

AGENDA

Monday, August 5, 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**

July 15, 2019

5. Petitions, Communications, Remonstrance and Memorials

Appeal No 2019-28 Use Variance to Permit Micro-blading &/or Permanent Makeup 228 W. Edison Rd. Suite 600

Appeal No 2019-33 Use Variance to allow Wholesale Landscape Material Sales (Top Soil) 2320 Douglas Rd - Lot 3 of Juday Creek Business Park

Appeal No 2019-35 Use Variance to allow Existing House and 1,500 Sq Ft Accessory Structure to be used as a Home Business (Zoned: I-1) 903 E 5th St

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**

P.O. NO. 2019-19 PUD Amendment 6910 N Main St Units 25&26 Micro-blading/Semi-Permanent Makeup (Assigned to Land Use Planning Committee)

P.O. NO. 2019-20 Rezone from C-1 to R-1 426 West 6th St (Assigned to Land Use Planning Committee)

- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**

P.O. NO. 2019-17 Grandview PUD Amendments - Near Northwest Corner of Gumwood Rd and Cleveland Rd (SR 23)(Petitioner Requesting Postponement Until September 3rd Meeting)

R2019-20 Approving an Amendment of the Declaratory Resolution and Economic Development Plan for the Consolidated Area Improvement Project Liberty Mutual/City Hall(Assigned to Budget and Finance/Land Use Planning Committees)

- 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
July 15, 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 July 15, 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.



Roll Call.

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

Absent: Mr. Compton, Mr. Bellovich.

Others Present: Clerk Block, Chief Deputy Clerk Mary Ellen Hazen, Chief Deputy Clerk II Raven Boston, Council Attorney Mike Trippel.

Minutes for the Regular Meeting of July 01, 2019 were approved as received from the Clerk’s Office.

Clerk Block turned the meeting over to Lieutenant. Williams for the **Presentation of D.A.R.E. City Champion Essay Winner Emily Callan from Mishawaka Catholic**

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their July 09, 2019 meeting.

PETITION #19-07 A petition submitted by Thomas J. Herrman/Jack Schoenthaler requesting to amend the University Gardens Planned Unit Development, **6910 North Main Street, Units 25 and 26**, to allow for microblading/semi-permanent make-up services.

The Commission, with a vote of 7-0, recommended approval.

PETITION #19-09 A petition submitted by Rachel Stanfield to rezone **426 West Sixth Street** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 7-0, recommended approval.

RESOLUTION #2019-01 A Resolution of the City of Mishawaka Plan Commission Approving an Amendment to a Declaratory Resolution Approved and Adopted by the City of Mishawaka Redevelopment Commission.

The Commission, with a vote of 7-0, approved Resolution 2019-01.

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. 2019-19

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.

(PUD Amd 6910 N. Main St. units 25 & 26- Microblading/ Semi Permanent Makeup)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2019-20

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.

(Rez from C-1 to R-1 426 W. 6th Street)
(Assigned to the Land Use Planning Committee)

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

RESOLUTION NO. 2019-20

A RESOLUTION OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING AN AMENDMENT TO A DECLARATORY RESOLUTION APPROVED AND ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION

(Liberty Mutual/ City Hall)
(Assigned to the Budget and Finance & Land Use Planning Committees)

Public Hearing Only Action requested to be taken on August 05, 2019

Mayor Wood asked for the council’s approval to add Liberty Mutual to the City’s acquisition list. He continued to say this was the third step of the process of approvals needed. Mayor Wood said this was a need, they moved into the current City Hall in 1986, it served its purpose, the city has out grown the classroom style offices. He also mentioned not only did City Hall need more space and repair, the Mishawaka Police Department and Mishawaka Utilities Office building were in substantial need. Mayor Wood said the Mishawaka Utility was not handicap accessible, there were no public restrooms and the second-floor roof was leaking. He said the Mishawaka Police Department was growing, it was also becoming more diverse, they were hiring more women but there was nowhere to house them. Mayor Wood discussed the millions of dollars’ worth of repairs and upgrades needed to the Mishawaka Police Department and Utility Business Office. He said the Central Service Building was a great example of taking an old building to reconfigure it for the Street Department and Utilities etc. Mayor Wood expressed this was the right thing for the city, city hall should be in the core of the city. He discussed the negotiating process with Liberty Mutual; the asking price was 5.6 million dollars the city bargained at 2.35 million dollars. Mayor Wood said Liberty Mutual approached the city to

