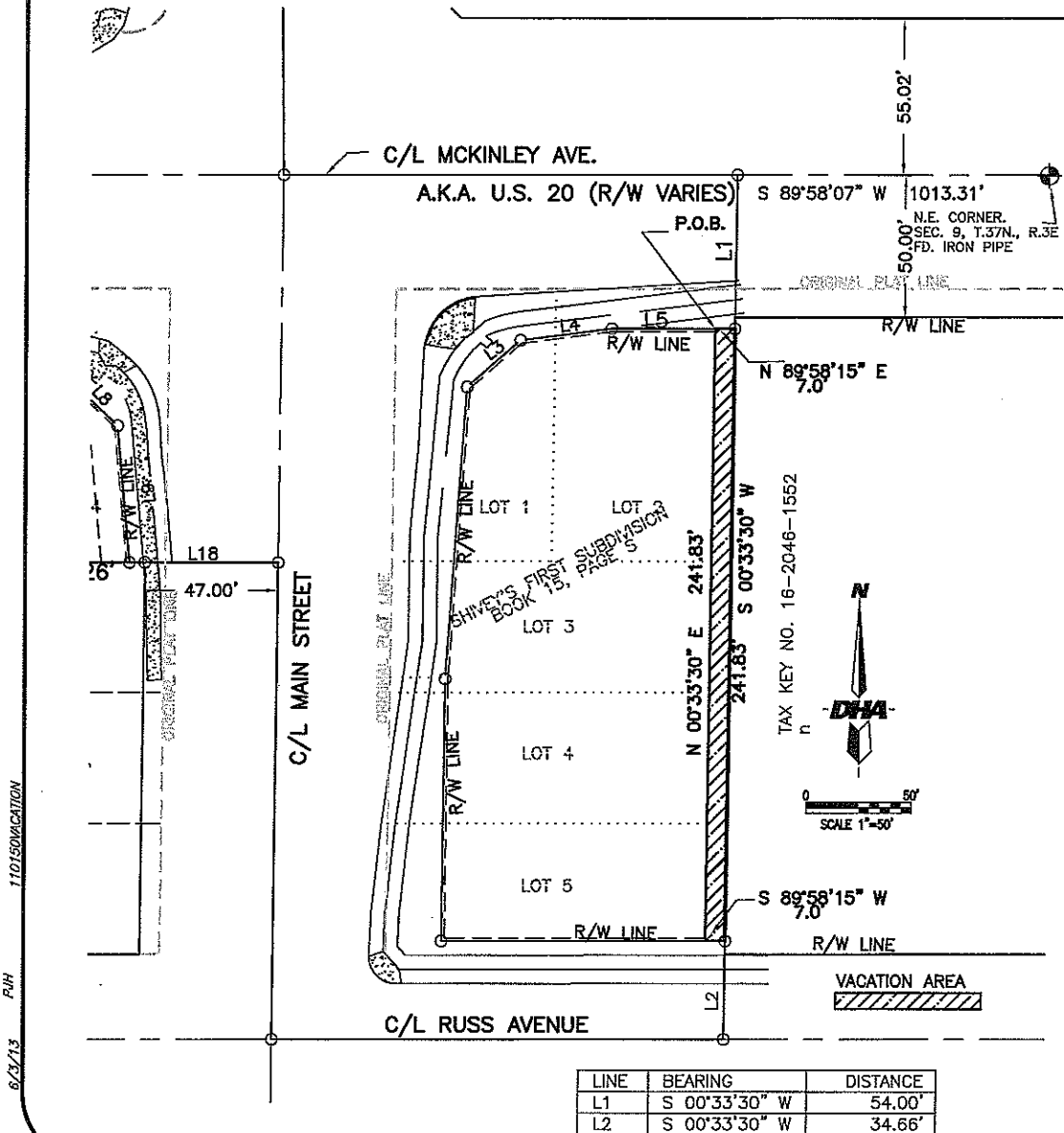
Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

VACATION DIAGRAM

LEGAL DESCRIPTION

1). First North-South Alley East of Main Street, running from McKinley Ave. South to Russ Ave.; Part of the Northeast Quarter of Section 9, in Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana, being more particularly described as: Beginning at a point which is South 89°58'07" West, 1013.31 feet and South 00°33'30" West 54.00 feet from the Northeast corner of said Section 9; thence South 00°33'30" West, 241.83 feet to the North line of Russ Ave.; thence South 89°58'15" West along said North Line, 7.00 feet; thence North 00°33'30" East, 241.83 feet to the South line of McKinley Ave.; thence North 89°58'15" East along said South line, 7.00 feet to the point of beginning. Subject to all legal right-of-ways, easements, and restrictions of record.

Affected Lots: Lots 2 through 5 of "Shivey's 1st Subdivision" and Tax Key Parcel 16-2046-1552.



Danch, Harner & Associates, Inc.

DHA

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

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Pet 13-18

Date: June 19, 2013

RECEIVED
DEBORAH S. BLOCK MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

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

RE: Petition for vacation of Public Right of Way:

The undersigned, Ken Prince, for the City of Mishawaka respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way(s) located in the City of Mishawaka, St. Joseph County, Indiana:

1). A portion of the first East-West Alley South of Omer Ave. running East from Main Street for approximately 105 feet;

That part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Beginning at the Northeast corner of Lot #163 in the Plat of "Lowell Heights" as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence S. 89°14'12" W., 104.86 feet, to the East Right-of-Way line of Main Street; thence along said Right-of-way line N. 01°35'41" W., 14.00 feet; thence N. 89°14'12" E., 105.19 feet; thence S. 00°14'00" E., 14.00 feet to the point of beginning.

Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lot 1 "Hantz 1st Addition & a portion of Lots 161 through 163 of Lowell Heights.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way(s).

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 vacating the above described right of way(s) located in the City of Mishawaka.



Ken Prince, for the City of Mishawaka, Indiana

Contact Person:

Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

VACATION DIAGRAM

SURVEY ORDERED BY: City of Mishawaka

SURVEY DATED: 6-4-13

PROJECT NO.: 130101.4

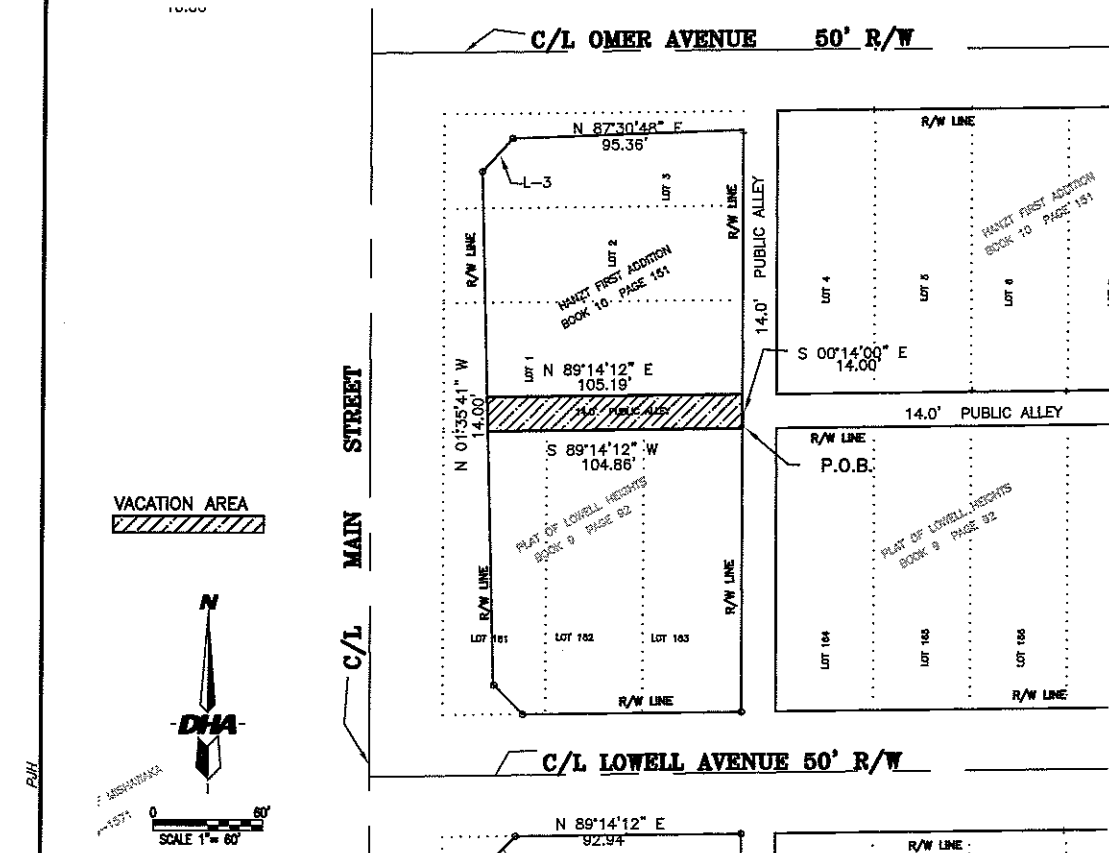
LEGAL DESCRIPTION:

1). A portion of the first East-West Alley South of Omer Ave. running East from Main Street for approximately 105 feet;

That part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Beginning at the Northeast corner of Lot #163 in the Plat of "Lowell Heights" as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence N. 89°14'12" W., 104.86 feet, to the East Right-of-Way line of Main Street; thence along said Right-of-Way line N. 01°35'41" W., 14.00 feet; thence N. 89°14'12" E., 105.19 feet; thence S. 00°14'00" E., 14.00 feet to the point of beginning.

Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lot 1 "Hantz 1st Addition & a portion of Lots 161 through 163 of Lowell Heights.



130101
5-4-73

Danch, Harner & Associates, Inc.

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1643 Commerce Drive • South Bend, IN 46628

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Pet 13-19

Date: June 19, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

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

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

RE: Petition for vacation of Public Right of Ways:

The undersigned, Ken Prince, for the City of Mishawaka respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way(s) located in the City of Mishawaka, St. Joseph County, Indiana:

1). Parcel "A": A portion of the first East-West Alley South of Jefferson Blvd. running from Main Street East approximately 59 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Commencing at the Southwest corner of Lot #7 in the Plat of "O'neil's 2nd Addition" as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence S. 89°14'12" W., 48.69 feet to the Point of Beginning; thence around a curve to the left with a radius of 312.29 feet and a arc distance of 5.37 feet; thence S. 10°04'03" W., 8.88 feet; thence S. 89°14'12" W. 56.60 feet to the East Right-of-Way line of Main Street; thence along said Right-of-Way N. 00°31'35" W., 14.00 feet; thence N. 89°14'12" E., 59.33 feet to the point of beginning. Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lots 4, 5, 10 and 11 of E.A. Smith's Addition.

2). Parcel "B": A portion of Stanley Street running East from Main Street for approximately 48 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Commencing at the Southwest corner of Lot #8 in the Plat of "O'neil's 2nd Addition" as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence S. 89°14'12" W., 59.49 feet to the Point of Beginning; thence S. 00°11'57" E., 50.00 feet; thence S. 89°14'12" E. 44.85 feet to the East Right-of-Way line of Main Street; thence along said Right-of-Way N. 04°18'52" W., 50.10 feet; thence N. 89°14'12" E., 48.39 feet to the point of beginning. Subject to all legal highways, easements and restrictions of record.

Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lots 10 and 11 of E.A. Smith's Addition and a portion of Mishawaka Farm Lot 2 (Tax Key Number 16-2046-158401).

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way(s).

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 vacating the above described right of way(s) located in the City of Mishawaka.

A handwritten signature in black ink, appearing to be 'Ken Prince', written over a horizontal line.

Ken Prince, for the City of Mishawaka, Indiana

Contact Person:

Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

SURVEY ORDERED BY: City of Mishawaka
SURVEY DATED: 6-4-13
PROJECT NO.: 130101.2

**DHA**

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$$\frac{1}{2}$$

Pet 13.20

Date: June 19, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

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

CITY CLERK
MISHAWAKA, IN

RE: Petition for vacation of Public Right of Ways:

The undersigned, Ken Prince, for the City of Mishawaka respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way(s) located in the City of Mishawaka, St. Joseph County, Indiana:

1). Parcel "A": A portion of Borley Street running East from Main Street for approximately 65 feet;

That part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Commencing at the Northwest corner of Lot #40 in the Plat of "Lowell Heights" as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence S. 89°14'12" W., 14.00 feet to the Point of Beginning; thence S. 89°14'12" W., 55.77 feet to the East Right-of-Way line of Main Street; thence along said Right-of-Way N. 10°55'54" W., 50.80 feet; thence N. 89°14'12" E., 65.20 feet to the West Line of Borley Street; thence S. 00°14'00" E. along said West line, 50.00 feet to the point of beginning.

Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lot 6 and Lot 41 of Lowell Heights.

2). Parcel "B": A portion of the first North-South Alley East of Main Street running from Jefferson Blvd. North to an existing East-West Alley;

That part of the Northeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Beginning at the Southwest corner of Lot #7 in the Plat of "Lowell heights" as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence S. 89°14'12" W., 14.00 feet; thence N. 00°14'00" W., 116.00 feet; thence N. 89°14'12" E., 14.00 feet; thence S. 00°14'00" E., 116.00 feet to the point of beginning;

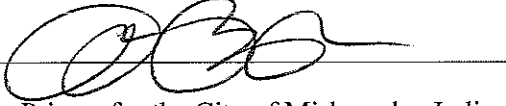
Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lots 1 through 3 & Lot 7 of Lowell Heights.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way(s).

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 vacating the above described right of way(s) located in the City of Mishawaka.

A handwritten signature in black ink, appearing to be 'Ken Prince', is written over a horizontal line.

