

AGENDA

August 5, 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 15, 2013

5. Petitions, Communications, Remonstrance and Memorials

Petition No. 2013-30 Vacation of Public Right of Way - Second East-West Alley South of Stanley St. West of Sara St. approximately 151 Ft. and the First North-South Alley South of Stanley St. West of Sara St. approximately 120 Ft.

Petition No. 2013-31 Amend the PUD for Heritage Square in the NE area of Gumwood Rd & SR23 Proposed Hampton Inn and Suites Hotel

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

P.O. NO. 2013-35 Amending the Park and Recreation Ordinance - Prohibited Acts

P.O. NO. 2013-36 Additional Funds - Law Department - \$100,000.00

- 8. Resolutions**
- 9. Ordinances on Second 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. (Assigned to Land Use Planning Committee)

P.O. NO. 2013-20 Rezone to C-6 Linear Office Com 1600 to 1800 Block of N Main Street (Assigned to Land Use Planning Committee)

P.O. NO. 2013-21 Rezone to R-1 Single Family and C-6 Linear Office Com - 1400 to 1500 Block of N Main Street (Assigned to Land Use Planning Committee)

P.O. NO. 2013-22 Rezone to R-1 Single Family - 1200 to 1300 Block of N Main St. (Assigned to Land Use Planning Committee)

P.O. NO. 2013-23 Rezone to R-1 Single Fam - NW Broadway St and N Main St and S of Grand Trunk Railroad (Assigned to Land Use Planning Committee)

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. (Assigned to Land Use Planning Committee)

P.O. NO. 2013-25 Rezone to C-6 Linear Office Com - 2319 LWE (Assigned to Land Use Planning Committee)

P.O. NO. 2013-26 Rezone to R-1 Single Family - 309 Smith Street (Assigned to Land Use Planning Committee)

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. (Assigned to Land Use Planning Committee)

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. (Assigned to Land Use Planning Committee)

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. (Assigned to Land Use Planning Committee)

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 (Assigned to Land Use Planning Committee)

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.(Assigned to Land Use Planning Committee)

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. (Assigned to Land Use Planning Committee)

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. (Assigned to Land Use Planning Committee)

P.O. NO. 2013-34 Amend the PUD for Fir Rd Athletic Club to allow for a Nursing Facility - 5800 Block Fir Rd. (Assigned to Land Use Planning Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 15, 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 15, 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, and Council Attorney Mike Trippel.

The minutes from the July 1, 2013 meeting were approved as received from the Clerk's Office.

Mayor Wood introduced his Mayor's Youth Advisory Council whom he feels gives him great confidence in what they bring to the table as future leaders. He said there are 30 students in the Youth Council, this year they have set new standards and their goals are leadership, fellowship, community service, and education.

He said this group has been introduced to various departments of the city at the electric Department in a bucket truck simulating the repair of an electric line; they experienced using the Jaws of Life behind Fire Station #1 on a junk car, and went down to the Police Department to experience using the taser gun. Mayor Wood said they visited local businesses and had discussions on how they impact the world. He said they had the opportunity to tour Better World Books and got a great education about what a simple idea can do to change the world.

Mayor Wood said last September they divided the Youth Council into six teams and they were given six topics, included in those topics were public recreations, sidewalks and trails systems, community events in support of historic downtown, public awareness and community promotions, sustainability, and efficiencies and gateways and branding the City Of Mishawaka. He said these assignments were recently judged and tonight the first place winners Sidewalks and Trails, by Grace Gebo, Carol Martin, and Nick VanNevel and they would be presenting it to the Council.. He said he thought this team brought up some great ideas and solutions and he has asked that at least one issue be acted upon.

Clerk Block read opened the public hearing on Vacation's 2013-01 though 2013-06 as required by State Statute

Ken Prince, City Planner said he was representing the Redevelopment Commission who was the petitioner in this case they are the adjacent property owner. He said five of the vacations deal with the remnant pieces associated with the Main Street Underpass and Main Street widening do to the reconfiguration and they are now essentially vacating these parcels. Mr. Prince said the Mishawaka Avenue piece was the only parcel that was not a part of this reconfiguration. He said they would be vacating that alley west behind the 7/11 to Elizabeth Street to allow for the construction of the proposed condominiums. Mr. Prince stated they kept the area of the alley between Main Street and the back of the 7/11 because of the dumpster locations and Affordable Auto also uses as an entrance into the facility so that portion would not be vacated.

Compton closed public hearing at 7:25 p.m.

Clerk Block read a letter from the Board of Zoning Appeals regarding the Recommendations from their July 9, public hearing.

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.

Clerk Block read a letter from the Plan Commission regarding the Recommendations from their July 9, public hearing

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.

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

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.

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

PROPOSED ORDINANCE NO. 2013-19

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
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-20

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
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-21

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
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-22

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

PROPOSED ORDINANCE NO. 2013-23

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

PROPOSED ORDINANCE NO. 2013-24

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

PROPOSED ORDINANCE NO. 2013-25

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

PROPOSED ORDINANCE NO. 2013-26

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

PROPOSED ORDINANCE NO. 2013-27

**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**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-28

**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**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-29

**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**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-30

**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**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-31

**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**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-32

**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**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2013-33

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

PROPOSED ORDINANCE NO. 2013-34

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

Clerk Block read **RESOLUTION 2013-14** opening it for public hearing.

RESOLUTION NO. R2013-14

**Honoring Anna Rohrer
Foot locker National Cross Country Champion 2012**

Anna’s Coach Chris Kowalewski spoke and Mayor Wood Spoke not only about Anna’s ability to run but what a great student and person she was.

Question was called at 7:49 p.m. on **RESOLUTION 2013-14** the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

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

RESOLUTION NO. R2013-15

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, APPROVING APETITION OF THE MISHAWAKA
BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:
805 S. Cleveland Street)
(Use Variance to allow indoor car sales and various developmental variances)**

Mike Danch, Danch Harner and Associates 1673 Commerce Dr. South Bend, said he was representing the contingent purchaser. He said he has submitted the site plan to the council for 805 South Cleveland Street for an indoor automotive sales facility. Mr. Danch explained under the Mishawaka City requirements this does not fall under the I-1 category so they would be appearing before the Land Use Planning Board and ask for a recommendation for a Land Use Variance so that the Industrial zoning could remain in place but the City Of Mishawaka would be able to put restrictive conditions on the site plan approval and how the property is actually used. He went on to explain what the contingent purchaser would like to do was inside car sales, he plans to pain the inside and outside of the buildings, re-gravel the parking areas as well as a new parking area in front of the building. Mr. Danch said the letter they received from the Planning Department

set site conditions and they have no trouble with those. He said one of those conditions was an existing sanitary sewer that runs under the North side of the site under the building .and in their final site plan they would grant the city and easement for the sanitary sewer line.

Mr. Banicki said the place is currently located at 2527 Lincolnway West in Mishawaka. Mr. Danch said that was just a mailing address for them they did not have a business there. He said they currently have a car lot at the corner of Logan Street and Jefferson Logan which is an LLC as well. .

Mr. Roggeman said he drove by and it looks like there was quite a bit of work that needs to be done on this property, when would they start the work. Mr. Danch said closing would take a month or so and they have to bring part of the place up to compliance with the drainage standards and put together a final site plan so around 2 months or so

Mr. Compton said in regards to the inside auto dealership was there a need for that type of thing. Mr. Danch explained it seems to be very limited but apparently there is a clientele. He said this was not the type of business for someone just driving by, it would be where they would have a car for a client an appointment would be made for the client to come see the car. Mr. Roggeman said so it would be more for specialty autos. Mr. Danch said that was what he was thinking it was, there would be no repairs or anything like that done on this property.

Question was called for at 7:57 p.m. on **RESOLUTION NO. 2013-15** the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

UNFINISHED BUSINESS

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, IDNAIANA (Amendment to Design Review Development Plan Ordinance)

Clerk Block said the Council has asked for an amendment to this proposed ordinance and Mr. Price, City Planner has prepared that.

Mr. Banicki made a motion to delete the proposed ordinance deleted in its entirety and replaced with the new one presented by Mr. Prince, with a second by Mr. Reisdorf the motion carried. .

Ken Prince, City Planner said this revised ordinance was essentially to address a concern that was raised going back to 1999 when the Design Review Ordinance for the downtown C-3 City Center District was adopted. He said it was adopted specifically for the Uniroyal properties to maintain the quaint existing character of the downtown area keeping it that way by limiting signage. Mr. Prince stated for example Kmart north of town on McKinley has the ability to use a giant banner on the side of their building, which is 18 feet tall by 30 feet long and it was thought that was an appropriate image for the downtown area.

Mr. Prince said since 1999, businesses have come forward and stated how difficult it has been to get their message out. He said a number of years ago they asked the Mishawaka Business Association to bring forward their ideas for changes to the ordinance and at that time no changes were brought to them. Mr. Prince said this past year the Fourth Friday Committee, an initiative of Downtown Mishawaka came forward and wanted to request a series of waivers to allow for menu boards and banners to be allowed on a limited basis for the downtown to advertise their events, so at this time they have decided to amend the Ordinance of 1999.

Mr. Prince explained that the amendment they looked at was to place a limitation to the time period that a banner could be up. He said it was suggested 120 continuous calendar days and his department has no issue with that and have prepared the ordinance to reflect that.

Mr. Emmons said he still has reservations regarding the signs being out for 120 days. He said he hoped the downtown area doesn't start looking like Maxwell Street in Chicago. Mr. Emmons said downtown was a beautiful area and the city has spent a lot of money on to make it inviting. Mr. Emmons went on to say usually if you give an inch they take a mile and he wants to go on record that he would be voting in favor of it but has reservations.

Kate Voelker said she feels it was a good solution and that the Planning Department keeps their eyes on downtown and would do their best to police it.

Question was called for at 8:05 p.m. on **PROPOSED ORDINANCE NO. 2013-18** the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5395 AA**

NEW BUSINESS

Mr. Mammolenti said there would be no Twin Branch meeting in July.

Mr. Emmons said his neighborhood watch meeting would be on Thursday, July 18, 2013 at St. Bavo School 7:00 p.m. to address concerns in his district.

There being no further business to come before the Council, President Compton adjourned the meeting at 8:06 p.m.

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

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

Date: July 22, 2013

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



let 13-30

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). Second East-West Alley South of Stanley Street, running from Sarah Street West approximately 151 feet;

Affected Lots: Lot 93 of the Plat of "O'Neill's 2nd Addition" Subdivision and part of "Mishawaka Farm Lot # 10 known as Tax Key No. 16-2046-1586.01.

2). First North-South Alley South of Stanley Street and West of Sarah Street, running North from an existing East-West Alley for approximately 120 feet to an existing East-West Alley;

Affected Lots: Lots 91, 92 and 93 of the Plat of "O'Neill's 2nd Addition" Subdivision and part of "Mishawaka Farm Lot # 10 known as Tax Key Nos. 16-2046-1586.01, 16-2046-1586 and 16-2046-1585 .

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:

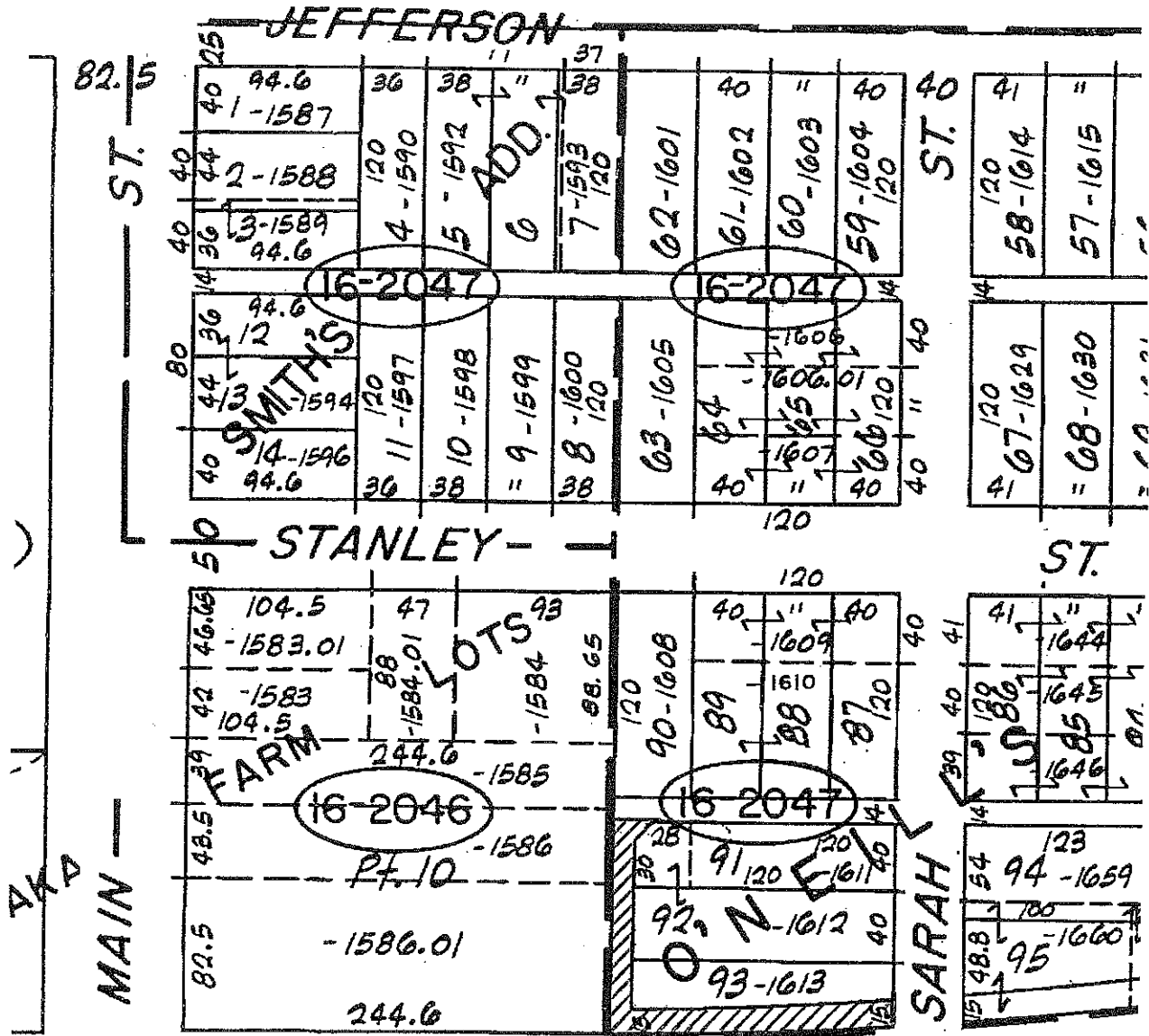
Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 25 2013