purchase the building. He continued to say they felt the Utilities Bond was appropriate for the proposed building to pay for the renovations. Mayor Wood said they did not want a vacant building in the core of the city. He said the Police Department was the most attractive building, it would become the most profitable and would exceed the tax dollar loss from Liberty Mutual. Mayor Wood went on to say they would pay cash using money from TIF for the purchase. He stated the Utilities Bond would not raise utility rates or taxes. Mayor Wood said this was a win for the city, it would give the city the ability grow as the departments and population grows. He said the proposed building would include the departments currently in City Hall, the Police Department, Utilities Business Office and the IT Department.

Mr. Hixenbaugh questioned other location considered for the re-location of city hall. Mayor Wood said they considered multiple, some the city owned but they did not want to use high desirable properties that would generate more tax dollars. He said they considered a redevelopment site to do a demolition, an acquisition, a demolition and building a new city hall. Mayor Wood continued to say they were a couple of potential sites, but they never pushed it to a point of a serious consideration. He mentioned they considered the island between the Police Department and bridge. Mayor Wood said they felt it was one of the most attractive pieces of property for private development, putting a civil non-tax generating building on the property on which the city already owned riverfront to, was not the best use. Mr. Hixenbaugh said there were a couple of different times there was discussion to move the Utilities Office when Mayor Wood first took office. He asked was it a written document or a concept related to the Mayor from department heads and others. Mayor Wood said he did not know how formal of a plan it was but there was definitely some conceptual planning done. He said there was a concept to move the business office into an existing utility building outside of downtown, which was a deal breaker for him. Mayor Wood went on to say they were seeing great investment in the downtown, he felt the city and utilities needed to be a part of it. Mr. Hixenbaugh requested a copy of the written plan for Utilities. He also requested written documents for the cost of maintenance repairs assessments for the Police Department and the Utility Business Office. Mayor Wood said Tim Schrader had documents for the plans to the Utilities office, he was sure he could provide the council with a copy. He continued to say they did not hire a consultant for an assessment, but he knew based on experience the constant patching of the leaking roof and the HVAC breaking down regularly. Mr. Hixenbaugh asked if the savings did not come into fruition, what impact would it have on the financing of the overall project. Mayor Wood said the consultants who helped the city to negotiate the new Power Purchase Agreement and the accountants at Baker Tilley (formerly Umbaugh and Associates) evaluated the purchase and believed the city would save substantially. He continued to say if not, they would have to revisit it at that point in time. Mayor Wood said they believed they would save more than enough for this project but funds for other projects they identified as being important to the city, such as the improvement of the grid which was a 60 to 70-million-dollar investment may be delayed. He continued to say the investment would move the grid up to 4 kilovolts to 12 Kilovolt, which would help save money on the transmission once it was a more efficient system. Mayor Wood said there maybe a possibility of slowing down on some of the future upgrades for the system. Mr. Hixenbaugh asked if the city did not accrue the amount of savings as hoped, would it increase the pay back amount for the utility bond. Mayor Wood explained the bond would fund the renovation for the building, what the city owes on the bond was what they would owe. He continued to say they may have to defer some projects out a bit for the grid. Mayor Wood said he could make the consultant available for any further questions regarding the bond.

