AGENDA

Monday, February 3, 2014

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

January 20, 2014

5. Petitions, Communications, Remonstrance and Memorials

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2014-02 Amend PUD to allow an Assisted Health Care Facility and (8) Villa Units - Northeast East Fulmer Rd and Falling Oak Drive (Assigned to Land Use Planning Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

Re-appointment to Animal Control Board - Mariah Covey
3 year term

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

January 20, 2014

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, January 20, 2014 at 7:00 p.m. The meeting was called to order by President Matt Mammolenti all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call vote **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 absent, Linda Dotson Chief Deputy II, and Council Attorney Mike Trippel

The minutes from the January 6, 2014 meeting were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding recommendations from their September 13, 2011.

Clerk Block read a letter from the Plan Commission regarding recommendations from their January 14, 2014.

PETITION NO. 14-01 A petition submitted by Target Leasing Corp. to amend the Heritage Woods Planned Unit Development to allow an assisted care facility which will include units for assisted care, units for independent living, and eight (8) villa units.

The Commission, with a vote of 5-0, recommended approval subject to the attached conditions approval.

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

PROPOSED ORDINANCE NO. 2014-02

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

(Amend PUD to allow an Assisted Health Care Facility and (8) Villa Units – Northeast East Fulmer road and Falling Oak Drive)

(Assigned to Land Use Planning Committee)

Clerk Block read **RESOLUTION NO. 2014-03** opening it for public hearing

RESOLUTION NO. R2014-03

A RESOLUTION APPROVING APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF MISHAWAKA, INDIANA
(Appointments to Historic Preservation Commission)

Clerk Block read subject to Council approval, the Mayor appointed as voting members of the Mishawaka Historic Preservation Commission through December 31, 2016

Dave Vollrath
Judy Gray
Michael Bultinck
Tony Obringer
Richard Barnette
Cliff Zenor
Commission through 2014
David Eisen
Commission through 2015
John Gleissner

Also the Advisory Board through December 31, 2015
Terry DeMaegd
Bryan Tanner
Nancy Seidler

Mayor Wood asked for acceptance of the following appointments

Question was called for at 7:05 p.m. **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. R2014-04

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA TO BE AN ECONOMIC REVITALIZATION AREA

WELL.PET L.L.C
CONFIRMING RESOLUTION

Michelle Tatgenhorst said she was speaking in favor of this Resolution and thanked the Council for visiting the Well Pet Plant. She reiterated the fact that they put in a $20 million

dollar expansion adding another 50 plus jobs and bringing money into Mishawaka. Ms. Tatgenhorst said they now need help with a $2 million dollar project that would be increasing the work force by another 6 people, therefore requesting tax abatement.

Ken Prince said on behalf of the administration they are in full support of this abatement these were the types of jobs that Mishawaka wants, a lot of the product is sold out side of the community and the money comes back to Mishawaka.

Mr. Banicki thanked Well Pet for the tour of the plant; he was very impressed and appreciated the investments they have made and adding the additional workforce to the City, he would be in support of this abatement.

Ms. Tagenhorst extended an open invitation to the community to come and see what they have done.

Mr. Emmons said everyone at his Neighborhood Watch Meeting were pleased with Well Pet's presentation dealing with questions that directly affected the neighborhood. He said they were invited to tour the plant so they could see for themselves what was going on there. Mr. Emmons said Well Pet was interested in being good neighbors; he too would be supporting this abatement.

Question 7:12 p.m. 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.

Clerk Block read **RESOLUTION NO. R2014-05** opening it for public hearing.

RESOLUTION NO. R2014-05

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTROUDCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND DEFINITE POLICY FOR ANNEXATION FOR THE PROPERITES LOCATED AT:
Northwest corner of Cleveland Road and Gumwood Road

Ken Prince, City Planner said the Fiscal Plan was required by law to demonstrate the city can provide services to the parcel and to show that the city meets the statutory requirements for continuity to the city. He said the statute says 12 ½% has to be adjacent to the city and in this case they qualify with 51.7% being adjacent to the city. Mr. Prince said all department heads have been notified and responded that service can be provided to this area.

Question was called for at 7:15 p.m. **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.

Clerk Block read **PROPOSED ORDINANCE NO. 20143-55** opening it for public hearing

PROPOSED ORDINANCE NO. 20143-55

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE.
(Annex and Zone S-2 PUD Northwest Gumwood Road and Cleveland Road)
FINAL VOTE

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

Question was called for at 7:17 pm. **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.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-01** opening it for public hearing.

PROPOSDED ORDINANCE NO. 2014-01

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2014
(Additional Funds – Clerk's Office $12,000.00)

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

Clerk Block said she sent a letter to the council in request of an additional appropriation to continue the part time full time help in the City Clerk's Office.

Question was called for at 7:21 pm **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.