CITY CLERK
MISHAWAKA, IN

VACATION DIAGRAM



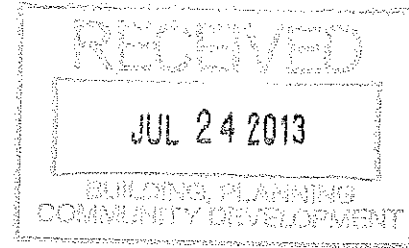
ALLEY LEGALS:

1). Second East-West Alley South of Stanley Street, running from Sarah Street West approximately 151

DATE: July 24, 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**
Heritage Square PUD



RECEIVED
DEBORAH S. BLOCK, MMC

JUL 25 2013

CITY CLERK
MISHAWAKA, IN

The undersigned Garrison Holladay Heritage Square Delaware, LLC, respectfully show they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

LEGAL DESCRIPTION:

PARCEL I: That part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, which is described as: Commencing at the Southwest corner of said Section 22; thence North 00°31'00" West on the West line of said Section 22, a distance of 217.75 feet; thence North 89°38'43" East 40.00 feet to the Southwest corner of Lot Number 1 of the plat of "Mucha's Subdivision 2" as recorded by Document Number 7827130 in the records of the St. Joseph County, Indiana Recorder's Office; thence North 00°31'00" West along the West line of said Mucha's Subdivision, Section 2, a distance of 402.44 feet to the Point of Beginning; thence North 00°31'00" West on said West line 699.55 feet to the Northwest corner of Lot 11 of said Mucha's Subdivision, Section 2, also said Northwest corner being on the North line of the South Half of the Southwest Quarter of said Section 22; thence North 89°27'05" East along the North line of the South Half of the Southwest Quarter of said Section 22, a distance of 1288.69 feet to the North and South centerline of the Southwest Quarter of said Section 22; thence South 00°30'01" East on said North and South centerline 657.77 feet to the North line of the South Half of the Southeast Quarter of the Southwest Quarter of said Section 22; thence North 89°27'05" East along said North line, 79.24 feet to the Northerly right-of-way line of State Road Number 23; thence South 55°19'38" West along said Northerly right-of-way line, 87.29 feet; thence North 32°36'51" West 239.30 feet; thence Northwesterly 44.55 feet around a 512.00 foot radius curve to the right, whose chord bear North 28°06'18" West 44.54 feet; thence South 62°28'10" West 24.37 feet; thence Southwesterly 82.84 feet around a 125.00 foot radius curve to the left, whose chord bear South 43°29'02" West 81.33 feet; thence South 24°29'54" West 38.36 feet; thence Southwesterly 76.99 feet around a 125.00 foot radius curve to the left, whose chord bears South 42°08'35" West 75.78 feet; thence South 59°47'16" West 330.61 feet; thence Southwesterly 87.45 feet around a 500.00 foot radius curve to the left, whose chord bears South 64°47'54" West 87.34 feet; thence South 69°48'32" West 264.21

Pet 13-31

feet; thence Southwesterly 52.85 feet around a 300.00 foot radius curve to the right, whose chord bears South 74°51'21" West 52.78 feet; thence South 79°54'09" West 30.44 feet; thence North 05°05'05" West 232.69 feet; thence South 89°29'03" West 287.00 feet to the Point of Beginning.

SAID PARCEL TO INCLUDE part of Lot Five (5) and all of Lots Six (6) through Eleven (11) as shown on Mucha's Subdivision Section 2, recorded as Document Number 7825719 in the Office of the Recorder of St. Joseph County, Indiana.

PARCEL II: Rights and benefits of Master Declaration of Easements, Covenants, Conditions and Restriction dated September 29, 2005, as Document Number 0545679 in the Office of the Recorder of St. Joseph County, Indiana.

PARCEL III: That part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, which is described as: Commencing at the Southwest corner of said Section 22; thence North 00°31'00" West on the West line of said Section 22, a distance of 217.75 feet; thence North 89°38'43" East 40.00 feet to the Southeast corner of Lot #1 of the plat of "Mucha's Subdivision, Section 2" as recorded by Document No. 7827130 in the records of the St. Joseph County Indiana Recorder's Office and being the Point of Beginning; thence North 00°31'00" West along the West line of said Mucha's Subdivision, Section 2, a distance of 402.44 feet; thence North 89°29'03" East 287.00 feet; thence South 05°05'05" East 232.69 feet; thence North 79°54'09" East 30.44 feet; thence Northeasterly 52.85 feet around a 300.00 foot radius curve to the left, whose chord bears North 74°51'21" East 52.78 feet; thence North 69°48'32" East 264.21 feet; thence Northeasterly 87.45 feet around a 500.00 foot radius curve to the left, whose chord bears North 64°47'54" East 87.34 feet; thence North 59°47'16" East 330.61 feet; thence Northeasterly 76.99 feet around a 125.00 foot radius curve to the left, whose chord bears North 42°08'35" East 75.78 feet; thence North 24°29'54" East 38.36 feet; thence Northeasterly 82.84 feet around a 125.00 foot radius curve to the right, whose chord bears North 43°29'02" East 81.33 feet; thence North 62°28'10" East 24.37 feet; thence Southeasterly 44.55 feet around a 512.00 foot radius curve to the left, whose chord bears South 28°06'18" East 44.54 feet; thence South 32°36'51" East 239.30 feet to the Northerly right-of-way line of State Road 23, thence South 55°10'38" West on said right-of-way line, 30.17 feet; thence South 52°18'53" West on said right-of-way line, 65.70 feet; thence South 55°10'38" West of said right-of-way line, 262.47 feet; thence South 57°49'03" West on said right-of-way line, 255.10 feet; thence Southwesterly 111.39 feet around a 1851.17 foot radius curve to the left, whose chord bears South 63°05'40" West 111.37 feet; thence South 68°11'06" West 232.49 feet; thence Southwesterly 61.81 feet around a 1852.12 foot radius curve to the left, whose chord bears South 72°58'22" West 61.81 feet; thence North 04°28'27" West 150.13 feet; thence South 79°00'53" West 208.87 feet to the East line of Lot 1 of said Mucha's Subdivision Section 2; thence South 00°31'00" East on the East line of said Lot 1, a distance of 20.25 to the Southeast corner of said Lot 1; thence South 89°38'43" West on the South line of said Lot 1, a distance of 191.00 feet to the Point of Beginning.

SAID PARCEL TO INCLUDE Lots One (1) through Four (4) and part of Lot Five (5) as shown on the plat of Mucha's Subdivision Section 2 as Document Number 7825719 in the Office of the Recorder of St. Joseph County, Indiana.

EXCEPTING THEREFROM THE FOLLOWING TRACTS OF LAND:

TRACT A: A part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of Lot 11 of the plat of "Mucha's Subdivision Section 2" as recorded in Instrument No. 7827130 in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°27'05" East along the north line of the south half of the Southwest Quarter of Section 22, a distance of 1097.69 feet to the North and South centerline of the Southwest Quarter of said Section 22; thence South 00°30'01" East along said North and South, 657.77 feet to the north line of the south half of the Southeast Quarter of the Southwest Quarter of said Section 22; thence North 89°27'05" East along said north line 79.24 feet to the northerly boundary line of S.R. 23; thence South 55°19'38" West along said boundary line, 87.29 feet to the point of beginning of this description; thence continuing South 55°19'38" West along said boundary line, 30.68 feet; thence South 52°27'53" West along said boundary line, 65.70 feet; thence South 55°19'38" West along said boundary line, 118.94 feet; thence North 30°12'44" West 236.78 feet; thence Northeasterly 76.99 feet along an arc to the left, having a radius on 125.00 feet and subtended by a long chord having a bearing of North 42°08'35" East and a length of 75.78 feet; thence North 24°29'54" East 38.36 feet; thence Northeasterly 82.84 feet along an arc to the right, having a radius of 125.00 feet and subtended by a long chord having a bearing of North 43°29'02" East and a length of 81.33 feet; thence North 62°28'10" East 24.37 feet; thence Southeasterly 44.55 feet along a non-tangent arc to the left, having a radius of 512.00 feet and subtended by a long chord having a bearing of South 28°06'18" East and a length of 44.54 feet; thence South 32°36'51" East 239.30 feet to the point of beginning.

TRACT B: Part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, said tract being part of Lots 3 and 4 as the same are shown and designated on the Plat of Mucha's Subdivision Section 2, all within Harris Township, City of Mishawaka, St. Joseph County, Indiana, described as follows: Commencing at the West Quarter Corner of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana; thence South 00°31'00" East (bearing assumed) on the West line of the Southwest Quarter of said Section 22, a distance of 2051.18 feet; thence North 89°02'46" East, a distance of 86.59 feet to the point of beginning; thence continuing North 89°02'46" East, a distance of 106.42; thence South 01°00'48" East, a distance of 16.98 feet; thence Southwesterly on a curve to the right, having a radius of 3.98 feet, a chord distance of 5.84 feet bearing South 46°30'06" West, an arc distance of 6.55 feet; thence South 89°51'32" West, a distance of 15.70 feet; thence South 00°34'48" East, a distance of 50.81 feet; thence North 88°56'08" East, a distance of 15.98 feet; thence Southwesterly on a curve to the right, having a radius of 4.46 feet, a chord

distance of 8.90 feet bearing South 00°23'20" West, an arc distance of 13.47 feet; thence South 89°32'00" West, a distance of 102.49 feet; thence North 00°31'00" West parallel to the West line of the Southwest Quarter of said Section 22, a distance of 79.52 feet to the point of beginning.

TRACT C: A part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana, and being more particularly described as follows: Commencing at the Southwest corner of said Section 22; thence North 00°31'00" West 0.53 feet along the West line of said Section to the centerline of S.R. 23 (Edwardsburg Highway) as defined by the Location Control Route Survey prepared by Lawrence Suhre, PLS of First Group Engineering Inc., recorded as Instrument No. 98-22852 in the Office of the Recorder, St. Joseph County, Indiana; thence Northeasterly along said centerline, 1094.31 feet along a non-tangent arc to the left having a radius of 1911.16 feet and subtended by a long chord having a bearing of North 71°34'44" East and a length of 1079.43 feet; thence continuing along said centerline North 55°10'32" East 54.55 feet; thence North 34°49'28" West 56.27 feet to the Northern Boundary of S.R. 23 (Edwardsburg Highway), and also being the point of beginning of this description; thence South 57°58'03" West 53.23 feet along said Northern Boundary; thence North 30°12'44" West 249.63 feet; thence North 59°47'16" East 196.30 feet to the Northwest corner of that parcel of land described in Instrument No. 06-26526, St. Joseph County Recorder; thence South 30°12'44" East 236.78 feet along the West line of said Instrument No. to the Northern Boundary of S.R. 23 (Edwardsburg Highway); thence South 55°19'38" West 145.53 feet along said boundary to the point of beginning.

TRACT D: A part of the Southwest quarter of Section 22, Township 38 North, Range 3 East, Harris Township, St. Joseph County, Indiana, and being more particularly described as follows:

Commencing at the southwest corner of said Section 22; thence North 00°31'00" West 0.53 feet along the west line of said Section to the centerline of S.R. 23 (Edwardsburg Highway) as defined by the Location Control Route Survey prepared by Lawrence Suhre, PLS of First Group Engineering, Inc., recorded as Instrument No. 98-22852 in the Office of the Recorder, St. Joseph County, Indiana; thence Northeasterly along said centerline 869.33 feet along a non-tangent arc to the left, having a radius of 1911.16 feet and subtended by a long chord having a bearing of North 74°57'06" East and a length of 861.85 feet; thence North 27°39'17" West 57.89 feet to the Northern boundary of S.R. 23 (Edwardsburg Highway) and also being the point of beginning of this description; thence continuing North 27°39'17" West 220.00 feet; thence North 26°17'07" East 28.85 feet; thence North 60°03'20" East 185.00 feet; thence South 30°12'44" East 229.02 feet to the Northern boundary of S.R. 23 (Edwardsburg Highway); thence South 57°58'03" West 201.87 feet along said boundary; thence southwesterly along an arc to the right, 17.11 feet having a radius of 1849.86 feet and subtended by a long chord having a bearing of South 61°47'05" West and a length of 17.11 feet along said boundary to the point of beginning.