Mr. Tanner expressed his appreciation to the Mayor for bringing the opportunity to the council and city, he believed it would be a real benefit coming to fruition. He went on to say Mayor Wood mentioned there would not be any rate or tax increases, He asked would the savings received from this delay the rate payers, such as the upgrades for the grid and the purchase agreement due to the additional bond. Mayor Wood replied it was possible, but the city would be a more efficient operation once moved out of the classrooms they currently operated in. He continued to say the overall service would be better, they would be able to serve citizen in a way they could not serve now, specially at the Utility Business Office and Police Department. Mayor Wood said they believed there was a value to that. He continued to say they believed it was a good investment with some of the savings that would ultimately lead to better service. Mayor Wood said it was not their intention to delay the extension grid, but it was a possibility. He continued to say they still may be able to do this while looking at the overall rates and maybe do a rate decrease but they have not explored the possibility yet, but it was certainly possible. Mr. Tanner also recalled the Mayor mentioning the offices such as Controller, Engineering, Planning, Central Services were all utilized by the Utilities Department for multiple purposes. He continued to say he knew there were some positions with budgeted line items the Utilities Department paid for. Mr. Tanner requested to see the proportion of the department's budgets were paid for out of utilities. He said tax payers and the city was not a one to one overlap with rate payers for Mishawaka. Mr. Tanner said rate payers outside the City of Mishawaka paid a surcharge the city benefited from as a utility and operation. He continued to say tax payers and rate payer were not the same thing. Mr. Tanner believed the budgets and time utilized by utilities should be appropriately charged within the utilities budget, it may elevate some of the burden of his consideration for this big move. Mayor Wood commented this building would serve Mishawaka Utility customers no matter where the live.

Mr. Mammolenti believed overall it was a great move for the city to be downtown. He recalled Mayor Wood mentioning he spoke to majority of the department heads moving into the proposed building, he questioned whether there was any feedback from the department heads regarding the move. Mayor Wood said before they committed to the term of the purchase, they wanted to make sure it made since for the city. He continued to say they hired consultants at Alliance Architecture to do a details space study based on the department needs. Mayor Wood said in most cases, they did not need extra space, but they needed different space. He went on to say at that point they had to think in a citizen point of view on how the city could operate with better space, technology and more. Mayor Wood said they did not receive any negative feedback from department heads. Mr. Mammolenti questioned the price of building a new city hall compared to purchasing an older building and was there more room to grow in the proposed building. Mayor Wood explained if they were to build new, estimates were understated. He said in experience, anytime they did a project the estimates were always low, and they always spent more. Mayor Wood continued to say it was based on a purpose-built facility for their needs now, but it did not address anything else downtown the road, such as the downtown parking issue and redevelopment potential. He said the beauty of the Liberty Mutual project was it may not have been something they would build if they built purpose built but it was certainly going to work well for the city and the benefit would give more opportunity to grow value added benefits such as the redevelopment of the parking, the addition to public parking, the extension of Mill Street, the potential redevelopment of the Police Department and Utilities Business Office site and the current city hall to be used for other governmental use or affordable housing use. He continued to say they believed this would give other opportunities that wouldn't exist. Mayor Wood said

this could sit empty over time if the city did not pursue it, which would bring nothing to the downtown and may drag it down a bit.

Ms. Petko Reisdorf requested documentation regarding the estimated ballpark cost for the repairs for the Mishawaka Police Department to share with constituent. Mayor Wood said Ken Prince, City Planner would give the information in his slide show presentation. He added it was not only the cost for the roof and the HVAC, it was future repairs that would need to be added if the Police Department remained in the building.

Council President Dale Woody Emmons called for a 10-minute break at 7:58 P.M.

Council President Dale Woody Emmons reconvened the meeting at 8:07 P.M.

Ken Prince, City Planner presented a slide show presentation of the Mishawaka City Services Facilities Evaluation. The presentation outlined the analysis of existing city facilities, City needs Assessments, space and cost evaluation of Liberty Mutual, potential redevelopment downtown, and the estimated cost for renovation and repairs for the Mishawaka Police Station and Utilities Business Office. A copy of the slide show presentation would be available in the Clerk's Office and the city's website.

