

AGENDA

Monday, July 1, 2019

**Meetings of Standing Committees
Council Conference Room
6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

June 17, 2019

- 5. Petitions, Communications, Remonstrance and Memorials**

Petition No. 2019-09 Rezone from C-1 to R-1 426 6th Street

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

P.O. NO. 2019-18 Investment of Public Funds Outside the Mishawaka City Limits

- 8. Resolutions**

R2019-19 Honoring the VFW Post 360 All-State Team Post 2018-2019

- 9. Ordinances on Second Reading**

P.O. NO. 2019-17 Grandview PUD Amendments - W Side of North Gumwood South by W Cleveland Rd (SR23) and the East by Centennial Place Shopping Plaza (Petitioner Requesting Postponement Until August 05, 2019)

- 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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
June 17, 2019

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday June 17, 2019, at 7:00 p.m. The meeting was called to order by President Dale “Woody” Emmons all were asked to stand for the Pledge of Allegiance lead by Ethan Ward, Boy Scout Troop 110.



Roll Call.

Present: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Absent: Mrs. Voelker, Mr. Compton.

Minutes for the Regular Meeting of June 03, 2019 were approved as received from the Clerk’s Office.

Clerk Block read the following letters from the Board of Zoning Appeals and the City Plan Commission regarding their recommendations from their June 11, 2019 meeting.

APPEAL #19-23 An appeal submitted by Simon Properties and Spaceman Ventures LLC, dba Sola Salon, requesting a Use Variance for **6501 Grape Road, Unit 1205A**, to allow microblading and/or permanent make-up services within a salon.

The Board, with a vote of 5-0, recommended approval.

APPEAL #19-26 An appeal submitted by University Park Mall LLC c/o Simon Property Group requesting a Use Variance for **6501 Grape Road** to permit a four (4) day RV show to be located in the JC Penney parking lot from June 27 to June 30, 2019.

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

USES:

- The event shall be limited to the display and sales of RVs during a 4 day period between June 27 and June 30, 2019.

SITE PLAN:

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS:

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police

Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.

- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, and portable toilets shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways.

PETITION #19-08 A petition submitted by Gumwood Acquisitions LLC, seeking approval of an amendment to the Grandview Planned Unit Development to permit outside storage and display as a use, preserve existing vegetation in lieu of landscaping requirements, construct 14' opaque fence to screen outside storage area, and provide driveway access throat length of 100' to property west for a proposed Menard's store.

The Commission, with a vote of 5-2, forwarded a favorable recommendation subject to the following conditions:

- Adding outdoor storage and display as a permitted use;
- *Utilizing a combination of colored split face block (concrete masonry units), treated lumber, and colored Belgian edgers on the north elevation of the storage/warehouse structure as shown on the provided elevation;*
- Preserving the existing vegetation in the 35' wide buffer along the west property lines abutting existing residential property;
- Providing a row of 8' high evergreen trees spaced 12' apart between the existing tree row and screening fence along the west property line abutting the existing residential property and along the north elevation of the storage/warehouse structure;
- *Allowing a composite, aluminum or CedarTone Premium pressure treated lumber fence, 14' in height, to screen the proposed outdoor storage and display areas;*
- *Providing foundation landscaping adjacent to the screening fence along the east side of the proposed outdoor storage and display area;*

Reduce the minimum on-site throat/stacking area from 200 lineal feet to 100 lineal feet for a cross access with the adjacent Centennial Place commercial center;

Clerk Block read the following proposed ordinance by title, assigned to a committee and set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2019-17

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

(Grandview PUD Amd- W side of N. Gumwood, S. by Cleveland Rd. (SR23)
(Assigned to the Land Use Planning Committee)

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

RESOLUTION NO. 2019-17

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

6501 Grape Road, Suite 1205A, Mishawaka, Indiana

Joe Gravit, property owner said his salon houses 27 private studios for salon professionals in the area. He continued to say they would like to have a special use permit to enable microblading. Mr. Gravit explained it was a high-end cosmetology service, which happened to fall under tattooing in the State of Indiana. He continued to explain microblading was a semi- permanent procedure used to replace eyebrows, primarily done on women dealing with hair loss from age or going through medical treatments such as chemo.

