

AGENDA

July 15, 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**

July 01, 2013

5. Petitions, Communications, Remonstrance and Memorials

Mayor Wood's Youth Council Leadership Presentation

A Public Hearing on Vacation's 2013-01 through 2013-06 as required by State Statute on behalf of Ken Prince, City of Mishawaka Vacate Right of Way's in the area of North Main St. Underpass. V2013-07 First East/West Alley S of Grove St from Elizabeth St.

A letter from the Board of Zoning Appeals regarding recommendations from their July 9, 2013 meeting.

A letter from the City Plan Commission regarding recommendations from their July 9, 2013 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2013-19 Rezone Property to C-4 Auto Oriented Com & C-7 Auto Oriented Restaurant Com Main St and McKinley Ave.

P.O. NO. 2013-20 Rezone to C-6 Linear Office Com 1600 to 1800 Block of N Main Street

P.O. NO. 2013-21 Rezone to R-1 Single Family and C-6 Linear Office Com - 1400 to 1500 Block of N Main Strret

P.O. NO. 2013-22 Rezone to R-1 Single Family - 1200 to 1300 Block of N Main St.

P.O. NO. 2013-23 Rezone to R-1 Single Fam - NW Broadway St and N Main St and S of Grand Trunk Railroad

P.O. NO. 2013-24 Rezone to C-3 City Center Com - between W Mishawaka Ave and W Grove St. and N Main St and Elizabeth St.

P.O. NO. 2013-25 Rezone to C-6 Linear Office Com - 2319 LWE

P.O. NO. 2013-26 Rezone to R-1 Single Family - 309 Smith Street

P.O. NO. 2013-27 Vacation of Public Right of Way - First North-South Alley East of Main St, running from McKinley Ave. South to Russ Ave.

P.O. NO. 2013-28 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.

P.O. NO. 2013-29 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.

P.O. NO. 2013-30 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

P.O. NO. 2013-31 Vacation of Public Right of Way - Portion of first East-West Alley N of Marion St. running from Main St. East approximately 193 Ft.

P.O. NO. 2013-32 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.

P.O. NO. 2013-33 Vacation of Public Right of Way - First East-West Alley S of Grove St., running from Elizabeth St. E approximately 269 Ft.

P.O. NO. 2013-34 Amend the PUD for Fir Rd Athletic Club to allow for a Nursing Facility - 5800 Block Fir Rd.

8. Resolutions

R2013-14 Honoring Anna Rohrer Foot Locker National Cross Country Champion

R2013-15 Use Variance to allow indoor car sales and various developmental variances 805 S Cleveland Street

9. Ordinances on Second Reading

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

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

12. New Business

13. Adjournment

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 1, 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 July 1, 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. Bellovich, Mr. Bilancio, Mr. Roggeman.

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

The minutes from the June 17, 2013 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following Appeal to the Council, who referred them to the Board of Zoning Appeals for their recommendation.

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

Clerk Block presented the following Petition to the Council, who referred them to the Plan Commission for their recommendation

Petition No. 2013-09 Rezone property to C-4 Auto Oriented Commercial
& C-7 Auto Oriented Restaurant Commercial Main Street
and McKinley Avenue

Petition No. 2013-10 Rezone to C-6 Linear Office Commercial 1600 to 1800
Block of N. Main Street

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

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

Petition No. 2013-13 Rezone to R-1 Single Family North West Broadway Street
And South of Grand Trunk Railroad

- Petition No. 2013-14 Rezone to C-3 City Center Commercial – between West Mishawaka Avenue and West Grove Street and North Main Street and Elizabeth Street.
- Petition No. 2013-15 Rezone to C-6 Linear Office Commercial 2319 Linconway West
- Petition No. 2013-16 Rezone to R-1 Single Family – 309 Smith Street
- Petition No. 2013-17 Vacation of Public Right of Way – First North-South Alley East of Main Street running from McKinley Avenue South to Russ Avenue.
- Petition No. 2013-18 Vacation of Public Right of Way – portion of First East – West Alley South of Omer Avenue running East from Main Street for approximately 105 feet.
- Petition No. 2013-19 Vacation of Public Right of Way – portion of first East-West Alley South of Jefferson Boulevard, running East from Main Street for approximately 48 feet.
- Petition No. 2013-20 Vacation of Public Right of Way – Portion of Borley Street running East from Main Street approximately 65 feet, portion of first North-South Alley East of Main Street running from Jefferson Boulevard North to an existing East-West Alley.
- Petition No. 2013-21 Vacation of Public Right of Way – Portion of first East-West Alley North of Marion Street running from Main Street East approximately 193 feet.
- Petition No. 2013-22 Vacation of Public Right of Way – Portion of Marion Street running West from Main Street approximately 110feet, portion of the first East-West Alley North of Broadway Street running from Main Street West approximately 74 feet, portion of the second East-West Alley North of Broadway Street running West from Main Street approximately 135 feet.
- Petition No. 2013-23 Vacation of Public Right of Way – First East-West Alley South of Grove Street, running from Elizabeth Street East approximately 269 feet.
- Petition No. 2013-28 Amend the PUD for Fir Road Athletic Club to allow for a Nursing Facility 5800 Block Fir Road.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-17** opening it for public hearing.

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)

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

Jeff VanPoppel, stated the bank said if he went through the proper process to have this rezoned to R-1 they would OK the loan for the people living there now.

Question was called for at 7:10 p.m. on **PROPOSED ORDINANCE NO 2013-17**, with the vote being 9 to 0. Thus it becomes **ORDINANCE NO. 5394**.

Clerk Block read **PROPOSED ORDINANCE NO. 2013-18** opening it for public hearing.

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, INDIANA
(Amendment to Design Review Development Plan Ordinance)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be presented to the committee as a whole upon a second by Mr. Reisdorf, motion carried

Mr. Emmons made a motion to postpone this proposed ordinance until the next meeting to give the Council time to review and go over limitations with a second by Mr. Mammolenti the motion carried.

NEW BUSINESS

President Compton introduced 3 Boy Scouts in the audience who were working towards a Merit Badge for attending a public meeting. He said they were Cole Frame, matt Harrington and Tim Calderone from Pack 525, Willow Creek.

There being no further business to come before the Council, President Compton adjourned the meeting at 7:14 p.m.

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

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



CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

NOTICE OF HEARING

Date of Hearing: July 15, 2013

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Petitions have been filed by Ken Prince for the City of Mishawaka for vacation of the following described public right of ways in the City of Mishawaka described as follows:

Vacation No. 2013-01 Petition No. 2013-17

First North-South Alley East of Main St. running from McKinley Ave. South to Russ Ave.

Vacation No. 2013-02 Petition No. 2013-18

A portion of the first East-West Alley South of Omer Ave. running East from Main St for approximately 105 ft

Vacation No. 2013-03 Petition No. 2013-19

Parcel "A": A portion of the first East-West Alley South of Jefferson Blvd. running from Main St. East approximately 59 ft.

Vacation No. 2013-04 Petition No. 2013-20

Parcel "A" A portion of Borley St. running East from Main St. approximately 65 ft.

Vacation No. 2013-05 Petition No. 2013-21

A portion of the first East-West Alley North of Marion St. running from Main St. East approximately 193 ft.

Vacation No. 2013-06 Petition No. 2013-22

Parcel "A" A portion of Marion St. running West from Main Street approximately 110 ft.

Vacation No. 2013-07 Petition No. 2013-23

First East-West Alley South of Grove St. running from Elizabeth St. E approximately 269 ft.

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

Respectfully,

Deborah S. Block

Deborah S. Block, IAMC, MMC, City Clerk

Mary Ellen Hazen, Chief Deputy • Linda Dotson, Chief Deputy
City Hall • 600 East Third Street • Mishawaka, Indiana 46544-2241

Telephone: (574) 258-1616 • Facsimile: (574) 258-1728 • E-Mail: dblock@mishawaka.in.gov • Website: Mishawaka.in.gov



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

July 10, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

Honorable Members of the Common Council
City of Mishawaka, Indiana

JUL 11 2013

RE: Board of Zoning Appeals Recommendation
July 9, 2013, Public Hearing

CITY CLERK
MISHAWAKA, IN

Honorable Members:

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

APPEAL #13-27 An appeal submitted by Sells Enterprises, LLC, requesting Use and Developmental Variances for **805 Cleveland Street** to allow an indoor automotive sales facility, and various parking, pavement, building and pavement setbacks, and landscape variances.

The Board, with a vote of 5-0, recommended approval subject to the following conditions:

1. The use of the property shall be limited to indoor car sales only (no auto body repairs or oil changes) without site modifications. The expansion of the proposed use into repair and other accessory uses may be permitted but shall require the incremental improvement of the site and building to bring it into conformance with current C-4 standards over time commensurate with the proposed change. Any change in use shall require a final site plan submission and review.
2. All proposed improvements including parking and adding gravel to maintain existing gravel paving shall require an administrative site plan approval prior to construction.
3. A sanitary sewer easement shall be provided as requested by the City of Mishawaka Engineering Department prior to the occupancy of the building.
4. Building permits shall be required for the review and inspection of proposed building modifications. Current safety code issues, if they exist, must be brought up to current code.
5. A maximum of two vehicles may be displayed outside at any given time. Additional vehicles may be displayed but shall be considered an increase in use that would be subject to condition #1 herein.

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Mike Danch

STAFF REPORT

Location: 805 South Cleveland Street

Date: July 9, 2013

Appeal: 13 - 27

Prepared By: KBP

GENERAL INFORMATION

Applicant: Sells Enterprises LLC

Status: Property Owner

Request: Use variance for to allow an indoor automobile sales facility in an I-2 Heavy Industrial zoning district

Zoning Classification: I-2 Heavy Industrial

Lot Size: 0.89 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance

SPECIAL INFORMATION

Area Development Pattern: North: I-2 Heavy Industrial (Regal Lanes)
South: I-2 Heavy Industrial (Wellpet)
East: I-1 Light Industrial (Precision Wood Products)
West: I-2 Heavy Industrial (Precision Piece Parts)

Thoroughfare: Cleveland Street (south of Eighth)

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: Industrial

ANALYSIS

The appellant is requesting a use variance to allow for an indoor commercial car sales facility in an I-2 Heavy industrial zoning district.

As indicated in the appeal, 805 South Cleveland Street was previously used for a bottling company and distribution facility but has been vacant for over a decade. The current owners have been approached by an individual who desires to use the property for the indoor sales of used cars.

To staff, this represents a desirable adaptive re-use of a longstanding vacant building(s). The issue on this property is that it was developed to industrial standards at a time when the City's standards were much lower. As such, buildings do not meet minimum setbacks, parking does not meet any particular standard, gravel is used as a paving surface, and there is likelihood that the site is significantly deficient regarding stormwater retention.

Although the case can be made to rezone the property to a C-4 Automobile oriented classification, similar to the repair shop across the street, staff recommended a use variance specifically as a path of most

appropriate least resistance to the desired adaptive re-use. The C-4 District has much higher architectural, parking, and landscape requirements compared to the current industrial classification. The proposed use as being indoor used car sales also is unique relative to typical C-4 businesses that rely on an extensive amount of pavement and small buildings.

Indoor used car sales is a low intensity use that will have minimal traffic, The parking requirement will be extremely low given that the inventory will remain under roof and that the property itself isn't located to allow for significant drive-by traffic. Likely, parking will be driven by appointments being made by the business operator.

Because of the unique circumstances surrounding the property and the proposed use staff is recommending a series of conditions that will allow for minimal up-front investment, but would require the improvement of the property over time as things need replaced or if the use of the site changes or evolves. Although not requested by the applicant, staff has included in the proposed conditions of approval that they would have the ability to have a maximum of two cars displayed outside the building. Staff just wanted to provide added flexibility and potentially not require a modified appeal for a de-minimis change in the proposed business plan.

RECOMMENDATION

The Planning Staff recommends approval of Appeal 13-27 to allow for indoor car sales in an I-2 Heavy industrial district subject to the following conditions:

1. The use of the property shall be limited to indoor car sales only (no auto body repairs or oil changes) without site modifications. The expansion of the proposed use into repair and other accessory uses may be permitted but shall require the incremental improvement of the site and building to bring it into conformance with current C-4 standards over time commensurate with the proposed change. Any change in use shall require a final site plan submission and review.
2. All proposed improvements including parking and adding gravel to maintain existing gravel paving shall require an administrative site plan approval prior to construction.
3. A sanitary sewer easement shall be provided as requested by the City of Mishawaka Engineering Department prior to the occupancy of the building.
4. Building permits shall be required for the review and inspection of proposed building modifications. Current safety code issues, if they exist, must be brought up to current code.
5. A maximum of two vehicles may be displayed outside at any given time. Additional vehicles may be displayed but shall be considered an increase in use that would be subject to condition #1 herein.

This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties to the south, east, and west are all zoned for industrial and the proposed use would allow for the occupancy of a building that has remained vacant for over a decade;
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and has very limited current industrial applications which has caused it to sit vacant for an extended period of time;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the proposed commercial use. The only means by which to allow the proposed indoor car sales use and maintain the current industrial standards is through the use variance process;

5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates industrial uses for this area.

ATTACHMENTS

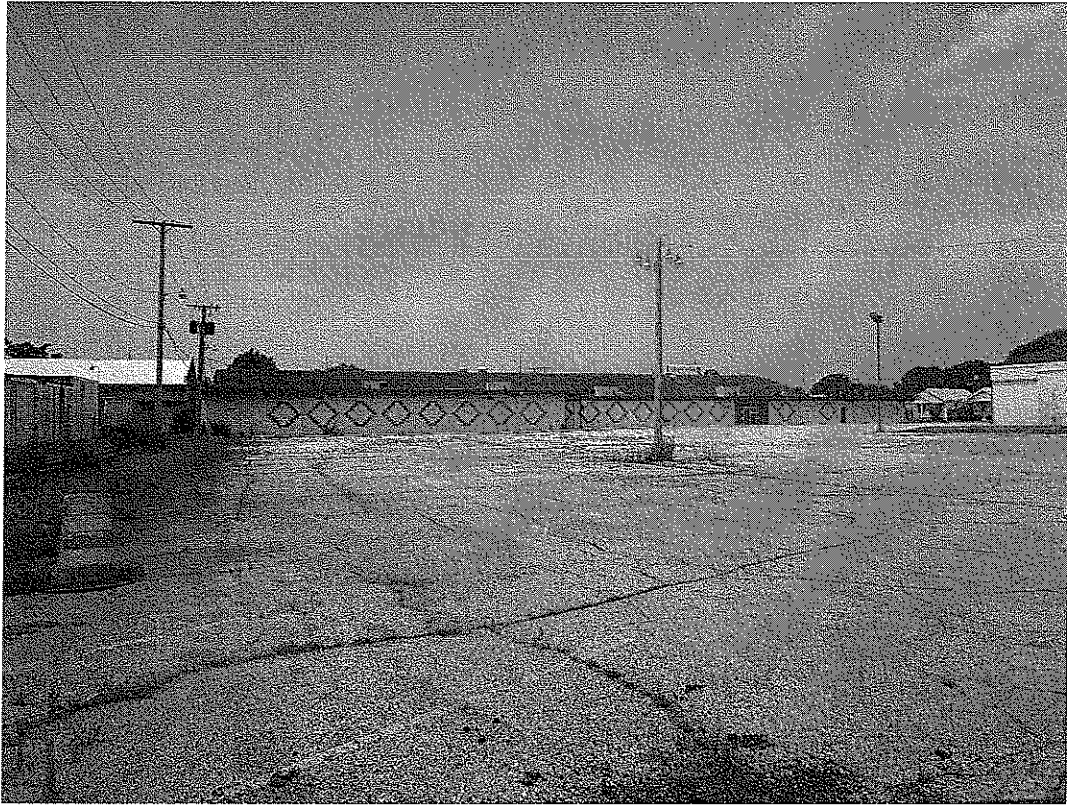
Photographs, Appeal, Site Plan, Location Map



View of the property from Cleveland Street



View of repair shop across the street on Cleveland Street



Adjacent Regal Lanes parking lot



View looking south on Cleveland Street



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

July 10, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
July 9, 2013, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #13-09 A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property at the intersection of **Main Street and McKinley Avenue** from C-4 Automobile Oriented Commercial and C-1 General Commercial District to C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial District.

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

PETITION #13-10 A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property along the **1600 to 1800 block of North Main Street** from C-6 Linear Office Commercial, C-5 Neighborhood Commercial, and R-1 Single-Family Residential District to C-6 Linear Office Commercial District.

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

PETITION #13-11 A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property along the **1400 to 1500 block of North Main Street** from C-1 General Commercial District to R-1 Single-Family Residential District and C-6 Linear Office Commercial District.

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

PETITION #13-12 A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property along the **1200 to 1300 block of North Main Street** from C-1 General Commercial, C-5 Neighborhood Commercial, R-1 Single-Family Residential, and C-4 Automobile Oriented Commercial District to R-1 Single-Family Residential District.

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

PETITION #13-13 A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property **Northwest of Broadway Street and North Main Street, and south of the Grand Trunk Railroad** from C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial District to R-1 Single-Family Residential District.

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

PETITION #13-14 A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property located between **West Mishawaka Avenue and West Grove Street, and North Main Street and Elizabeth Street** from C-1 General Commercial and C-4 Automobile Oriented Commercial District to C-3 City Center Commercial District.

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

PETITION #13-15 A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property at **2319 Lincolnway East** from R-1 Single-Family Residential District to C-6 Linear Office Commercial District.

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

PETITION #13-16 A petition submitted by Terry L. Symon, Linda D. Johnson, and Karen M. Hiatt to rezone property at **309 Smith Street** from C-1 General Commercial District to R-1 Single-Family Residential District.

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

PETITION #13-17 A petition submitted by the City of Mishawaka to vacate public right of way(s) being the First North-South Alley East of Main Street, running from McKinley Ave. South to Russ Ave.

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

PETITION #13-18 A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of the first East-West Alley South of Omer Ave. running East from Main Street for approximately 105 feet.

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

PETITION #13-19 A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of the first East-West Alley South of Jefferson Blvd. running from Main Street East approximately 59 feet; and a portion of Stanley Street running East from Main Street for approximately 48 feet.