Mr. Hixenbaugh questioned was there a possibility of a private entity purchasing and developing Liberty Mutual to bring in jobs to support the tax base in Mishawaka. Mr. Prince said it was a good point, they would love to see a private entity come in. He continued to say part of the broker negotiation was very telling, in terms of getting a 100,000 square foot building for 2.3 million dollars. Mr. Prince pointed out the fact that the city could purchase the building at half of asking price was a good indication of the value and how difficult they thought it would be to market the building. Mr. Hixenbaugh asked would there be an opportunity as they moved toward the design and bonding process for the city to attempt to market the building to see if their best guess may be off and there maybe a private entity willing to come in that could check the boxes in a different fashion and meet the needs of the community. Mr. Prince said his only hesitation of that would be, it would presume that this was not good scenario for replacing the Police Station and Utility Office and the scenarios they outlined. He expressed he personally felt this was the best option for the city. Mr. Hixenbaugh agreed with Mr. Prince. He said the city would have to take these steps at some point as a community to replace city buildings, the question was when and how, and the cost associated. Mr. Hixenbaugh went on to ask was the city unaware of any effort of Liberty Mutual independently marketing the building outside of the direct conversating with the city. Rick Doolittle, Cressy Commercial said Liberty Mutual had two options, which was the initial conversation with the city which started by Mayor Wood asking to purchase some of Liberty Mutual parking for another development in the works. He continued to say at that time Liberty Mutual told the Mayor they were planning to vacate the building. Mr. Doolittle said Liberty Mutual hired a real estate firm out of Chicago to market the building. He continued to say one option was to sell the building to Mishawaka. Mr. Doolittle explained Liberty Mutual had 5 locations throughout the country they were vacating, and they were packaging the buildings in a portfolio sale, which were typically purchased by an investor group or REIT, who would then try to figure out a way to dispose of the building. He went on to say the chance for the opportunity for anyone to retro fit Liberty Mutual and make it work in the community was low. Mr. Doolittle continued to say in two years there would be 200,040 square

feet of Class A. office space to become vacated including Liberty Mutual. He said if the building were to sit vacant for years, it would destroy all the fundamental momentum the city had in redeveloping downtown. Mr. Doolittle said Liberty Mutual chose to sell the building out of the package to the city, they did not market the building. Mr. Prince added Liberty Mutual did list the building briefly for a month or two without a price.

Mr. Mammolenti asked was there any interest in Liberty Mutual during the time it was listed without a price. Mr. Doolittle replied he had no knowledge of any other interest. Mayor Wood commented whether Liberty Mutual marketed the building or not, it made sense for the city. He expressed he believed it was the right building at the right time.

Mr. Hixenbaugh agreed with Mayor Wood. He continued to say he could see the attraction the Mayor and department heads had for the building after having the opportunity to walk through, it was easy to project how it would work for the city. Mr. Hixenbaugh continued to say it behooved the council to have the best information, to have all the questions answered, documentation and to have all options up front because it was not just a choice and isolation. He said there was a choice with other options which could potentially spin off on it. Mr. Hixenbaugh explained his questioned were geared towards trying to flush out other choices or options. He went on to request option income tax driven from Liberty Mutual and the amount of loss. Mr. Prince said he requested the information from Liberty Mutual, at the time he had not received a response. Mr. Hixenbaugh thanked everyone involved in the need's assessment done by Alliance. He asked was the needs identified uniquely to the Liberty Mutual building. Mr. Prince said the assessment was done without a building in mind, they identified the basic needs before it was applied to a building.