Mr. Banicki questioned the 27 studios in Mr. Gravit’s salon. Mr. Gravit explained they were private studios rented to cosmologist. He said 4 out of the 27 studios were used for esthetics and massage. Mr. Gravit continued to say there maybe 1 person out of the 27-studios preforming microblading. He said it was a specialized procedure which required certification and licensing. Mr. Gravit continued to say not a lot of salons do the procedure, but it was becoming more prevalent in high end salons. Mr. Banicki expressed he was not comfortable giving blanket coverage for the location. He asked would the professional need to be certified for microblading followed by Health Department regulations. Mr. Gravit explained not every studio would perform microblading, they were primarily cosmetology. He continued to say 23 of the studios were set up with shampoo bowls, and the others for esthetics. Mr. Gravit said the microblading Artist had to attend special schooling for their certification and they had to be licensed through the State of Indiana Health Department due to blood pathogens. He said each studio had to be inspected and analyzed by the State Board of Indiana. Mr. Gravit continued to say all stylist had to provide him with a license and the Microblade Artist had to provide him with the certification of authorization for microblading, license from the State Board of Indiana and insurance.

Ken Prince, City Planner said the nature of the request was similar to a tattoo parlor. He said a tattoo parlor required special approval from the council in order for it to go in. Mr. Prince said they recently had an approval for a business on Edison Lakes, which the women running the business presented to the council. He continued to say since that time there was at least one other request for a tattoo artist to be located in the facility. Mr. Prince explained as a part of their procedure requirements, not only did they need to be licensed through the state and the Board of Health, they also needed to be license through the Board of Public Works and Safety for the city to have record of who was practicing. He continued to explain each microblading artist had to be licensed separately and submit a separate license through the Board of Public Works and Safety. Mr. Prince continued to say yes, the council would give the location a blanket approval, but the requirements in terms of submission went beyond the council in terms of what was required to operate.

Ms. Petko Residorf made the comment there had been a significant increase in infection with microblading. She questioned the safety and sanitary procedure of microblading equipment. Mr. Gravit explained each artist would have to have their own set of tools and after each customers the small blade was disposed of. He continued to say each artist had their own locked studio, they did not share tools, they were their own business owner. Mr. Gravit said the County Health Department would have inspections to make sure they had the proper equipment and tools.

Mr. Mammolenti asked how often the Health Department would inspect at Mr. Gravits current locations. Mr. Gravit stated the State Board of Cosmetology inspects every year to the individual studios to renew licenses for Cosmetology and Esthetics. He said the Health Department would do yearly inspection as well. Mr. Gravit said his Granger location did not have microblading.

Question was called for at 7:16 P.M. for **RESOLUTION NO. 2019-17**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

RESOLUTION NO. 2019-18

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

6501 Grape Road, Mishawaka, Indiana

Lily Tiuijian, Director of Marketing of University Park Mall said they were hoping for approval to host a RV sale June 27th through June 30th 2019. She mentioned they hosted the RV sale last year and hoped to do it again this year.

Mr. Mammolenti questioned the hours of operation for the sale and whether it was dealer or manufacture sale. Ms. Tiuijian said time was to be determined, but it would not be any more than 10A.M. to 9P.M which was the hours of the mall. She stated so far there were two dealers, D Showalter and Moore Custom Trailers.

Ms. Petko Reisdorf questioned the types of RV's and how many were sold last year. Ms. Tiuijian said she was not sure of the type of RV's. She said last year there were at least 11 units sold. Ms. Petko Reisdorf also question how many vehicles would be on the premises. Ms. Tiuijian explained they reached out to many dealers, so far, the confirmed dealers would bring 6 each.

Question was called for at 7:21 P.M. for **RESOLUTION NO. 2019-18**  Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). **Yes:** Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

NEW BUSINESS

Ethan Ward, Boy Scout Troop 110 explained he attended the meeting to recieve a Merit Badge towards his Eagle Scout Badge.

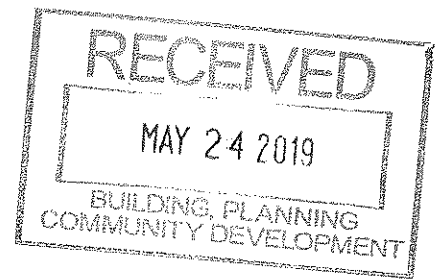
Ms. Petko Reisdorf and Mr. Emmons expressed they enjoyed the Mayors Youth Council Mock Meeting. They hoped the students would continue their interest in government. Mr. Emmons asked would Mock meeting be yearly event. Lou Ann Hazen, Mayors Assistant explained it would be every other year, next year they would do a leadership project.