The legal descriptions on this document are from record information.

Common Address: Heritage Square in the Northeast Area of Gumwood Road
and State Road 23, Mishawaka, Indiana

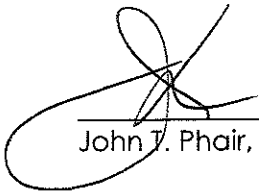
Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development (PUD) specifically for a commercial retail development shopping center including "big box" retail, strip shopping center uses, restaurant uses with and without drive-thru, and convenience store/gas station. Said described parcel is a part of the previously approved PUD Ordinances for Heritage Square.

The purpose of this petition is to revise the approved preliminary site plan and its associated conditions to allow for a hotel use. Accompanying this petition is a drawing showing the boundary of the above-described parcel of real estate, preliminary site plan showing the proposed use, and supporting documentation.

Petitioner desires said real estate to be amended as follows:

1. To allow for a hotel use located in the internal non-outlot portion of the development;
2. To allow for a maximum building height of 59 feet;
3. To allow for a rear building setback of 20 feet adjacent to the Toscana Park Development;
4. To allow for 4.1 parking spaces per 1,000 sq. ft. of building area for the internal non-outlot portion of the development including the hotel, and 4.9 spaces per 1,000 sq. ft. of existing building area when providing 1 parking space per hotel room and 1 parking space per hotel employee;
5. To allow for an additional freestanding monument sign located along Gumwood Road;
6. To allow for a directional sign located along State Road 23;
7. To allow for an electronic reader board located along State Road 23.

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



John T. Phair, Member

Garrison Holladay Heritage Square Delaware, LLC
227 South Main Street, Suite 300
South Bend, IN 46601

CONTACT PERSON:

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

TO ALLOW A NEW 4-STORY, 101 ROOM, HAMPTON INN & SUITES
HOTEL WITH PROPOSED SIGNAGE LOCATED ON STATE ROAD 23 AND
GUNWOOD ROAD.

EXISTING PARKING PROVIDED = 1,020 SPACES

<u>EXISTING BUILDINGS</u>	
MARTIN'S SUPERMARKET	71,135 SFT
BUILDINGS 100-500	111,566 SFT
VAN HORNE JEWELERS	3,890 SFT
	186,591 SFT

= 5.5 SPACES PER 1,000 SFT

PROPOSED HOTEL

101 ROOMS, 16 EMPLOYEES
64,150 SFT
11 NEW SPACES

CALCULATE NEW PARKING RATIO TO BUILDING SQUARE FOOTAGE

$$\begin{aligned} \text{TOTAL BUILDING SQ. FT.} &= 186,591 + 64,150 = 250,741 \text{ SFT} \\ &= 4.1 \text{ SPACES PER 1,000 SFT} \end{aligned}$$

USE 1 SPACE PER ROOM AND 1 SPACE PER EMPLOYEE FOR HOTEL
AND CALCULATE PARKING RATIO FOR REMAINING BUILDINGS

101 ROOMS x 1 SPACE	= 101 SPACES
16 EMPLOYEES x 1 SPACE	= 16 SPACES
	<u>117 SPACES</u>

$$1,031 - 117 = 914 \text{ SPACES AVAILABLE FOR REMAINING BUILDINGS}$$

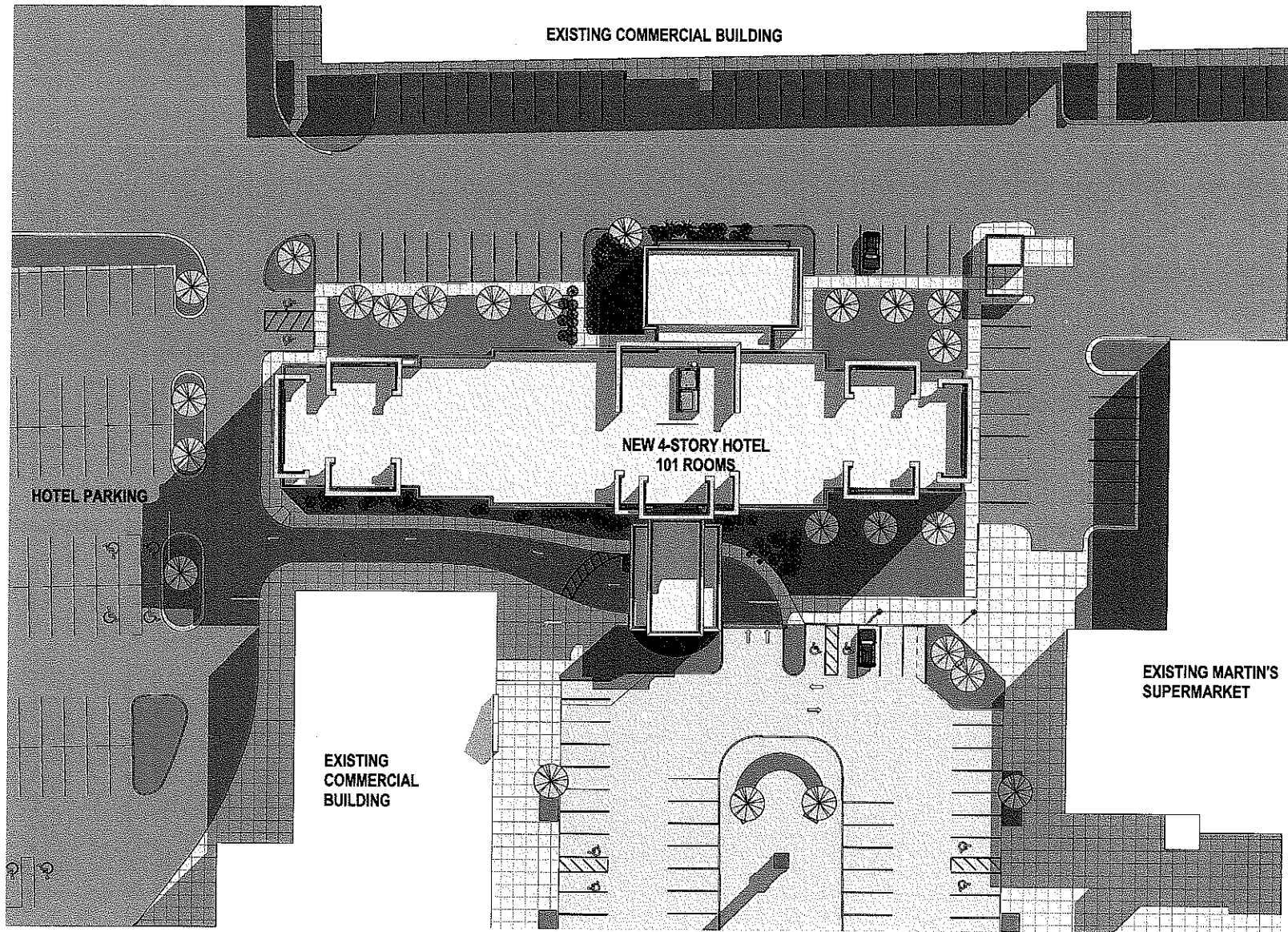
$$= 4.9 \text{ SPACES PER 1,000 SQ. FT.}$$

DEVELOPER / OWNER:

Garrison Holladay Heritage Square
Delaware, U.C.
227 South Main Street
South Bend, IN 46601

PREPARED BY

Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, IN 46801



GROSS BUILDING AREA	
GROUND FLOOR	18560 SF
SECOND FLOOR	14510 SF
THIRD FLOOR	15540 SF
FOURTH FLOOR	15540 SF
	64150 SF

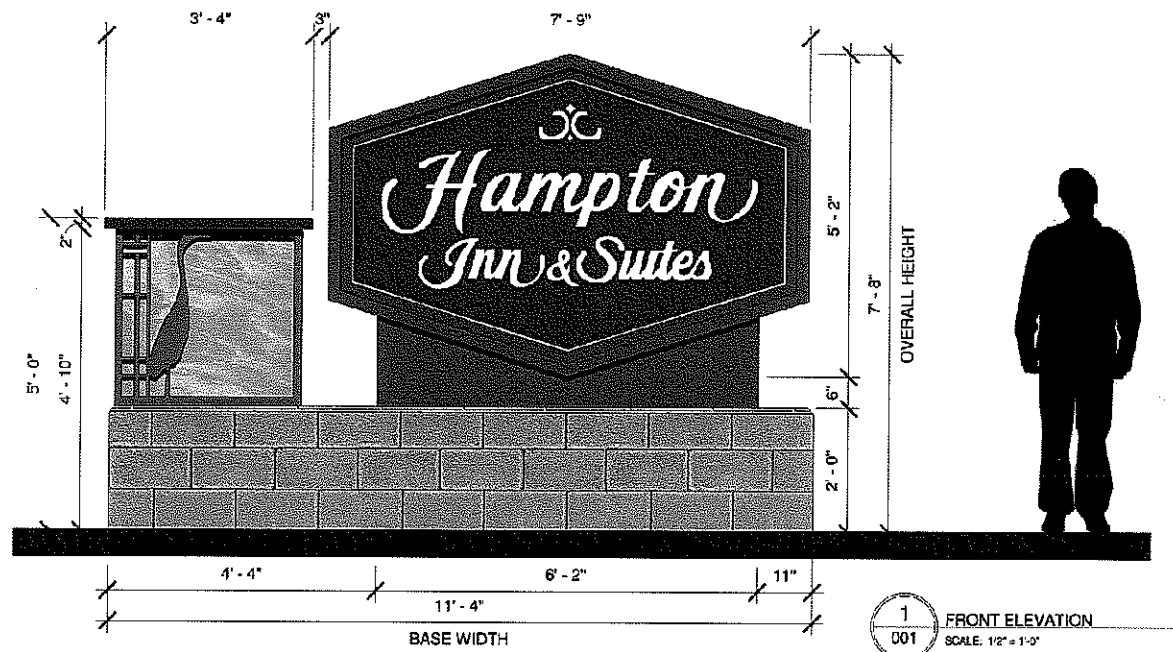
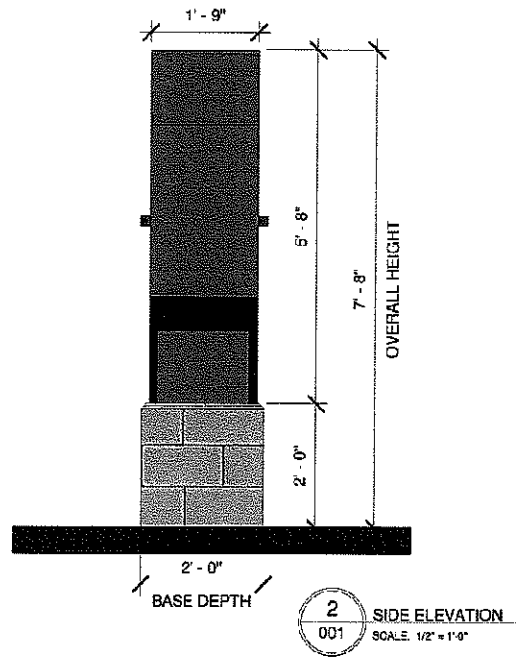
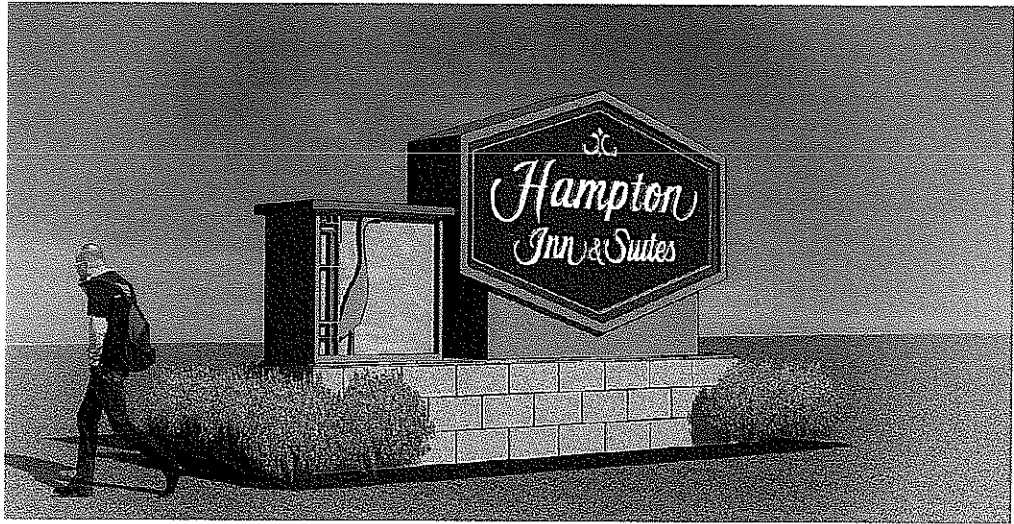
Kaczmar architects incorporated
cleveland ohio
1468 West 9th Street #400
Cleveland, OH 44113
P: 216.687.1555 F: 216.687.1558