Mr. Tanner requested information estimates of TIF funds utilized by utility projects per year to see how it would make sense potentially to do the proposed project out of TIF and bond out the remainder of the utility projects to the same degree they were looking to bond for the proposed building project. Mr. Prince explained there were individual projects that benefited either directly or indirectly to utilities. He said he would have to go through every single TIF project, pull out the number and give a ball park number which would vary extremely each year. Mr. Prince believed it would not be beneficial to the ultimate point Mr. Tanner was looking for. He continued to say the telling number which was the number built into the rates at 3.36 million dollars going to Waste Water every single year and would continue forward and then compare it to the potential bond issue that would be issued to utilities which would roughly be in 1.4-million-dollar range. He added they had the projected expenditures and where they were going, which they presented to the Redevelopment Commission as part of the funding. Mr. Prince said they would be able to see every single project and where the money was distributed throughout the project.

Public hearing was closed on **RESOLUTION 2019-20** at 9:30 P.M.

Mr. Volker made a motion to continue **RESOLUTION NO. 2019-20** on August 05, 2019, same upon a second by Mr. Tanner motion carried.

Mr. Emmons announced there would be a Public Information Meeting for the proposed Liberty Mutual on August 01, 2019 at 6:30 P.M. He also thanked Mayor Wood and Mr. Prince for

providing all the information to the council, the more information received as a council, the better they were prepared to honor the consideration.

Clerk Block read the following proposed ordinance by title and was opened for public hearing.

PROPOSED ORDINANCE NO. 2019-18

**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
(Investment of Public Funds Outside Mishawaka City Limits)**

Committee report not given.

Rebecca Miller, City Controller explained the ordinance was for the approval to allow to investments in CD's outside of St. Joseph County and the City of Mishawaka. She said they used Baker Tilly (formerly Umbaugh) to assist to collect quotes. Ms. Miller stated by law the ordinance would need renewal every year opposed to every two years.

Mr. Emmons asked was this a new procedure. Ms. Miller replied no, they have been investing in CD's outside the limits for more than a few years. She continued to say as the city's bank advisors, Baker Tilly would ladder CD's and invest money the city had. Ms. Miller said they went out to bid, Baker Tilly collected information and she would give the approval for acceptance. She said this was part of the overall investment policy for the city.

Question was called for at 9:37 P.M. for **PROPOSED ORDINANCE NO. 2019-18**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).**

Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mrs. Petko Reisdorf, Mr. Hixenbaugh, Mr. Emmons. Absent: Mr. Banicki. Thus, it becomes **ORDINANCE NO. 5661**

Mr. Banicki left meeting at 8:45 P.M.

NEW BUSINESS

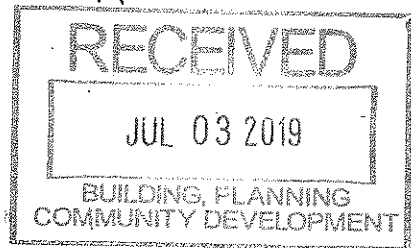
Mr. Emmons announced there would be an information meeting regarding the Grandview Menards proposal on July 29, 2019 at 6 O'clock P.M. at the Holiday Inn in Toscana Park.

Mr. Tanner announced the Kamm Island Fest would be on July 17, 2019 from 5 to 9:30 P.M.

ADJOURNMENT 9:41 P.M.

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

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



Date: June 10th, 2019

To: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Jay Frederickson, am the owner of the following described real estate located within the City of Mishawaka, Township, St. Joseph County, State of Indiana to:

(129.5' X 383.67' BEG 573.05" W OF SE COR SEC)
228 West Edison Road; Suite 600
Mishawaka, IN 46545
2. The above-described real estate presently has a zoning classification of C-2 Shopping Center Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner:
Multi Tenant Commercial Strip Development.
4. Appellant desires to rent a tenant space to Michiana Microblading which is provide microblading and/or permanent makeup.
5. The Zoning Ordinance of the City of Mishawaka does not permit the proposed use in the C-2 Shopping Center Commercial District (Section 137-326 (a)).
6. The permitted uses in the C-2 District does not allow for the proposed use which is of a similar intensity and comparable to other permitted uses in the district.
7. 1) Will approval be injurious to the public health, safety, morals or general welfare of the community? YES OR NO and explain your reason why.