ADJOURNMENT 7:24 P.M.

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

Dale "Woody" Emmons _____/s/
Dale "Woody" Emmons, President

DATE: May 24th, 2019



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

RE: PETITION TO REZONE

The undersigned, Rachel Stanfield, respectfully shows 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:

Lot 1 R E Perkins Addition

Common Address:

426 West 6th Street

Mishawaka, Indiana 46544-1908

Tax ID Number: 016-1140-5493

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Said property is currently vacant of any commercial business and is therefore not in commercial use.

Petitioner desires said real estate to be rezoned to R-1 District. Petitioner further states that they intend to utilize said land for residential purposes.

This property has been used primarily as a residential home despite carrying the C-1 zone. There have been no active businesses at this address in recent history despite requests for variances to open them.

Wherefore, the petitioner 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 rezoning the above described parcel of land located in the City of Mishawaka.


Rachel Stanfield

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 27 2019

CITY CLERK
MISHAWAKA, IN

Ref 19-09

Conceptual Site Plan for Lot 1 R E Perkins Addition

426 West 6th Street, Mishawaka, Indiana 46544-1908

If the property is rezoned to R-1 from C-1, we would like to request a permit tear out a large portion of the asphalt and concrete located in the rear of the property to create a yard. In addition to this, we would put a privacy fence around the rear of the property, as well as adding a wrought iron, chain link, or picket fence around the front grass area of the property. There will be a portion of asphalt large enough to park two vehicles left on the south side of the property. The leftover portion of asphalt would be redone pending viability of remaining asphalt,

The outer brick portion of the currently commercial side would eventually be covered in vinyl siding to match the already residential portion of the building.

The Motorola sign hanging in front of the currently commercial side would be removed. The pole holding the sign would also be permitted to be removed at a later date.

The double glass doors acting as the exterior doors on the currently commercial side would be removed and replaced with sturdy wooden or metal plated residential exterior doors.

We will also hire a surveyor to survey the property in order to learn the property lines. There is a dilapidated fence in the rear of the property that has never been determined to be ours or that of our neighbors. If it is ours, we will remove the fence and replace it with a new one. If it is not ours, we will find a way to put a privacy fence along our rear property line.