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

PETITION #13-20 A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of Borley Street running East from Main Street for approximately 65 feet; and a portion of the first North-South Alley East of Main Street running from Jefferson Blvd. North to an existing East-West Alley.

PETITION #13-21 A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of the first East-West Alley North of Marion Street running from Main Street East approximately 193 feet.

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

PETITION #13-22 A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of Marion Street running West from Main Street for approximately 110 feet; and a portion of the first East-West Alley North of Broadway Street running from Main Street West approximately 74 feet; and a portion of the second East-West Alley North of Broadway Street running West from Main Street for approximately 135 feet.

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

PETITION #13-23 A petition submitted by the City of Mishawaka to vacate public right of way(s) being the First East-West Alley South of Grove Street, running from Elizabeth Street East approximately 269 feet.

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

PETITION #13-28 A request submitted by the Michiana Tennis Association, LLC, seeking approval to amend the Fir Road Athletic Club PUD located at 5800 block Fir Road, Mishawaka, Indiana to allow a nursing care facility.

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

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

Respectfully,



Kari Myers, Administrative Planner
Secretary, City of Mishawaka Plan Commission

cc: Karen Hiatt
Brad Mosness

STAFF REPORT

Location: NW & SE corner of Main Street & McKinley Ave.

Date: July 9, 2013

PET: 13 09

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka Redevelopment Commission

Status: Property Owners

Request: Rezone property to C-4 Automobile Oriented Commercial & C-7 Automobile Oriented Restaurant Commercial

Zoning Classification: C-1 General Commercial & C-4 Automobile Oriented Commercial (Existing); C-7 Automobile Oriented Restaurant Commercial & C-4 Automobile Oriented Commercial (Proposed)

Lot Size: Approximately 1.5 acres

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential, C-1 General Commercial
South: R-1 Single Family Residential
East: C-7 Automobile Oriented Commercial, C-1 General Commercial
West: C-7 Automobile Oriented Commercial, C-4 Automobile Oriented Commercial, R-1 Single Family Residential

Thoroughfare: Main Street & McKinley Avenue

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities area available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone property located at the northwest and southwest corner of Main Street and McKinley Avenue. The approximate 0.8 acre parcel is located at the northwest corner is currently zoned C-4 Automobile Oriented Commercial and C-1 General Commercial. The City desires this property to be rezoned to C-4 Automobile Oriented Commercial. The property located adjacent and to the west of the property to be rezoned is zoned C-4 Automobile Oriented Commercial.

The approximate 0.7 acre parcel located at the southeast corner of Main Street and McKinley Avenue, adjacent to the existing Dairy Queen, is currently zoned C-4 Automobile Oriented Commercial. The City desires this property to be rezoned to C-7 Automobile Oriented Restaurant Commercial. The property located adjacent and to the east of the property to be rezoned is zoned C-7 Automobile Oriented Restaurant Commercial.

The parcels to be rezoned are the residual properties that the City purchased for the Main Street widening and underpass improvements. At a future date, a public offering will be presented in which these properties will be sold to private developers. The proposed rezonings represent what the City feels is the best and most appropriate zoning classification for these lots given the adjacent properties, the overall area, and existing traffic patterns.

At this time, there are no developmental plans that have been submitted for any of these lots.

RECOMMENDATION

The Planning Department recommends approval of Petition 13-09 to rezone property located at the northwest corner of Main Street and McKinley Avenue from C-1 General Commercial and C-4 Automobile Oriented Commercial to C-4 Automobile Oriented Commercial; and to rezone property located at the southeast corner of Main Street and McKinley Avenue from C-4 Automobile Oriented Commercial to C-7 Automobile Oriented Restaurant Commercial. This recommendation is based upon the following findings of fact:

1. Given the property's close proximity to commercially zoned property and heavily traveled corridors, the C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning would be compatible with the surrounding commercial properties and the existing C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoned properties in 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, staff feels that the most desirable use for this property is the C-7 Automobile Oriented Restaurant Commercial and the C-4 Automobile Oriented Commercial zoning classification.
3. Because the parcel is located adjacent to commercial properties and along heavily traveled corridors, the proposed C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning classification would be compatible and is a desirable use for this property;
4. The C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.
5. The proposed C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

ATTACHMENTS

Petition, Location Map

STAFF REPORT

Location: 1600-1800 block of North Main Street

Date: July 9, 2013

PET: 13 10

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka Redevelopment Commission

Status: Property Owners

Request: Rezone property to C-6 Linear Office Commercial

Zoning Classification: C-6 Linear Office Commercial, C-5 Neighborhood Commercial, R-1 Single Family Residential (Existing); C-6 Linear Office Commercial (Proposed)

Lot Size: Approximately 2 acres

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial
South: C-1 General Commercial
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Thoroughfare: Main Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities area available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone property located east and adjacent to North Main Street along the 1600-1800 block of Main Street. There are (3) separate parcels to be rezoned. The first parcel to be rezoned is located along the 1800 block of North Main Street between Omer Avenue and East Lowell Avenue. This property is currently zoned C-6 Linear Office Commercial and R-1 Single Family Residential.

The second parcel to be rezoned is located along the 1700 block of North Main Street between East Lowell Avenue and East Edgar Avenue. This property is currently zoned C-5 Neighborhood Commercial and R-1 Single Family Residential.

The third parcel to be rezoned is located along the 1600 block of North Main Street between East Edgar Avenue and East Donaldson Avenue. This property is currently zoned R-1 Single Family Residential and C-6 Linear Office Commercial.

The City desires all of the aforementioned parcels to be rezoned to C-6 Linear Office Commercial.

The parcels to be rezoned are the residual properties that the City purchased for the Main Street widening and underpass improvements. At a future date, a public offering will be presented in which these properties will be sold to private developers. The proposed rezonings represent what the City feels is the best and most appropriate zoning classification for these lots given the adjacent properties, the overall area, and existing traffic patterns. Given the heavy traffic along Main Street and the residential properties to the east, the C-6 Linear Office Zoning Classification provides an appropriate transitional use between the heavy Main Street traffic and the residential neighborhood.

At this time, there are no developmental plans that have been submitted for any of these lots.

RECOMMENDATION

The Planning Department recommends approval of Petition 13-10 to rezone property located east of Main Street along the 1600-1800 blocks from C-6 Linear Office Commercial, C-5 Neighborhood Commercial, and R-1 Single Family Residential to C-6 Linear Office Commercial. This recommendation is based upon the following findings of fact:

1. Given the properties' close proximity to the heavily traveled Main Street corridor and the existing office uses currently along the corridor, the C-6 Linear Office Commercial zoning would be compatible with the surrounding office uses;
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, staff feels that the most desirable use for this property is the C-6 Linear Office zoning classification;
3. Because the parcels are located along a heavily traveled corridor and adjacent to residential property, the proposed C-6 Linear Office zoning classification is a desirable use for these properties;
4. The C-6 Linear Office Commercial zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing an appropriated transitional use buffer between the heavily traveled Main Street corridor and the adjacent residential area..
5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

ATTACHMENTS

Petition, Location Map

STAFF REPORT

Location: 1400-1500 block of North Main Street

Date: July 9, 2013

PET: 13 11

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka Redevelopment Commission

Status: Property Owners

Request: Rezone property to C-6 Linear Office Commercial & R-1 Single Family Residential

Zoning Classification: C-6 Linear Office Commercial, C-1 General Commercial, R-1 Single Family Residential (Existing); C-6 Linear Office Commercial, R-1 Single Family Residential (Proposed)

Lot Size: Approximately 0.83 acres

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-6 Linear Office Commercial
South: C-1 General Commercial
East: R-1 Single Family Residential
West: S-1 Open/Public Space

Thoroughfare: Main Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities area available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone property located east and adjacent to North Main Street along the 1400-1500 block of Main Street. There are (2) separate parcels to be rezoned. The first parcel to be rezoned is located along the 1500 block of North Main Street between East Donaldson Avenue and East Borley Avenue. This property is currently zoned C-1 General Commercial. The City is requesting this property to be rezoned to C-6 Linear Office Commercial. Given the heavy traffic along Main Street and the residential properties to the east, the C-6 Linear Office zoning classification provides an appropriate transitional use between the heavy Main Street traffic and the residential neighborhood.

The second parcel to be rezoned is located along the 1400 block of North Main Street East Borley Avenue and East Jefferson Boulevard. This property is currently zoned C-1 General Commercial. The City desires this property to be rezoned to R-1 Single Family Residential. Because of the realignment of Main Street in this area, a narrow section of land was recreated. This section of land would be too narrow to provide any

sort of substantial development, as would be the case if the property was to be rezoned to C-6 Linear Office Commercial. Therefore, the R-1 Single Family Residential zoning classification is the appropriate development pattern for this parcel of land.

The parcels to be rezoned are the residual properties that the City purchased for the Main Street widening and underpass improvements. At a future date, a public offering will be presented in which these properties will be sold to private developers. Those properties that will be zoned R-1 Single-Family Residential may potentially be retained by the City and donated to Habitat for Humanity are be utilized for the City's First-Home Buyer Program for newly constructed single-family residential homes. The proposed rezonings represent what the City feels is the best and most appropriate zoning classification for these lots given the adjacent properties, the overall area, and existing traffic patterns.

At this time, there are no developmental plans that have been submitted for any of these lots.

RECOMMENDATION

The Planning Department recommends approval of Petition 13-11 to rezone property located east of Main Street between East Donaldson Avenue and East Borley Avenue from C-1 General Commercial to C-6 Linear Office Commercial, and to rezone property located east of Main Street between East Borley Avenue and East Jefferson Blvd from C-1 General Commercial to R-1 Single-Family Residential. This recommendation is based on the following findings of fact:

1. Given the properties' close proximity to the heavily traveled Main Street corridor and the existing office uses currently along the corridor, the C-6 Linear Office Commercial zoning would be compatible with the surrounding office uses; and the narrow lot size of the property to be rezoned residential would be most compatible to R-1 Single Family Residential development;
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, staff feels that the most desirable use for this property is the C-6 Linear Office zoning classification and R-1 Single Family Residential;
3. Because the parcels are located along a heavily traveled corridor and adjacent to residential property, the proposed C-6 Linear Office zoning classification and R-1 Single Family Residential zoning classification is a desirable use for these properties;
4. The C-6 Linear Office Commercial and R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing an appropriated transitional use buffer between the heavily traveled Main Street corridor and the adjacent residential area, and by continuing the existing residential use within the area;
5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

ATTACHMENTS

Petition, Location Map

STAFF REPORT

Location: 1200-1300 block of North Main Street

Date: July 9, 2013

PET: 13 12

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka Redevelopment Commission

Status: Property Owners

Request: Rezone property to R-1 Single Family Residential

Zoning Classification: C-4 Automobile Oriented Commercial, C-5 Neighborhood Commercial, C-1 General Commercial, R-1 Single Family Residential (Existing); R-1 Single Family Residential (Proposed)

Lot Size: Approximately 1.3 acres

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-6 Linear Office Commercial
South: C-1 General Commercial
East: R-1 Single Family Residential
West: S-1 Open/Public Space

Thoroughfare: Main Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities area available to the site

Comprehensive Plan: Low Density Residential & General Commercial

ANALYSIS

The Petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone property located east and adjacent to North Main Street along the 1200-1300 block of Main Street between East Jefferson Blvd to the railroad tracks and west of the re-aligned Stanley Street. This property is currently zoned C-1 General Commercial, C-5 Neighborhood Commercial, C-4 Automobile Oriented Commercial, and R-1 Single Family Residential. The property that is currently zoned C-1 General Commercial and C-5 Neighborhood Commercial is almost entirely within the new Main Street right-of-way. The C-4 Automobile Oriented Commercial zoned property is located north along the railroad tracks. The rest of the property is already zoned R-1 Single Family Residential, which includes the majority of property requesting to be rezoned.

The parcels to be rezoned are the residual properties that the City purchased for the Main Street widening and underpass improvements. At a future date, a public offering will be presented in which these properties will be sold to private developers. Those properties that will be zoned R-1 Single-Family Residential may potentially be retained by the City and donated to Habitat for Humanity are be utilized for the City's First-Home Buyer Program for newly constructed single-family residential homes. The proposed

rezonings represent what the City feels is the best and most appropriate zoning classification for these lots given the adjacent properties, the overall area, and existing traffic patterns.

At this time, there are no developmental plans that have been submitted for any of these lots.

RECOMMENDATION

The Planning Department recommends approval of Petition 13-12 to rezone property located east of Main Street between East Jefferson Blvd and the railroad tracks from C-1 General Commercial, C-5 Neighborhood Commercial, C-4 Automobile Oriented Residential Commercial, and R-1 Single Family Residential Commercial to R-1 Single-Family Residential. This recommendation is based on the following findings of fact:

1. Given the property's close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential uses;
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, staff feels that the most desirable use for this property is the R-1 Single Family Residential zoning classification;
3. Because the parcels are located adjacent to residential property and the majority of the property is currently zoned R-1 Single Family Residential, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;
4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area;
5. The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

ATTACHMENTS

Petition, Location Map

STAFF REPORT

Location: East of West of Main Street between railroad tracks and Broadway Date: July 9, 2013

PET: 13 13

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka Redevelopment Commission

Status: Property Owners

Request: Rezone property to R-1 Single Family Residential

Zoning Classification: C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial (Existing); R-1 Single Family Residential (Proposed)

Lot Size: Approximately 2.55 acres

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-1 Open/Public Space & R-1 Single Family Residential
South: C-1 General Commercial, R-1 Single Family Residential
East: R-1 Single Family Residential
West: I-1 Heavy Industrial

Thoroughfare: Main Street and Marion Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities area available to the site

Comprehensive Plan: Low Density Residential & General Commercial & Industrial

ANALYSIS

The Petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone property located east & west and adjacent to North Main Street between the railroad tracks and Marion Street to R-1 Single Family Residential. This property is currently zoned C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial. Property located just south of the railroad tracks is zoned I-1 Light Industrial and I-2 Heavy Industrial. Property located to the west of Main Street and the realigned Marion Street to West Broadway Street is zoned C-1 General Commercial.

The parcels to be rezoned are the residual properties that the City purchased for the Main Street widening and underpass improvements. At a future date, a public offering will be presented in which these properties will be sold to private developers. Those properties that will be zoned R-1 Single-Family Residential may potentially be retained by the City and donated to Habitat for Humanity are be utilized for the City's First-Home Buyer Program for newly constructed single-family residential homes. The proposed rezonings represent what the City feels is the best and most appropriate zoning classification for these lots given the adjacent properties, the overall area, and existing traffic patterns.

At this time, there are no developmental plans that have been submitted for any of these lots.

RECOMMENDATION

The Planning Department recommends approval of Petition 13-13 to rezone property located east & west and adjacent to North Main Street between the railroad tracks and Marion Street from C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial to R-1 Single-Family Residential. This recommendation is based on the following findings of fact:

1. Given the property's close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential uses;
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, staff feels that the most desirable use for this property is the R-1 Single Family Residential zoning classification;
3. Because the parcels sizes are small and not appropriate for commercial and/or industrial development, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;
4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area;
5. The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

ATTACHMENTS

Petition, Location Map

STAFF REPORT

Location: Northeast Corner of Mishawaka Avenue and Grove Street

Date: July 9, 2013

PET: 13 14

Prepared By: KBP

GENERAL INFORMATION

Applicant: City of Mishawaka Redevelopment Commission

Status: Majority Property Owner

Request: Rezone existing commercially zoned property to C-3 City Center Commercial

Existing Zoning Classifications: C-1 General Commercial and C-4 Automobile oriented commercial

Lot Size: Approximately 1.6 acres

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential and R-2 Two Family Residential
South: C-3 City Center Commercial (Riverwalk Townhomes)
East: C-4 Automobile Oriented Commercial (7-11 and Affordable Auto)
West: C-1 General Commercial and R-1 Single Family Residential (Commercial Hair Studio, and St. Monica School Gym)

Thoroughfare: Mishawaka Avenue

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities area available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone approximately 1.6 acres of property just west of Main Street, roughly $\frac{3}{4}$ of the City block bordered by Mishawaka Avenue on the south, Grove Street to the North, and Elizabeth Street to the west. The property is divided by an east-west alley, a portion of which is proposed to be vacated (Petition 13-23).

If approved, the combined vacation and rezoning would allow for the potential construction of a mixed use commercial/residential project on the site including the vacated alley. The developer (the Barak Group) has entered into a development agreement with the City of Mishawaka Redevelopment Commission defining their intent to build first floor commercial space facing Mishawaka Avenue/Elizabeth Street, and 60-80 residential apartments. Barak Group currently owns the apartment building located at 126-130 West Mishawaka Avenue. Their intent is to demolish that building as part of the redevelopment project. The Redevelopment Commission as part of the Development Agreement with the Barak Group, agreed to

petition to rezone both the Commission's property and the Developer's apartment building to C-3 City Center Commercial.

Although the final site plan will ultimately require the approval of the Planning Commission, the only element being considered as part of this request is the zoning. If the Developer proceeds with the project, the final site plan would not be filed until 2014. If the project is dropped/does not proceed, the C-3 City Center Commercial Zoning would remain, and the Redevelopment Commission would pursue the redevelopment of its property in accordance with the restrictions of that district. The C-3 zoning district permits a wide range of commercial and residential uses consistent with the historic center of the City.

Regarding the zoning, the Redevelopment Commission has methodically purchased property to change the uses on this block in an effort to build upon the redevelopment efforts in and around the historic heart of the City including the former Uniroyal properties. Going back to 2004, the City systematically purchased and demolished a bar, golf academy, used car lot, and adult book store to fundamentally change what was a collective negative influence on the surrounding area.

The property to the south (south of Mishawaka Avenue) was sold to Riverwalk Townhomes LLC in 2007 and partially developed as a townhouse development in 2008. Similarly, that property was an assemblage of properties and uses that were systematically acquired and demolished, then rezoned to C-3 City Center Commercial. Although this project has struggled, in part due to the time it hit the market, the price of units, and the narrow interest group the units were built to attract, the underlying C-3 zoning continues to be appropriate relative to the architectural standards and restrictions that were intended to encourage more of an urban standard for use and development.