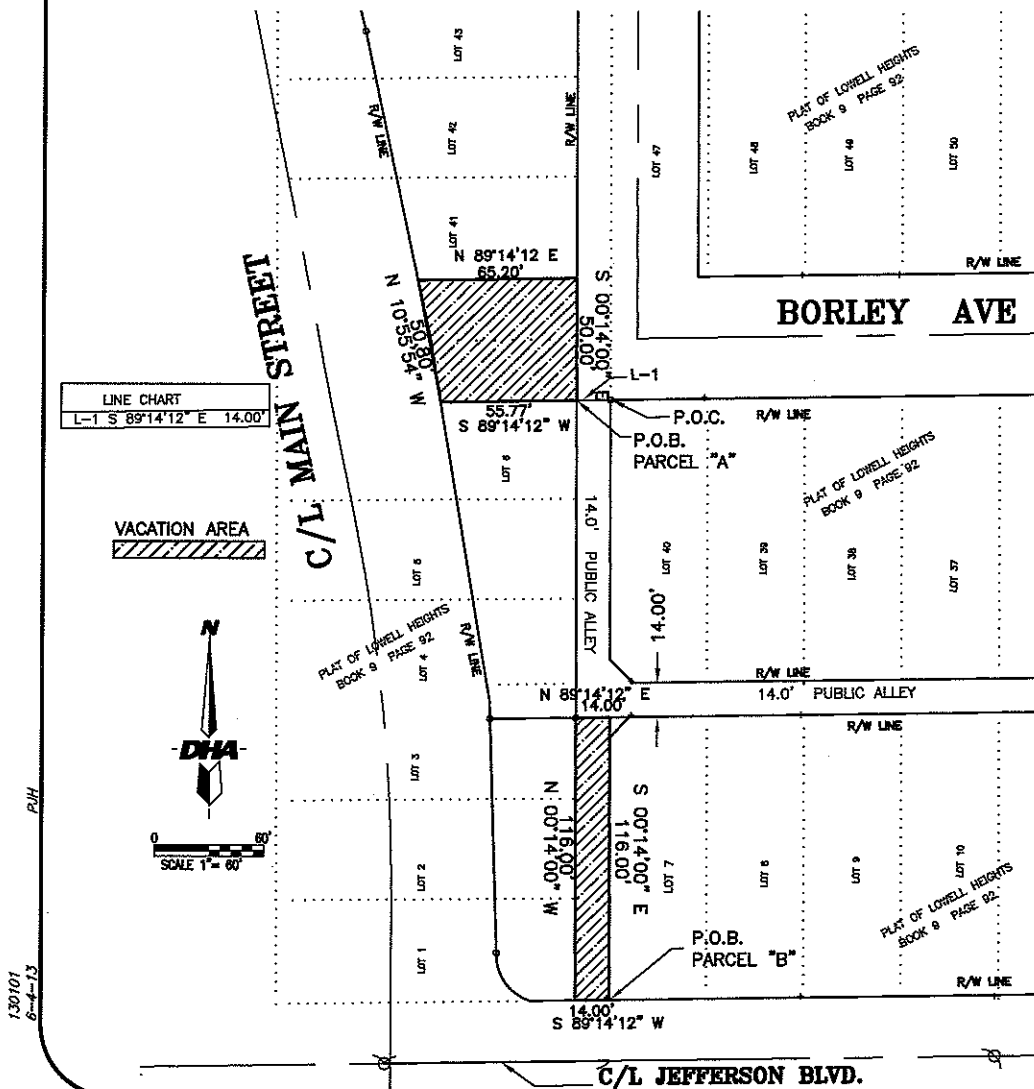
Ken Prince, for the City of Mishawaka, Indiana

Contact Person:

Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

VACATION DIAGRAM

SURVEY ORDERED BY: City of Mishawaka
 SURVEY DATED: 6-4-13
 PROJECT NO.: 130101.4



Danch, Harner & Associates, Inc.

DHA

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 1643 Commerce Drive • South Bend, IN 46628

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Pet 13-21

Date: June 19, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

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

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

RE: Petition for vacation of Public Right of Ways:

The undersigned, Ken Prince, for the City of Mishawaka respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way(s) located in the City of Mishawaka, St. Joseph County, Indiana:

1). A portion of the first East-West Alley North of Marion Street running from Main Street East approximately 193 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Commencing at the Northwest corner of Lot #39 in the Plat of "Battell's Subdivision of Farm Lot 2" as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence S. 83°07'19" W. 16.10 feet to the Point of Beginning; thence S. 83°07'19" W., 91.66 feet; thence S. 89°43'00" W., 101.39 feet to the East Right-of-Way line of Main Street, thence along a curve to left having a radius of 1604.14 feet and a arc distance of 12.17 feet; thence N. 89°43'00" E., 98.80 feet; thence N. 83°07'19" E., 92.32 feet; thence S. 00°25'12" E., 12.08 feet to the point of beginning.

Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lots 35 through 38 of Battell's Subdivision of Farm Lot 2 and Tax Key Number 16-2041-140801.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way(s).

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 vacating the above described right of way(s) located in the City of Mishawaka.



Ken Prince, for the City of Mishawaka, Indiana

Contact Person:

Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

VACATION DIAGRAM

SURVEY ORDERED BY: City of Mishawaka

SURVEY DATED: 6-4-13

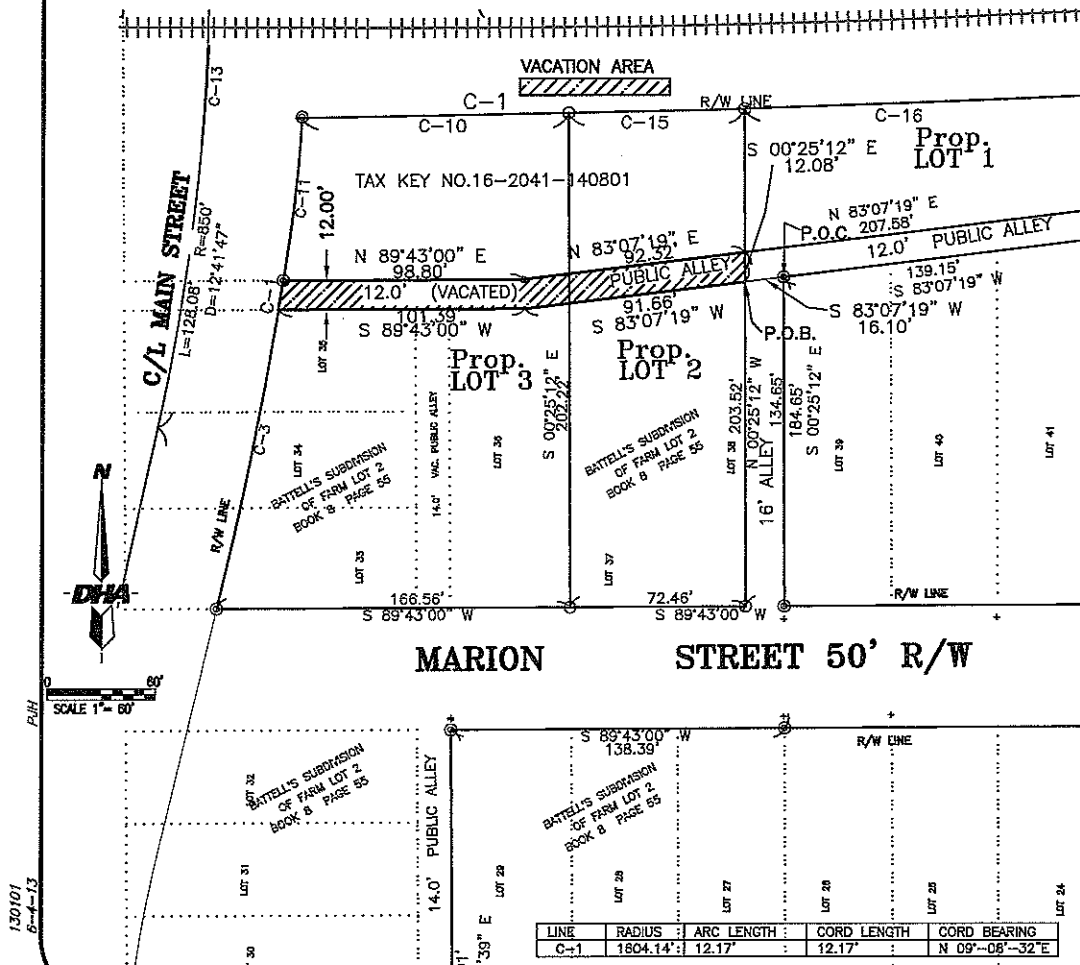
PROJECT NO.: 130101.3

LEGAL DESCRIPTION

1). A portion of the first East-West Alley North of Marion Street running from Main Street East approximately 193 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Commencing at the Northwest corner of Lot #39 in the Plat of "Battell's Subdivision of Farm Lot 2" as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence S. 83°07'19" W. 16.10 feet to the Point of Beginning; thence S. 83°07'19" W., 91.66 feet; thence S. 89°43'00" W., 101.39 feet to the East Right-of-Way line of Main Street, thence along a curve to left having a radius of 1604.14 feet and a arc distance of 12.17 feet; thence N. 89°43'00" E., 98.80 feet; thence N. 83°07'19" E., 92.32 feet; thence S. 00°25'12" E., 12.08 feet to the point of beginning.
Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lots 35 through 38 of Battell's Subdivision of Farm Lot 2 and Tax Key Number 16-2041-140801.