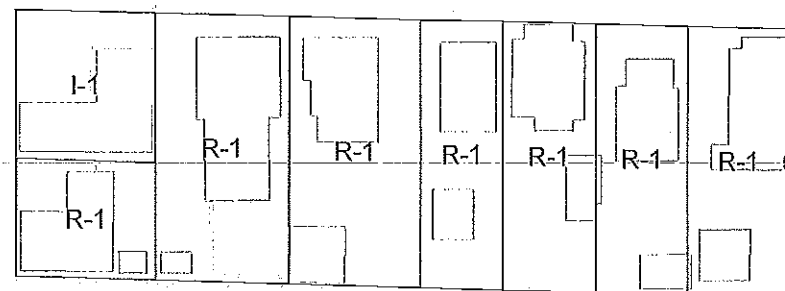
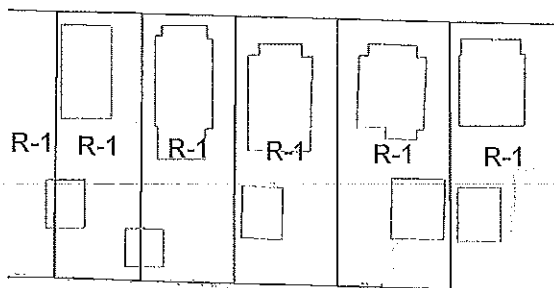
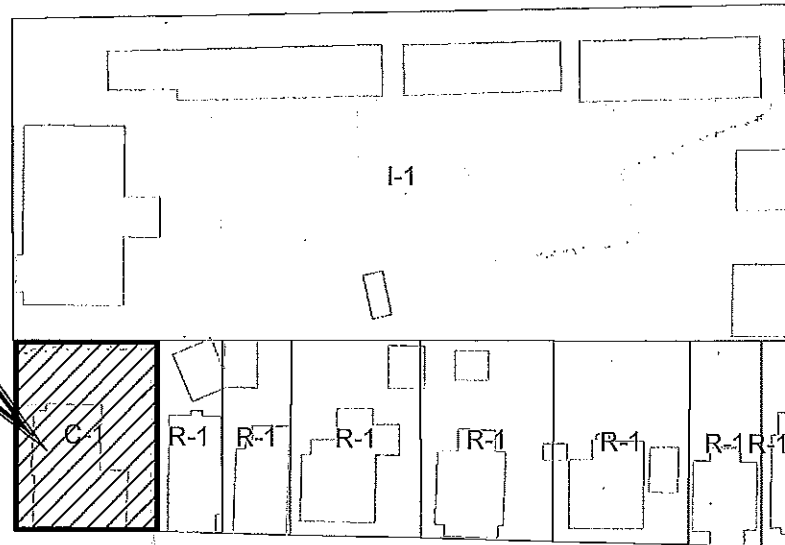
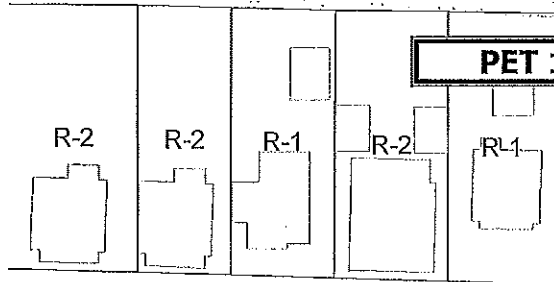
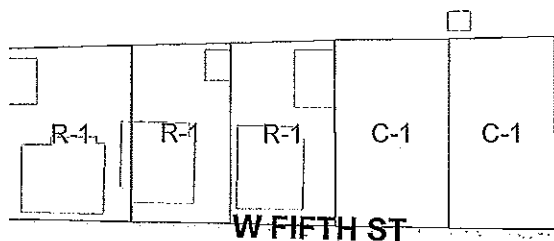
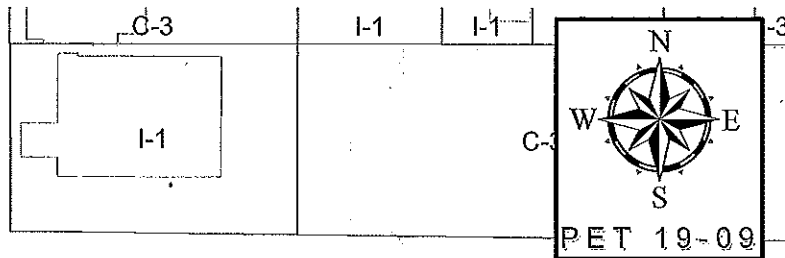
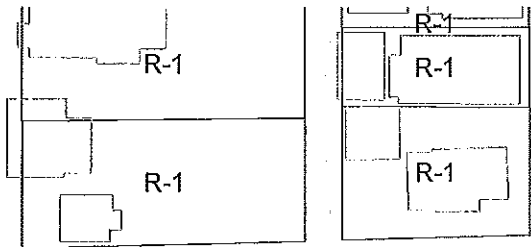
CONTACT PERSON:

NAME: Rachel Stanfield

ADDRESS: 426 W 6th St, Mishawaka, IN 46544

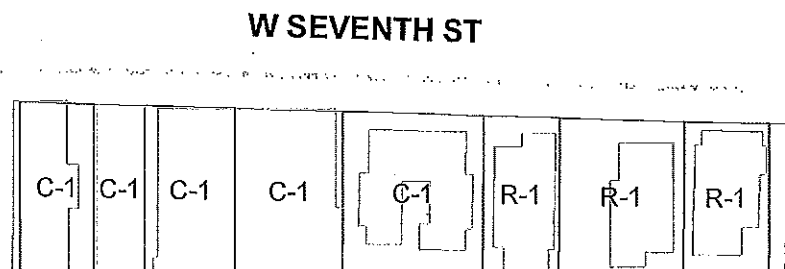
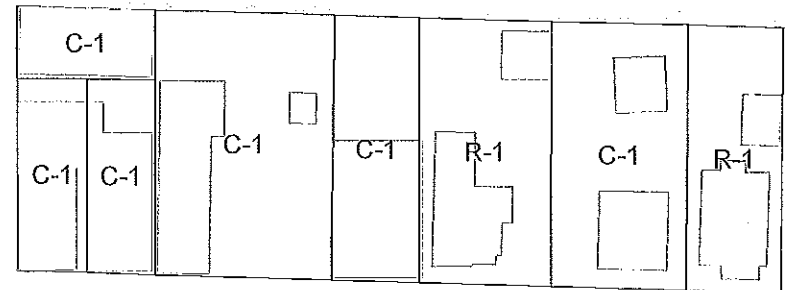
PHONE NUMBER: 574-703-5878