The C-3 City Center zoning district allows for zero lot line construction and encourages a higher density and intensity of uses compared to other zoning districts in the City. The district also has the highest architectural standards regarding the quality of materials and general design review requirements.

One of the larger issues facing the redevelopment of the historic downtown is that the census tract that it is located in is losing population as demographics change. One of the elements needed for a healthy and vibrant downtown is a variety of housing options. The proposed project is a combination of rental and condominium units, in addition to some support oriented first floor commercial. If constructed, staff feels that the proposed project would contribute nicely to on-going redevelopment efforts, and also has the ability to re-spark other interests in the downtown.

Although not relevant for consideration of the zoning, for the Commission's reference, the proposed project as envisioned by the Developer is a 6-story building facing Mishawaka Avenue and a 4-story building facing Grove Street. Both buildings have been developed with a flat roof to minimize the height difference as the buildings transition into the lower density residential area to the north. Essentially relative to height, the 4 story flat roof building on Grove Street would be comparable to a 3-story building with a pitched roof. Parking for all the residential units would be internal covered by a roof top deck that would serve as an elevated garden plaza for the residents of the development. The architects rendering of the project has been attached for reference.

RECOMMENDATION

The Planning Department recommends approval of Petition 13-13 to rezone property at the northeast corner of Mishawaka Avenue and Grove Street to C-3 City Center Commercial. This recommendation is based on the following findings of fact:

1. Given the properties' close proximity to the historic Downtown and the existing C-3 City Center zoning adjacent to the south, the proposed zoning is compatible with the surrounding mix of commercial and residential uses;
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 for millions of dollars of new investment, staff feels that the most desirable use for this property is the C-3 City Center Commercial;

3. Because the parcels are located along a heavily traveled corridor (Mishawaka Avenue) and near Main Street and the downtown redevelopment area, the proposed C-3 City Center zoning permits a desirable uses and development standards for these properties;
4. The C-3 City Center zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing for the appropriate redevelopment of properties that historically were having a negative influence on the neighborhood;
5. The proposed C-3 City Center Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

ATTACHMENTS

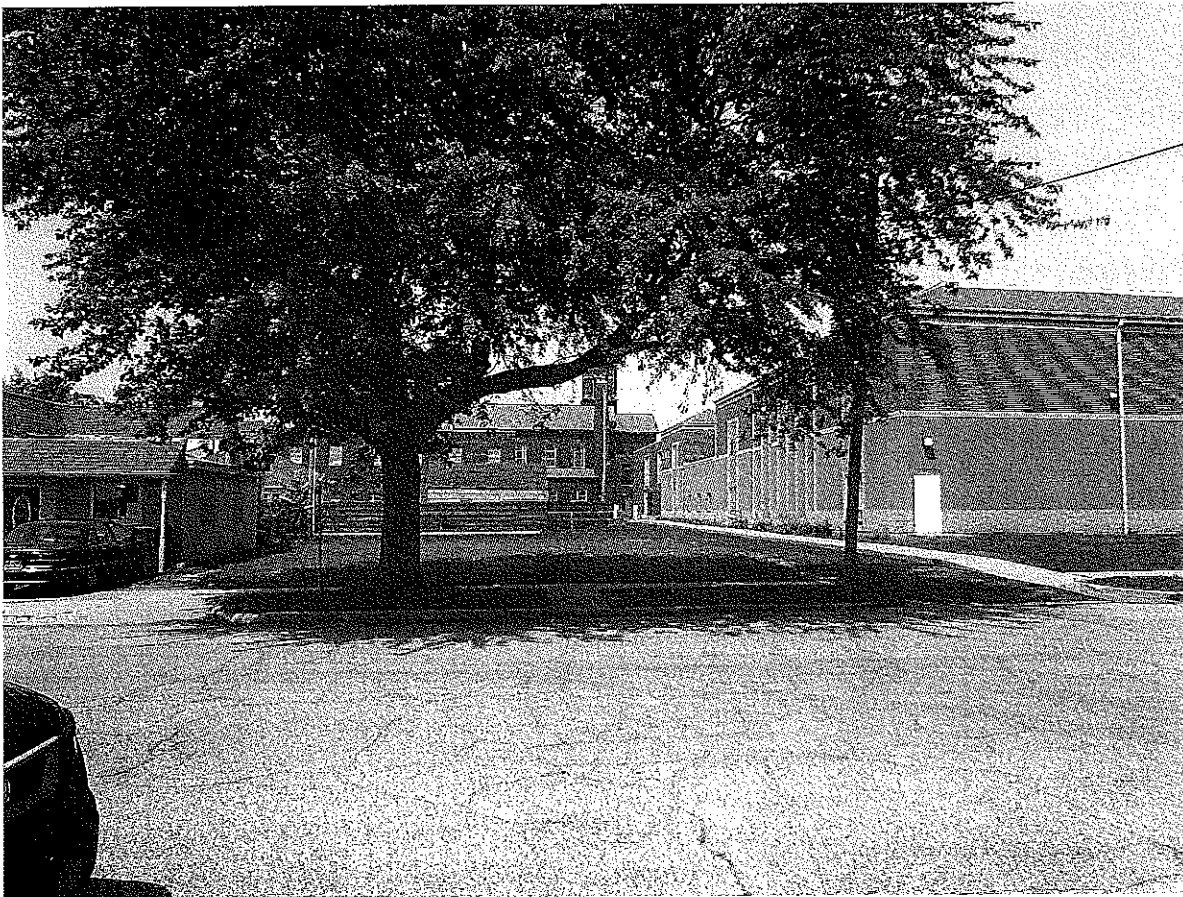
Photographs, Petition, Location Map



View looking northeast across Mishawaka Avenue from the Elizabeth Street intersection
at existing apartment building to be demolished



View from the alley looking north at existing residential properties north of Grove Street.



View looking west from mid-block at Elizabeth Street- Hair Studio and St. Monica Gym

STAFF REPORT

Location: 2319 Lincolnway East

Date: July 9, 2013

PET: 13 15

Prepared By: KBP

GENERAL INFORMATION

Applicant: City of Mishawaka Redevelopment Commission

Status: Property Owner

Request: Rezone former City Fire Station #4 to C-6 linear office district

Existing Zoning Classifications: R-1 Single Family Residential

Lot Size: Roughly 50' x 150'

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential
South: R-1 Single Family Residential
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Thoroughfare: Lincolnway East

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities area available to the site

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner, City of Mishawaka Redevelopment Commission, is requesting to rezone the former Mishawaka Fire Station #4 from its current classification of R-1 Single Family residential to C-6 Linear Office District. The request is being made prior to the required appraisal of the property which will occur following final action on this request by the City Council.

Former Fire Station #4 is a beautiful and historic Tudor revival building located at 2319 Lincolnway East that was constructed in 1929. The existing building housed just one truck that has to be custom ordered to fit the building. The lot and building was constructed at a time when the automobile was not as prevalent as today. As such the building was constructed with a relatively small single garage with no room for expansion which was a significant limitation that led to the construction of the new station on Harrison Road. The existing facility has no current off-street parking.

Ultimately, the goal of the City is to be able to dispose of the property where the existing historic building and integrity of the neighborhood is maintained long-term. In reviewing the property staff has noted the

other stately structures along Lincolnway that have been converted successfully into commercial uses. The C-6 was proposed because it is the least intensive commercial district that would essentially only allow for the conversion of the structure into an office. The C-6 district also permits single family residential by right.

If approved, the Redevelopment Commission will then hold a public bidding process for the property. As part of that bidding process the bidder will need to identify what the intended use is for the building along with any immediate proposed exterior alterations.

To date, a handful of inquiries have been received, but it is unclear if any of those inquiries will lead to an actual bid on the structure. In staff's opinion, a commercial office would be a desired option to tearing down the building, or potentially a situation where an investment group seeks to buy it for a rental.

The C-6 zoning will provide greatest number of options for the Redevelopment Commission relative to the disposal of the property.

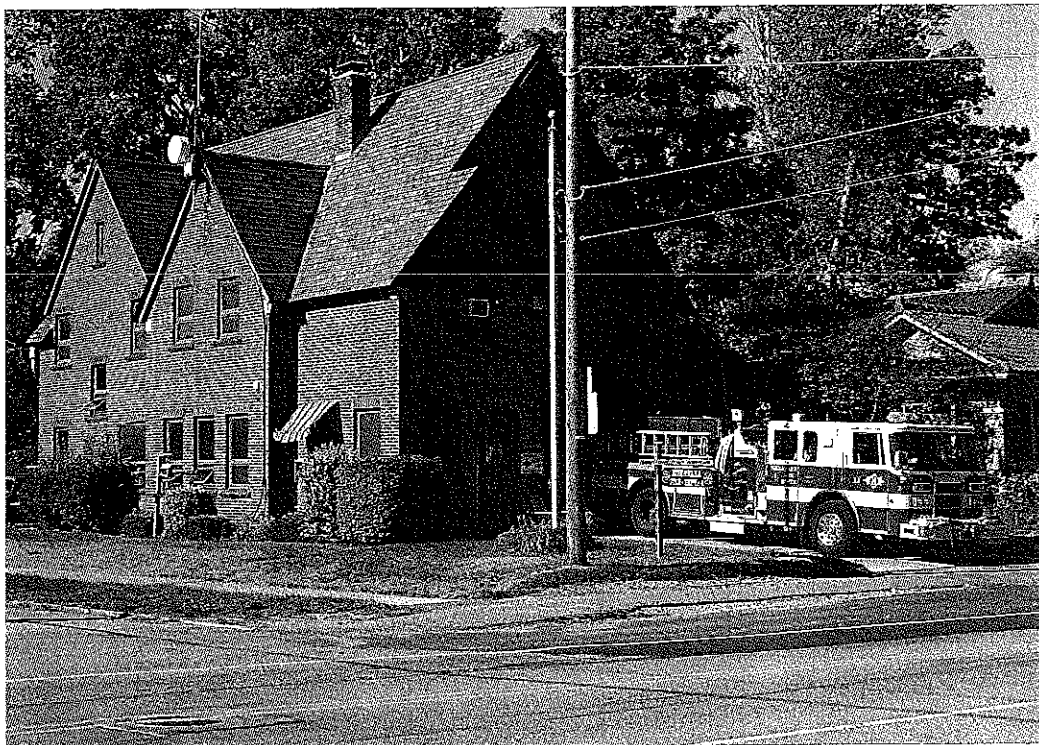
RECOMMENDATION

The Planning Department recommends approval of Petition 13-15 Rezone former City Fire Station #4 at 2319 Lincolnway East to C-6 linear office district. This recommendation is based on the following findings of fact:

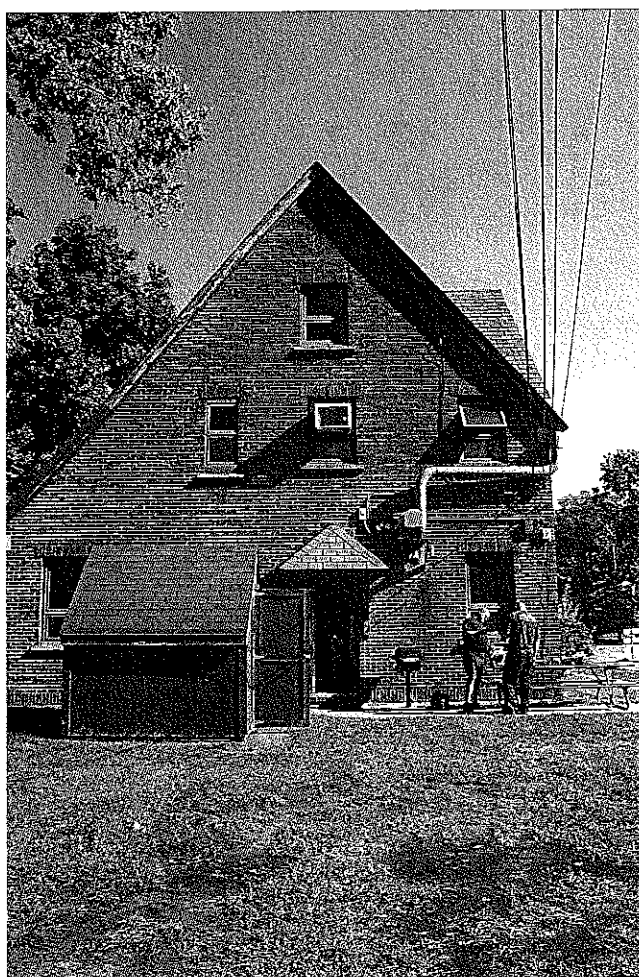
1. Given the properties' location on Lincolnway and the historic non-single family residential use as a fire station, the proposed office zoning is compatible with the surrounding residential uses;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential on going new investment new investment, the highest and best use for this property is C-6 Linear Office Commercial;
3. Because the parcel is located along a heavily traveled corridor (Lincolnway), the proposed C-6 zoning permits a desirable limited number of commercial uses along with single family residential;
4. The C-6 classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing for the appropriate adaptive re-use of a historic City Fire Station;
5. The proposed C-6 Commercial zoning, with its limited commercial uses and single family residential uses are reasonably consistent with the City's Comprehensive Plan which indicated low density residential for this area.

ATTACHMENTS

Photographs, Petition, Location Map



View looking at former Station #4 from Lincolnway East



View from the rear of the building looking north

STAFF REPORT

Location: 309 Smith Street

Date: July 9, 2013

Petition: 13- 16

Prepared By: PS

GENERAL INFORMATION

Applicant: Terry L. Symon, Linda D. Johnson & Karen Hiatt

Status: Property Owners

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

Zoning Classification: Existing C-1 General Commercial

Lot Size: 1472.46 SF more or less

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

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial/ Maury's Pub
South: C-1 General Commercial/ Residence
East: C-4 Automobile Oriented Commercial
West: C-1 General Commercial/ Commercial Parking Lot

Thoroughfare: Smith Street and Fourth Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioners are requesting to rezone a single family dwelling at 309 Smith Street from C-1 General Commercial District to R-1 Single Family Residential District. The parcel is located south and adjacent to Maury's Pub at the southwest corner of W. Fourth and Smith Street.

To the north is Pat's Pub, to the south is a residence zoned C-1 General Commercial, across Smith Street to the east is an auto oriented business and to the west is the parking lot for Pat's Pub.

Prior to the 1980's residential uses were permitted in the C-1 General Commercial District. Around 1986 the C-1 District was amended to prohibit residential uses. Originally constructed as a private residence, the home historically has remained residential in its use. The Petitioners indicate the property has been in the family for over 35 years and for the past 25 years has not been used for a commercial use. The property is intended to be kept in the family.

Pertinent City Departments reviewed and approved the rezone request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 13-16 to rezone 309 Smith Street from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are multiple zonings in the immediate vicinity and many of the structures are residential in use. This property's historic use as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;
3. The character of the majority of buildings extending to the north and west of the subject property is predominantly residential in nature providing a strong sense of a single-family residential neighborhood;
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 make improvements to the property; and,
5. This section of Smith Street is identified as General Commercial in the Mishawaka 2000 Comprehensive Plan. Prior to 1986 residential uses were permitted in the Industrial and Commercial Districts. The properties in this city block are, and in all probability will continue to be, predominately residential in their use.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP



311 Smith Street

309 Smith Street

Maury's Pub



Rear Yard or West Side
Maury's Pub Parking Lot



View from front yard to the east across Smith Street



STAFF REPORT

Location: North-South Alley between McKinley and Russ

Date: July 9, 2013

Petition: 13-17

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka

Status: Adjacent Property Owners

Request: Vacate Public Right of Way

Zoning Classification: Public Right of Way

Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial
South: R-1 Single Family
East: C-7 Automobile Oriented Restaurant Commercial
West: C-4 Automobile Oriented Commercial

Thoroughfare: McKinley Avenue & Russ Avenue

School District: School City of Mishawaka

Public Utilities: Yes

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner, City of Mishawaka, is requesting to vacate public right of way being the first North-South Alley East of Main Street, running from McKinley Ave. South to Russ Ave. This alley is unimproved and located just west of the Dairy Queen property.

The vacation is a result of the Main Street widening and underpass improvements. The vacation will allow for future development of the adjacent residual parcels the City purchased for the Main Street project.

RECOMMENDATION

Staff recommends in favor of Petition 13-17 to vacate the first North-South Alley East of Main Street, running from McKinley Ave. South to Russ Ave.

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.

- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Petition, Vacation Diagram

STAFF REPORT

Location: East-West Alley between Omer Ave. & Lowell Ave.

Date: July 9, 2013

Petition: 13-18

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka

Status: Adjacent Property Owners

Request: Vacate Public Right of Way

Zoning Classification: Public Right of Way

Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: C-6 Linear Office Commercial
South: R-1 Single Family (Existing); C-6 Linear Office Commercial
(Pending)
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Thoroughfare: North Main Street

School District: School City of Mishawaka

Public Utilities: Yes

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka, is requesting to vacate public right of way being a portion of the first East-West Alley South of Omer Ave. and North of Lowell Ave. running East from Main Street for approximately 105 feet.

The vacation is a result of the Main Street widening and underpass improvements. The vacation will allow for future development of the adjacent residual parcels the City purchased for the Main Street project.

RECOMMENDATION

Staff recommends in favor of Petition 13-18 to vacate the a portion of the first East-West Alley South of Omer Ave. running East from Main Street for approximately 105 feet.

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.

- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Petition, Vacation Diagram

STAFF REPORT

Location: Portion of Stanley Street and East-West Alley South of
Jefferson

Date: July 9, 2013

Prepared By: GGS

Petition: 13-19

GENERAL INFORMATION

Applicant: City of Mishawaka
Status: Adjacent Property Owners
Request: Vacate Public Right of Way
Zoning Classification: Public Right of Way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial & C-5 Neighborhood Commercial
(Existing); R-1 Single Family Residential (Pending)
South: R-1 Single Family & C-5 Neighborhood Commercial (Existing); R-
1 Single-Family Residential (Pending)
East: R-1 Single Family Residential
West: S-1 Open/Public Space
Thoroughfare: North Main Street
School District: School City of Mishawaka
Public Utilities: Yes
Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka, is requesting to vacate public right of way being a portion of the first East-West Alley South of Jefferson Blvd. running from Main Street East approximately 59 feet. In addition to the alley vacation, the City is requesting vacation of a portion of Stanley Street running East from Main Street for approximately 48 feet. This portion of Stanley Street used to continue to Main Street prior to the Main Street improvements. Stanley Street now is redirected North to Jefferson Blvd.