PRIVILEGE OF THE FLOOR

Barbara Fredman, President of Friends of Granger Paths, which is a recognized community advocate group of 650 members said they were asking for provisions in the Gumwood and Cleveland Road development for sidewalks and multi-purpose paths. She said these paths would allow the residents a pathway to the commercial areas. Ms. Fredman said they have successfully worked with the St. Joseph County Engineer Department regarding sidewalk implementation from the county line to Cleveland Road. She said Mishawaka told her they had not heard of that being done and no sidewalks for this new development have been planned.

Mr. Cierzniak 1518 Pinetop Trace Mishawaka read a headline from the South Bend Tribune "Council Leader Wants More Public Input at Public Meetings." He said years ago he went to a South Bend Parks Board Meeting to find that the business of the public was the first on the Agenda and thought it to be a great concept; it changes the optics in a positive way.

Ann Bolster 15679 Downey Brook Mishawaka to speak on the annexation on Gumwood and 23 having moved here three years ago. She said they love the river walk as does her visitors from out of town. Ms. Bolster said they live north of Mishawaka and unfortunately they have no side walks out by Henry Frank Park and thought it would be great if it were more pedestrian friendly. She was hoping for this new project to implement this from the onset. Ms. Bolster suggested that a 10% contribution from new developers could go to the city to put in the sidewalks and bike paths. Ms. Bolster said when putting in developments that are a destination, sidewalks and bike paths are vital.

Clare Rouch 50716 Canyon Lane Granger speaking for the younger generation who are fond of Mishawaka. She said when they walk the river walk they see that the City Of Mishawaka gets the value of their public spaces and she was asking them to please extend that vision, Northern Mishawaka needs some attention Gumwood and Cleveland would be the city's opportunity to make this begin to happen for the North end of Mishawaka. Ms. Rouch said if shoppers are able to walk to play grounds and shopping areas they are more likely to spend more.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:33 p.m.

Deborah S. Block _____ □□ Matt Mammolenti _____

Deborah S. Block, IAMC, MMC
City Clerk,

Matt Mammolenti
Presiding Officer

RECEIVED
DEBORAH S. BLOCK, MMC
JAN 15 2014
CITY CLERK
MISHAWAKA, IN

1st Reading 1-20-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-01

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-02

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:

A part of the East Half of the Northwest Quarter of Section 27, Township 37 North, Range 3 East situated in Penn Township, St. Joseph County, State of Indiana, and being more particularly described as follows: Beginning at a point of intersection of the North Right-of-way line of Fulmer Road and the East line of the Northwest Quarter of said Section 27, which point is North 00 Degrees 13 Minutes 23 Seconds West, a distance of 60.00 feet from the Southeast corner of said Northwest Quarter; thence North 89 Degrees 59 Minutes 52 Seconds West, a distance of 493.99 feet to the point of curvature of a tangent curve, concave Southeast, having a radius of 380.00 feet, being subtended by a chord length 54.45 feet bearing South 85 Degrees 53 Minutes 38 Seconds West; thence along said curve a distance of 54.50 feet; thence North 11 Degrees 46 Minutes 53 Seconds West, a distance of 96.83 feet to the point of curvature of a tangent curve, concave to the Southwest, having a radius of 180.00 feet, being subtended by a chord length 199.53 feet bearing North 45 Degrees 26 Minutes 24 Seconds West; thence Northwesterly along said curve, a distance of 211.48 feet to the point of curvature of a reverse curve, concave to the Northeast, having a radius of 120.00 feet, being subtended by a chord length of 34.28 feet bearing North 70 Degrees 53 Minutes 14 Seconds West; thence Northwesterly along said curve, a distance of 34.40 feet; thence North 41 Degrees 44 Minutes 24 Seconds East, a distance of 92.26 feet; thence North 00 Degrees 13 Minutes 23 Seconds West, a distance of 291.83 feet; thence North 89 Degrees 46 Minutes 37 Seconds East, a distance of 679.99 feet to the East line of the Northwest Quarter of said Section 27; thence South 00 Degrees 13 Minutes 23 Seconds East along said East line a distance of 605.45 feet to the Point of Beginning. Said described tract containing an area of 9 acres, more or less, subject to all rights-of-way, and restrictions of record.

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow an assisted care facility which will include units for assisted care, units for independent living, and eight (8) villa units subject to the following conditions of approval:

Proposed Uses:

1) Uses shall be limited to assisted and independent living care facilities, and single-family residential units and villas. Building heights shall be limited to a maximum of 2-stories in height.
2) All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the principal building.

Road Connections/Right-of-Way Improvements/Sidewalks:

1) Deceleration lanes/passing blisters may be required for entrance location on Fulmer Road at the direction of the City of Mishawaka Engineering Department.

Lighting:

1) 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas adjacent to (in sight of) residential areas. Lighting within 100-feet of residentially zoned property shall be limited to 15-feet in height.
2) Lighting in along streets shall comply with Mishawaka Utilities standard fixtures and pole spacing and shall be paid for by the developer.