EMAIL: rachelstanfield5@yahoo.com



Location Map
PET 19-09
 426 W SIXTH
 OWNER: RACHEL STANFIELD
 REZONE FROM
 C-1 GENERAL COMMERCIAL
 TO R-1 SINGLE FAMILY
 RESIDENTIAL

S WEST ST



1st Reading 7-1-19
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 07 2019

PROPOSED ORDINANCE NO. 2019-18

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS
PURSUANT TO IC 5-13-9-5 AND 5-13-9-5.3

Whereas, the City of Mishawaka (the "City") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on public funds certificates of deposit for the purpose of investing its operating and utility funds;

Section 1. Now, therefore, pursuant to IC 5-13-9-5, the Common Council of the City of Mishawaka hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires one (1) year after the adoption date.

Section 2. 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 _____, 2019 at _____ o'clock, _____. M.

Dale "Woody" Emmons, 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 _____, 2019 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2019 at

_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis Vardaman, Deputy Controller

Date: June 7, 2019
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: Investment of Public Funds

For the July 1st meeting I am requesting first reading on our Investment of Public Funds ordinance. This ordinance used to expire after two years, but now has an annual renewal. This ordinance is necessary to allow me to invest in financial institutions outside of the Mishawaka city limits.

I work with Baker Tilly (formerly Umbaugh) who requests bids and recommends the most advantageous maturity dates.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 07 2019

CITY CLERK
MISHAWAKA, IN

City of Mishawaka

RESOLUTION NO. R2019- 191

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING VFW POST 360
ALL STATE TEAM POST 2018-2019
MISHAWAKA, INDIANA, USA

WHEREAS, Veterans of Foreign War Post 360 celebrates its 95th Anniversary this year; and
WHEREAS, membership consists of those who have served our great country in all wars fought on foreign soil; and
WHEREAS, we owe a debt of gratitude to these men and women who have given selflessly of themselves to give us all the ability to live freely; and
WHEREAS, VFW Post 360 members and auxiliary members continue to give so much to our community. Over 3,554 hours are volunteered by their membership to assist fellow veterans, their families as well as community members through so many programs: Buddy Poppy, Hospital visitation programs, Children events, just to name a few. Post and Auxiliary members have driven over 25,380 miles taking veterans to doctor and hospital visits; also they have donated nearly \$10,000 to local charities and events; and
WHEREAS, VFW Post 360 donates to the National Veteran Military Service Charity, National Children's Home for the Indiana House in Eaton Rapids, Michigan, Department Commander's Project, Get Wet for A Vet, Distributed 160 backpacks to homeless veterans, Stop 22 Michiana (which brings awareness to Military Suicides); and
WHEREAS, other community involvement include: Patriots Pen and Voice of Democracy Scholarship Program, Scout of the Year, Smart/Maher VFW National Citizenship Teacher Award, Awards for Firefighter and EMT of the Year, Life Saving Award; and
WHEREAS, VFW Post 360 also participates in "Wreaths Across America" placing wreaths on the deceased veterans graves at Fairview Cemetery and they help to honor the passing of a local veteran by participating in numerous funeral Honor Guard Ceremonies; and
WHEREAS, VFW Post 360 has been honored by being named All-State Team Post for 2018-2019, Post Commander Stan Miles has been awarded All State Team Post Commander for 2018-2019 and Post Quartermaster Captain Danny Gaun was awarded All State Team Post Quartermaster for 2018-2019.

NOW THEREFORE, *Let it be known and BE RESOLVED BY THE City of Mishawaka Common Council, Mayor Dave Wood and Clerk Deborah Ladyga-Block, and we call upon all of our citizens to thank the members of VFW Post 360 and their Auxiliary for their extraordinary work and compassion for their fellow citizens. On behalf of a grateful City to which the VFW Post 360 calls home we extend our heartfelt gratitude and are forever in your debt.*

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, this 1st day of July, 2019.