The vacation is a result of the Main Street widening and underpass improvements. The vacation will allow for future development of the adjacent residual parcels the City purchased for the Main Street project.

RECOMMENDATION

Staff recommends in favor of Petition 13-19 to vacate public right of way(s) being a portion of the first East-West Alley South of Jefferson Blvd. running from Main Street East approximately 59 feet; and a portion of Stanley Street running East from Main Street for approximately 48 feet;

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Petition, Vacation Diagram

STAFF REPORT

Location: Portion of Borley Avenue and North-South Alley North of
Jefferson Blvd

Date: July 9, 2013

Prepared By: GGS

Petition: 13-20

GENERAL INFORMATION

Applicant: City of Mishawaka
Status: Adjacent Property Owners
Request: Vacate Public Right of Way
Zoning Classification: Public Right of Way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (Existing); C-6 Linear Office Commercial (Pending)
South: C-1 General Commercial (Existing); R-1 Single Family Residential (Pending)
East: R-1 Single Family Residential
West: S-1 Open/Public Space & C-1 General Commercial
Thoroughfare: North Main Street
School District: School City of Mishawaka
Public Utilities: Yes
Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka, is requesting to vacate a portion of the first North-South Alley East of Main Street running from Jefferson Blvd. North to an existing East-West Alley. In addition to the alley vacation, the City is requesting vacation of portion of Borley Avenue running East from Main Street for approximately 65 feet. This portion of Borley Avenue used to continue to Main Street prior to the Main Street improvements. Borley Avenue will be redirected North to East Donaldson Avenue.

The vacation is a result of the Main Street widening and underpass improvements. The vacation will allow for future development of the adjacent residual parcels the City purchased for the Main Street project.

RECOMMENDATION

Staff recommends in favor of Petition 13-20 to vacate a portion of Borley Street running East from Main Street for approximately 65 feet; and a portion of the first North-South Alley East of Main Street running

from Jefferson Blvd. North to an existing East-West Alley. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Petition, Vacation Diagram

STAFF REPORT

Location: East-West Alley East of Main Street North of Marion Street

Date: July 9, 2013

Petition: 13-21

Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka

Status: Adjacent Property Owners

Request: Vacate Public Right of Way

Zoning Classification: Public Right of Way

Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial; R-1 Single Family Residential (Pending)
South: I-1 Light Industrial; R-1 Single Family Residential (Pending)
East: I-1 Light Industrial; R-1 Single Family Residential (Pending)
West: I-1 Light Industrial; R-1 Single Family Residential (Pending)

Thoroughfare: North Main Street

School District: School City of Mishawaka

Public Utilities: Yes

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka, is requesting to vacate public right of way being a portion of the first East-West Alley North of Marion Street running from Main Street East approximately 193 feet.

The vacation is a result of the Main Street widening and underpass improvements. The vacation will allow for future development of the adjacent residual parcels the City purchased for the Main Street project.

RECOMMENDATION

Staff recommends in favor of Petition 13-21 to vacate public right of way being a portion of the first East-West Alley North of Marion Street running from Main Street East approximately 193 feet. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.

- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Petition, Vacation Diagram

STAFF REPORT

Location: Portion of Marion Street and East-West Alley between Marion & Main Street Date: July 9, 2013

Prepared By: GGS

Petition: 13-22

GENERAL INFORMATION

Applicant: City of Mishawaka
Status: Adjacent Property Owners
Request: Vacate Public Right of Way
Zoning Classification: Public Right of Way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial & C-1 General Commercial (Existing); R-1 Single Family Residential (Pending)
South: C-1 General Commercial (Existing); R-1 Single Family Residential (Pending)
East: C-5 Neighborhood Commercial (Existing); R-1 Single Family Residential (Pending)
West: R-1 Single Family Residential
Thoroughfare: North Main Street
School District: School City of Mishawaka
Public Utilities: Yes
Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka, is requesting to vacate a portion of the first East-West Alley North of Broadway Street running from Main Street West approximately 74 feet; and a portion of the second East-West Alley North of Broadway Street running West from Main Street for approximately 135 feet. In addition to the alley vacation, the City is requesting to vacate a portion Marion Street running West from Main Street for approximately 110 feet. This portion of Marion Street used to continue to Main Street prior to the Main Street improvements. Marion Street now is redirected South to Broadway Street.

The vacation is a result of the Main Street widening and underpass improvements. The vacation will allow for future development of the adjacent residual parcels the City purchased for the Main Street project.

RECOMMENDATION

Staff recommends in favor of Petition 13-22 to vacate a portion of Marion Street running West from Main Street for approximately 110 feet; and a portion of the first East-West Alley North of Broadway Street running from Main Street West approximately 74 feet; and a portion of the second East-West Alley North of Broadway Street running West from Main Street for approximately 135 feet. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Petition, Vacation Diagram

STAFF REPORT

Location: Portion of east-west alley between Grove Street and Mishawaka Avenue, west of Main Street Date: July 9, 2013

Prepared By: KBP

Petition: 13-23

GENERAL INFORMATION

Applicant: City of Mishawaka
Status: Adjacent Property Owners
Request: Vacate Public Right of Way
Zoning Classification: Public Right of Way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (Existing); C-3 City Center Commercial Pending
South: C-1 General Commercial and C-4 Automobile oriented commercial (Existing); C-3 City Center Commercial Pending
East: C-4 Automobile Oriented Commercial
West: R-1 Single Family Residential (St. Monica School Gymnasium)

Thoroughfare: Alley, Main Street and Elizabeth Street north-south. Grove Street and Mishawaka Avenue east-west.

School District: School City of Mishawaka

Public Utilities: Yes

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, City of Mishawaka, is requesting to vacate a portion of the east-west alley between Grove Street and Mishawaka Avenue, west of Main Street. This request has been filed simultaneously with Rezoning Petition 13-14 to change the existing zoning of the properties adjacent to the alley to C-3 City Center Commercial. If approved, the combined vacation and rezoning would allow for the potential construction of a mixed use commercial/residential project on the site including the vacated alley. The developer (the Barak Group) has entered into a development agreement with the City of Mishawaka Redevelopment Commission defining their intent to build first floor commercial space facing Mishawaka Avenue/Elizabeth Street, and 60-80 residential apartments. Barak Group currently owns the apartment building located at 126-130 West Mishawaka Avenue. Their intent is to demolish that building as part of the redevelopment project. The alley vacation is located adjacent to this existing building and the developer has identified their consent to the vacation noting that the existing alley pavement will need to remain until all the existing tenants have been relocated.

If approved, the City would be responsible for relocating the existing overhead utilities within the alley. The limit of the proposed vacation is the west end of the 7-11 building which is required to provide access to their existing dumpster.

RECOMMENDATION

Staff recommends in favor of Petition 13-23 vacating a portion of the east-west alley between Grove Street and Mishawaka Avenue, west of Main Street. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) Provided the limit of the vacation is the west end of the 7-11 property to maintain access to the existing 7-11 Dumpster and allow with access to the adjacent car rental sales lot, the vacation of the established alley right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) Provided the City is able to work with applicable utilities to relocate the existing infrastructure, the proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Photograph, Petition, Vacation Diagram



View Looking East down Alley from Elizabeth Street

STAFF REPORT

Location: 5800-5900 Fir Road

Date: July 9, 2013

Petition: 13 28

Prepared By: GGS

GENERAL INFORMATION

Applicant: Michiana Tennis Association LLC

Status: Property Owner

Request: Amend PUD to allow for a skilled care nursing facility

Zoning Classification: S-2 Planned Unit Developments

Lot Size: Approximately 6.0 acres

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

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: Unincorporated St. Joseph County
East: Unincorporated St. Joseph County
West: S-2 Planned Unit Development

Thoroughfare: Fir Road

School District: Penn-Harris-Madison School Corporation

Township: Harris

Public Utilities: All utilities are available or will be available to the site

Comprehensive Plan: Low Density Residential

ANALYSIS

The petitioner is requesting to amend the Michiana Tennis Association PUD to allow for a skilled care nursing facility. The proposed facility will be located along the southern east portion of the existing Michiana Tennis Association PUD at the 5800-5900 block of Fir Rd. The latest preliminary PUD plan consisted of (6) separate office buildings in the area in which the proposed nursing facility will be located, as shown as Phase 2 on the attached Existing PUD Plan.

The developer desires to construct a care facility that would house approximately 84 beds. Parking for the facility will be located at several areas around the building accessed via a drive that circles the whole facility. The parking ratio required by Ordinance for nursing homes is 1 space per 1,000 sf of building area. As part of the development standards for the proposed amendment, the petitioner is requesting the parking ratio be reduced to a ratio of 1 parking space per bed. This proposed ratio is similar to other residential care facilities that have been recently approved.

In addition to the amended parking ratio, the petitioner is requesting, as part of the PUD amendment, to allow a reduction in screening/buffer requirements along the south property line and along Fir Road. The

original PUD developmental standards stated that a 25-foot wide green buffer area shall be provided along the entire south lot line. This landscape buffer shall both preserve existing trees and contain evergreen plantings to create a continuous opaque screen, subject to staff review and approval. A higher concentration of plant material shall be provided for the eastern 200-feet to screen the existing single family residence. The petitioner desires an amendment to the PUD standards to allow for a 5-foot wide buffer area along the south property line of the proposed nursing facility instead of the required 25-feet. The area will contain a continuous opaque privacy fence, and trees spaced at a minimum of 60-feet. The trees will be a combination of new and existing where possible.

The original PUD developmental standards also stated that earth mounding, a minimum 3' height, within a 25-foot wide green buffer area (in addition to any easements) shall be provided along the east lot line of all parcels (adjacent to Fir Road, concurrent with any new development). This mounding shall include trees and low shrubs as required by the C-1 General Commercial Zoning District to screen parking areas. The petitioner is requesting to remove the conditions requiring earth mounding and the 25-foot wide buffer area adjacent to Fir Road to accommodate a landscape pond for stormwater management purposes and to provide visibility from Fir Road.

When the original PUD standards were drafted, they were based on the proposed use of the property being a recreational sports center. The original sports center was a more intense use and would have created more traffic than the proposed nursing center. With this sports use and the amount of traffic and parking, as shown on the original PUD plan, the buffering requirements were needed to provide an appropriate separation between the adjacent residential uses. The proposed care facility, however, is a fairly low to medium residential use and creates minimal traffic. Therefore, the reduction in buffering requirements from adjacent residential uses is appropriate. However, the City will request that the requested 5-ft pavement setback be increased to a minimum of 10-ft to allow for fencing and landscape planting.

RECOMMENDATION

Staff recommends in favor of amending the Michiana Tennis Association PUD to allow for a skilled care nursing facility with the following amended PUD developmental standards/conditions:

1. A 10-foot wide minimum buffer area may be provided along the south property line of the proposed nursing facility. This area shall contain a continuous opaque privacy fence, and trees spaced at a minimum of 60-feet. The trees shall be a combination of new and existing where possible. All uses, except the nursing care facility, within this PUD shall adhere to the original PUD standards for buffering along the south property line.
2. Earth mounding and required screening along the east property line of the proposed skilled care nursing facility may not be provided. However, a minimum 25-foot pavement setback shall be provided along Fir Road and shall be planting with tree plantings as identified within the Commercial Landscape Ordinance.
3. The drive providing access to future development to the west within the PUD shall be a minimum of 24-ft in width and shall consist of no parking bays off the drive.

This recommendation is based on the following findings of fact:

1. Existing Conditions- The area along this portion of Fir Road consists of low density residential uses on large acre lots. The proposal is in keeping with the existing area by maintaining a low to medium density residential use within the area.
2. Character of Buildings in Area- The character of many of the buildings located along Fir Road is residential. The proposed facility will be residential in nature.
3. The most desirable/highest and best use- Due to the presence of the commercial activity to the north, south and west of the area, the traffic along this Fir corridor has been increased significantly in recent years. With the new hospital and development along Douglas Road, which is located just south of this area, this corridor will become even more heavily utilized and most likely will be developed for commercial type uses. However, there is currently a large presence of low density

residential uses in the area. The proposed care facility is an appropriated transitional use between the existing residential uses in the area and the likely future commercial development of the area.

4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the proposed use is compatible with the surround area.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan has identified this area for low density residential.

ATTACHMENTS

Photographs, Petition, Original PUD Plan, Plan, Location Map

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

PETITION 13-09

JUL 11 2013

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2013-19

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:

PARCEL I: 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 and McKinley Avenue

PARCEL II: 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 and McKinley Avenue

Proposed Ordinance No: 2013-19

Ordinance No: _____

which real estate is now classified as C-4 Automobile Oriented Commercial and C-1 General Commercial District shall hereafter be within and a part of that District known as C-4 Automobile Oriented Commercial District (PARCEL I) and C-7 Automobile Oriented Restaurant Commercial District (PARCEL II) 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. Given the property's close proximity to commercially zoned property and heavily traveled corridors, the C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning would be compatible with the surrounding commercial properties and the existing C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoned properties in 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, staff feels that the most desirable use for this property is the C-7 Automobile Oriented Restaurant Commercial and the C-4 Automobile Oriented Commercial zoning classification.
3. Because the parcel is located adjacent to commercial properties and along heavily traveled corridors, the proposed C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning classification would be compatible and is a desirable use for this property.
4. The C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.
5. The proposed C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

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

Proposed Ordinance No: 2013-19

Ordinance No: _____

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



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

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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

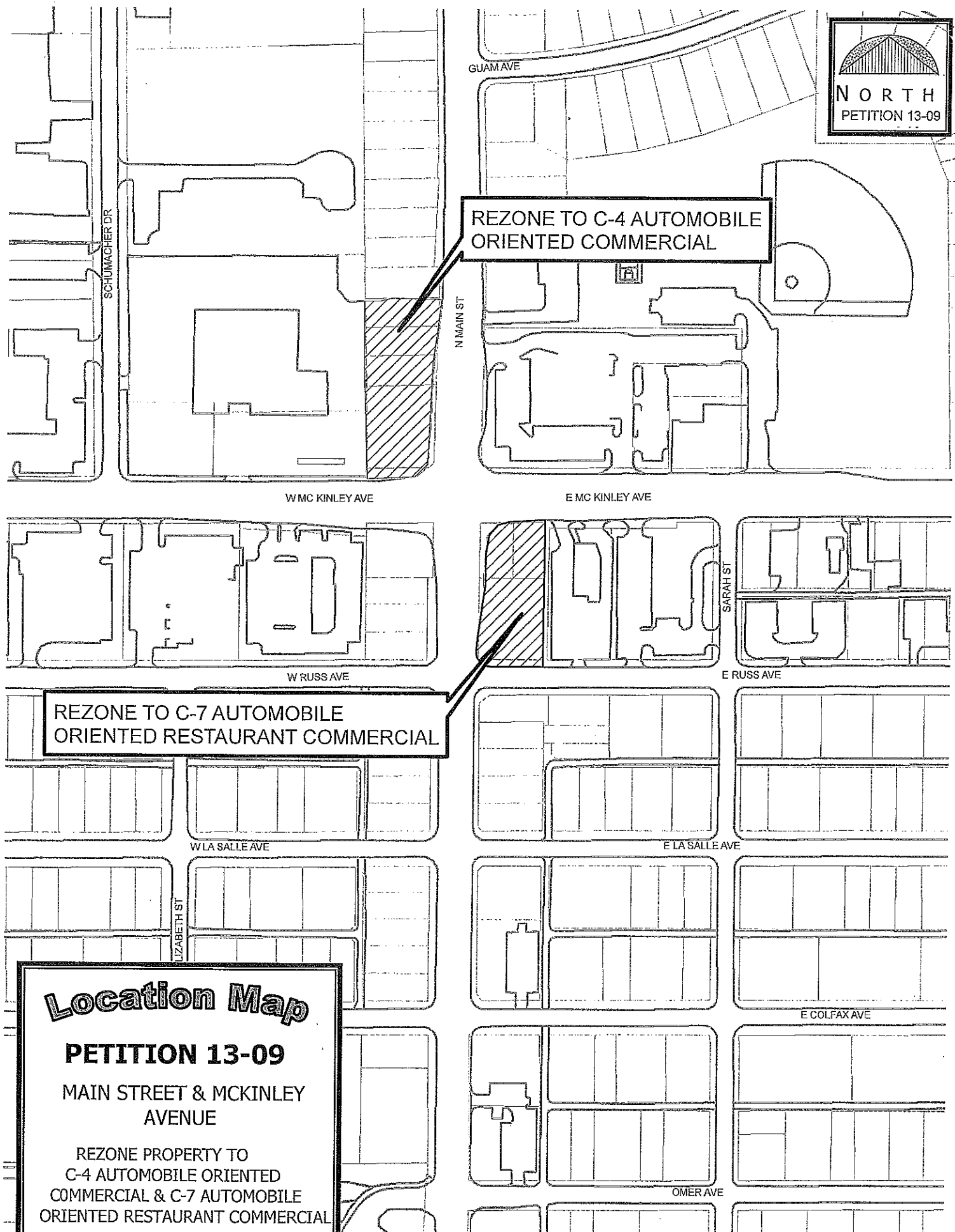
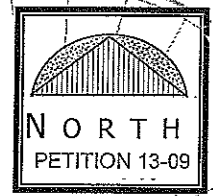
BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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



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

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION 13-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-20

ORDINANCE NO. _____

1st Reading
2nd Reading
Passed
Failed
Continued To

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

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

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

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

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

PARCEL I: 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 1600 Block of North Main Street

PARCEL II: 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 1700 Block of North Main Street

PARCEL III: 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

Proposed Ordinance No: 2013-20

Ordinance No: _____

described as Lots # 81 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 1800 Block of North Main Street

which real estate is now classified as C-6 Linear Office Commercial and R-1 Single Family Residential District shall hereafter be within and a part of that District known as C-6 Linear Office Commercial 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. Given the properties' close proximity to the heavily traveled Main Street corridor and the existing office uses currently along the corridor, the C-6 Linear Office Commercial zoning would be compatible with the surrounding office uses;
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, staff feels that the most desirable use for this property is the C-6 Linear Office zoning classification;
3. Because the parcels are located along a heavily traveled corridor and adjacent to residential property, the proposed C-6 Linear Office zoning classification is a desirable use for these properties;
4. The C-6 Linear Office Commercial zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing an appropriated transitional use buffer between the heavily traveled Main Street corridor and the adjacent residential area; and
5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

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

Proposed Ordinance No: 2013-20

Ordinance No: _____

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

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

CITY CLERK
MISHAWAKA, IN

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

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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

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

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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

PETITION 13-10

C-6

C-6

C-6

N MAIN ST

LOWELL AVE

E LOWELL AVE

SARAH ST

DIVISION ST

E EDGAR AVE

E DONALDSON AVE

CHRISTYANN ST

E BORLEY AV

E BORLEY AVE

W JEFFERSON BLVD

E JEFFERSON BLVD

STANLEY ST

STANLEY ST

Location Map

PETITION 13-10

REZONE TO C-6 LINEAR
OFFICE COMMERCIAL

E MARION ST

SARAH ST

CHRISTYANN ST

E BROADWAY

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

PETITION 13-11

JUL 11 2013

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-21

CITY CLERK
MISHAWAKA, IN

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:

PARCEL I: 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 1500 Block of North Main Street

PARCEL II: 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.