No, Michiana Microblading has been offering these services for years and has had substantial training to provide these services to the public.

2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? YES OR NO and explain your reason why.

No, Michiana Microblading has already been zoned and properly inspected by the health department in another location and will not adversely affect anyone or anything.

3) Does the need for the variance arise from some condition peculiar to the property involved? YES OR NO and explain your reason why.

Yes, Michiana Microblading provides a safe and sanitary environment for permanent make up to the public.

4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? YES OR NO and explain your reason why.

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 31 2019

CITY CLERK
MISHAWAKA, IN

Yes, having strict conditions limits licensed beauty professionals to practice their passion and limits how they can impact the community in a positive way. Permanent makeup services changes peoples lives and impacts their confidence greatly.

6) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

No.

Wherefore, appellant prays and respectfully requests a hearing on this appeal and that after such heading, the Board grant the requested variance.

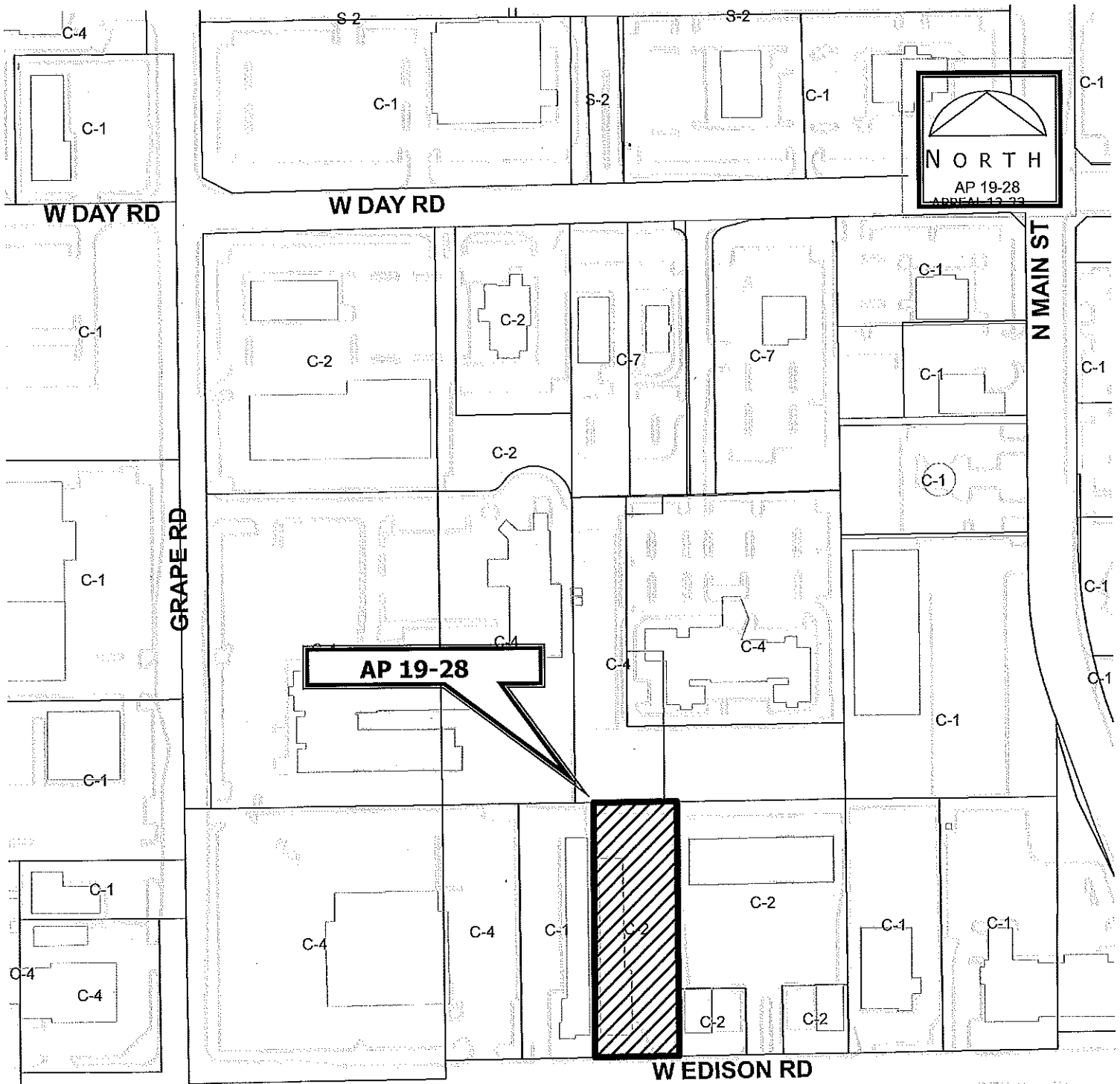
Jay Frederickson
Print Name Here

[Signature]
Sign Name Here

Contact Person:
Lindsay Bowerman
228 West Edison Road; Suite 600
Mishawaka, IN 46545
547-304-2906
574

MAILING ADDRESS
15495 Kerlin Drive
Granger, IN 46530

Michlana Microblading@gmail.com



Location Map

APPEAL 19-28

LINDSAY BOWERMAN (TENANT) &
JAY FREDERICKSON (OWNER)

228 W. EDISON ROAD, SUITE 600

USE VARIANCE TO PERMIT MICRO-
BLADING &/OR PERMANENT MAKEUP

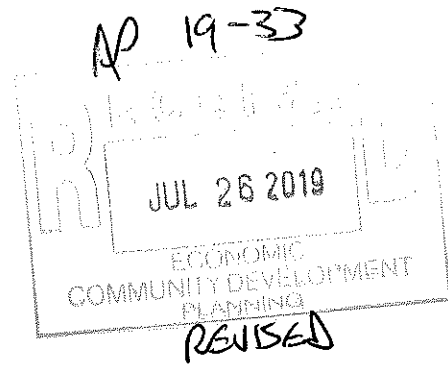
RECEIVED
DEBORAH S. BLOCK, MMC

JUL 31 2019

DATE: 7/24/2019

CITY CLERK
MISHAWAKA, IN

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