**HAMPTON INN & SUITES AT
HERITAGE SQUARE**
7115 HERITAGE SQUARE DRIVE GRANGER, IN 46530



SITE PLAN
SCALE: 1" = 40'-0"

07/23/2013
1" = 40'-0"
001



HAMPTON INN & SUITES
AT HERITAGE SQUARE
7115 HERITAGE SQUARE DRIVE
GRANGER, IN 46530



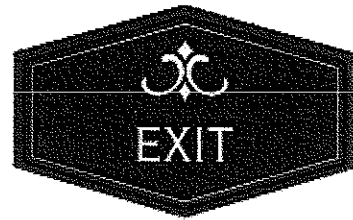
DATE: 07/09/13

SCALE: 1/2" = 1'-0"

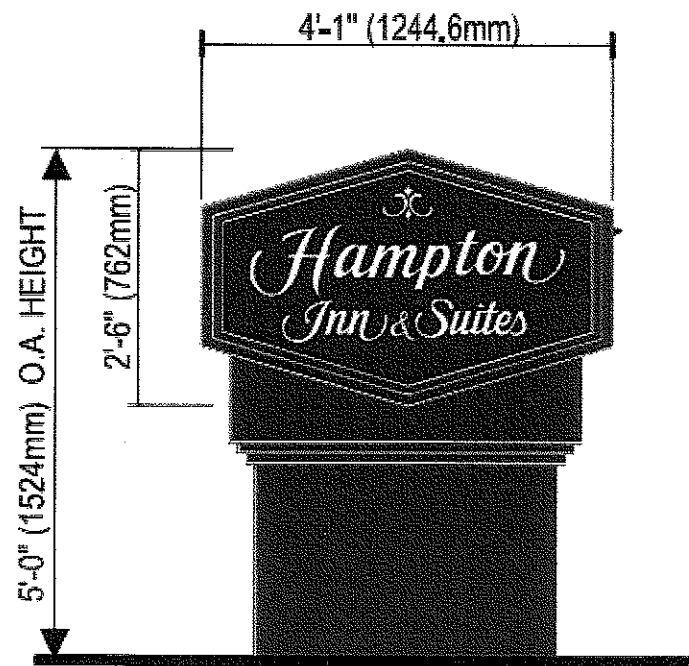


001

Kaczmar architects incorporated
CLEVELAND, OHIO
1405 West 6th Street #400
Cleveland, OH 44113
P: 216.637.1353 F: 216.607.5508



ALTERNATE FACE LAYOUTS FOR HIS-10D SIGN



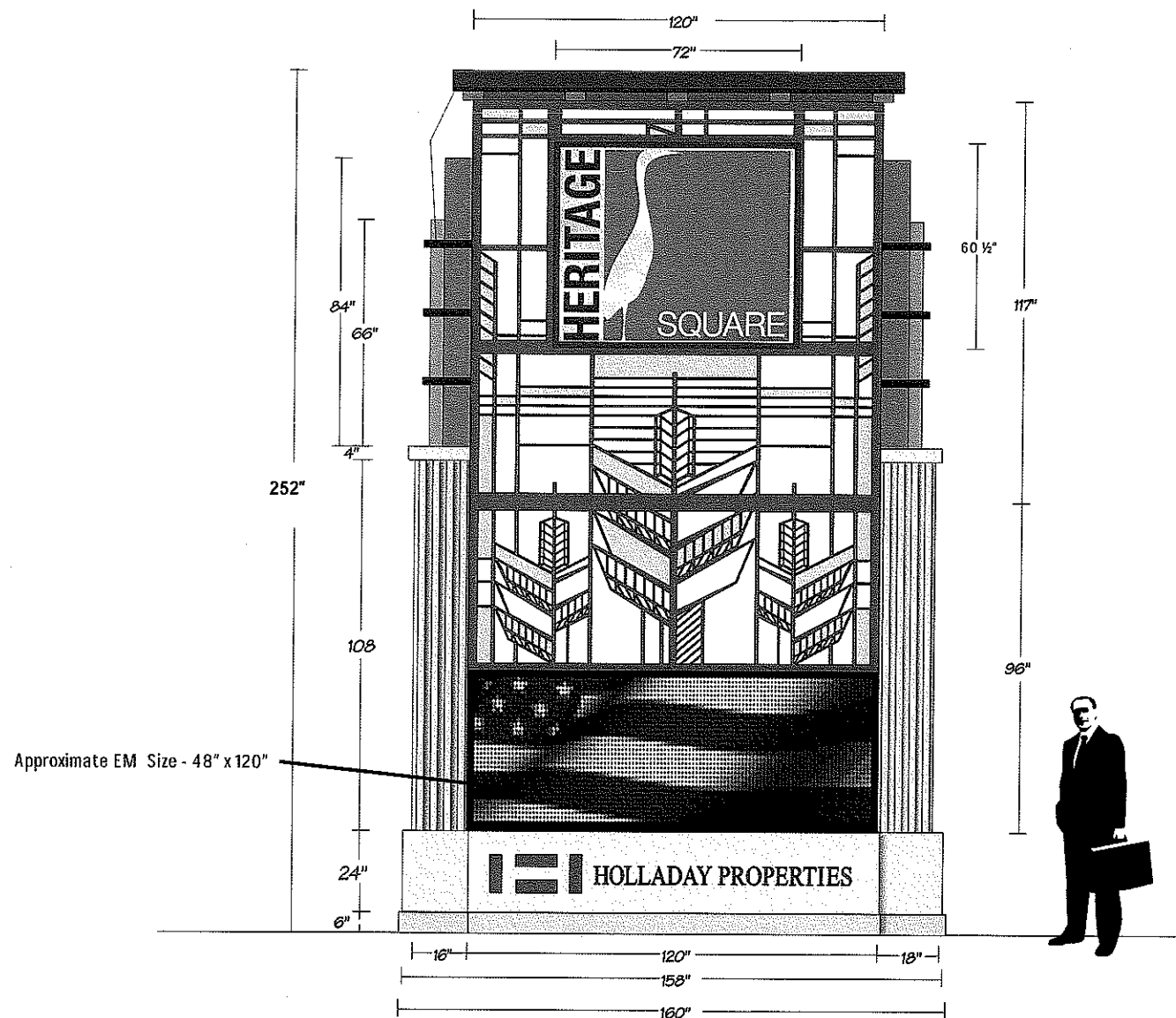
HIS-10 DIRECTIONAL SIGN



Kaczmar
architects incorporated
cleveland • ohio
1468 West 9th Street #400
Cleveland, OH 44113
P: 216.687.1555 F: 216.687.1558

HAMPTON INN & SUITES AT
HERITAGE SQUARE
HERITAGE SQUARE HOTEL, LLC
7115 HERITAGE SQUARE DRIVE
GRANGER, IN 46530

Reference Sheet:
Date: 07/19/13
Scale:
Supplemental Drawing:



Burkhart

SIGNSYSTEMS

Cabinet:

Job Name/Location:

Heritage Square
Granger, Indiana

Account Rep:

B. Miller

Cabinet:

61" x 72" x 22"
214" x 120" x 22"

Frame:

☐ Angle Alum.
☒ Exclusion:
☐ Other:
☒ Illuminated ☐ Non illuminated
Lamps: ☐ Vertical ☐ Horizontal
Size: Quantity:
Ballast: Size: Quantity:

Pylon Cover:
Trim:

Face:

☒ Double Faced ☐ Single
☐ Lexan ☐ Flexible ☐ Pan
☒ Aluminum
☒ Routed Backed with Frosted Plc
8 ML 180 Acrylic
For Top Cabinet

Face Decoration:

☐ Paint:
☐ HP:
☐ Translucent Silver

Copy: ☐ Paint:
☐ HP:
☐ Translucent:

Logo: ☐ Paint:
☐ Translucent:

Painted Surface:

☐ Filler:
☐ Trim: See Drawing
☐ Roof:
☐ Uprights:

Installation:

☐ Saddle ☐ Match Plate
☒ External ☐ Clips
☐ Wall

Steel: ☐ Round ☐ Square:
☒ Direct Burial
☐ Anchor Bolts
☐ Existing

Foundation:
☐ Pad:
☐ Base:
☐ Conduit in Base

Scale:

3/8" = 1'

Designer:

E. Whitlock

Date: 7/12/13

Drw. No.: 071813a-sb
Rev. Date:

Approved by:

Please refer to actual vinyl/paint or PMS colors.
Colors are close approximations of actual colors.

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1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 25 2013

CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2013-35

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "PARKS AND RECREATION ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA

WHEREAS, circumstances warrant changes to park hours, rules, and signage from time to time; and

WHEREAS, recent activity at various City of Mishawaka Parks has justified reexamination of park hours, rules, and signage; and

WHEREAS, on July 8th, 2013, the Mishawaka Park Board approved changes to park rules, subject to the approval of the Mishawaka Common Council.

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

Section 1. Chapter 50, of the Municipal Code of the City of Mishawaka, commonly known as the "Parks and Recreation Ordinance," be, and the same is, hereby amended as follows:

Add the following:

Section 50-3. – Prohibited acts.

- (8) No person shall sleep or protractedly lounge on the seats, or benches, or other areas including parking lots; or engage in loud, boisterous, threatening, abusive, insulting or indecent language; or engage in any disorderly conduct or behavior tending to a breach of the public peace in the Public Parks.

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.

S. Michael Compton
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

PARKS AND RECREATION DEPARTMENT

Mishawaka Park Board Staff Report

Re: 2013 Park Hours, Rules and Signage

Date: July 8th, 2013

From: Terry Zeller, Superintendent of Parks and Recreation

Summary:

This is a request for changes to be made to the Park Hours policy, Park Rules, and the posting of signage. Feedback from the Mishawaka Police Department has revealed that the current hours are detrimental to their ability to maintain law and order in certain parks, specifically Beutter and Battell parks, and that current park rules do not cover some unwanted activity at the parks.

Recently, late evening activity at Battell Park resulting in damage, fighting, large gatherings of minors and tagging has caused the park to be undesirable for use by the general public, and many complaints have caused the police to respond to this location. Due to the park being open until midnight, their hands are tied in attempting to clear the park of those patrons whose activity is disruptive to others' enjoyment of the park. Loitering and disruptive activity are concentrated at the Battell Bandshell, which has been hit with graffiti in an ongoing way for some time, also tied to these group loitering activities

Concurrently, at Beutter Park, groups are congregating in the parking lots for the sole purpose of loitering within the lots, setting up fire pits, and being generally disruptive in their gatherings with reports of drinking, illegal drug use, and fighting.

The Mishawaka Police department has requested that the park hours for Battell, Beutter, Kate's Garden, Lincoln, Kamm Island, and Central Parks (Downtown Riverwalk Parks) be changed from midnight to 10:30 pm., and that the Park Board add park rules addressing loitering with specific language to be posted at the Battell Bandshell and Beutter stage and lot. Since the Riverwalk itself, outside of park boundaries, is not Park Property, these areas would not be affected by the proposed hours.

Specific Park Rules to be added to Municipal Code :

Sec. 50-3. – Prohibited Acts.

(8) No person shall sleep or protractedly lounge on the seats, or benches, or other areas including parking lots; or engage in loud, boisterous, threatening, abusive, insulting or indecent language; or engage in any disorderly conduct or behavior tending to a breach of the public peace in the Public Parks.

This language, if approved by the Park Board, will be sent to the City Council for their approval to be added to City Ordinance 50-3, which covers Prohibited Acts in the Parks.

Park Board Action:

I move to approve the changes to Park hours and addition of the loitering rule to Sec. 50-3 of prohibited acts as proposed in the Staff Report, and recommend this item be sent to the City Council for adoption as additional language to Mishawaka City Code.

**CITY OF MISHAWAKA, BOARD OF PARKS & RECREATION
MINUTES OF THE MEETING**

DATE: July 8, 2013
TIME: 4:30 p.m.
PLACE: Battell Center Community Room
PRESENT: Reg Wagle, Carolyn Teeter, Bob Shriner, Ellen West, & Bill Pemberton
NOT PRESENT: John Coppens
ALSO PRESENT: Terry Zeller, Michelle Wotring, and Robert C. Beutter, Esq.

* * * * *

Board President, Reg Wagle, called the regularly scheduled meeting to order at 4:31 p.m. The Pledge of Allegiance was then recited. Mr. Wagle called for a motion to approve the minutes of the July 1 (rescheduled from June 24) regularly scheduled meeting. Mrs. Teeter moved to approve the minutes as presented and Mrs. West seconded the motion. The motion carried unanimously.

* * * * *

OLD BUSINESS:

None at this time.

* * * * *

NEW BUSINESS:

The Michiana Youth Ministries request was tabled indefinitely at the request of Mr. Zeller pending his seeking additional information in order to make any recommendation to the Board.