PARCEL III: 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

Proposed Ordinance No: 2013-21

Ordinance No: _____

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 1400 Block of North Main Street

which real estate is now classified as C-1 General Commercial shall hereafter be within and a part of that District known as C-6 Linear Office Commercial (Parcel I) and R-1 Single Family Residential District (Parcel II and Parcel III) 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. Given the properties' close proximity to the heavily traveled Main Street corridor and the existing office uses currently along the corridor, the C-6 Linear Office Commercial zoning would be compatible with the surrounding office uses; and the narrow lot size of the property to be rezoned residential would be most compatible to R-1 Single Family Residential development;
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, staff feels that the most desirable use for this property is the C-6 Linear Office zoning classification and R-1 Single Family Residential;
3. Because the parcels are located along a heavily traveled corridor and adjacent to residential property, the proposed C-6 Linear Office zoning classification and R-1 Single Family Residential zoning classification is a desirable use for these properties;
4. The C-6 Linear Office Commercial and R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing an appropriated transitional use buffer between the heavily traveled Main Street corridor and the adjacent residential area, and by continuing the existing residential use within the area; and
5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

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.

Proposed Ordinance No: 2013-21

Ordinance No: _____

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

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

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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

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

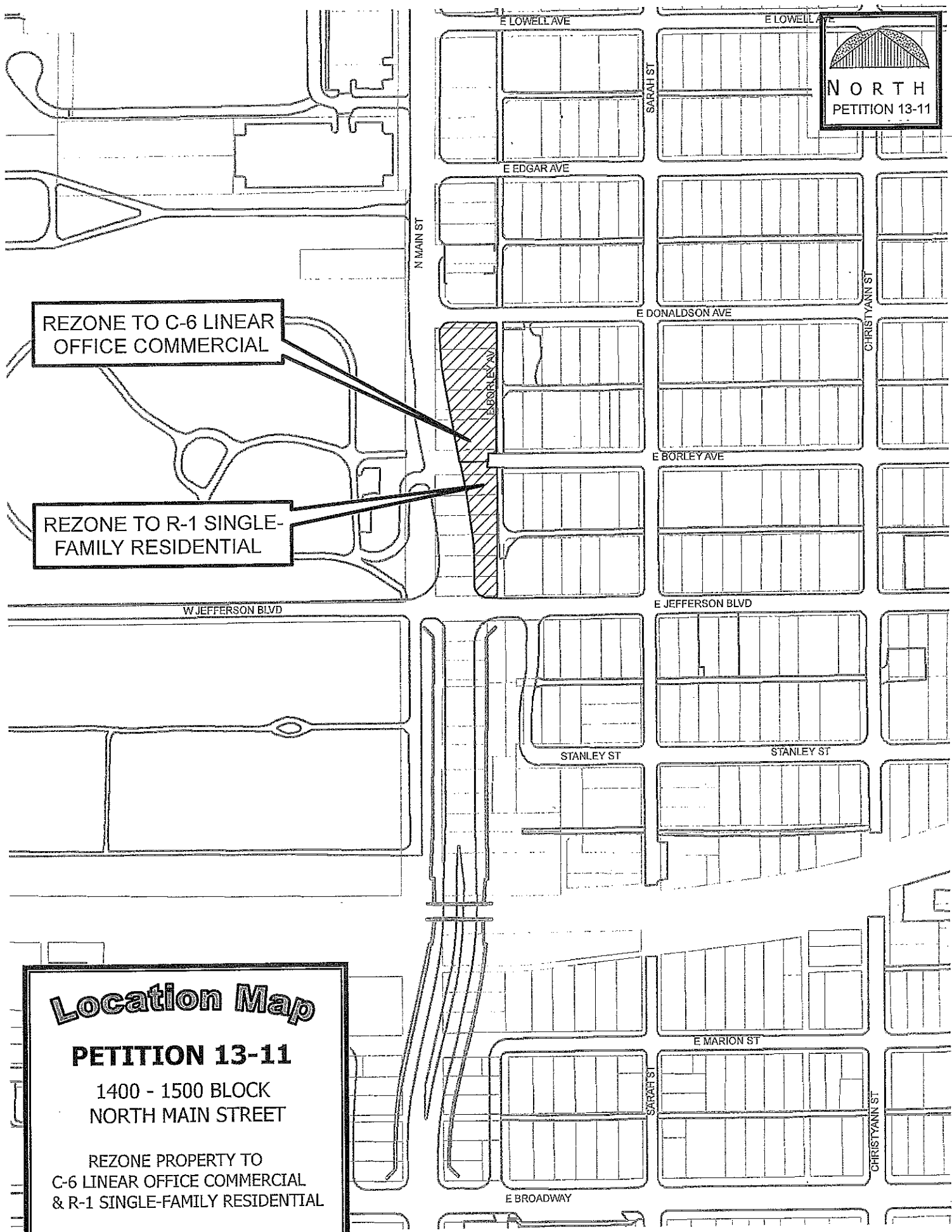
BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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



REZONE TO C-6 LINEAR
OFFICE COMMERCIAL

REZONE TO R-1 SINGLE-
FAMILY RESIDENTIAL

Location Map

PETITION 13-11

1400 - 1500 BLOCK
NORTH MAIN STREET

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

RECEIVED
DEBORAH S. BLOCK, MMC

PETITION 13-12

JUL 11 2013

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-22

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

1st Reading
2nd Reading
Passed
Failed
Continued To

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

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

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

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

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

PARCEL I: 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.

PARCEL II: 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.

PARCEL III: 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

Proposed Ordinance No: 2013-22

Ordinance No: _____

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, 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.

PARCEL IV: 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.

Commonly known as the 1200 and 1300 Block of North Main Street

which real estate is now classified as C-1 General Commercial, C-5 Neighborhood Commercial, C-4 Automobile Oriented Commercial, and R-1 Single Family Residential Districts 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. Given the property's close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential uses;
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, staff feels that the most desirable use for this property is the R-1 Single Family Residential zoning classification;
3. Because the parcels are located adjacent to residential property and the majority of the property is currently zoned R-1 Single Family Residential, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;

Proposed Ordinance No: 2013-22

Ordinance No: _____

4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area;
5. The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

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



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,

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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

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

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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

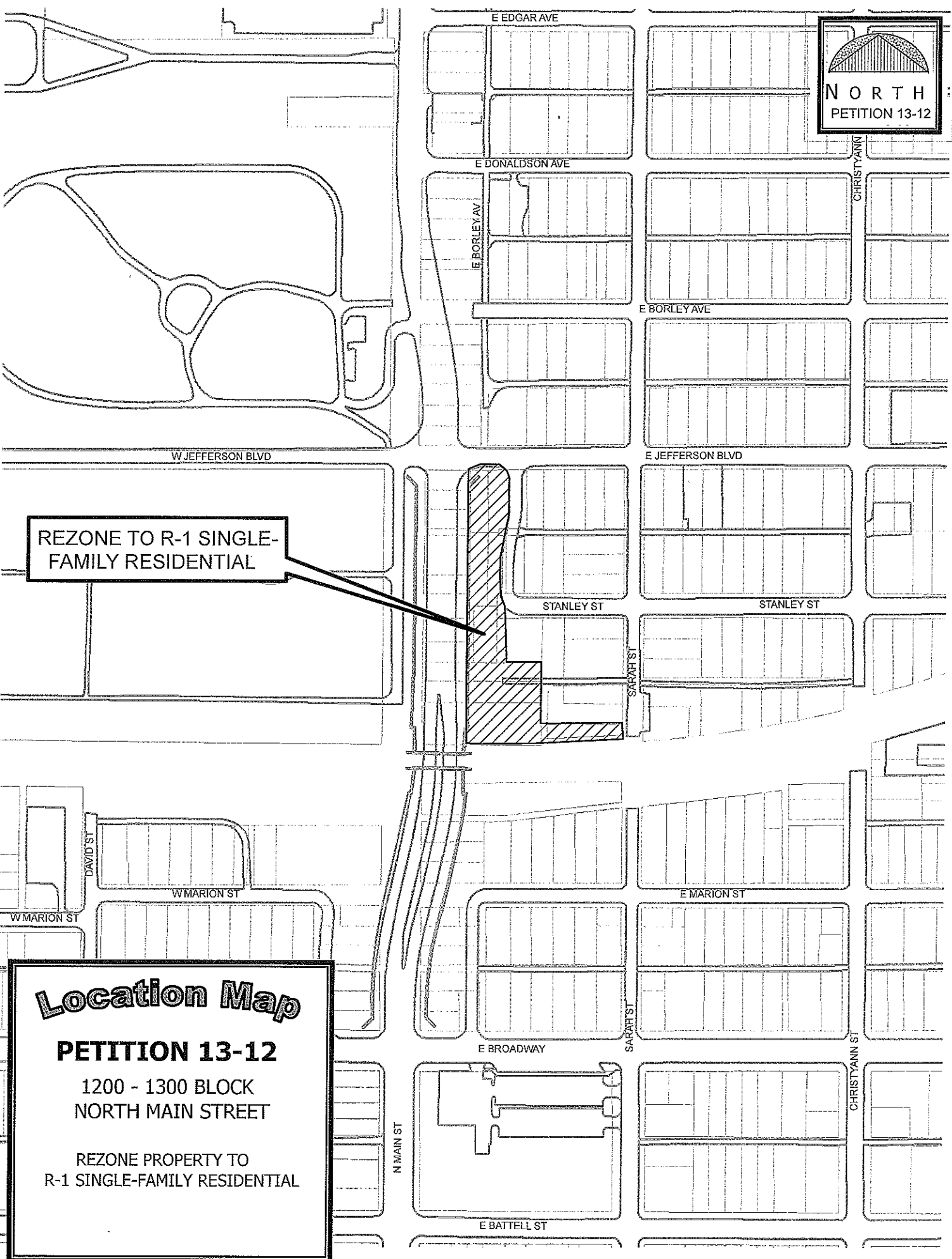
BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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



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

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

PETITION 13-13
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2013-23

CITY CLERK
MISHAWAKA, IN

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:

PARCEL 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.

PARCEL II: 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

Proposed Ordinance No: 2013-23

Ordinance No: _____

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.

PARCEL III: 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.

PARCEL IV: 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.

PARCEL V: 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.

Proposed Ordinance No: 2013.23

Ordinance No: _____

PARCEL VI: 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.

PARCEL VII: 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.

PARCEL VIII: 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.

Commonly known as the area East and West of Main Street between Grand Trunk railroad tracks and Broadway Street

which real estate is now classified as C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial Districts 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. Given the property's close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential uses;
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, staff feels that the most desirable use for this property is the R-1 Single Family Residential zoning classification;
3. Because the parcels sizes are small and not appropriate for commercial and/or industrial development, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;

Proposed Ordinance No: 2013-23

Ordinance No: _____

4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area; and
5. The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 17, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 28 2013

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

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: 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.

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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

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.

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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

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

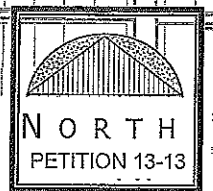
BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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



W JEFFERSON BLVD

E JEFFERSON BLVD

REZONE TO R-1 SINGLE-FAMILY RESIDENTIAL

STANLEY ST

STANLEY ST

SARAH ST

CHRISTYANN ST

DAVID ST

W MARION ST

W MARION ST

DAVID ST

E MARION ST

W BROADWAY

E BROADWAY

ELIZABETH ST

N MAIN ST

CHRISTYANN ST

W BATTELL ST

E BATTELL ST

SARAH ST

E LAWRENCE ST

1/2 E ST

E GROVE ST

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

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

PETITION 13-14

JUL 11 2013

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-24

CITY CLERK
MISHAWAKA, IN

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 #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, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

Commonly known as the northeast corner of Mishawaka Avenue and Grove Street

which real estate is now classified as C-1 General Commercial and C-4 Automobile Oriented Commercial District shall hereafter be within and a part of that District known as C-3 City Center Commercial 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. Given the properties' close proximity to the historic Downtown and the existing C-3 City Center zoning adjacent to the south, the proposed zoning is compatible with the surrounding mix of commercial and residential uses;
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

Proposed Ordinance No: 2013-24

Ordinance No: _____

potential for millions of dollars of new investment, staff feels that the most desirable use for this property is the C-3 City Center Commercial;

3. Because the parcels are located along a heavily traveled corridor (Mishawaka Avenue) and near Main Street and the downtown redevelopment area, the proposed C-3 City Center zoning permits a desirable uses and development standards for these properties;
4. The C-3 City Center zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing for the appropriate redevelopment of properties that historically were having a negative influence on the neighborhood;
5. The proposed C-3 City Center Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

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



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 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.

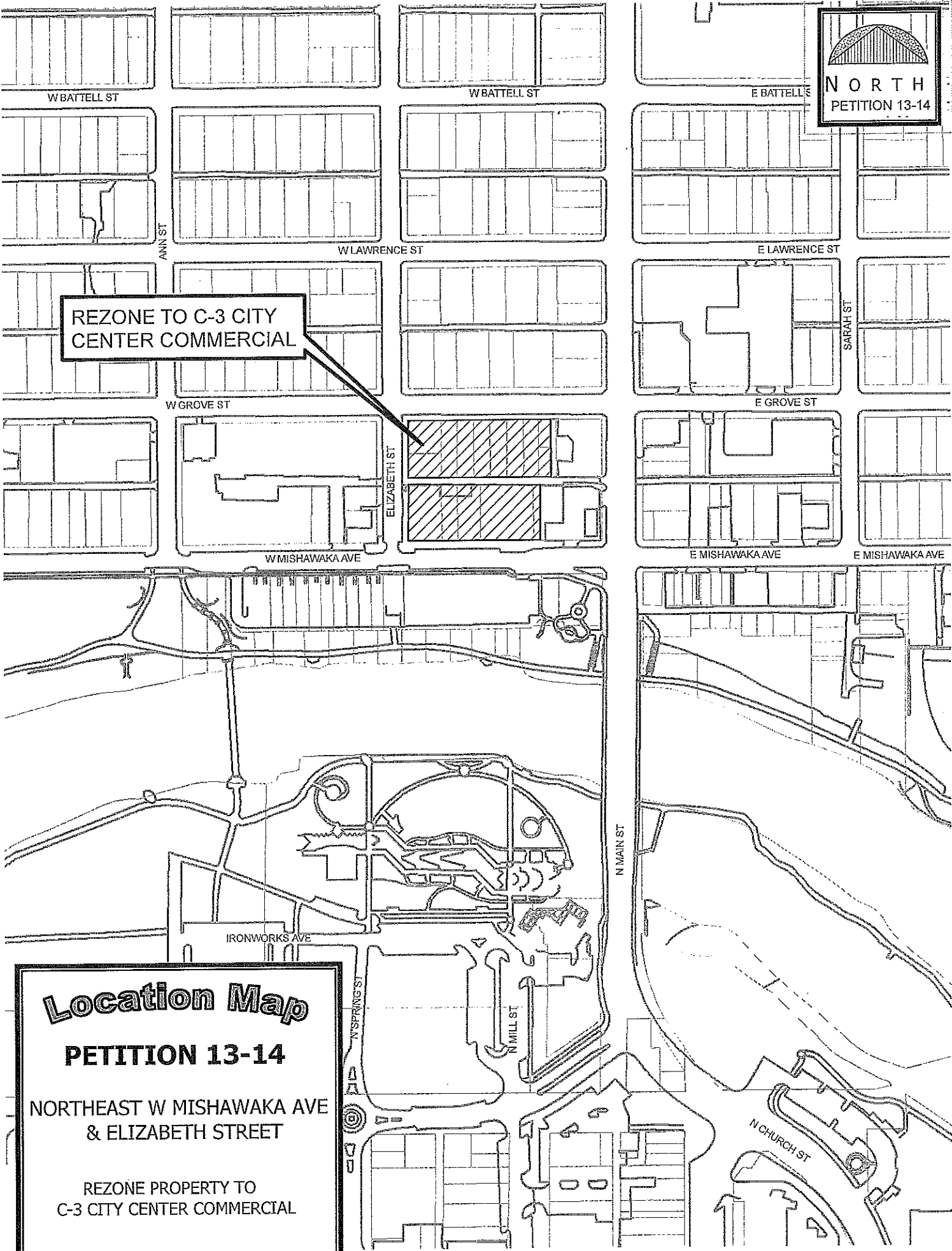
Wherefore, the petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Sincerely,

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

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
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



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

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION 13-15

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-25

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

COMMON ADDRESS: 2319 Lincolnway East

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as C-6 Linear Office Commercial 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. Given the properties' location on Lincolnway and the historic non-single family residential use as a fire station, the proposed office zoning is compatible with the surrounding residential uses;
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 on going new investment new investment, the highest and best use for this property is C-6 Linear Office Commercial;
3. Because the parcel is located along a heavily traveled corridor (Lincolnway), the proposed C-6 zoning permits a desirable limited number of commercial uses along with single family residential;

Proposed Ordinance No: 2013-25

Ordinance No: _____

4. The C-6 classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing for the appropriate adaptive re-use of a historic City Fire Station;
5. The proposed C-6 Commercial zoning, with its limited commercial uses and single family residential uses are reasonably consistent with the City's Comprehensive Plan which indicated low density residential for this area.