Danch, Harner & Associates, Inc.

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Ret 13.22

Date: June 19, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

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

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

RE: Petition for vacation of Public Right of Ways:

The undersigned, Ken Prince, for the City of Mishawaka respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way(s) located in the City of Mishawaka, St. Joseph County, Indiana:

1). Parcel "A": A portion of Marion Street running West from Main Street for approximately 110 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Beginning at the Southeast corner of Lot #10 in Block #68 in the Plat of "Battell's Subdivision of Blocks #67 & #68" Subdivision as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence N. 89°40'49" E. 134.70 feet to the West Right-of-Way line of Main Street; thence S. 00°26'26" E., along said West line, 50.00 feet; thence S. 89°40'49" W., 84.96 feet to the East Right-of-Way line of Marion Street; thence along said East line for the next two (2) courses, around a curve to the left having a radius of 154.96 feet, and a arc distance of 9.82 feet and around a curve to the left having a radius of 51.87 feet and a arc distance of 66.90 feet to the point of beginning.

Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lot 13 of "Battell's Subdivision of Block #68" Subdivision and Lot 11 of "Battell's Subdivision of Block #67" Subdivision.

2). Parcel "B": A portion of the first East-West Alley North of Broadway Street running from Main Street West approximately 74 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Commencing at the Southeast corner of Lot #10 in Block #67 in the Plat of "Battell's Subdivision of Blocks #67 & #68" Subdivision as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence N. 89°40'49" E. 46.80 feet to the Point of Beginning; thence N. 89°40'49" E. 74.22 feet to the West Right-of-Way line of Main Street; thence along said Right-of-Way around a curve to the left having a radius of 613.39 feet, and a arc distance of 14.02 feet; thence S. 89°40'49" W., 74.39 feet to the East line of Marion Street; thence N. 02°37'28" E. along said East line, 14.02 feet to the point of beginning.

Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lots 13 and Lot 14 of "Battell's Subdivision of Block #67" Subdivision.

3). Parcel "C": A portion of the second East-West Alley North of Broadway Street running West from Main Street for approximately 135 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Beginning at the Northeast corner of Lot #11 in Block #68 in the Plat of "Battell's Subdivision of Blocks #67 & #68" Subdivision as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence S. 89°42'59" E. along the North line of said Lot 11 and its Westerly extension, 134.38 feet; thence N. 00°18'44" W., 12 feet to the North line of said Plat; thence N. 89°42'59" E. along said North line, 134.35 feet to the West Right-of-Way line of Main Street; thence S. 00°26'36" E. along said West line, 12.00 feet to the point of beginning. Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lot 10 and 11 of "Battell's Subdivision of Block #68" Subdivision.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way(s).

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 vacating the above described right of way(s) located in the City of Mishawaka.



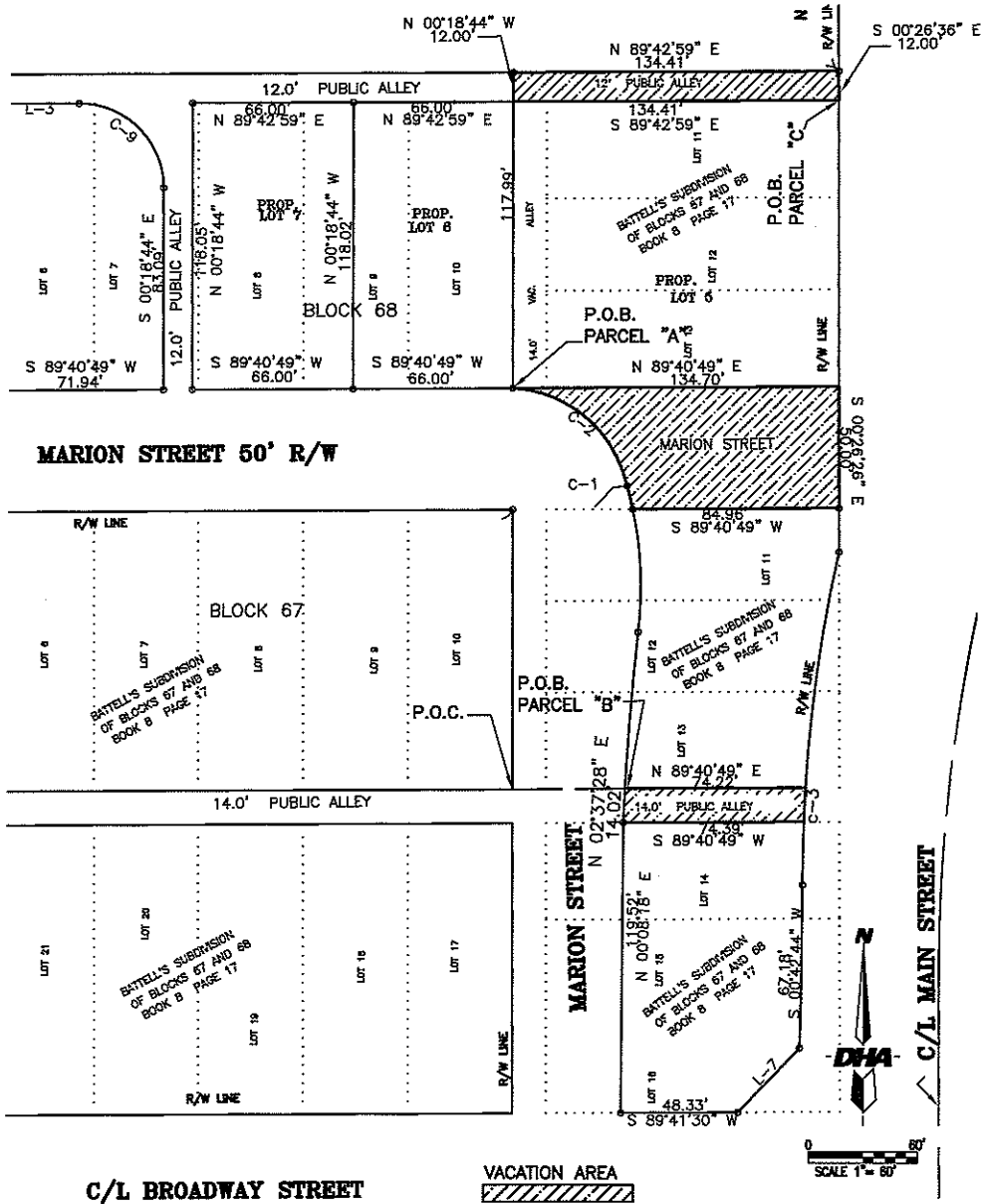
Ken Prince, for the City of Mishawaka, Indiana

Contact Person:

Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

VACATION DIAGRAM

SURVEY ORDERED BY: City of Mishawaka
 SURVEY DATED: 6-4-13
 PROJECT NO.: 130101.1



C/L BROADWAY STREET

VACATION AREA

LINE	RADIUS	ARC LENGTH	CORD LENGTH	CORD BEARING
C-1	154.96'	9.82'	9.82'	N 14°-07'-27"W
C-2	51.87'	66.90'	62.36'	N 49°-55'-35"W
C-3	613.39'	14.02'	14.02'	S 02°-30'-50"W

Danch, Harner & Associates, Inc.