Mrs. Wotring requested approval for payment of claims for the Parks & Recreation Department as listed below:

2013-00000231	\$250.00
2013-00000232	\$49,254.91
2013-00000234	\$954.10
2013-00000235	\$481.00

Mrs. Teeter moved to approve the claims as presented on the above dockets and Mr. Shriner seconded the motion. The motion carried unanimously.

Mrs. Wotring presented the Board information on a \$270 donation received from Jim and Nancy Olson. Mrs. Teeter moved to accept the donations and Mr. Shriner seconded it. The motion carried unanimously.

To provide the public with a more economical and feasible way to rent space at Battell Center on weekends, Mr. Zeller requested the Board approve fee changes for Battell Center Rental Fees effective immediately. Changes included adding a "Staffing Fee" and removing the non-resident rental rates. The staffing fee would reflect the use of a seasonal employee, a facility supervisor, rather than an hourly union employee, to open the building, provide general assistance to the renter and close the building after the rental. This fee would act as a reimbursement fee like the Maintenance Overtime Fee but would significantly reduce the overall hourly rental cost to a customer, potentially increasing Battell Center usage and revenue. Mr. Shriner moved to approve the fee changes as presented and Mrs. Teeter seconded it. The motion carried unanimously.

In an attempt to cut down on loitering and disruptive behavior in parks along the Mishawaka Riverwalk, Mr. Zeller presented a request to the Board to change the closing hours of those parks bordering the Mishawaka

Riverwalk, namely, Battell, Beutter, Kate's Garden, Lincoln, Kamm Island and Central to 10:30 p.m. Such a change would better assist police in enforcing park rules.

In addition to changing park closing hours, above, Mr. Zeller requested the approval of the Board to add clarifying language to Municipal Code 50-3, Prohibited Acts, which would give the Police a more detailed description of prohibited acts by which it can enforce. Once approved by the Board, Mr. Zeller stated that he would submit the language to the City Council for approval and inclusion into the Municipal Code. Mrs. Teeter moved to approve the change in park hours and language to be added to Municipal Code 50-3. Mr. Shriner seconded the motion. The motion carried unanimously.

* * * * *

SUPERINTENDENT'S REPORT:

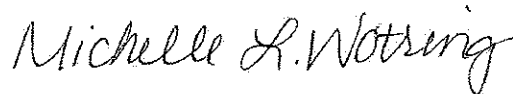
Mr. Zeller advised the Board that Summerfest ended "in the black" this year. He indicated planning for 2014 would be underway shortly and that changes were being considered which would assist in better policing efforts in 2014. Mr. Zeller mentioned youth sports and partnering efforts with School City and that Mary Gibbard pool was down due to mechanical failures.

Mr. Wagle then called for additional questions and/or comments from any others present at the Board meeting. Ann Lesar, President of the Mishawaka Garden Club, told the Board she was pleased with the recent spot on WNDU by reporter Christine Karsten which covered the restoration efforts for the Battell Rock Garden.

As there were no further questions or comments to be made, Mrs. Teeter moved to adjourn the meeting and Mr. Shriner seconded the motion. The motion carried unanimously.

Meeting was adjourned at 4:58 p.m.

Submitted for Approval to the Board



Michelle L. Wotring,
Office Manager, Parks & Recreation

Approved: _____

Carolyn Teeter, Board Secretary

AUG 01 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-36

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2013 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the General Fund of the City of Mishawaka the sum of \$100,000.00 for assignment as follows:
General Fund

Corporate Counsel

Other Services and Charges

101.06.434.90 Claims

\$ 100,000.00

Total

\$ 100,000.00

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

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

on this _____ day of _____, 2013 at _____

o'clock, _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

on this _____ day of _____, 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 FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

Date: August 1, 2013
To: Members of the Common Council
From: Becky Miller
Re: Additional

As part of your packet for the August 5th meeting there is an ordinance to cover a shortage in the Claims line for the Law Department due to continuing expenses associated with the lawsuit, Oberloh v. City of Mishawaka. I am requesting \$100,000 to cover current and future expenses for this year.

If you have any questions or would like additional information, please contact Bob Beutter (who is filling in for John Gourley) at 243-4100 or Geoff Speiss at 258-1702.

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 01 2013

CITY CLERK
MISHAWAKA, IN

c: David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

PETITION 13-09

CITY OF MISHAWAKA, INDIANA

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

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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

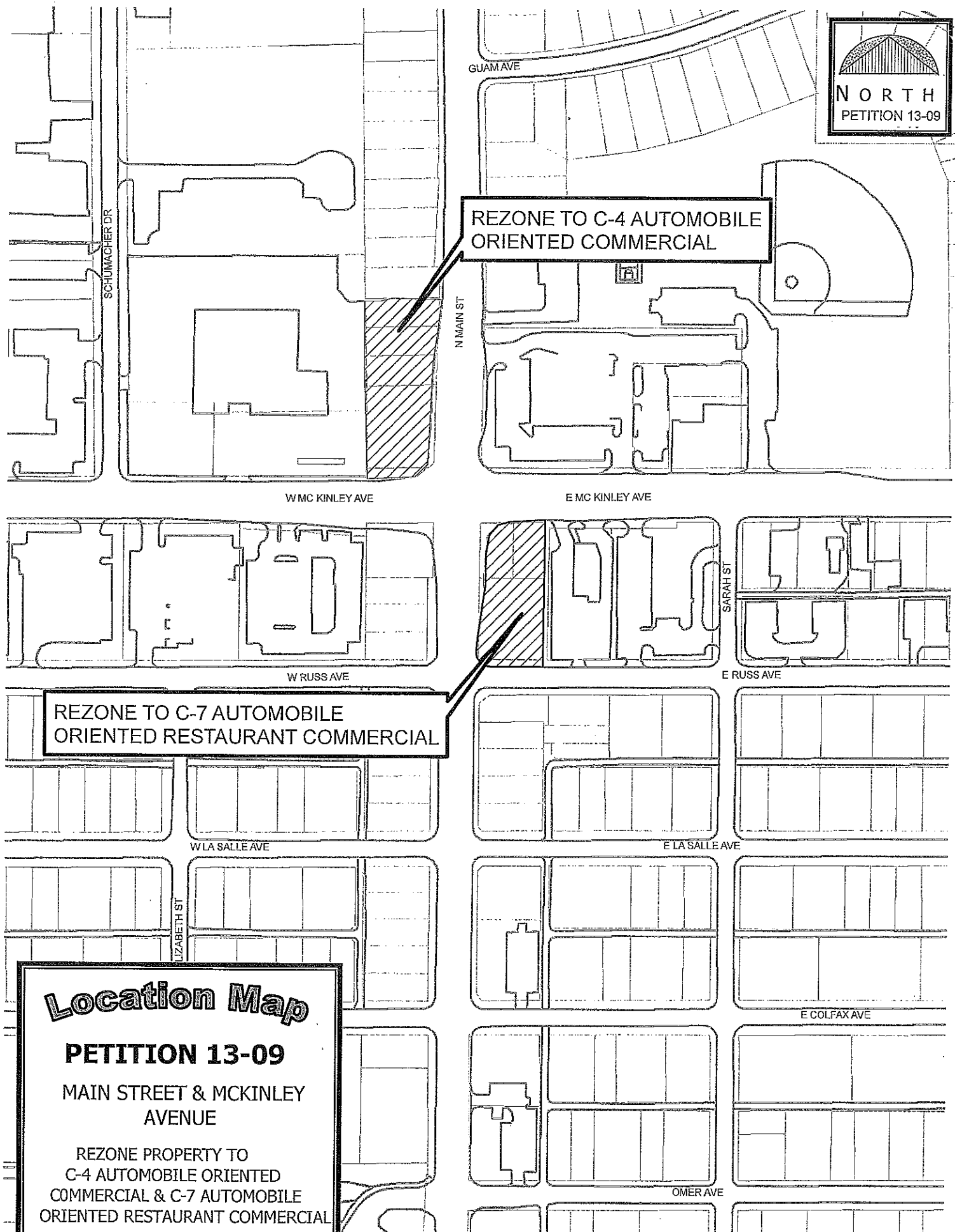
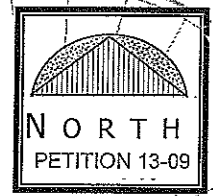
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ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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REZONE TO C-4 AUTOMOBILE ORIENTED COMMERCIAL

REZONE TO C-7 AUTOMOBILE ORIENTED RESTAURANT COMMERCIAL

Location Map

PETITION 13-09

MAIN STREET & MCKINLEY AVENUE

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

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

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

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

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

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

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

Petitioner desires said real estate to be rezoned as follows:

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

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

Sincerely,

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

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PETITION 13-10

C-6

C-6

C-6

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

PETITION 13-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-21

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 11 2013

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

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

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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

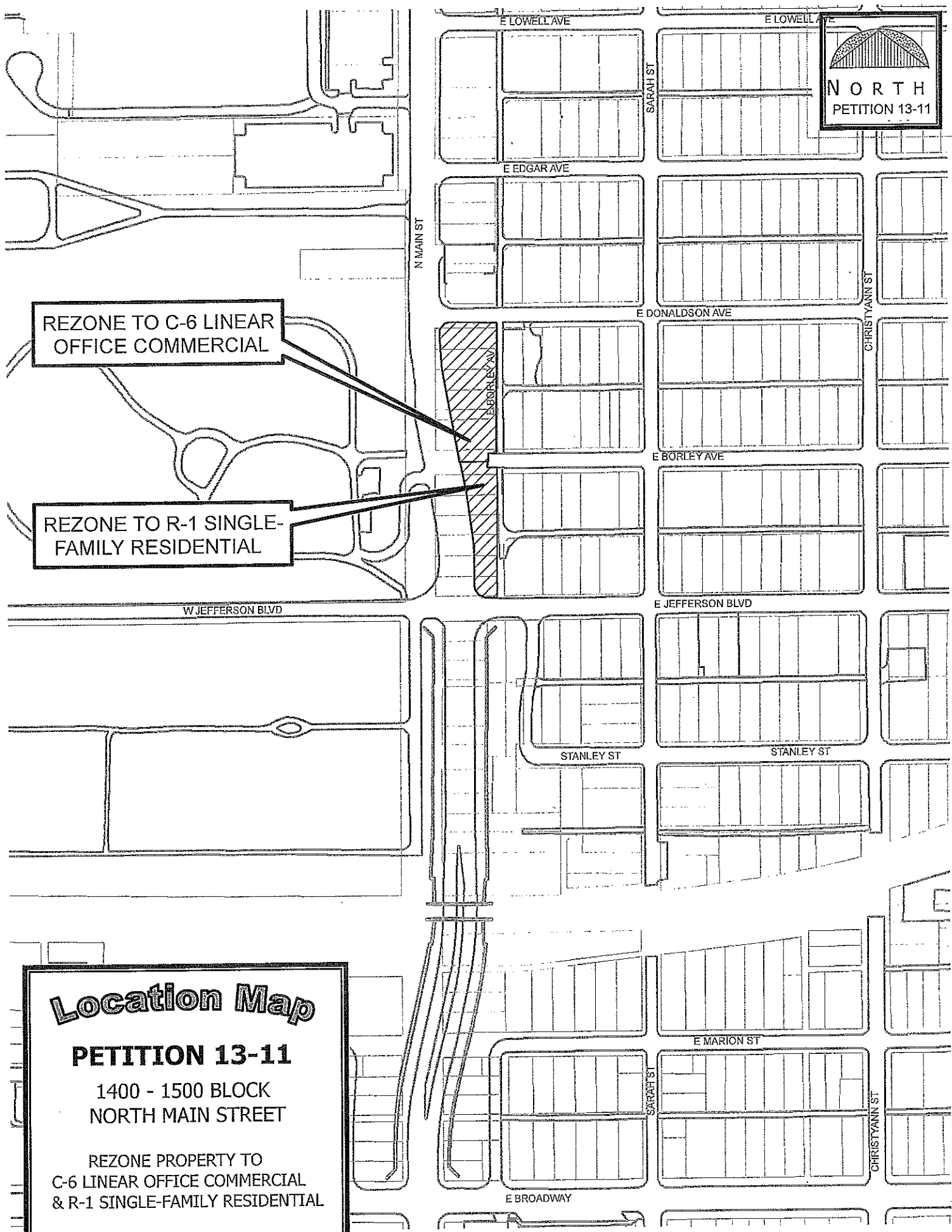
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Location Map

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,

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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