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



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

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

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

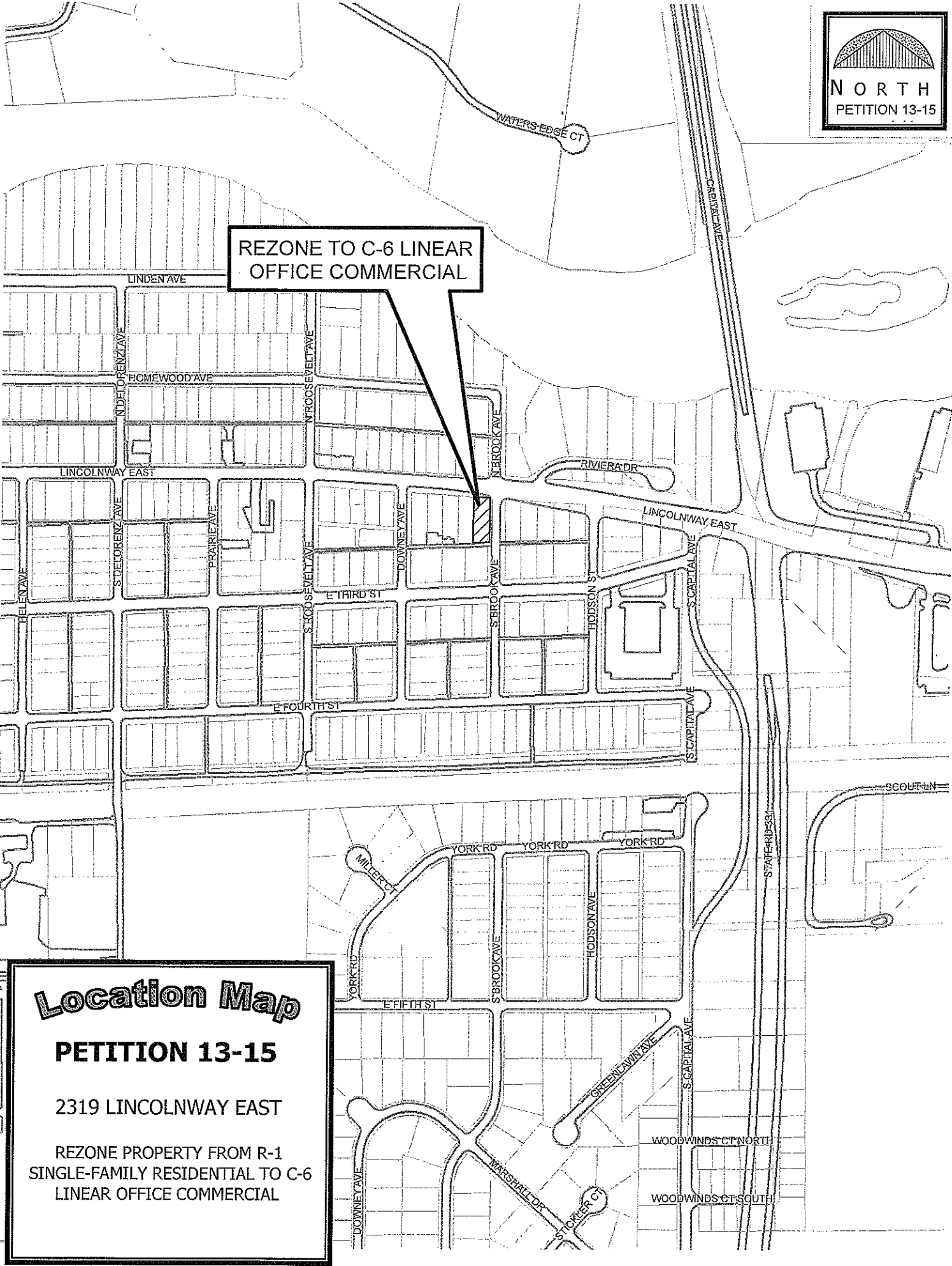
Building Phone: (574) 258-1607 Fax: (574) 968-6999

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

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



REZONE 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

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

PETITION 13-16
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2013-26

CITY CLERK
MISHAWAKA, IN

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:

Irregular tract beginning at the southeast corner of Lot 27 Adam S. Bakers 1st Subdivision, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

COMMON ADDRESS: 309 Smith 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;

Proposed Ordinance No: 2013-26

Ordinance No: _____

3. The character of the majority of buildings extending to the north and west of the subject property is predominantly residential in nature providing a strong sense of a single-family residential neighborhood;
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 make improvements to the property; and,
5. This section of Smith Street is identified as General Commercial in the Mishawaka 2000 Comprehensive Plan. Prior to 1986 residential uses were permitted in the Industrial and Commercial Districts. The properties in this city block are, and in all probability will continue to be, predominately residential in their use.

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

RECEIVED
DEBORAH S. BLOCK. MMC

June 17, 2013

JUN 28 2013

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

CITY CLERK
MISHAWAKA, IN



RE: PETITION TO REZONE

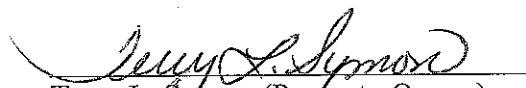
The undersigned (Terry L. Symon, Linda D. Johnson, and Karen M. Hiatt) respectfully show we are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, two-wit:

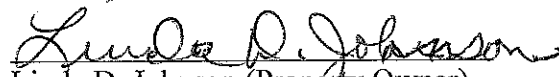
309 Smith St., Mishawaka, IN 46544;
Tax Key #16-1020-082501
Irr Tract Beg Se Cor Lot 27 Adam S Bakers 1st

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.

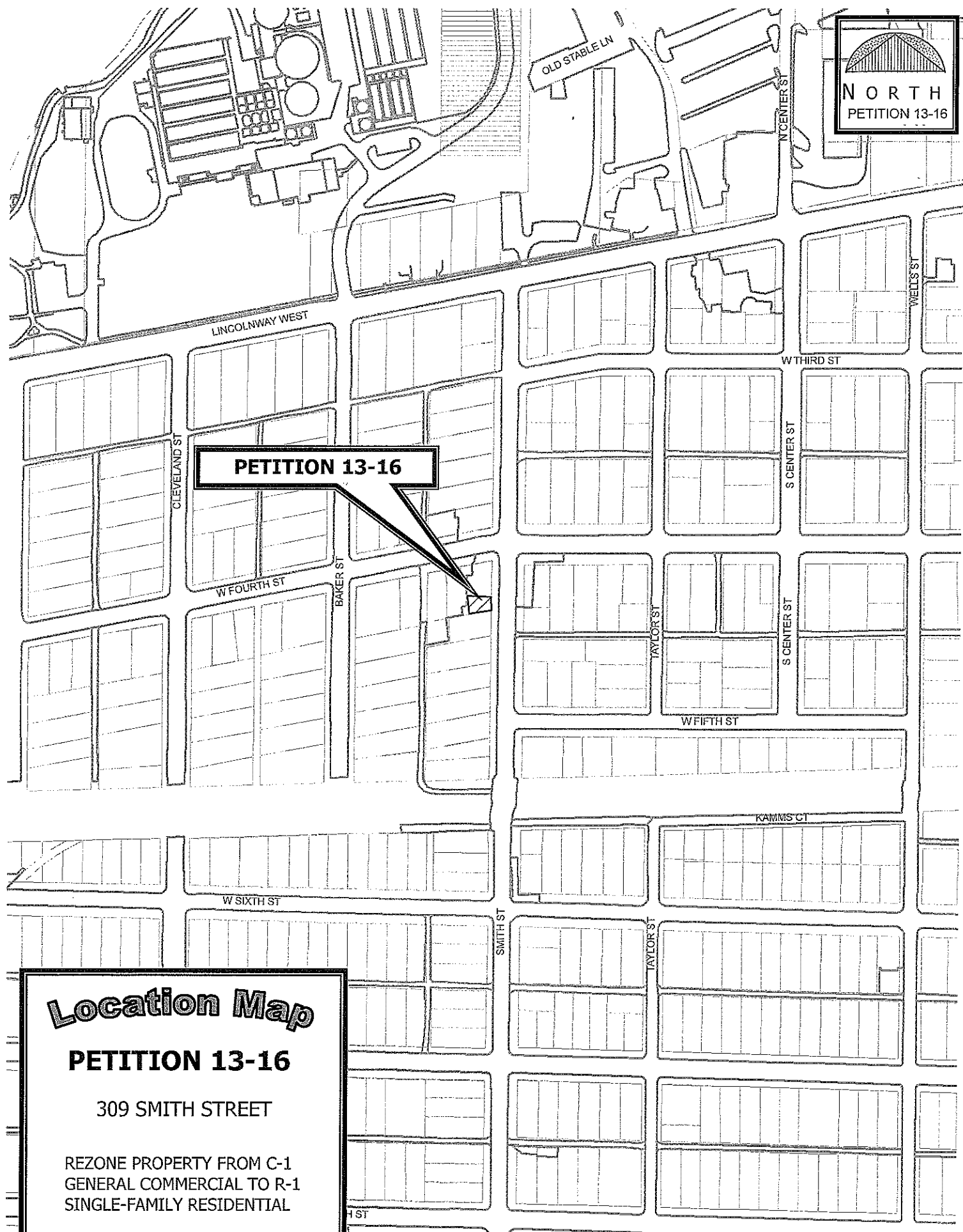
Wherefore, the petitioners, pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.


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



Location Map

PETITION 13-16

309 SMITH STREET

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

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION #13-17

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-27

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 City of Mishawaka has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner is owner of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

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

PROPOSED ORDINANCE NO. 2013-27

ORDINANCE NO. __

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.

COMMONLY KNOWN AS: The first north/south alley east of Main Street, running from McKinley Avenue south to Russ Avenue

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2013.

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

PROPOSED ORDINANCE NO. 2013-27

ORDINANCE NO. _

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

David A. Wood, Mayor

Pet 13-17
V13-01

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:

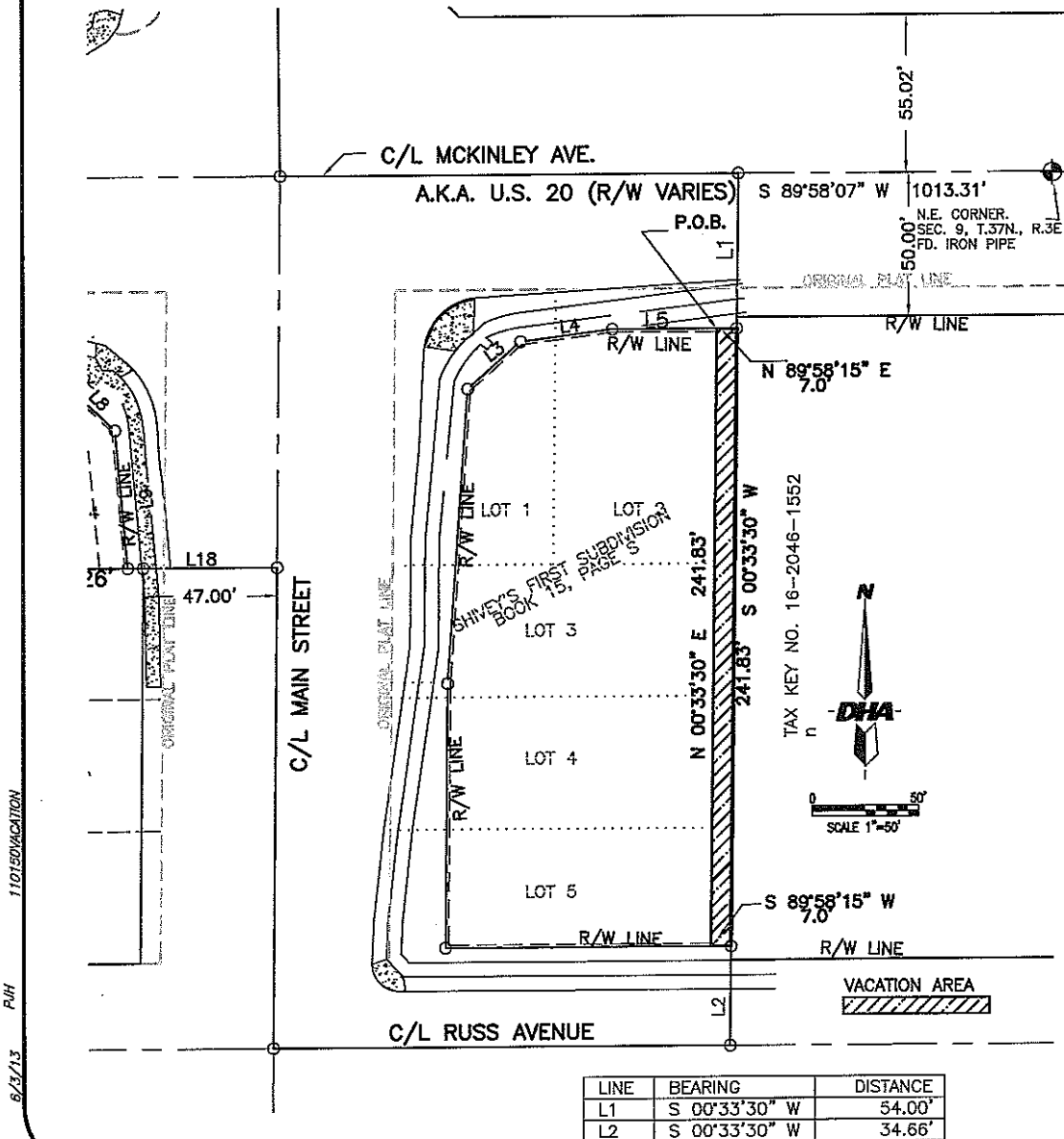
Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

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

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46828

© Copyright 2011 Danch, Harner & Associates, Inc.

1 / 1

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION #13-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-28

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 City of Mishawaka has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner is owner of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

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-

PROPOSED ORDINANCE NO. 2013-28

ORDINANCE NO. __

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.

COMMONLY KNOWN AS: The first east/west alley south of Omer Avenue and north of Lowell Avenue

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2013.

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

PROPOSED ORDINANCE NO. 2013-28

ORDINANCE NO. __

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

David A. Wood, Mayor

Pet 13-18
V13-02

RECEIVED
DEBORAH S. BLOCK MMC

Date: June 19, 2013

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

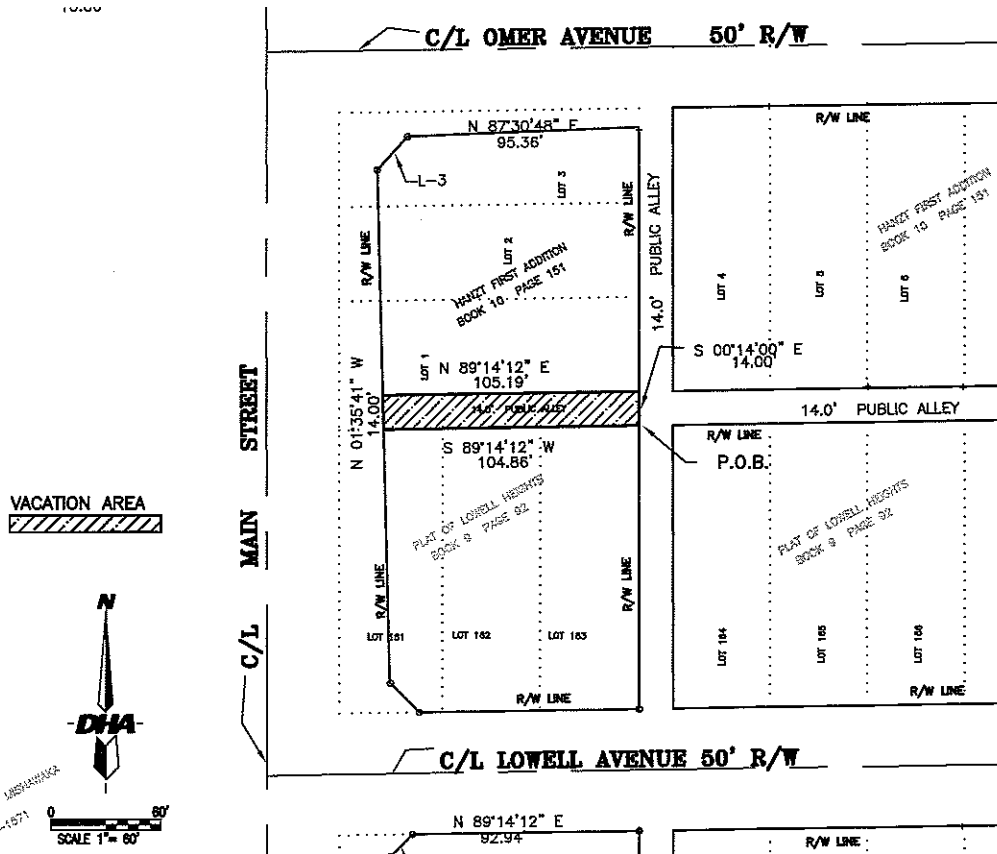
LEGAL DESCRIPTION:

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
6-4-13

Danch, Harner & Associates, Inc.

**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

© Copyright 2011 Danch, Harner & Associates, Inc.