Signage:

1) Signage for all lots of the PUD shall be limited to the restrictions the Sign Overlay District for Bremen Highway. A maximum of one monument signs may be provided along Fulmer Road.
2) Directional signage standards shall be submitted concurrently with the first final planned unit development plan submission.

Architectural:

1) Architectural building standards shall be submitted for both building and signage – Architectural building material shall be consistent with the City's Design Review Ordinance for the 2-story living care facility. However, appropriate materials may be extended to include modern architectural materials, such as hardi-board siding, approved and deemed appropriate by the Planning Commission as part of the final PUD site plan. The proposed single-family residential villas may utilize standard residential architectural building materials as desired.
2) Residential style shingled roofs shall be provided for all structures. Deviations may be considered by the Planning Commission, provided they are in keeping with a residential concept.

Parking/Landscaping:

1) A 3-foot high earth mound shall be provided along Fulmer Road. A minimum 20-foot wide green buffer area shall be required along all public right-of-way. Landscape requirements of the C-1 General Commercial zoning district shall apply for property along Fulmer Road and the future proposed north south road as shown as Falling Oak Drive on the preliminary site plan.

2) Utility areas shall be provided separate from required landscaped areas. The minimum width required to install required landscaping shall be 5' outside of any utility or access easement.
3) A minimum of parking ration of 0.90 parking space per residential unit shall be provided for the 2-story living care facility. The (8) single-family residential villa shall provide a (1) parking space per unit.
4) Perimeter screen plantings shall be as follows:
    a. Evergreen plantings and/or a combination of evergreen planting and deciduous tree/shrubs shall be provided between the future residential lots to the west and the proposed single-family residential villas, and along the north property line.
    b. Evergreen trees shall be installed at a minimum of 7' in height. Deciduous tree shall be installed at a minimum 2 ½" caliper as specified in the Commercial Landscape Ordinance. Spacing of screening plant material shall be utilized as to create a desirable visual buffer subject to staff review and approval.

Building Setbacks:

1) A 40-ft front-yard building setback shall be provided along Fulmer Road and the proposed north/south road shown as Falling Oak Drive on the proposed site plan.
2) A 30-ft rear-yard building setback shall be provided along the northern property line.
3) A 20-ft side-yard shall be provided along the west and east property lines.

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

1. The subject parcel is adjacent to residential zoned residential and an existing living care facility is located to the south.
2. The character of the buildings within the surrounding area are residential. The referenced conditions of approval would ensure that the proposed development would be compatible with adjacent residential uses.
3. Because of the parcel's location and the residential development in the area, the highest and best use for the property as a health living care facility and residential villas respects the close proximity of adjacent single family homes.
4. The proposed zoning will not be injurious to property values in the surrounding neighborhood, because the single family uses immediately adjacent to the project to not yet exist. The planned coordination between Autumn Ridge Section 3 and the proposed development will allow potential purchasers in each development to show what has been approved before buying.
5. The proposal is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan that identify this area as low density residential. The proposed living care facilities usually have less traffic impact than a corresponding similarly sized single family residential subdivision.

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

ORDINANCE NO._____

PROP. ORD. NO 14-02

PASSED by the Common Council of the City of Mishawaka, Indiana, this day of _____, 2014, at o'clock _____.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____o'clock _____.M.

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

APPROVED by me this _____ day of _____, 2014, at o'clock _____.M.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 02 2014

CITY CLERK
MISHAWAKA, IN

Date: December 16, 2013

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

RE: Target Leasing Corp. Petition for an Amended PUD:

The undersigned, Robert Urbanski, for Target Leasing Corp., the Petitioners, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, St. Joseph County, Indiana:

A part of the East Half of the Northwest Quarter of Section 27, Township 37 North, Range 3 East situated in Penn Township, St. Joseph County, State of Indiana, and being more particularly described as follows: Beginning at a point of intersection of the North Right-of-way line of Fulmer Road and the East line of the Northwest Quarter of said Section 27, which point is North 00 Degrees 13 Minutes 23 Seconds West, a distance of 60.00 feet from the Southeast corner of said Northwest Quarter; thence North 89 Degrees 59 Minutes 52 Seconds West, a distance of 493.99 feet to the point of curvature of a tangent curve, concave Southeast, having a radius of 380.00 feet, being subtended by a chord length 54.45 feet bearing South 85 Degrees 53 Minutes 38 Seconds West; thence along said curve a distance of 54.50 feet; thence North 11 Degrees 46 Minutes 53 Seconds West, a distance of 96.83 feet to the point of curvature of a tangent curve, concave to the Southwest, having a radius of 180.00 feet, being subtended by a chord length of 199.53 feet bearing North 45 Degrees 26 Minutes 24 Seconds West; thence Northwesterly along said curve, a distance of 211.48 feet to the point of curvature of a reverse curve, concave to the Northeast, having a radius of 120.00 feet, being subtended by a chord length of 34.28 feet bearing North 70 Degrees 53 Minutes 14 Seconds West; thence Northwesterly along said curve, a distance of 34.40 feet; thence North 41 Degrees 44 Minutes 24 Seconds East, a distance of 92.26 feet; thence North 00 Degrees 13 Minutes 23 Seconds West, a distance of 291.83 feet; thence North 89 Degrees 46 Minutes 37 Seconds East, a distance of 679.99 feet to the East line of the Northwest Quarter of said Section 27; thence South 00 Degrees 13 Minutes 23 Seconds East along said East line a distance of 605.45 feet to the Point of Beginning.