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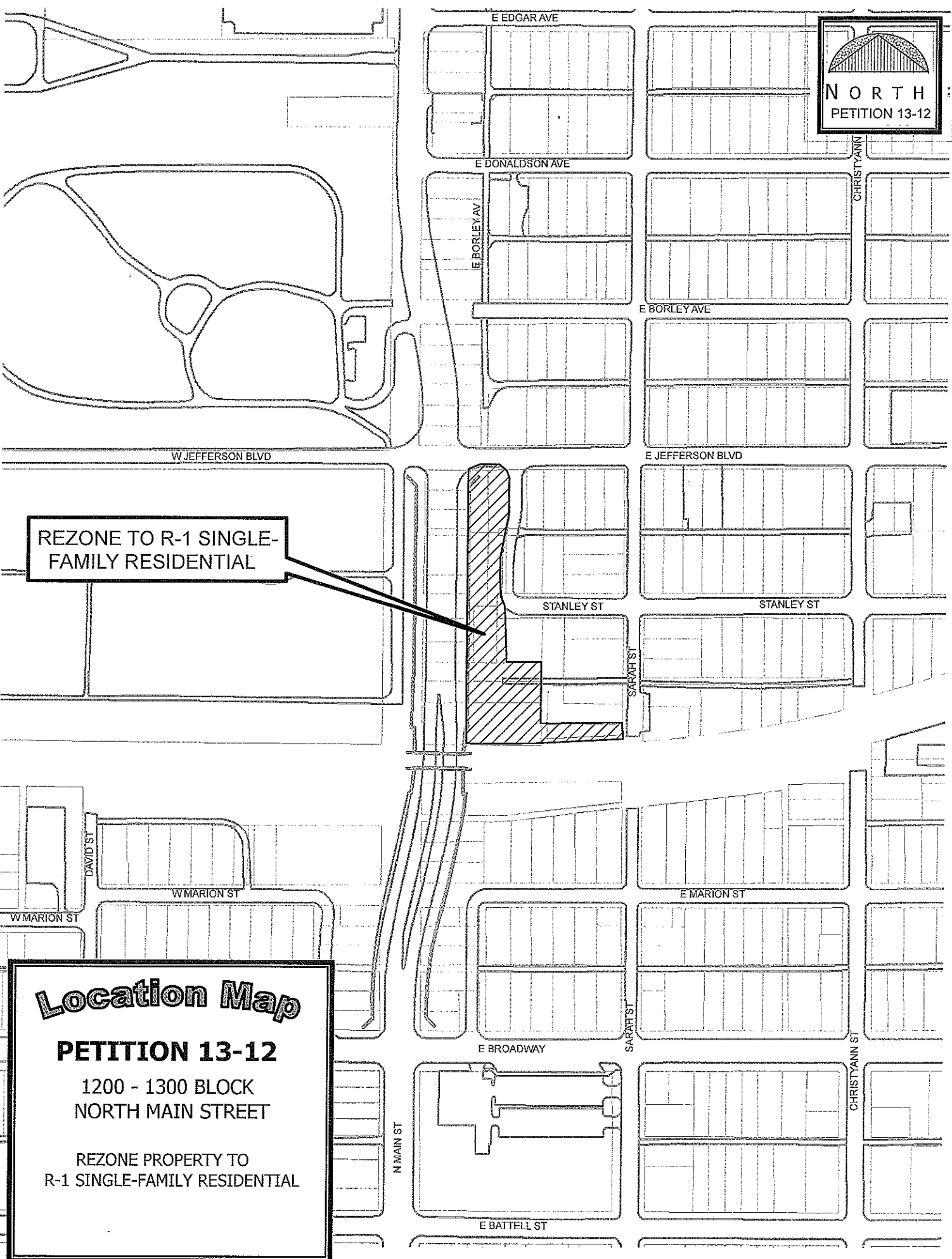
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REZONE TO R-1 SINGLE-FAMILY RESIDENTIAL

Location Map

PETITION 13-12

1200 - 1300 BLOCK
NORTH MAIN STREET

REZONE PROPERTY TO
R-1 SINGLE-FAMILY RESIDENTIAL

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.

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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

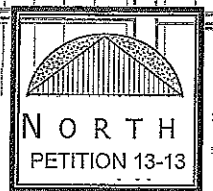
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W JEFFERSON BLVD

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

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

1/2 E ST

E GROVE ST

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.

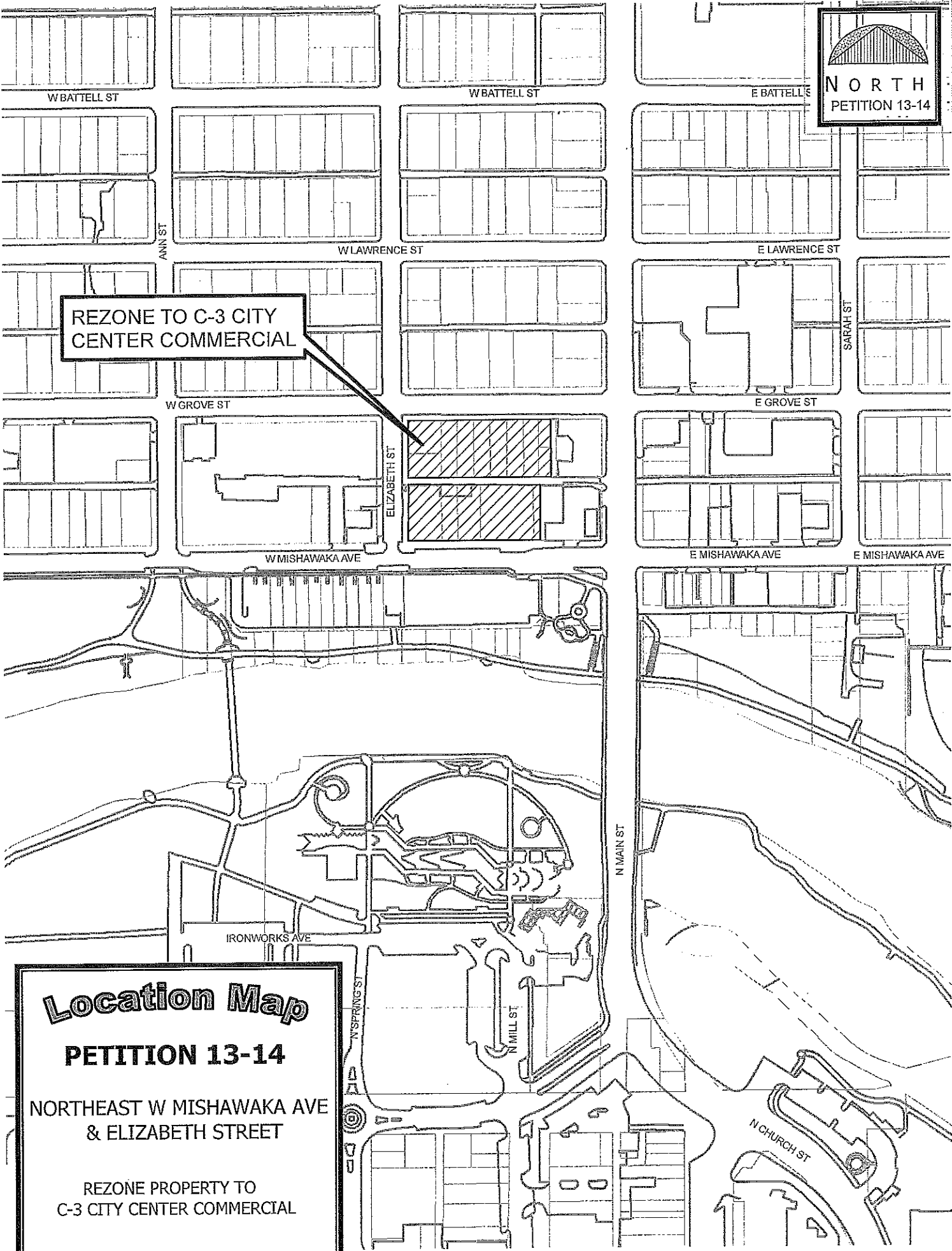
Wherefore, the petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Sincerely,

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

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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

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ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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

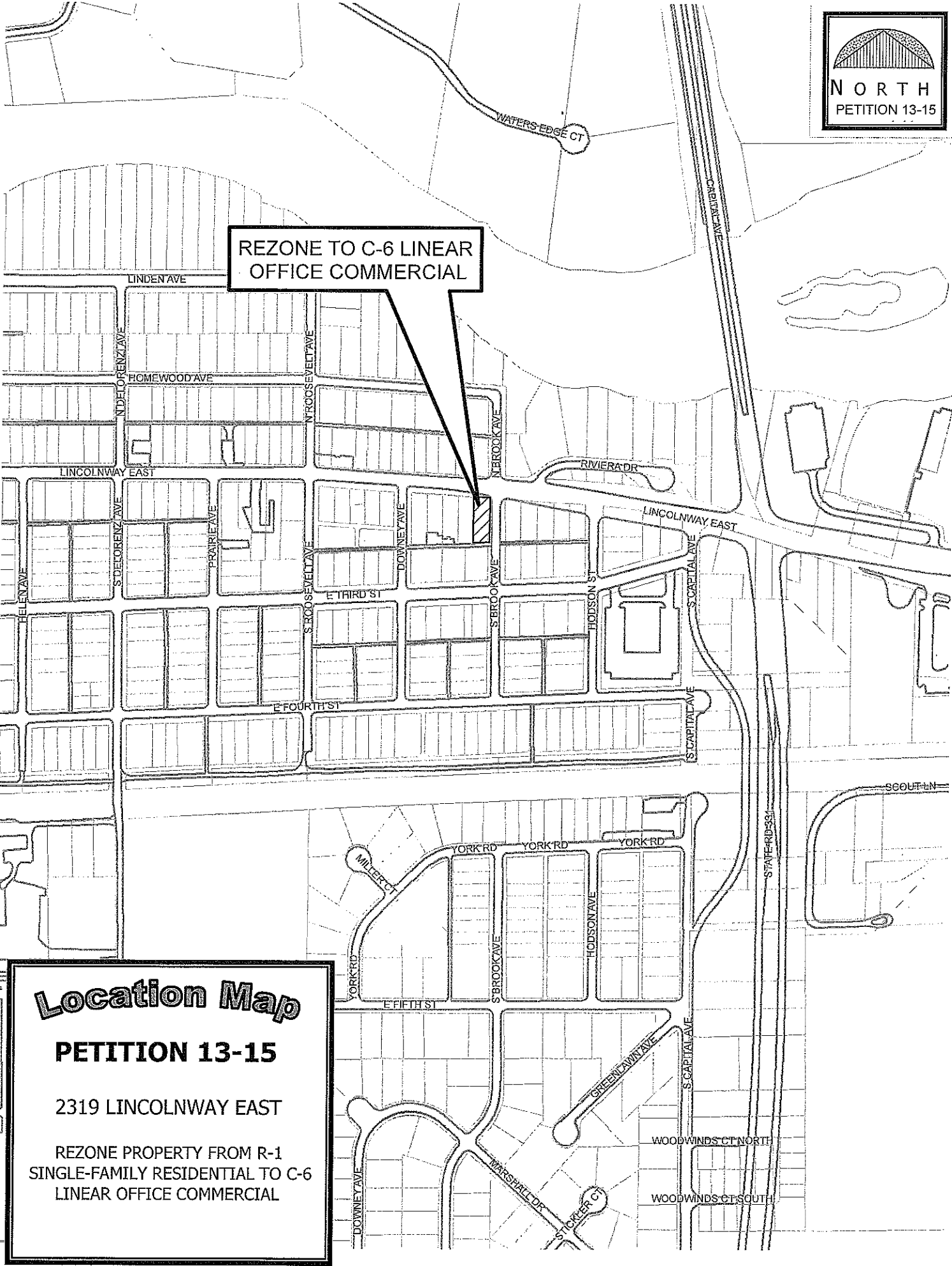
Building Phone: (574) 258-1607 Fax: (574) 968-6999

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

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



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

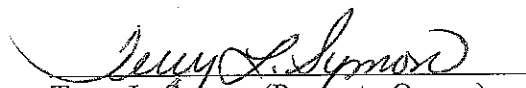
The undersigned (Terry L. Symon, Linda D. Johnson, and Karen M. Hiatt) respectfully show we are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, two-wit:

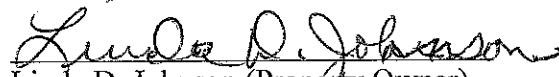
309 Smith St., Mishawaka, IN 46544;
Tax Key #16-1020-082501
Irr Tract Beg Se Cor Lot 27 Adam S Bakers 1st

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.