1/

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION #13-19

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-29

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 City of Mishawaka has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner is owner of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

Parcel A: 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

PROPOSED ORDINANCE NO. 2013-29

ORDINANCE NO. __

to the Point of Beginning; thence around a curve to the left with a radius of 312.29 feet and an 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.

Parcel B: 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.

COMMONLY KNOWN AS: A portion of the first east/west alley south of Jefferson Boulevard from Main Street; and a portion of Stanley Street from Main Street east approximately 48 feet

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2013.

Presiding Officer

PROPOSED ORDINANCE NO. 2013-29

ORDINANCE NO. __

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

Pet 13-19
V 13-03

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.

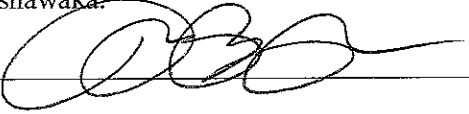
Subject to all legal highways, easements and restrictions of record.

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.

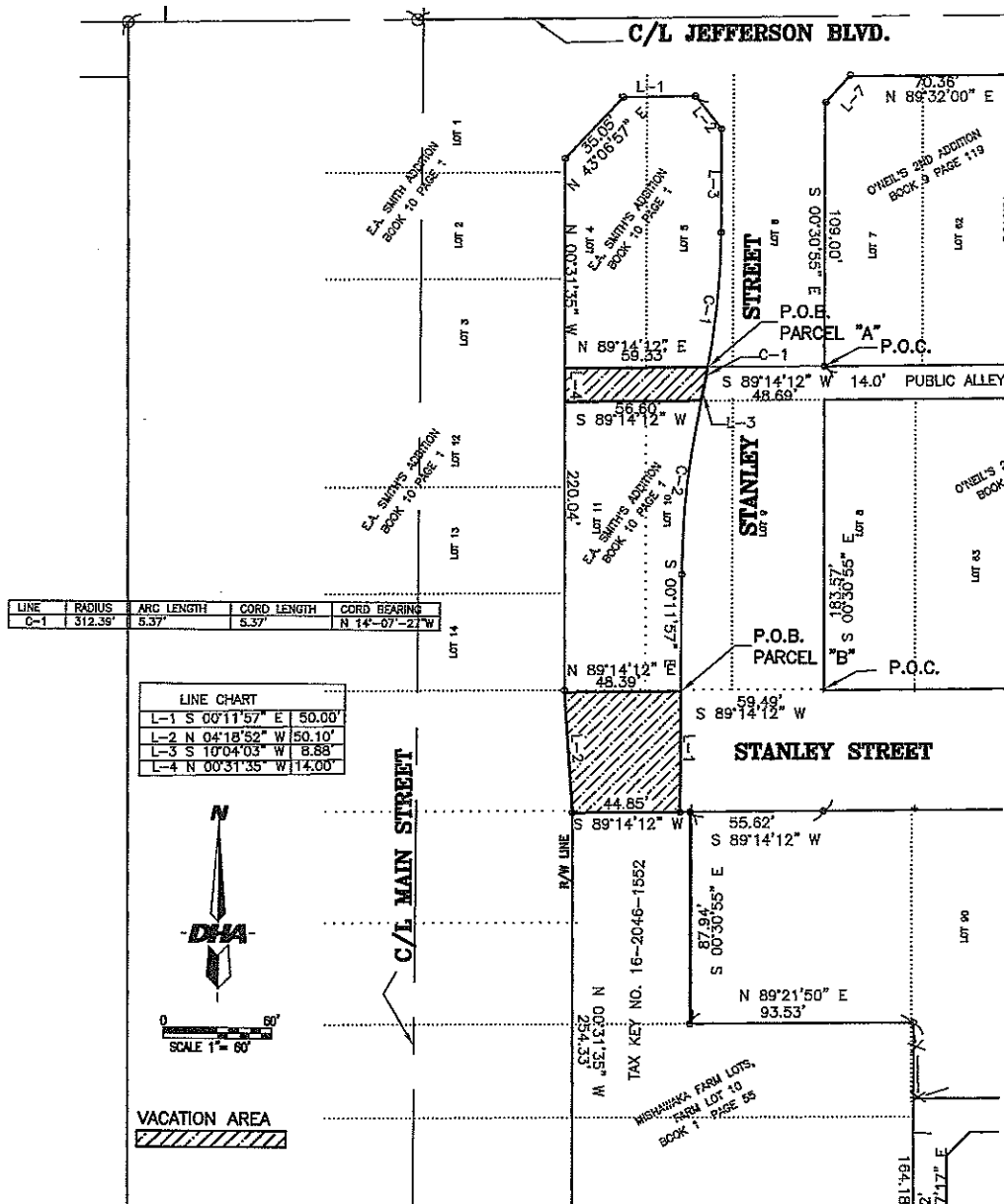
A handwritten signature in black ink, appearing to be 'Ken Prince', written over a horizontal line.

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



130101
6-4-13

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

© Copyright 2011 Danch, Harner & Associates, Inc.

 $\frac{1}{2}$

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MM

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION #13-20

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-30

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 City of Mishawaka has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner is owner of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

Parcel A: 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

PROPOSED ORDINANCE NO. 2013-30

ORDINANCE NO.

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.

Parcel B: 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.

COMMONLY KNOWN AS: A portion of the first north/south alley east of Main Street from Jefferson Boulevard north to east/west alley; and a portion of Borley Avenue east to Main Street

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2013.

Presiding Officer

PROPOSED ORDINANCE NO. 2013-30

ORDINANCE NO. __

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

Pet 13-20
113-04

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 read 'Ken Prince', is written over a horizontal line.

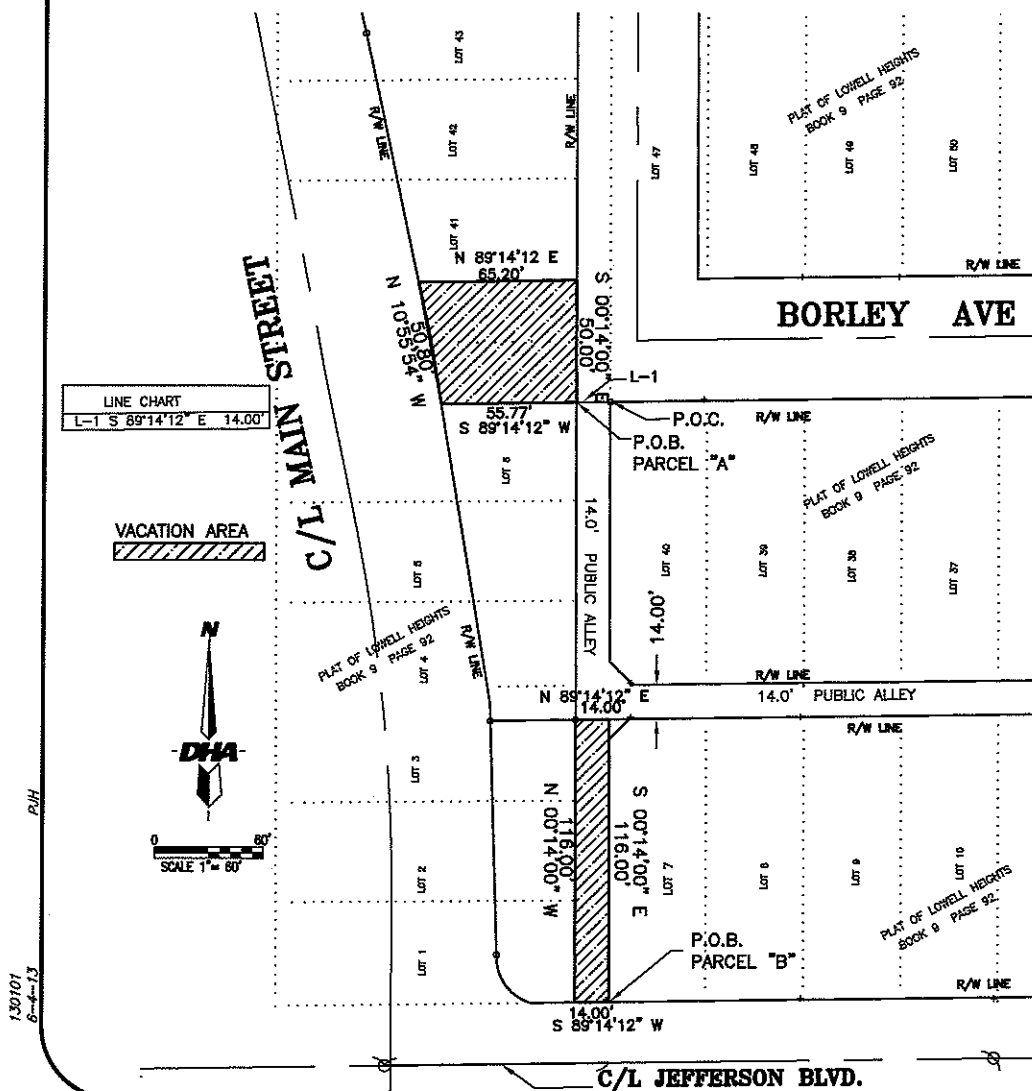
Ken Prince, for the City of Mishawaka, Indiana

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

**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

© Copyright 2013 Danch, Harner & Associates, Inc.

 $\frac{1}{2}$

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION #13-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-31

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 City of Mishawaka has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner is owner of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

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

PROPOSED ORDINANCE NO. 2013-31

ORDINANCE NO. __

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 an 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.

Commonly known as the first east/west alley east of Main Street north of Marion Street

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2013.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

PROPOSED ORDINANCE NO. 2013-31

ORDINANCE NO. __

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

Pet 13-21
V13-05

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

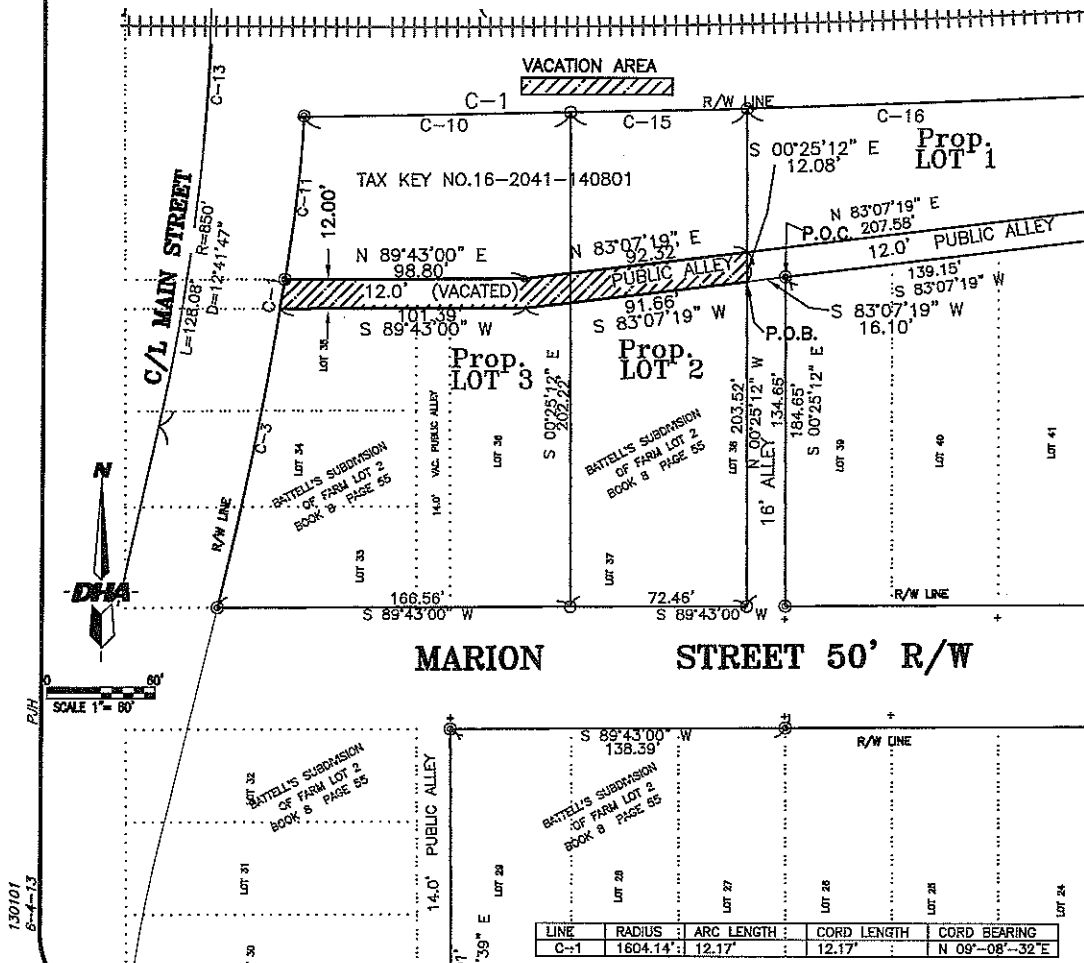
LEGAL DESCRIPTION

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.

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

© Copyright 2011 Danch, Harner & Associates, Inc.

1 / 1

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION #13-22

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-32

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 City of Mishawaka has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner is owner of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

Parcel A: 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

ORDINANCE NO. __

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 an arc distance of 9.82 feet and around a curve to the left having a radius of 51.87 feet and an arc distance of 66.90 feet to the point of beginning. Subject to all legal highways, easements and restrictions of record.

Commonly known as a portion of Marion Street running west from Main Street

Parcel B: 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 an 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.

Commonly known as a portion of the first east/west alley north of Broadway Street from Main Street

Parcel C: 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.

Commonly known as a portion of the second east/west alley north of Broadway Street west from Main Street

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

PROPOSED ORDINANCE NO. 2013-32

ORDINANCE NO.

- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2013.

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

Ret 13-22
V13-06

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 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.



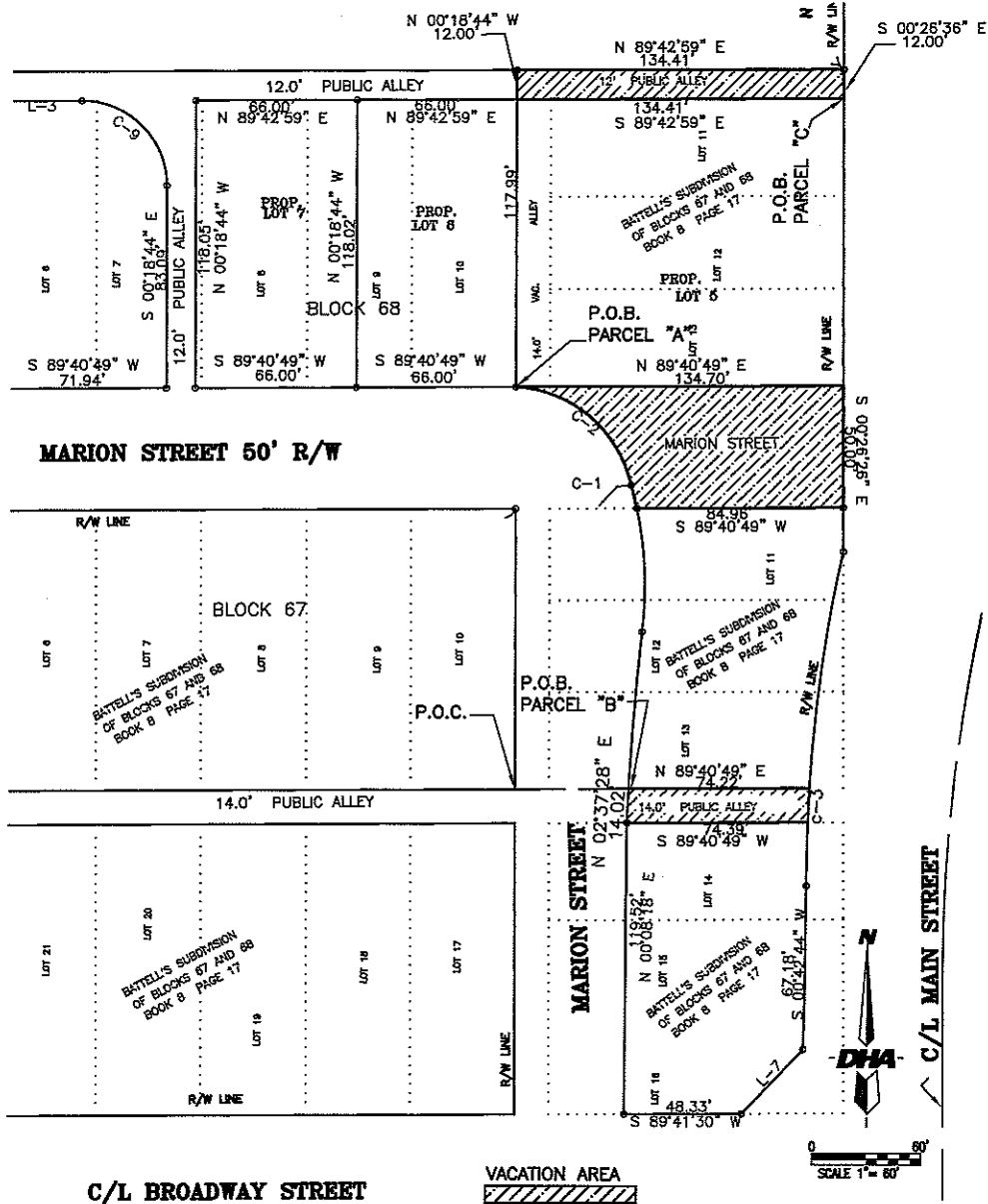
Ken Prince, for the City of Mishawaka, Indiana

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

© Copyright 2011 Danch, Harner & Associates, Inc.

1 / 2

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

PETITION #13-23

JUL 11 2013

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2013-33

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 City of Mishawaka has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner is owner of all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as 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:

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

PROPOSED ORDINANCE NO. 2013-33

ORDINANCE NO. __

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.

Commonly known as a portion of the east/west alley between Grove Street and Mishawaka Avenue, west of Main Street

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2013.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PROPOSED ORDINANCE NO. 2013-33

ORDINANCE NO. _

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

Pet 13-23
V13-07

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.