Said described tract containing an area of 9 acres, more less, subject to all rights-of-way, and restrictions of record.

Pet 14-01

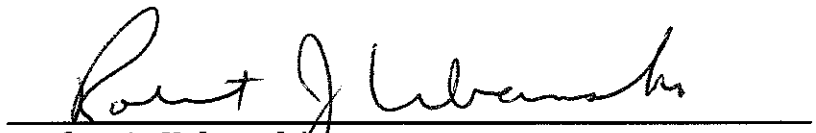
Also commonly known as vacant ground in the 700 Block of East Fulmer Road and also being the Northeasterly corner of East Fulmer Road and Falling Oaks Drive, Mishawaka, Indiana 46544.

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

The Petitioners desire to amend the existing Planned Unit Development for said real estate, to be allowed to construct an Assisted Health Care facility which will include units for Assisted Care, units for Independent Living and for Eight (8) Villa units. The guidelines for the proposed development are shown on the attached preliminary site plan.

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

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



Robert Urbanski
for Target Leasing Corp.
21533 Golden Maple Court
South Bend, Indiana 46637
(574) 272-1131

LEGAL DESCRIPTION

A part of the East Half of the Northwest Quarter of Section 27, Township 37 North, Range 3 East situated in Penn Township, St. Joseph County, State of Indiana, and being more particularly described as follows: Beginning at a point of intersection of the North Right-of-way line of Fulmer Road and the East line of the Northwest Quarter of said Section 27, which point is North 00 Degrees 13 Minutes 23 Seconds West, a distance of 60.00 feet from the Southeast corner of said Northwest Quarter; thence North 89 Degrees 59 Minutes 52 Seconds West, a distance of 493.99 feet to the point of curvature of a tangent curve, concave Southeast, having a radius of 380.00 feet, being subtended by a chord length 54.45 feet bearing South 85 Degrees 53 Minutes 38 Seconds West; thence along said curve a distance of 54.50 feet; thence North 11 Degrees 46 Minutes 53 Seconds West, a distance of 96.83 feet to the point of curvature of a tangent curve, concave to the Southwest, having a radius of 180.00 feet, being subtended by a chord length of 199.53 feet bearing North 45 Degrees 26 Minutes 24 Seconds West; thence Northwesterly along said curve, a distance of 211.48 feet to the point of curvature of a reverse curve, concave to the Northeast, having a radius of 120.00 feet, being subtended by a chord length of 34.28 feet bearing North 70 Degrees 53 Minutes 14 Seconds West; thence Northwesterly along said curve, a distance of 34.40 feet; thence North 41 Degrees 44 Minutes 24 Seconds East, a distance of 92.26 feet; thence North 00 Degrees 13 Minutes 23 Seconds West, a distance of 291.83 feet; thence North 89 Degrees 46 Minutes 37 Seconds East, a distance of 679.99 feet to the East line of the Northwest Quarter of said Section 27; thence South 00 Degrees 13 Minutes 23 Seconds East along said East line a distance of 605.45 feet to the Point of Beginning.

Said described tract containing an area of 9 acres, more or less, subject to all rights-of-way, and restrictions of record.

PET 14-G

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

December 16, 2013

RE: Target leasing Corp.
Amended PUD Request:

Dear Council Members,

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

If you have any questions concerning this matter, please feel free to give me a call at 272-1131.