DHA

Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
 1643 Commerce Drive • South Bend, IN 46628

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1 / 2

Pet 13-23

Date: June 19, 2013

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

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

CITY CLERK
MISHAWAKA, IN

RE: Petition for vacation of Public Right of Way:

The undersigned, Ken Prince, for the City of Mishawaka respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way(s) located in the City of Mishawaka, St. Joseph County, Indiana:

1). First East-West Alley South of Grove Street, running from Elizabeth Street East approximately 269 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Beginning at the Southwest corner of Lot #1 in the Plat of "Lawrence & Battell" (Original Town) Block # 27 Subdivision as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence South along the East Right-of-Way line of Elizabeth Street a distance of 15.50 feet; thence East a distance of 268.66 feet; thence North a distance of 15.50 feet; thence West a distance of 268.66 feet to the place of beginning.
Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lots 1 through 9 and Lots 18 through 26 of Lawrence & Battell (Original Town) Block #27 Subdivision.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way(s).

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 vacating the above described right of way(s) located in the City of Mishawaka.



Ken Prince, for the City of Mishawaka, Indiana

Contact Person:

Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

VACATION DIAGRAM

SURVEY ORDERED BY: City of Mishawaka
 SURVEY DATED: 5-29-13
 PROJECT NO.: 130101

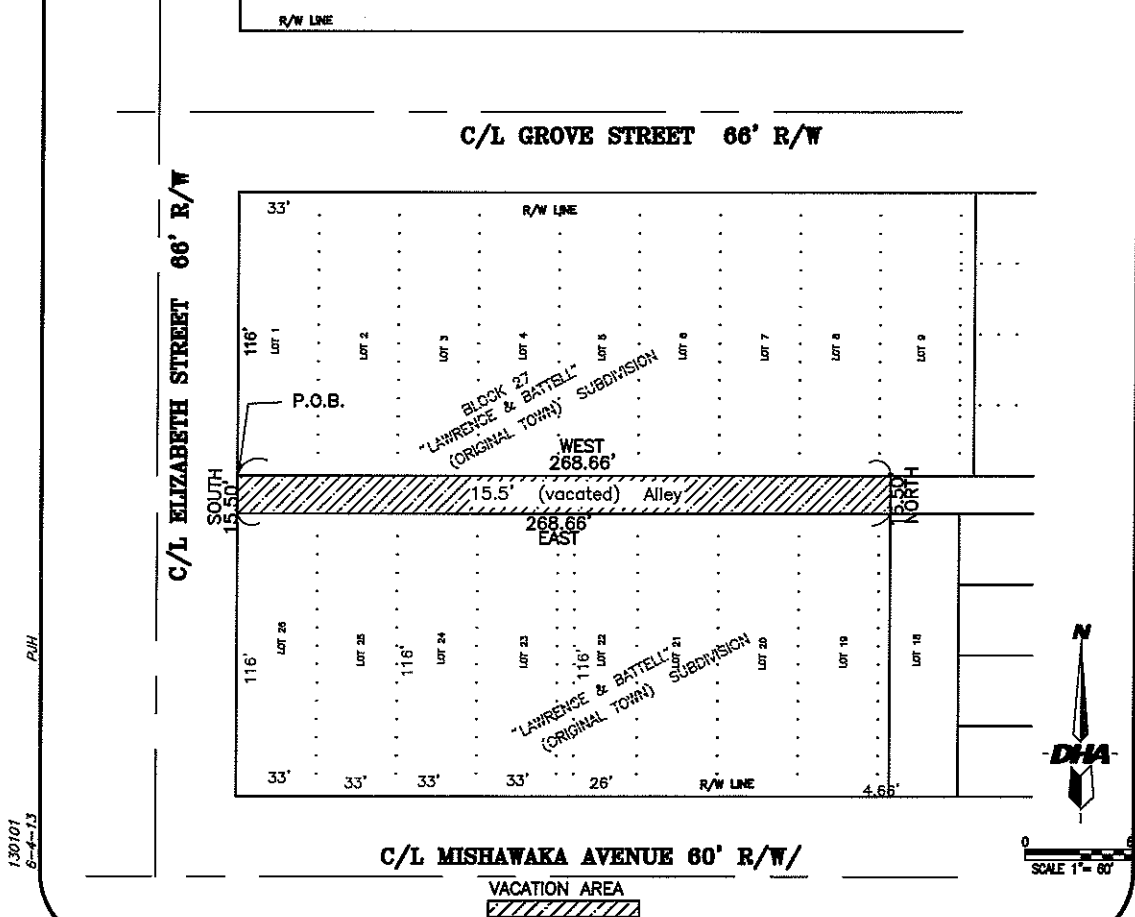
LEGAL DESCRIPTION:

1). First East-West Alley South of Grove Street, running from Elizabeth Street East approximately 269 feet;

That part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Beginning at the Southwest corner of Lot #1 in the Plat of "Lawrence & Battell" (Original Town) Block # 27 Subdivision as shown in the records of the St. Joseph County, Indiana Recorder's Office; thence South along the East Right-of-Way line of Elizabeth Street a distance of 15.50 feet; thence East a distance of 268.66 feet; thence North a distance of 15.50 feet; thence West a distance of 268.66 feet to the place of beginning.

Subject to all legal highways, easements and restrictions of record.

Affected Lots: Lots 1 through 9 and Lots 18 through 26 of Lawrence & Battell (Original Town) Block #27 Subdivision



DHA

Danch, Harner & Associates, Inc.

Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners

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 1643 Commerce Drive • South Bend, IN 46628

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1 / 1

RECEIVED
DEBORAH S. BLOCK, MMC Pet 13-28

JUN 28 2013

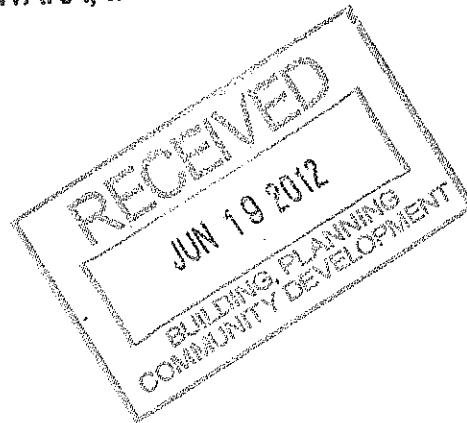
CITY CLERK
MISHAWAKA, IN

DATE: June 19, 2013

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

RE: **PETITION FOR PUD AMENDMENT**

**Michiana Tennis Association PUD
5805, 5815, and 5905 Fir Road**



The undersigned, Michiana Tennis Association, LLC, respectfully show that they are the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

PARCEL I (5805 Fir Road)