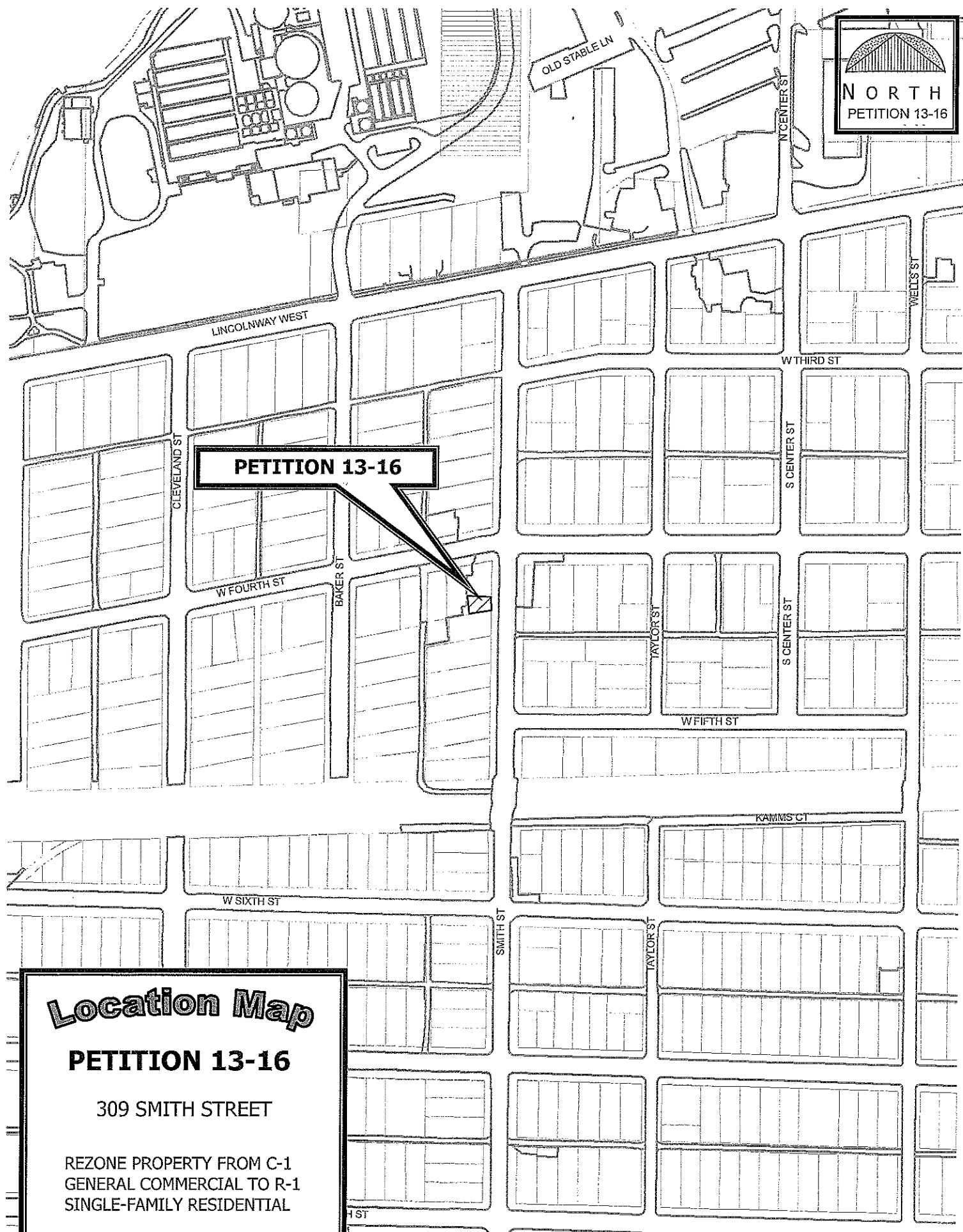
Wherefore, the petitioners, pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.


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:

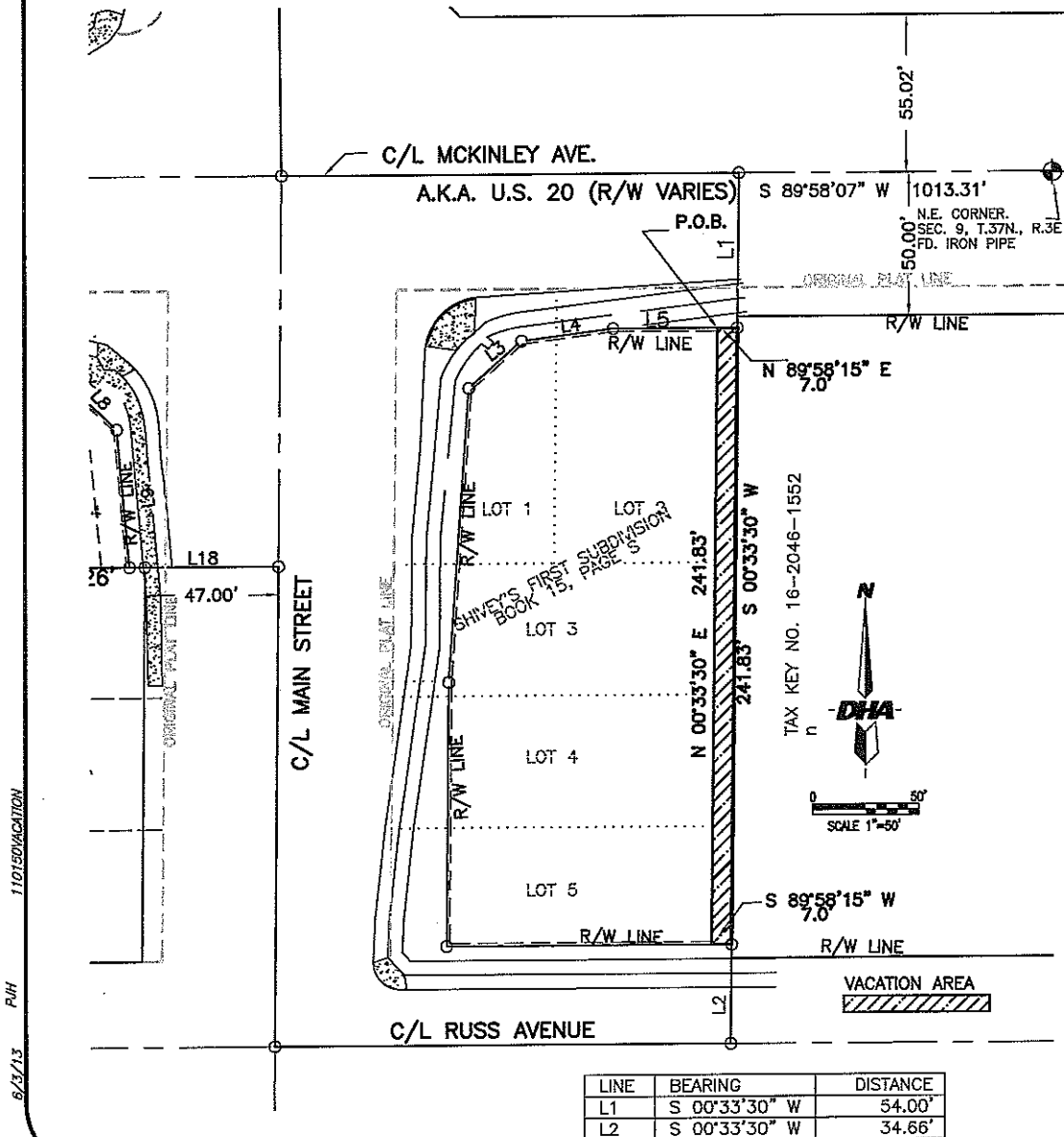
Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119

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

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1 / 1

1st Reading
2nd Reading
Passed
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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

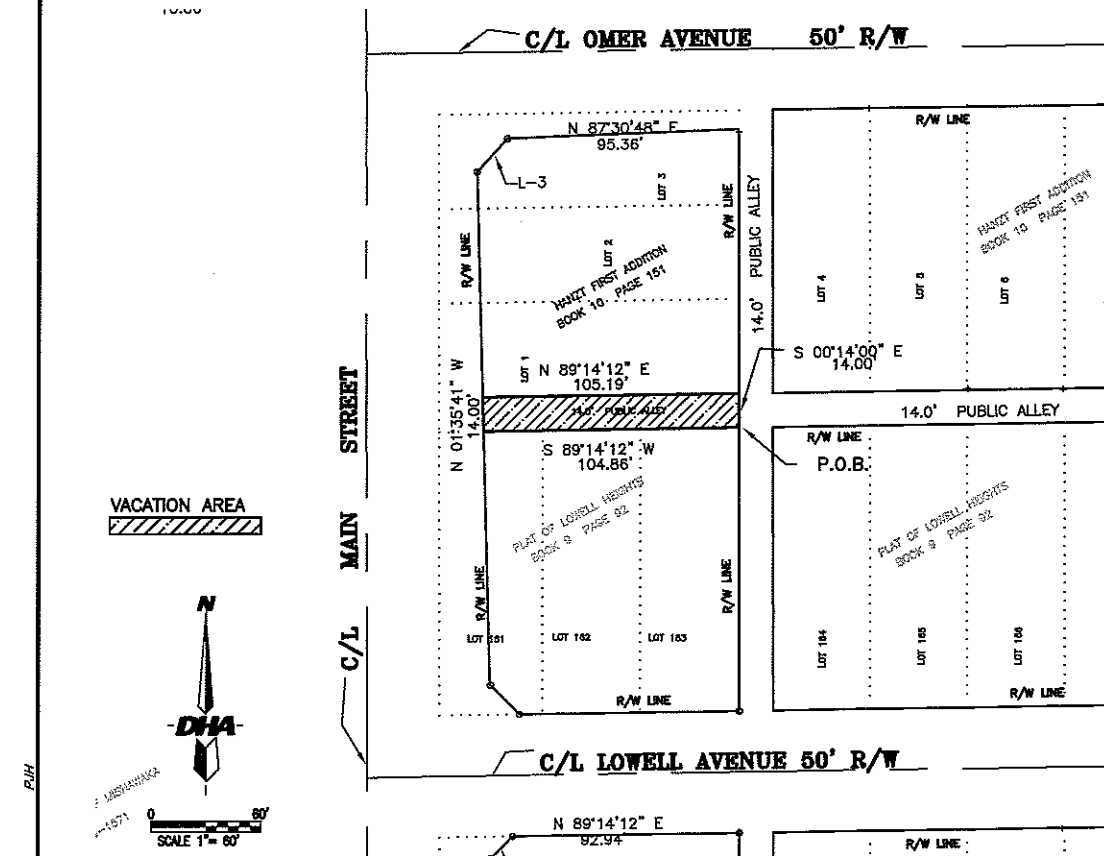
LEGAL DESCRIPTION:

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 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.



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
1843 Commerce Drive • South Bend, IN 46628

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1 / 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

**DHA**

**Land Surveyors • Professional Engineers
Landscape Architects • Land Planners**

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

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1st Reading
2nd Reading
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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.

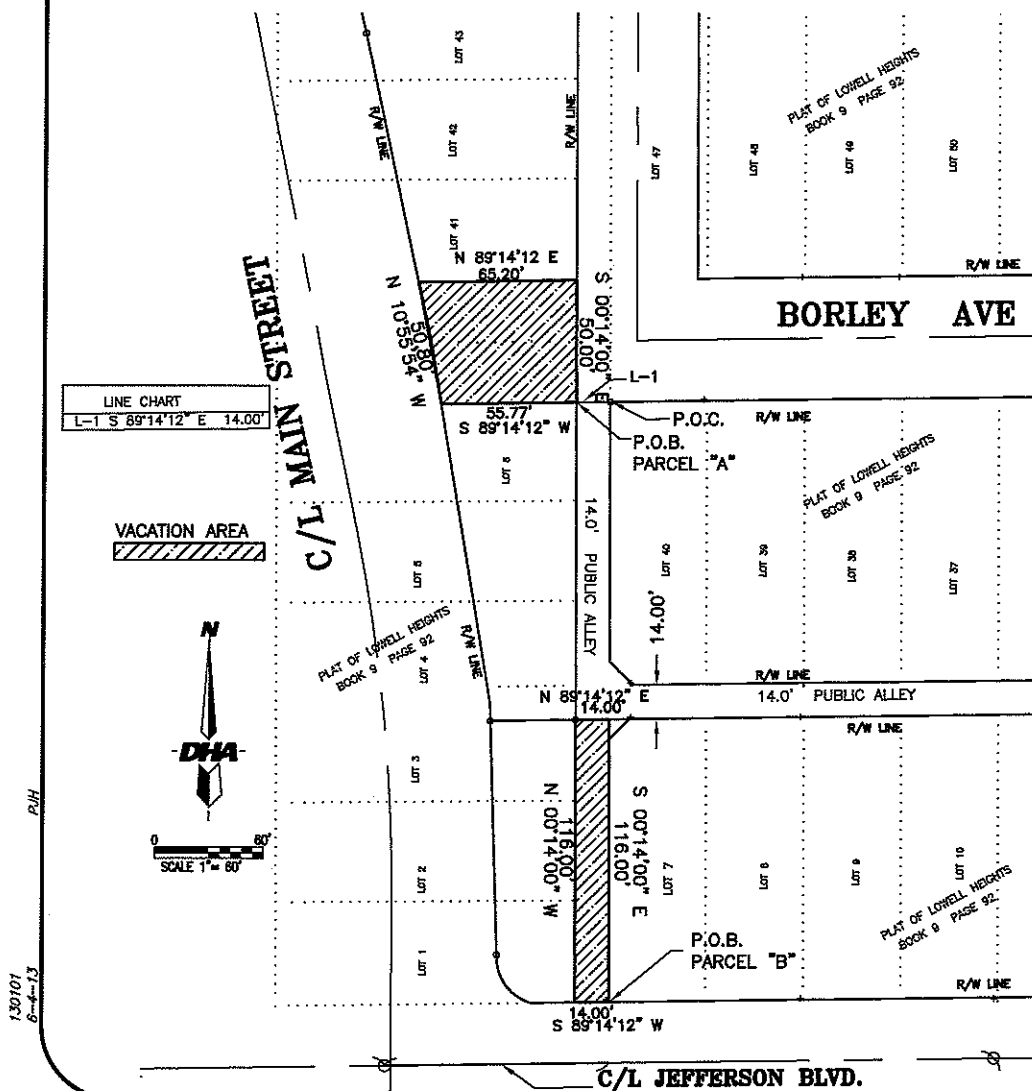
Ken Prince, for the City of Mishawaka, Indiana