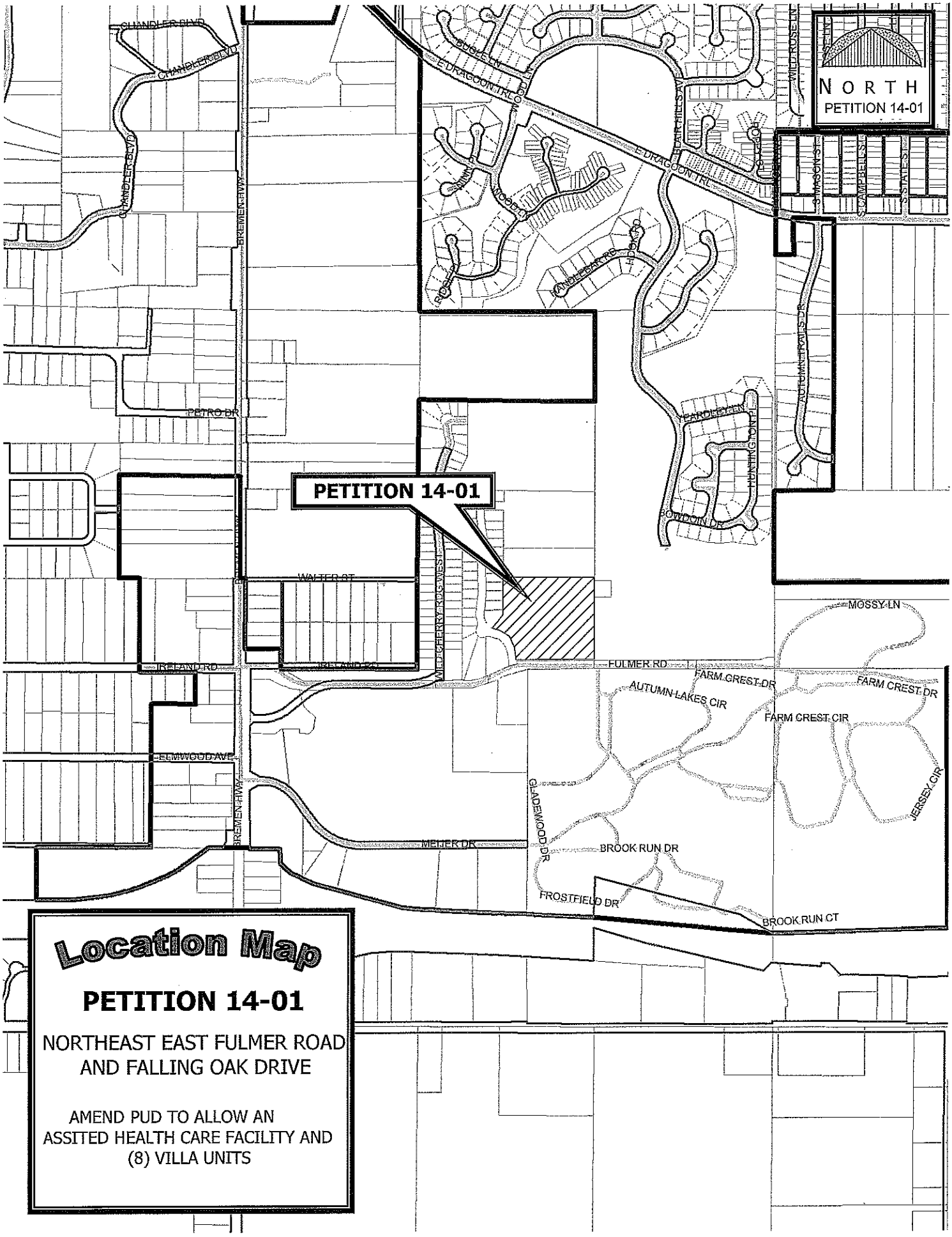
Sincerely,

Robert J Urbanski

Robert Urbanski for Target Leasing Corp.

File No. 130267 "C" Md.

RECEIVED
DEC 19 2013



Location Map

PETITION 14-01

NORTHEAST EAST FULMER ROAD AND FALLING OAK DRIVE

AMEND PUD TO ALLOW AN ASSITED HEALTH CARE FACILITY AND (8) VILLA UNITS

Mary Ellen Hazen

From: Deb Block
Sent: Friday, January 10, 2014 9:36 AM
To: Dan Bilancio; John Reisdorf; Kate Voelker; Matt Mammolenti; Mike Bellovich; Mike Compton; Mike Trippel; Ron Banicki; Woody Emmons
Cc: Mary Ellen Hazen; Linda Dotson
Subject: FW: Primrose Retirement Development Neighborhood Meeting
Attachments: 201401100855.pdf

Importance: High

Debbie

Debbie Ladyga-Block, IAMC, MMC
Mishawaka City Clerk
(office) 574-258-1616
(fax) 574-258-1728
dblock@mishawaka.in.gov

From: Ken Prince
Sent: Friday, January 10, 2014 9:03 AM
To: DL-Council; Deb Block; David A. Wood
Subject: Primrose Retirement Development Neighborhood Meeting

Good morning,

It has been brought to my attention that not everyone received an invitation to a neighborhood meeting for a proposed PUD change on property located between the water tower and the Autumn Ridge subdivision off of Fulmer Road. This type of development was approved in this location by the Council previously. The reason for the PUD amendment is that the amount of property needed expanded slightly.

Attached is a scan of the invitation letter and site plan.

Please call with any questions.

Ken

Kenneth B. Prince ASLA, AICP
City Planner

City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

(574) 258-1625
kprince@mishawaka.in.gov

PRIMROSE RETIREMENT COMMUNITIES, LLC
815 N. 2ND ST.
PO BOX 1359
ABERDEEN, SD 57402-1359

PHONE (605) 226-3300
company@primroseretirement.com

WWW.PRIMROSERETIREMENT.COM

December 31, 2013

Dear Community Leader:

By way of introduction, my name is BJ Schaefbauer, President of Primrose Retirement Communities, LLC (Primrose). Primrose is a privately owned South Dakota company that specializes in the development and operation of retirement communities. It is my pleasure to inform you that Primrose plans to develop a retirement community in your neighborhood of Mishawaka. The property, while currently without a specific address, is located in the vicinity of 700 Fulmer Road and east of Meijer's.