A LOT OR PARCEL OF LAND TAKEN OFF OF AND FROM THE ENTIRE LENGTH OF THE SOUTH SIDE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTERLINE OF A PUBLIC HIGHWAY KNOWN AS THE FIR ROAD WHERE SAID CENTERLINE INTERSECTS THE SOUTH EIGHTH SECTION LINE OF SAID SECTION 27; RUNNING THENCE NORTH ALONG THE CENTER OF SAID ROAD 20 RODS AND 7/10 OF A FOOT; THENCE WEST TO THE NORTH AND SOUTH CENTERLINE OF SAID SECTION; THENCE SOUTH 20 RODS AND 7/10 OF A FOOT TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE EAST ON SAID LINE TO THE PLACE OF BEGINNING; EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; RUNNING THENCE SOUTH ALONG THE CENTERLINE OF FIR ROAD, A DISTANCE OF 169.7 FEET; THENCE NORTHWESTERLY 316.55 FEET; THENCE NORTH 160 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER 315 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II (5815 Fir Road)

A LOT OR PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT IN THE CENTER OF FIR ROAD, 161 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER OF SECTION 27, THENCE RUNNING NORTH ALONG THE CENTERLINE OF THE SAID FIR ROAD, 169.7 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 27, 315 FEET; THENCE SOUTH 160 FEET; THENCE SOUTHEASTERLY 316.55 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL III (5905 Fir Road)

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 506.55 FEET NORTH OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 89°45'50" EAST , A DISTANCE OF 528.00 FEET; THENCE SOUTH 0°07'28" EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 165.00 FEET; THENCE SOUTH 89°45'50" WEST, A DISTANCE OF 528.00 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 0°07'28" WEST, A DISTANCE OF 165.00 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

The above described parcel of land contains the following properties: 5805, 5815 and 5905 Fir Road, Mishawaka, Indiana.

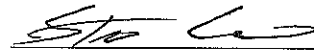
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a tennis/fitness center and office uses.

The purpose of this petition is to revise the approved preliminary site plan and its associated conditions due to a proposed change in ownership and use of the property. Petitioner desires said real estate to be amended as follows:

1. To allow for a skilled care nursing facility and accessory uses.
2. To allow a minimum of one (1) parking space per bed for the proposed nursing facility.
3. To allow a 5-foot wide buffer area along the south property line of the proposed nursing facility instead of the required 25 feet. This area shall contain a continuous opaque privacy fence, and trees spaced at a minimum of 60 feet. Trees shall be a combination of new and existing, where possible.
4. To remove the conditions requiring earth mounding and the 25-foot wide green buffer area adjacent to Fir Road to accommodate a landscape pond for stormwater management purposes and to provide visibility from Fir Road.

Wherefore, Petitioner prays and respectfully requests 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.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and a preliminary site plan.



Steve Caurro

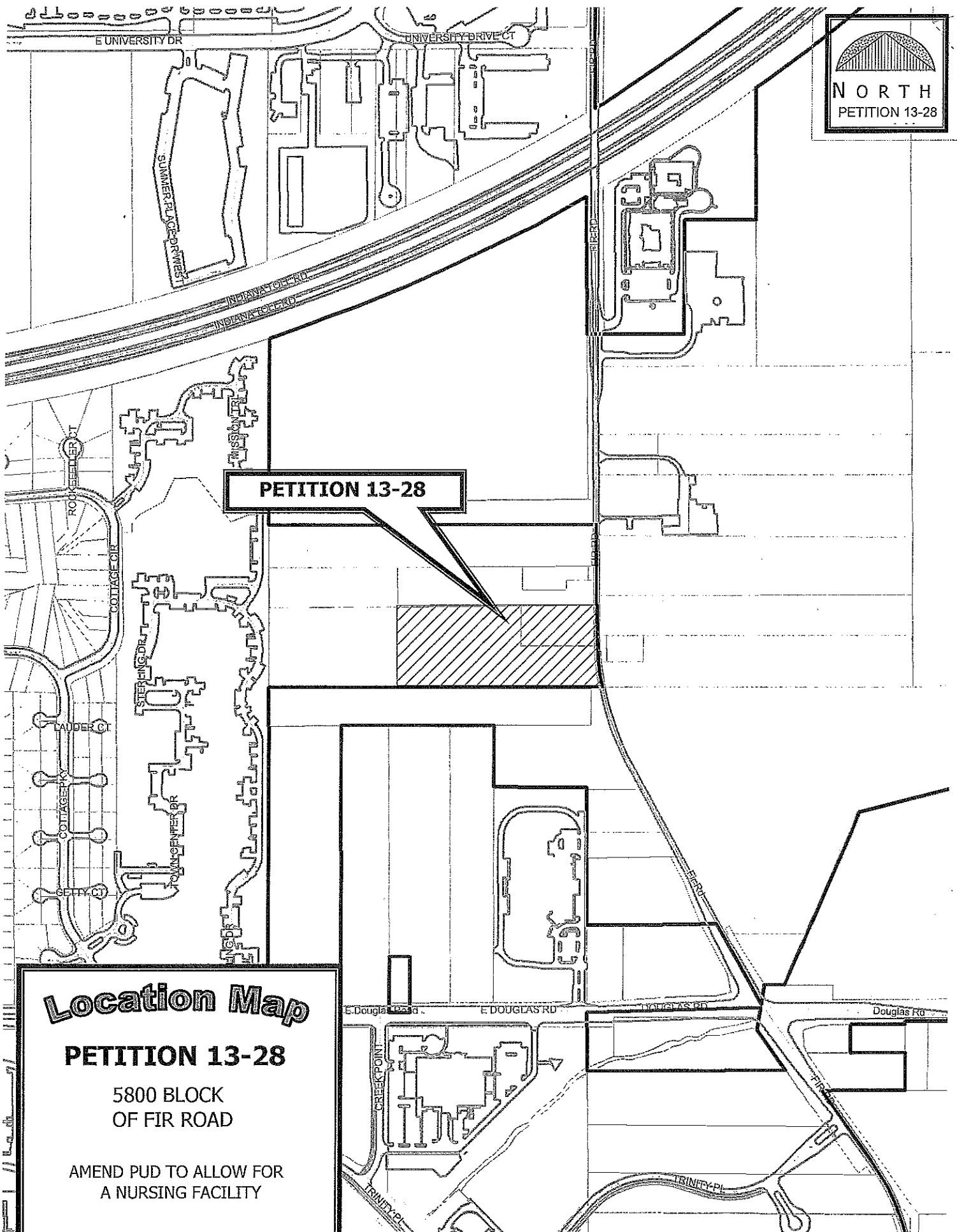
Michiana Tennis Association, LLC
17517 Starlite Drive
South Bend, IN 46614

CONTIGENT PURCHASER / DEVELOPER OF NURSING FACILITY

Long Term Care Investments, LLC
1620 North Ironwood Drive
South Bend, IN 46617

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com



PETITION 13-28

Location Map

PETITION 13-28

5800 BLOCK
OF FIR ROAD

AMEND PUD TO ALLOW FOR
A NURSING FACILITY

JUN 13 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 13-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-17

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 Thirty-four (34), R. E. Perkins Addition

COMMON ADDRESS: 408 West Seventh Street

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 and 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 a commercial 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;

Proposed Ordinance No: 2013-17

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,
5. The City's Comprehensive Plan calls for low density residential.

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 _____, 2013, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2013, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2013, at _____ o'clock _____.M.