Dale "Woody" Emmons, President

Ron Banicki, Vice President

Mike Bellovich

Gregg Hixenbaugh

Stacy Petko Reisdorf

Matt Mammolenti

Kate Voelker

Bryan Tanner

S Michael Compton

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this 1st day of July, 2019.

Deborah Ladyga-Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me this 1st day of July, 2019.

David A Wood, Mayor

1st Reading 6-17-19
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2019

PETITION 19-08

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2019-17

ORDINANCE NO. _____

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

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

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

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

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

LOT 2 AND A PART OF LOT 1 IN GUMWOOD ROAD DEVELOPMENT P.U.D. SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 1518561 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AND ALSO BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2 EXTENDED, 912.90 FEET; THENCE NORTH 89°27'41" EAST, 782.68 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2; THENCE NORTH 00°28'12" WEST ALONG THE WEST LINE OF SAID LOT 2, 562.65 FEET; THENCE NORTH 68°36'22" EAST, 327.80 FEET; THENCE SOUTH 21°40'35" EAST, 37.48 FEET; THENCE NORTH 89°46'50" EAST, 171.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°31'05" EAST ALONG THE EAST LINE OF SAID LOTS 1 AND 2, 1531.34 FEET; THENCE SOUTH 44°28'18" WEST, 35.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID LOT 2, 1249.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 33.80 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

COMMON ADDRESS: Near Northwest Corner of Gumwood Road and Cleveland Road
(State Road 23)

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to permit outside storage and display as a use, preserve

Proposed Ordinance No: 2019-17

Ordinance No: _____

existing vegetation in lieu of landscaping requirements, construct 14' opaque fence to screen outside storage area, and provide driveway access throat length of 100' to property west for a proposed Menard's store subject to the following conditions:

- Adding outdoor storage and display as a permitted use;
- *Utilizing a combination of colored split face block (concrete masonry units), treated lumber, and colored Belgian edgers on the north elevation of the storage/warehouse structure as shown on the provided elevation;*
- Preserving the existing vegetation in the 35' wide buffer along the west property lines abutting existing residential property;
- Providing a row of 8' high evergreen trees spaced 12' apart between the existing tree row and screening fence along the west property line abutting the existing residential property and along the north elevation of the storage/warehouse structure;
- *Allowing a composite, aluminum or CedarTone Premium pressure treated lumber fence, 14' in height, to screen the proposed outdoor storage and display areas;*
- *Providing foundation landscaping adjacent to the screening fence along the east side of the proposed outdoor storage and display area;*
- Reduce the minimum on-site throat/stacking area from 200 lineal feet to 100 lineal feet for a cross access with the adjacent Centennial Place commercial center.

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

1. Existing Conditions - The subject parcels are located on Gumwood Road and Cleveland Road (S.R. 23), both heavily traveled corridors. Existing commercial and residential development is located to the west, northeast, and across Gumwood Road to the east.
2. Character of Buildings in Area - The character of a majority of the buildings along Gumwood Road and W. Cleveland Road (S.R. 23) are commercial, multi-family residential, and mixed-use consisting of both commercial and residential uses. Single-family residential properties are also located to the west.
3. The most desirable/highest and best use - Due to the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor combined with the adjacent multi-family and single-family residential uses, the most desirable use for the property is a transitional mix of commercial and residential uses.
4. Conservation of property values- The proposed zoning should not be injurious to property values in the surrounding area due to the similar adjacent and nearby commercial and mixed-use retail and multi-family residential uses. Furthermore, if approved, the adjacent residential parcels will be protected by conditions placed on the planned unit development. These conditions include among other significant restrictions as requiring substantial screening and landscaping between uses.
5. Comprehensive Plan - Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial

Proposed Ordinance No: 2019-17

Ordinance No: _____

areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

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 _____, 2019, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2019, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2019, at _____ o'clock _____.M.