I would like to invite you to an informational meeting on Monday, January 13, 2014 at 7:00 P.M. at the Downtown Mishawaka Library, Lions Room, 209 Lincoln Way East. As community leaders and property owners in the immediate vicinity of our proposed Primrose location, we would like the opportunity to discuss with you our proposed project in Mishawaka. We hope you can come for the question and answer session and some dessert and coffee.

Primrose is dedicated to developing quality retirement communities that meet the needs and wants of our aging population. We have been involved in the development and operation of retirement communities for the past 25 years with the first Primrose property built in Aberdeen, SD in 1991. There are now 30 Primrose properties located in 15 different states with 2 under construction.

Enclosed for your review is the proposed Primrose site plan. I believe you will find our properties attractive, beautifully landscaped, and thoroughly maintained.

I look forward to meeting you soon.

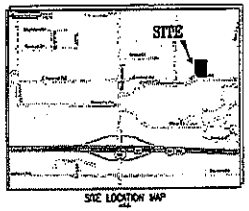
Sincerely,

BJ Schaefbauer, President
Primrose Retirement Communities, L.L.C.

PRIMROSE®
RETIREMENT COMMUNITIES

HERITAGE WOODS AMENDED P.U.D. PRELIMINARY SITE PLAN

PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



SITE LOCATION MAP

LEGAL DESCRIPTION:

A part of the East Half of the Northwest Quarter of Section 27, Township 37 North, Range 3 East situated in Penn Township, St. Joseph County, State of Indiana, and being more particularly described as follows: beginning at a point of intersection of the North right-of-way line of Fulmer Road and the East line of the Northwest Quarter of said Section 27, which point is North 00 Degrees 23 Minutes 28 Seconds West, a distance of 60.00 feet from the Southwest corner of said Northwest Quarter; thence North 89 Degrees 59 Minutes 32 Seconds West, a distance of 495.98 feet to the point of curvature of a tangent curve, concave Southeast, having a radius of 380.00 feet, being subtended by a chord length 84.45 feet bearing South 88 Degrees 33 Minutes 36 Seconds West; thence along said curve a distance of 84.60 feet; thence North 12 Degrees 46 Minutes 59 Seconds West, a distance of 84.97 feet to the point of curvature of a tangent curve, concave to the Southwest, having a radius of 120.00 feet, being subtended by a chord length of 109.53 feet bearing North 63 Degrees 56 Minutes 36 Seconds West; thence Northwesterly along said curve, a distance of 211.46 feet to the point of curvature of a reverse curve, concave to the Northeast, having a radius of 120.00 feet, being subtended by a chord length of 34.18 feet bearing North 70 Degrees 53 Minutes 14 Seconds West; thence Northwesterly along said curve a distance of 34.40 feet; thence North 41 Degrees 44 Minutes 28 Seconds East, a distance of 80.00 feet; thence North 00 Degrees 23 Minutes 28 Seconds West, a distance of 231.53 feet; thence North 89 Degrees 46 Minutes 37 Seconds East, a distance of 419.99 feet to the East line of the Northwest Quarter of said Section 27; thence South 00 Degrees 23 Minutes 28 Seconds East, along said East line a distance of 618.45 feet to the Point of Beginning.

Said described tract containing an area of 9 acres, more or less, subject to all rights-of-way, and restrictions of record.

FLOOD PLAIN NOTE:

THIS PARCEL OF GROUND DOES NOT FALL WITHIN THE FLOOD HAZARD AREA AS DEFINED ON AND SCALED FROM THE COMMUNITY PANEL MAP ESTABLISHED BY F.E.M.A. FOR FLOOD HAZARDS. THIS PARCEL FALLS WITHIN A "X" ZONE AREA AS SHOWN ON COMMUNITY PANEL NO. 18141C0019D, DATED 8/08/11.

STREET CLASSIFICATION NOTE:

NAME	CLASSIFICATION	WIDTH
1. FULMER ROAD	MINOR	AS SHOWN

GENERAL AMENDED PUD NOTES FOR SITE DEVELOPMENT:

BUILDING SETBACKS:

A. 40 FT. FRONT-YARD BUILDING SETBACK ALONG PUBLIC RIGHT-OF-WAYS.
B. 30' FT. REAR-YARD BUILDING SETBACK.
C. 20 FT. REAR-YARD SETBACK.