David A. Wood, Mayor

March 26, 2013

let 13-05

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

RE: PETITION TO REZONE

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

408 W. 7th

Lot Thirty-four (34) R E Perkins ADD

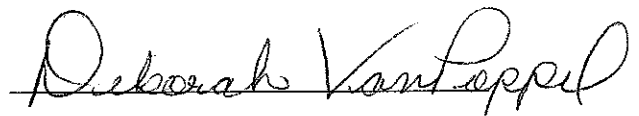
Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of Commercial District. Said property is now a residential property. *C-1*

Petitioners desire said real estate to be rezoned to *R-1* Residential District. Petitioners further state that they intend to utilize said land for Residential purposes.

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 land located in the City of Mishawaka.



Jeffrey Van Poppel



Deborah Van Poppel

CONTACT PERSON:

DEBORAH VAN POPPEL

408 W. 7TH STREET

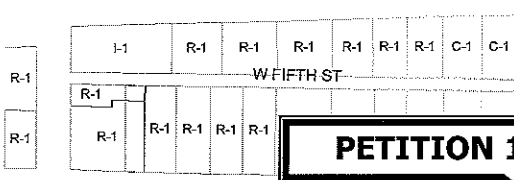
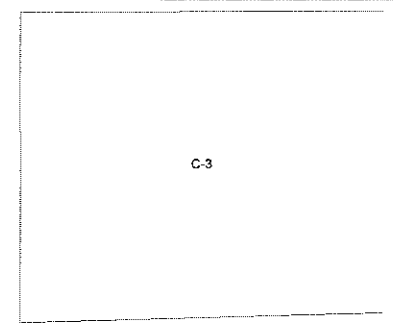
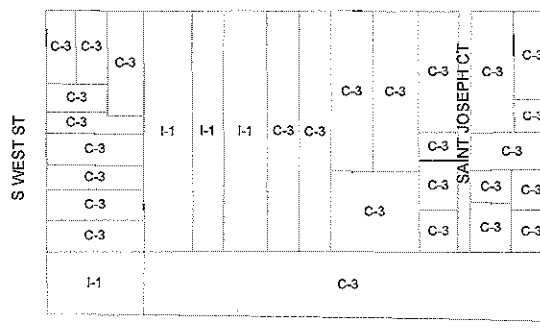
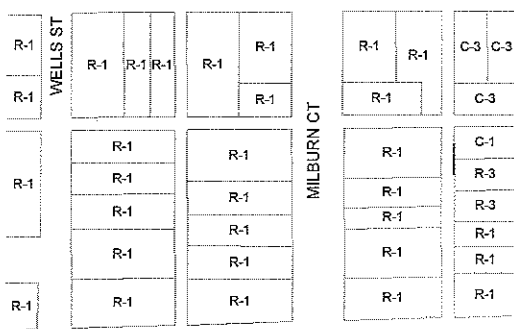
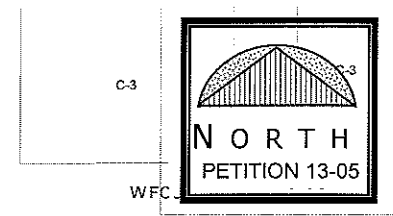
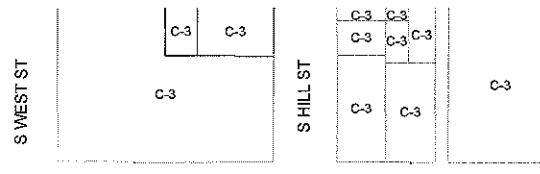
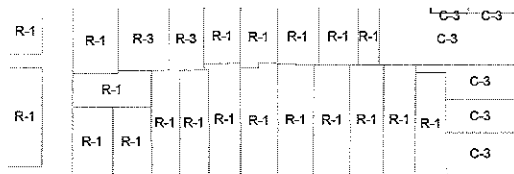
MISHAWAKA, IN 46544

E-MAIL - DEBORAH.VANPOPPEL@GMAIL.COM

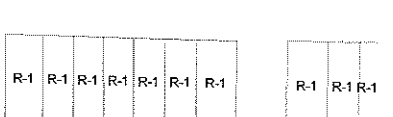
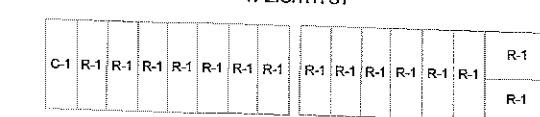
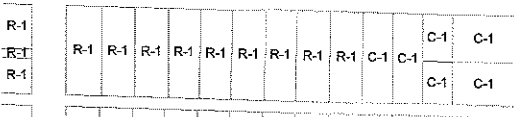
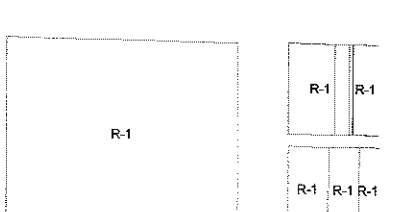
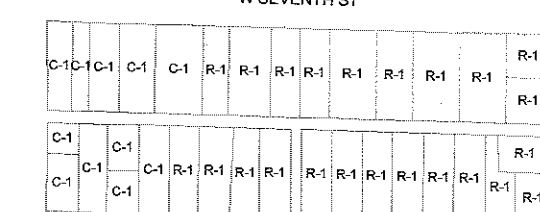
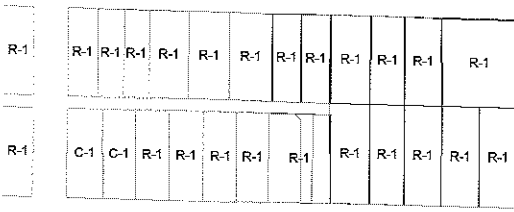
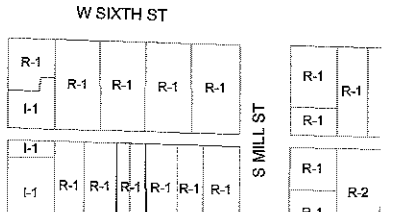
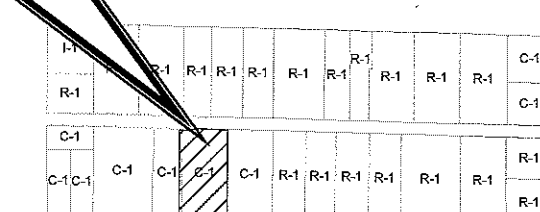
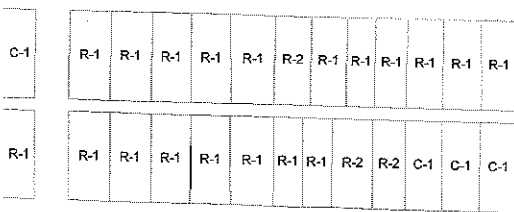
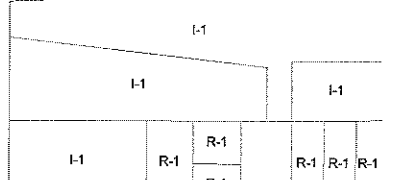
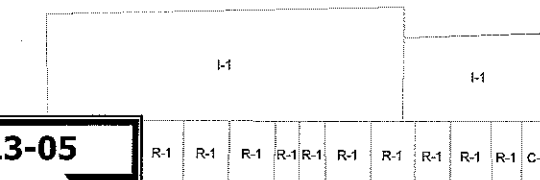
FAX - 574-633-2134