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
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1st Reading
2nd Reading
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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

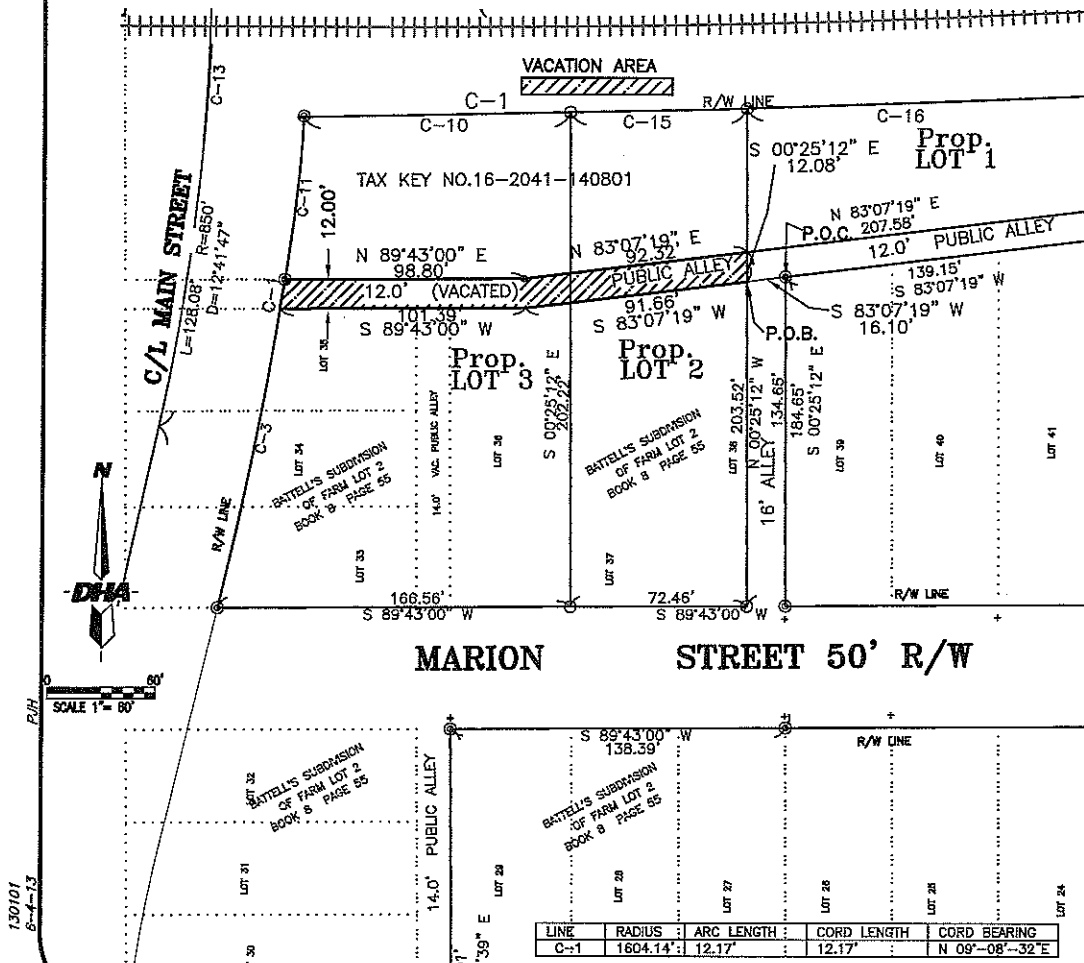
LEGAL DESCRIPTION

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

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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

PROPOSED ORDINANCE NO. 2013-32

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.



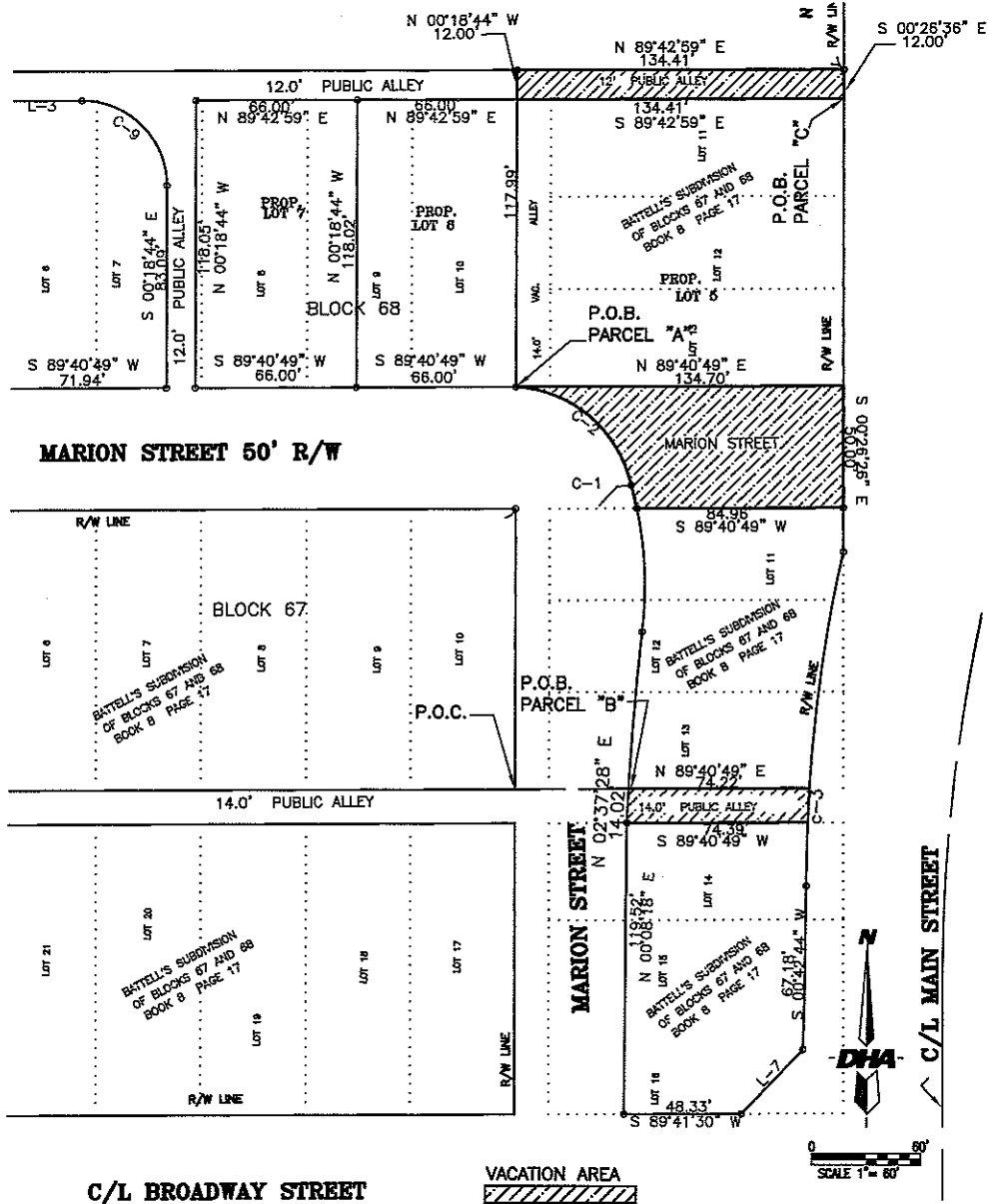
Ken Prince, for the City of Mishawaka, Indiana

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



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

Danch, Harner & Associates, Inc.

DHA

Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners

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

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1 / 2

1st Reading
2nd Reading
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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.

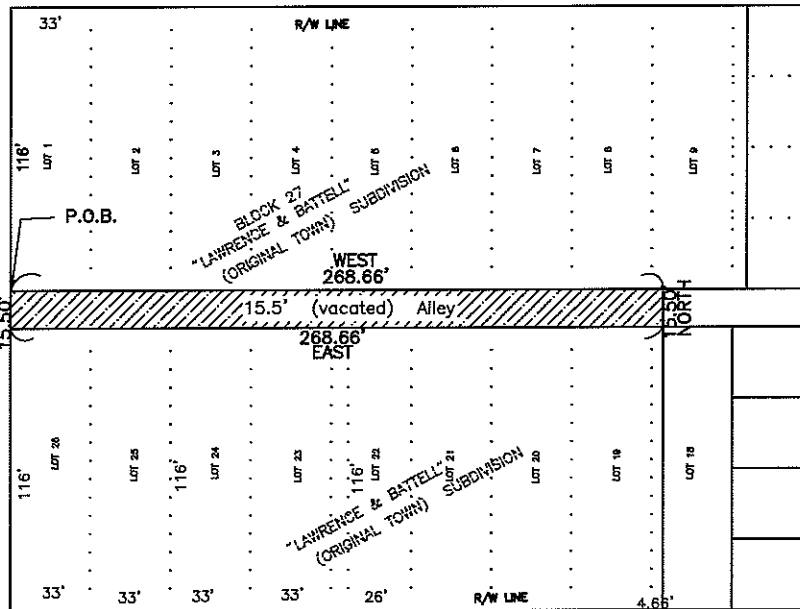
Affected Lots: Lots 1 through 9 and Lots 18 through 26 of Lawrence & Battell (Original Town) Block #27 Subdivision

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

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1st Reading
2nd Reading
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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.

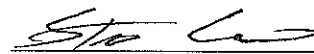
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a tennis/fitness center and office uses.

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

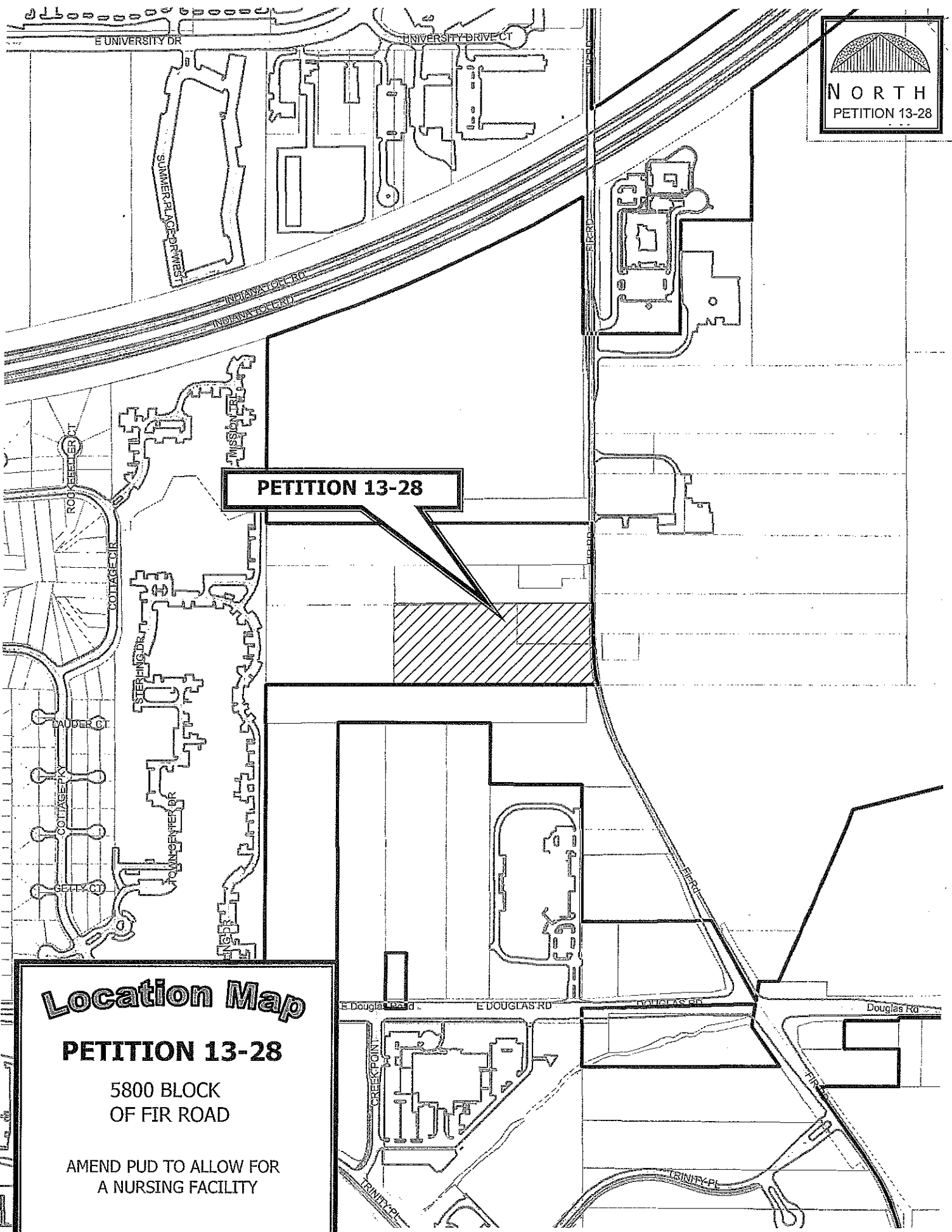
Michiana Tennis Association, LLC
17517 Starlite Drive
South Bend, IN 46614

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

AMEND PUD TO ALLOW FOR A NURSING FACILITY