BUFFER YARDS/LANDSCAPE/GREEN SPACE:

A. MINIMUM 10 FT. WIDE GREEN BUFFER AREA ALONG PUBLIC RIGHT-OF-WAYS.
B. 20 FT. WIDE EVERGREEN BUFFERING ALONG PORTIONS PROJECT BOUNDARY.
C. 15 FT. WIDE EVERGREEN BUFFERING ALONG PORTIONS PROJECT BOUNDARY.
D. 10 FT. WIDE GREEN BUFFER AREA ALONG EAST PROJECT BOUNDARY.

EVERGREEN TREES PLANTING:

A. EVERGREEN TREES SHALL BE PLANTED ALONG WEST AND NORTH BUFFER-YARDS AS SHOWN. EVERGREEN TREES SHALL HAVE A MINIMUM OF 6 FT. AT TIME OF PLANTING.
B. PLANTINGS SUBJECT TO STAFF REVIEW AND APPROVAL.
C. PLANTINGS AROUND BUILDINGS SUBJECT TO STAFF REVIEW AND APPROVAL.
D. NO PLANTINGS SHALL BE REQUIRED ALONG EAST PROJECT BOUNDARY.

CURVE TABLE:

CURVE	RADIUS	ARC LENGTH	CHD. LENGTH	CHD. BEARING	DELTA ANGLE
C1	380.00'	84.60'	84.45'	S 89°03'08" W	12°45'01"
C2	120.00'	211.46'	186.53'	N 45°06'24" W	87°18'02"
C3	120.00'	34.40'	34.28'	N 70°53'14" W	16°43'38"

GENERAL SURVEY DISCLAIMER NOTES:

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

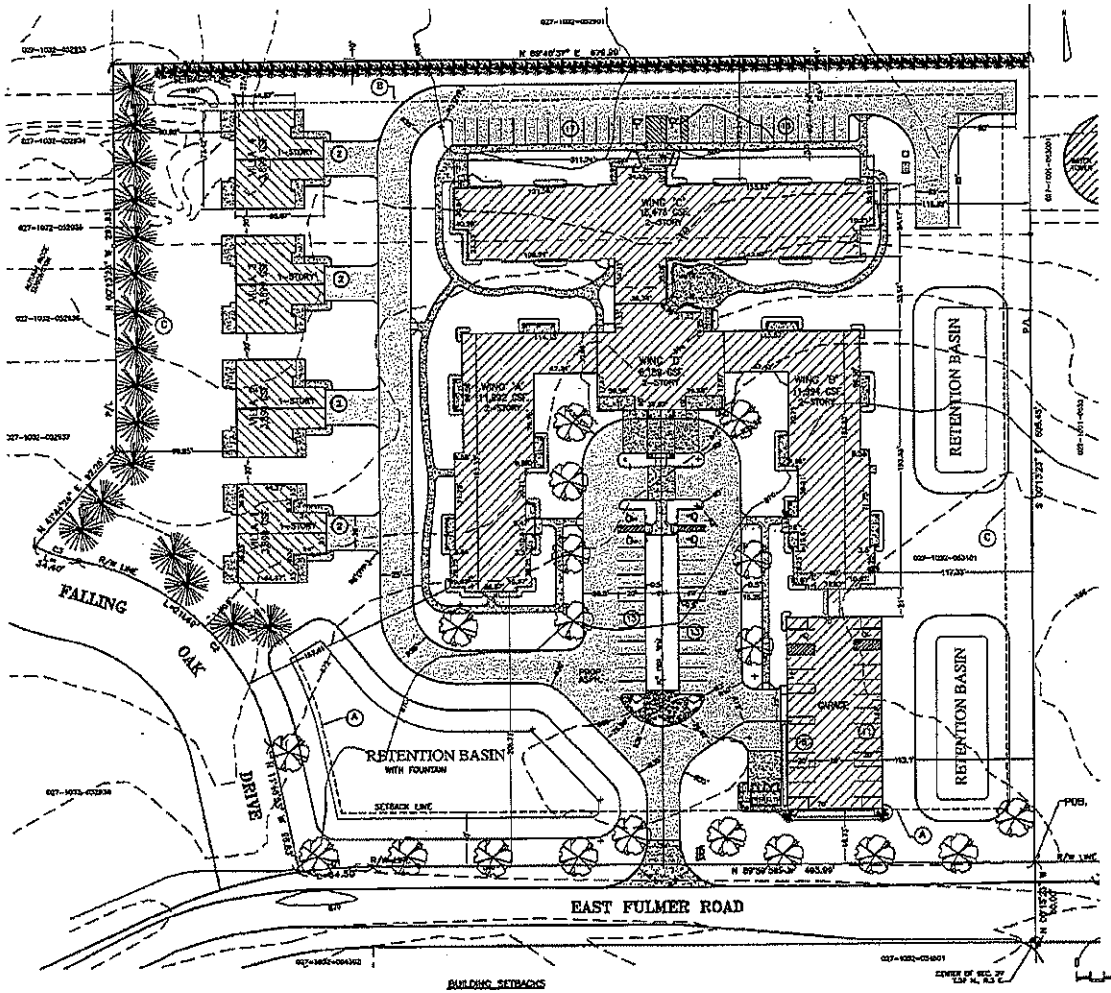
ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THE LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THE PLAT ALONE. FIELD MONUMENTATION OF CORNERS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY SENSITIVE MATERIAL. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE USABLE FOR ESTATE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHER OR EXTENSION OF THE PROJECT TO FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE ENGINEER SHALL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER. ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.