old address
new address as of 4-5-13

*713 Prism Valley Dr.
Mish, In. 46544*



PETITION 13-05

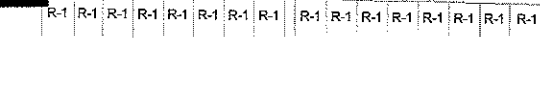
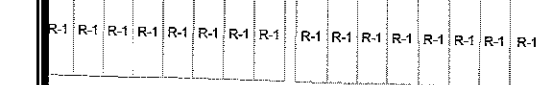
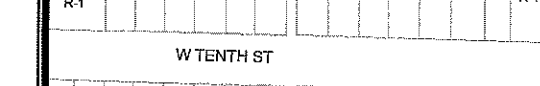
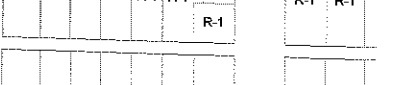
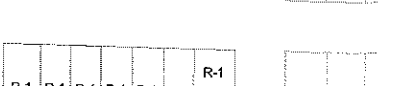
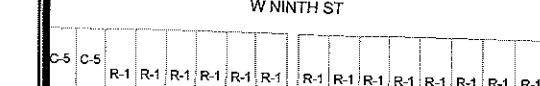
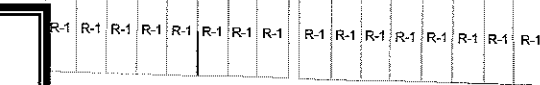


Location Map

PETITION 13-05

408 WEST 7TH STREET

REZONE FROM C-1 GENERAL
COMMERCIAL TO R-1 SINGLE
FAMILY RESIDENTIAL



JUN 13 2013

1st Reading 6-17-13
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-18

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "DESIGN REVIEW DEVELOPMENT PLAN ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, In 1999 the City of Mishawaka adopted the Design Review Development Plan Ordinance to establish construction and appearance standards within Downtown Mishawaka, and

WHEREAS, one of the areas regulated by this ordinance is signage, and

WHEREAS, when adopted the decision was made at the time to greatly restrict the use of temporary signs, and

WHEREAS, the City Administration has been contacted multiple times regarding the significant limitations of the ordinance regarding temporary signs, and

WHEREAS, upon meeting and reviewing the concerns with multiple business owners and the Mishawaka Business Association, the Administration asked the concerns businesses and the Business Association to bring forward some recommended changes to the ordinance that provided for temporary signage while still maintaining the visual integrity of the historic downtown, and

WHEREAS, the City Administration has never received an official proposal from the Mishawaka Business Association or other entity regarding how to incorporate the appropriate use of temporary signs downtown, and

WHEREAS, the City Planning Commission has granted multiple waivers of the Design Review ordinance for both permanent and temporary signage since the ordinances adoption, and

WHEREAS, a number of new restaurants and bars have opened in the downtown in the past few years, and

WHEREAS, members of the City Administration and Common Council have met with multiple restaurant owners located in Downtown, and

WHEREAS, multiple restaurant owners asked the City to consider changes to the sign ordinance to allow for temporary signage opportunities, and

WHEREAS, in the Spring of 2013, a group of downtown businesses working under the organization of "Mishawaka 4th Fridays" contacted the Administration to review different events and opportunities to attract more business to the historic downtown, and

WHEREAS, Mishawaka 4th Fridays specifically requested the use of menu boards and the limited use of temporary banners, and

Proposed Ordinance No: 2013-18

Ordinance No: _____

WHEREAS, given this was the first organized proposal received to address the on-going identified need for temporary signage, staff has developed language to provide for the limited use of menu boards and temporary banner in the historic downtown to help promote local business while maintaining the visual character and public health and safety.

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

Section 1. Chapter 105, of the Municipal Code of the City of Mishawaka, commonly known as the "Design Review Development Plan Ordinance", be, and the same is hereby amended as follows:

Delete the following:

Sec. 105-171. - Signage form.

(a) The following types of signs shall be encouraged:

- (1) Projecting signs;
- (2) Suspended signs;
- (3) Wall signs;
- (4) Marquee signs;
- (5) Building identification signs; and
- (6) Low profile freestanding identification signs.

(b) The following types of signs shall be discouraged:

- (1) Off-premises signs;
- (2) Freestanding identification signs which exceed eight feet in height;
- (3) Automatic changing signs;
- (4) Changeable copy signs.
- (5) Exterior temporary signs;
- (6) Roof signs;
- (7) Portable signs; and
- (8) Banners.

Add the following:

Sec. 105-3. - Definitions

Sec. 105-171. - Signage form.

(a) The following types of signs shall be encouraged:

- (1) Projecting signs;
- (2) Suspended signs;
- (3) Wall signs;
- (4) Marquee signs;
- (5) Building identification signs;
- (6) Low profile freestanding identification signs;
- (7) Menu Boards; and
- (8) Temporary Wall Mounted Banners

(b) The following types of signs shall be discouraged:

- (1) Off-premises signs;
- (2) Freestanding identification signs which exceed eight feet in height;
- (3) Automatic changing signs;

Proposed Ordinance No: 2013-18

Ordinance No: _____

- (4) Changeable copy signs;
- (5) Exterior temporary signs, excepting Menu Boards and temporary Wall Mounted Banners;
- (6) Roof signs; and
- (7) Portable signs

Section 105-179 Menu Boards.

Portable temporary sign displays in front of a business for the specific use of advertising that business, that are brought in/not displayed overnight. Signs may a freestanding sandwich board easel sign, or a flush mounted sign attached to the face of the building. The sign area of an individual face shall not exceed six (6) square feet. Only one sign of this type shall be permitted per store frontage. The location of the sign shall not interfere with outward opening doors/windows, or negatively impact use of the public sidewalk or street in any way. Signs shall not be located within 15' of any handicapped ramp or at the corner of public streets. Any proposed sign located within the public right-of way shall require a notice of public recognition and encroachment from the Mishawaka Board of Public Works and Safety prior to placement.

Section 105-180 Temporary Wall Mounted Banners

One temporary banner not to exceed twelve (12) square feet may be placed flush mounted to the face of existing buildings. Banners shall be firmly secured so as not to move in the wind and shall be maintained in good condition. Faded or torn signs shall be immediately removed. One banner shall be permitted per store frontage. Where a building fronts on a corner, one banner sign shall be permitted for each face of the building fronting public right-of-way.

Sections 105-181—105-209. - Reserved.

Proposed Ordinance No: 2013-18

Ordinance No: _____

Section 2. 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 _____, 2013, at _____ o'clock _____.M.

ATTEST:

Michael Compton - President

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2013, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2013, at _____ o'clock _____.M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

June 3, 2013

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

Re: Proposed Ordinance Amendment to allow temporary signage within C-3 City Center zoned property

Dear Council Members and Clerk:

Attached herewith is a proposed ordinance amendment to allow two types of temporary signs in Downtown Mishawaka. Currently a very limited amount of temporary signage is permitted within the downtown C-3 City Center zoning District. If approved, this amendment will allow for the placement of menu/sandwich boards and the placement of banner signs provided they are flush mounted and attached to the face of a building. Since its adoption in 1999, downtown business owners have suggested that the ordinance may be too rigid to promote daily business and activity. Although we have suggested that changes to the ordinance be proposed, to date, no one has made any proposals.

Working with the 4th Friday efforts and their request for certain modifications/approvals through the waiver process, staff felt it would be cleaner to amend the ordinance and afford every business this same right to place signs.

This item is scheduled for public hearing before the Planning Commission on June 11th. At that time we expect a recommendation would be forwarded to the Council. At this time, we would respectfully request that this item be considered under new business so that first reading can occur at your second June meeting.

Thank you. Please contact me if you have any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor
City of Mishawaka Planning Commission

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

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Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
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