David A. Wood, Mayor

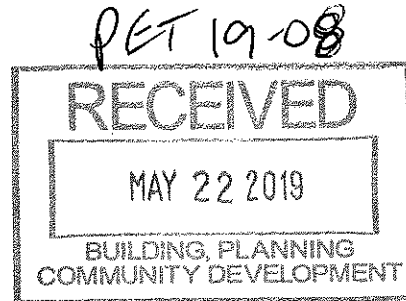
MAY 30 2019

May 22, 2019

CITY CLERK
MISHAWAKA, IN

Mr. Kenneth B. Prince, ASLA, AICP, City Planner
City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

RE: **Gumwood Acquisitions, LLC**
Petition for PUD Zoning Amendment



Dear Mr. Prince:

On behalf of the current property owner, Gumwood Acquisitions, LLC, we are submitting for your review and processing a petition to amend the PUD which was approved in 2014 (Ordinance No. 5434) and subsequently amended in 2015 (Ordinance No. 5509) and in 2018 (Ordinance No. 5611).

The properties included in the approved PUD have tax identification numbers of 029-2017-037008, 029-2017-037022, 029-2017-037023, 029-2017-037024, and 029-2017-037025. The tract is bounded to the north by Phase One of GrandView, to the east by Gumwood Road, to the south by Cleveland Road (SR 23) and to the ~~west~~ ^{west} by the Centennial Place shopping plaza.

We are respectfully requesting that the PUD be amended as follows:

- Permission to include as a permitted use, "Outdoor storage and display" (because this use is expressly prohibited in the current PUD ordinance);
- Permission to "preserve existing vegetation in the 35'-wide buffer along the west property lines abutting existing residential property" in lieu of constructing "a 2'-high earth mounding planted with evergreen trees, minimum 8' height, spaced 10' to 12' max along with a 6' minimum height opaque fence" as required in the current GrandView PUD ordinance;
- Permission to construct treated lumber opaque fence, 14' high, to screen the proposed outdoor storage and display areas; and
- Permission to provide a driveway access throat having a length of approximately 100' to allow for a cross access with the adjacent Centennial Place commercial center, should there be mutual consent by and between property owners.

This mixed-use development will continue to include construction of public and private roadways and utilities, and a drainage detention system to provide storage for storm water runoff as it is released at a rate into existing drainage facilities.

If you have any questions or require additional information, please do not hesitate to contact our office at (574) 314-1022.

Sincerely,

Abonmarche Consultants, Inc.



Brian McMorrow
Senior Project Manager

CC: Ryan Rans, Gumwood Acquisitions, LLC
Kristen Sawdon, Great Lakes Capital, LLC
Thomas O'Neill, Menard, Inc.
Daryl S. Knip, Abonmarche Consultants, Inc.



DATE: May 22, 2019

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



RE: **PETITION FOR PUD ZONING AMENDMENT**

The undersigned, Gumwood Acquisitions, LLC respectfully show that they are the owner of the following described real estate which was the subject of a PUD established by Ordinance No. 5434 on January 21, 2014, amended on December 7, 2015 by Ordinance No. 5509, and amended again on February 5, 2018 by Ordinance No. 5611 and located in the County of St. Joseph, State of Indiana, to-wit:

LOT 2 AND A PART OF LOT 1 IN GUMWOOD ROAD DEVELOPMENT P.U.D. SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 1518561 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AND ALSO BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2 EXTENDED, 912.90 FEET; THENCE NORTH 89°27'41" EAST, 782.68 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2; THENCE NORTH 00°28'12" WEST ALONG THE WEST LINE OF SAID LOT 2, 562.65 FEET; THENCE NORTH 68°36'22" EAST, 327.80 FEET; THENCE SOUTH 21°40'35" EAST, 37.48 FEET; THENCE NORTH 89°46'50" EAST, 171.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°31'05" EAST ALONG THE EAST LINE OF SAID LOTS 1 AND 2, 1531.34 FEET; THENCE SOUTH 44°28'18" WEST, 35.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID LOT 2, 1249.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 33.80 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

Petitioner owns One Hundred (100%) percent of the above described land, excluding the right-of-way of Cleveland Road, and is located within a part of the east half of Section 21, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with an "S-2" Planned Unit Development District zoning classification desired. Petitioner further states they intend to utilize said land for a mixed-use multi-family residential and commercial development.

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

For: Gumwood Acquisitions, LLC

Ryan Rans
Ryan Rans, Managing Partner

Date: 5/21/2019

CONTACT PERSON:

Brian McMorro
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 314-1022
bmcmorrow@abonmarche.com