TABULATED SITE DATA

1). ACREAGE OF SITE ..... 9.0 ACRES

2). PROPOSED LAND USES:
A). 2-STORY 60+ UNIT ASSISTED LIVING CARE FACILITY;
B). 2-STORY 24+ UNIT INDEPENDENT LIVING CARE FACILITY;
C). 2 SINGLE-FAMILY ATTACHED RESIDENTIAL VILLAS;

3). PARKING RATIO PROPOSED PER FOR EACH PROPOSED USES;

A). ASSISTED LIVING CARE FACILITY= 0.50 SPACES PER UNIT;

NUMBER OF SPACES REQUIRED FOR 60 UNITS..... 30 SPACES
NUMBER OF SPACES PROVIDED FOR 60 UNITS..... 60 SPACES

B). INDEPENDENT CARE FACILITY= 0.80 SPACE PER UNIT;

NUMBER OF SPACES REQUIRED FOR 24 UNITS..... 20 SPACES
NUMBER OF SPACES PROVIDED FOR 24 UNITS..... 20 SPACES

C). SINGLE-FAMILY ATTACHED VILLAS 2 SPACE PER UNIT;

NUMBER OF SPACES REQUIRED FOR 2 UNITS..... 2 SPACES
NUMBER OF SPACES PROVIDED FOR 2 UNITS..... 2 SPACES

4). PROPOSED LAND COVERAGES:

	SQUARE FOOTAGE	% OF SITE
A. BUILDINGS	37,072	28.54
B. PARKING AND DRIVES	79,752	57.14
C. OPEN SPACE	334,004	44.46
TOTAL:	130,267	100.00

5). SURFACE RUN-OFF AND DRAINAGE TO BE HANDLED THROUGH THE USE OF A COMBINATION OF STORM DRAINAGE SEWERS INCLUDING RETENTION PONDS AND A SERIES SWALES FINDING CAUSED OF SITE.

6). RETAINING WALLS ARE 1 AND 2 STORIES.

7). BUILDINGS WILL BE CONNECTED TO MISHAWAKA UTILITIES.

8). DRAINAGE CONTROLS WILL BE BASED ON AMOUNT REQUIRED TO BE HELD ON-SITE BY THE CITY OF MISHAWAKA ENGINEERING DEPARTMENT.

9). ALL PARKING SPACES ARE TO BE 9'x 18', EXCEPT HANDICAP WHICH WILL MEET THE LATEST A.D.A. STANDARDS AND LOADING ZONE CAN STACKS AS ALLOWED PER CITY ZONING ORDINANCE. ROTATING EXCAVATOR WILL HAVE A RAMPED SIDEWALK FROM PARKING AREA FOR HANDICAP ACCESSIBILITY.

10). EXTERIOR LIGHTING SHALL BE REQUIRED TO MEET THE LATEST CITY OF MISHAWAKA STANDARDS.

11). ALL SIGNS SHALL CONFORM TO THE LATEST CITY OF MISHAWAKA ZONING ORDINANCE.

12). ALL EXTERIOR LIGHTING SHALL MEET THE LATEST CITY OF MISHAWAKA STANDARDS.

OWNER(S):

Vanguard Landing Corp.
21333 Golden Maple Court
South Bend, Indiana 46637

LAND SURVEYOR:

Branch, Hunsaker & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4105

AMENDMENT PUD REQUEST:

The Petitioners desire to amend the existing Planned Unit Development for said real estate, to be referred to hereinafter as Amended Heritage Woods Site Plan, which will include plans for Assisted Care, units for Independent Living and for Eight (8) Villa units. The guidelines for the proposed Development are based on the preliminary site plan.

BUILDING SETBACKS

(A) 40' FRONT-YARD SETBACK
(B) 30' REAR-YARD SETBACK
(C) 20' SIDE-YARD SETBACK

PETITIONER:
VANGUARD LANDING CORP.
21333 GOLDEN MAPLE COURT
SOUTH BEND, INDIANA 46637
(574) 532-7529
ATTN: DAVID ROSCHER

SURVEYOR & ENGINEER:
BRANCH, HUNSAKER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4105
ATTN: MICHAEL BRANCH

0 40 80 120
SCALE 1" = 40'

AMENDED P.U.D.

DATE	DRAWN BY:
12/13/13	DSH
SCALE	CHECKED BY:
1" = 40'	MJB
FILE #	FIELD MANGR:
130267	MJB

REVISIONS

DATE	BY

DHA
BRANCH, HUNSAKER & ASSOCIATES, INC.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

SHEET 1 OF 1