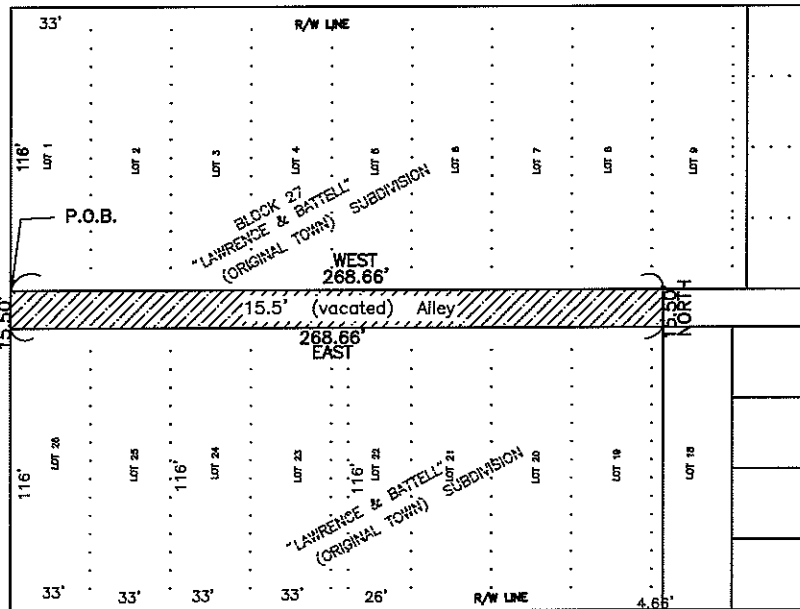
Affected Lots: Lots 1 through 9 and Lots 18 through 26 of Lawrence & Battell (Original Town) Block #27 Subdivision

C/L ELIZABETH STREET 66' R/W

C/L GROVE STREET 66' R/W

C/L MISHAWAKA AVENUE 60' R/W/

VACATION AREA



130101
 8-4-13

DHA

Danch, Harner & Associates, Inc.

Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
 1843 Commerce Drive • South Bend, IN 46628

© Copyright 2011 Danch, Harner & Associates, Inc.

1 / 1

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION 13-28

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-34

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:

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;

ORDINANCE NO. _____

PROP. ORD. NO. 2013 - 34

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.

COMMON ADDRESS: 5800-5900 Block Fir Road

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for a skilled car nursing facility with the following amended PUD developmental standards/conditions:

1. A 10-foot wide minimum buffer area may be provided along the south property line of the proposed nursing facility. This area shall contain a continuous opaque privacy fence, and trees spaced at a minimum of 60-feet. The trees shall be a combination of new and existing where possible. All uses, except the nursing care facility, within this PUD shall adhere to the original PUD standards for buffering along the south property line.
2. Earth mounding and required screening along the east property line of the proposed skilled care nursing facility may not be provided. However, a minimum 25-foot pavement setback shall be provide along Fir Road and shall be planting with tree plantings as identified within the Commercial Landscape Ordinance.
3. The drive providing access to future development to the west within the PUD shall be a minimum of 24-ft in width and shall consist of no parking bays off the drive.

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

1. Existing Conditions – The area along this portion of Fir Road consists of low density residential uses on large acre lots. The proposal is in keeping with the existing area by maintaining a low to medium density residential use within that area.
2. Character of Buildings in Area – The character of many of the buildings located along Fir Road is residential. The proposed facility will be residential in nature.

ORDINANCE NO. _____

PROP. ORD. NO. 2013-34

3. The most desirable/highest and best use – Due to the presence of the commercial activity to the north, south and west of the area, the traffic along this Fir Road corridor has been increased significantly in recent years. With the new hospital and development along Douglas Road, which is located just south of this area, this corridor will become even more heavily utilized and most likely will be developed for commercial type uses. However, there is currently a large presence of low density residential uses in the area. The proposed care facility is an appropriate transitional use between the existing residential uses in the area and the likely future commercial development of the area.
4. Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area, because the proposed use is compatible with the surrounding area.
5. Comprehensive Plan – The proposed amendment is consistent with the Comprehensive Plan and has identified this area 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

RECEIVED
DEBORAH S. BLOCK, MMC Pet 13-28

JUN 28 2013

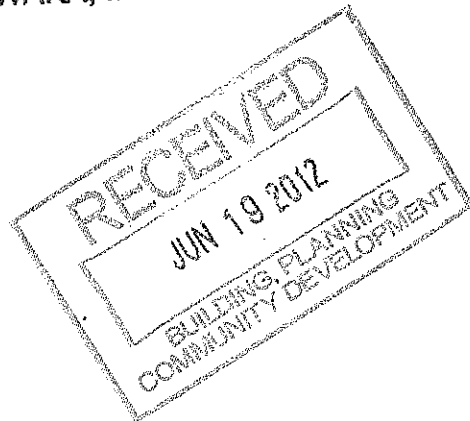
CITY CLERK
MISHAWAKA, IN

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.

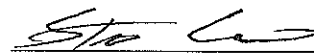
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a tennis/fitness center and office uses.

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

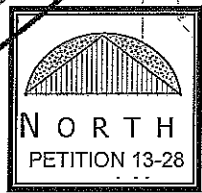
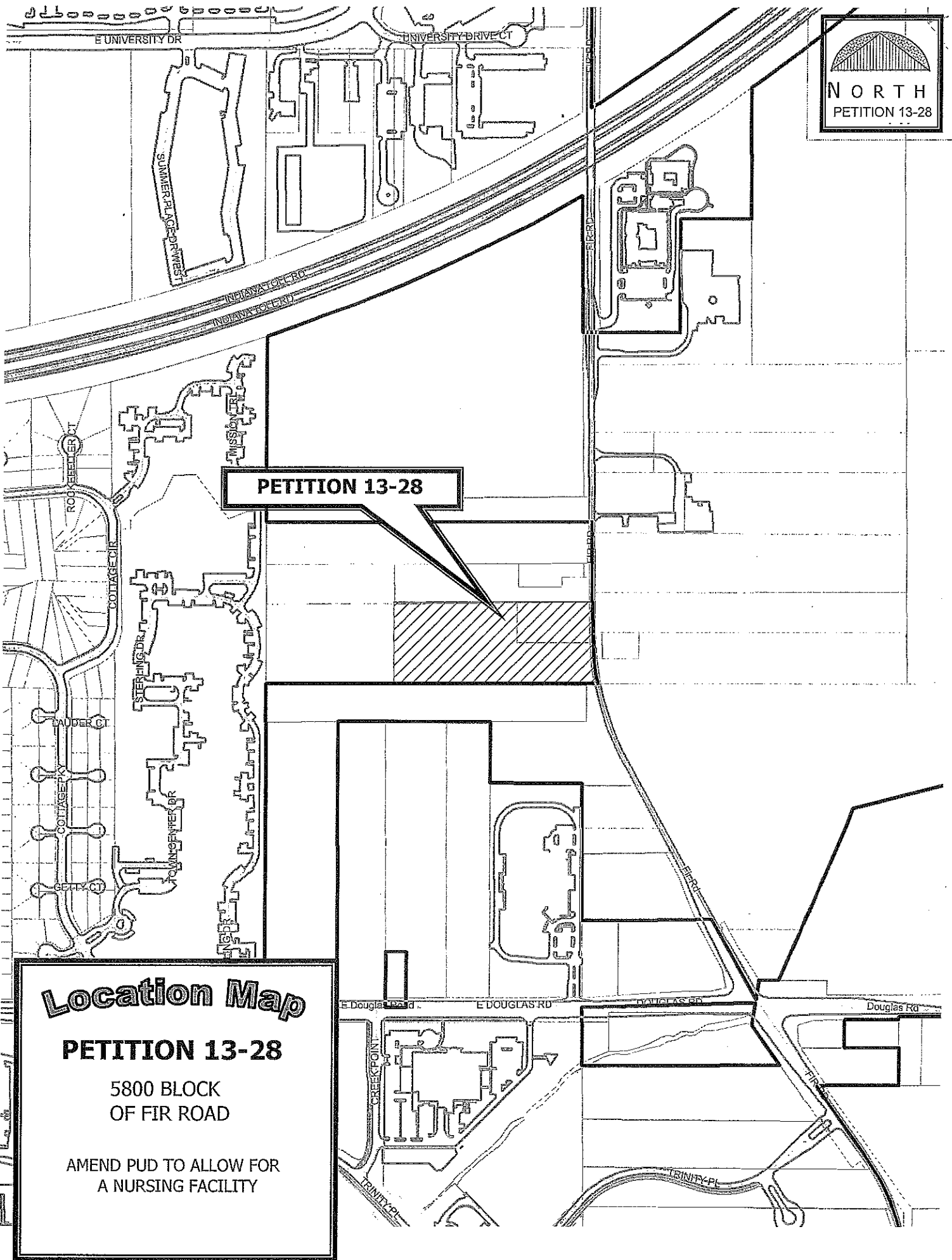
Michiana Tennis Association, LLC
17517 Starlite Drive
South Bend, IN 46614

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

City of Mishawaka

RESOLUTION 2013-14

WHEREAS, Mishawaka High School's phenomenal Sophomore Cross Country Runner Anna Rohrer who capped off the 2012 season with The Foot Locker National Championship race in San Diego, California's Balboa Park continues to "Run Like a Champ"; and,

WHEREAS, Anna Rohrer, the reigning Foot Locker National Cross Country Champion, who missed much of this season due to a foot injury competed in the IHSAA Girls State Track Finals at the Indiana University Track in Bloomington; and,

WHEREAS, Anna also has shown her spirit, drive, and fortitude in her ability to win the 3,200 Meter Run with a time of 10:20.68, which was .02 off of the State Record and setting a new Mishawaka High School Record and making her the fastest Sophomore ever, and,

WHEREAS, Anna also ran in the 1,600 Meter Run setting a new School record with a time of 5:02.06, and,

WHEREAS, the fine season and championship brings honor to Anna's team, her Coach Chris Kowalewski, the team managers, volunteers, Mishawaka High School, her family and to our Community; and

WHEREAS, such efforts and achievements deserve recognition and commendation from the City of Mishawaka;

NOW THEREFORE, Let it be known and Resolved by the City of Mishawaka's Common Council, Mayor and Clerk, that July 15, 2013 is hereby proclaimed

Anna Rohrer Day

in our community and we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable young lady thanking her for her efforts on behalf of her school, the community and the citizens of Mishawaka, and the State of Indiana.

Dale "Woody" Emmons, 1st District

Ronald S. Banicki 6th District

Mike Bellovich 2nd District

Dan Bilancio, Council at Large

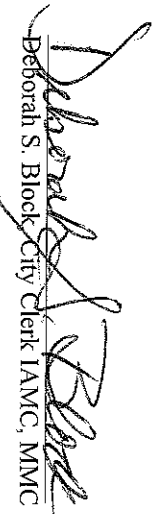
John Reisdorf 3rd District

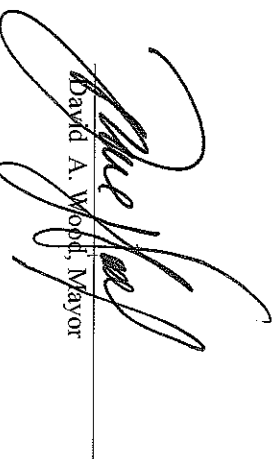
Matt Mannolenti, Council at Large

Kate Voelker 4th District

John J. Roggeman, Council at Large

S. Michael Compton 5th District


Deborah S. Block City Clerk IAMC, MMC


David A. Wood, Mayor

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

APPEAL #13-27

RESOLUTION NO. 2013- 15

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

805 South Cleveland Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **805 South Cleveland Street, Mishawaka, Indiana**, more particularly known and described as follows:

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 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.

The Use Variance will allow for an indoor commercial car sales facility in an I-2 Heavy Industrial zoning district subject to the following conditions:

1. The use of the property shall be limited to indoor car sales only (no auto body repairs or oil changes) without site modifications. The expansion of the

- proposed use into repair and other accessory uses may be permitted but shall require the incremental improvement of the site and building to bring it into conformance with current C-4 standards over time commensurate with the proposed change. Any change in use shall require a final site plan submission and review.
2. All proposed improvements including parking and adding gravel to maintain existing gravel paving shall require an administrative site plan approval prior to construction.
 3. A sanitary sewer easement shall be provided as requested by the City of Mishawaka Engineering Department prior to the occupancy of the building.
 4. Building permits shall be required for the review and inspection of proposed building modifications. Current safety code issues, if they exist, must be brought up to current code.
 5. A maximum of two vehicles may be displayed outside at any given time. Additional vehicles may be displayed but shall be considered an increase in use that would be subject to condition #1 herein.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties to the south, east, and west are all zoned for industrial and the proposed use would allow for the occupancy of a building that has remained vacant for over a decade;
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and has very limited current industrial applications which has caused it to sit vacant for an extended period of time;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the proposed commercial use. The only means by which to allow the proposed indoor car sales use and maintain the current industrial standards is through the use variance process; and

5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates industrial uses for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 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

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:

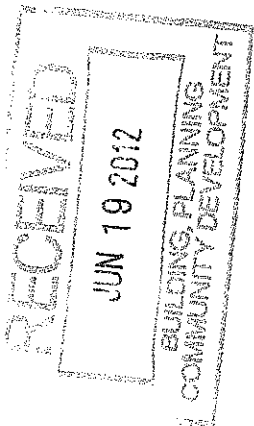
That part of the Southwest Quarter of Section 16, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, being described as follows; Commencing at the intersection of the South Right-of-way line of West 8th Street with the West Right-of-way line of South Cleveland 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

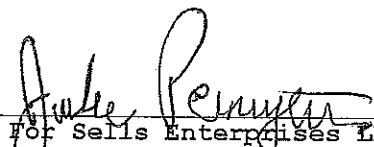
the gravel area between the buildings through the existing gates, the Appellants and contingent purchaser are asking to be allowed for the driveway to encroach into the side yard setback. They do not believe approval of this Variance would be detrimental to any surrounding property.

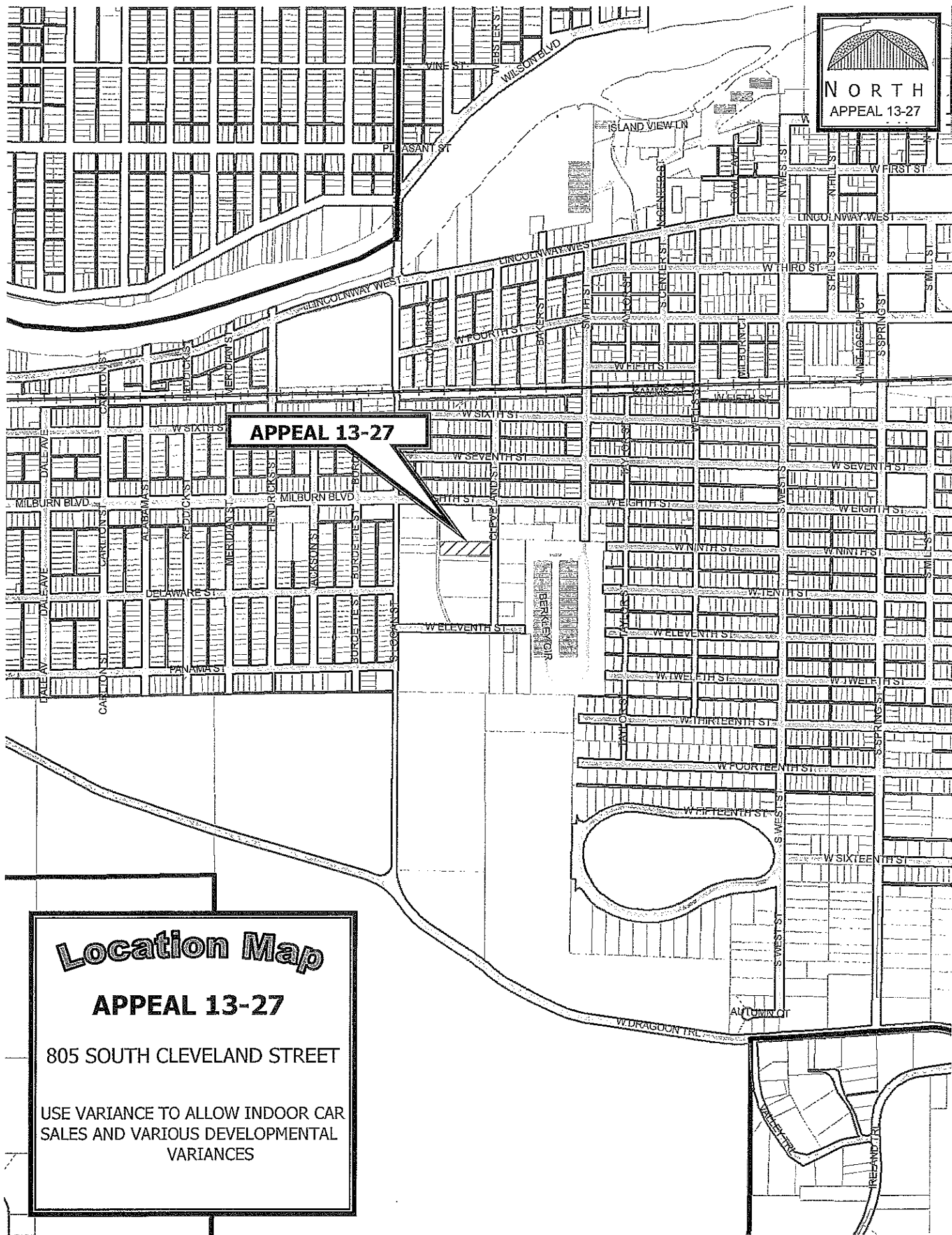
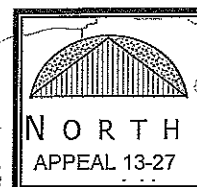
The last Variance request is from providing the required minimum perimeter trees at a spacing of 40 ft. on center along the east property line for the South Cleveland Street frontage and perimeter trees at a spacing of 60 ft. on center along the south, west and north property lines to providing no additional 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

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 be 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

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com