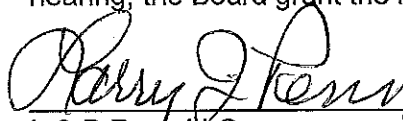


The undersigned appellant respectfully shows the Board:

1. I, L & B Penn LLC & PJT Penn LLC, are the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit: Lot 3 of Juday Creek Business Park as recorded under Instrument # 1811362 in the Office of St. Joseph County Recorder.
2. The above described real estate presently has a zoning classification of ^{S-2 PUD}~~Agricultural District~~ under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above described property in the following manner: Wholesale Landscape Materials Sales
4. Appellant desires to be able to sell wholesale top soil at property and to have entrance off Veteran's Highway with stone from the approach through the site. Willing to abandon common use construction entrance onto Douglas. Erosion control if/when needed for a strictly wholesale operation.
5. The Zoning Ordinance of the City of Mishawaka requires: (explain ordinance requirements and note section number of the ordinance) Scope of approved PUD does not include sales of dirt (i.e. land scape operations) such as the operations currently in place at this location. The Owners seek this variance to allow continued operation of their wholesale dirt sales until such time as current quantities have been depleted. All situated in Section 26, Township 38 North, Range 3 East.
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. The quantities of material that exist have far exceeded the normal demand for such product. The owners are asking to be able to continue this operation until it is used up. This design allows for the most applicable use of the area.
7. Answer the following necessary questions for a USE VARAINCE:
 - 1.) Will approval be injurious to the public health, safety, morals or general welfare of the community? No, continuation of current operations.
 - 2.) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? No

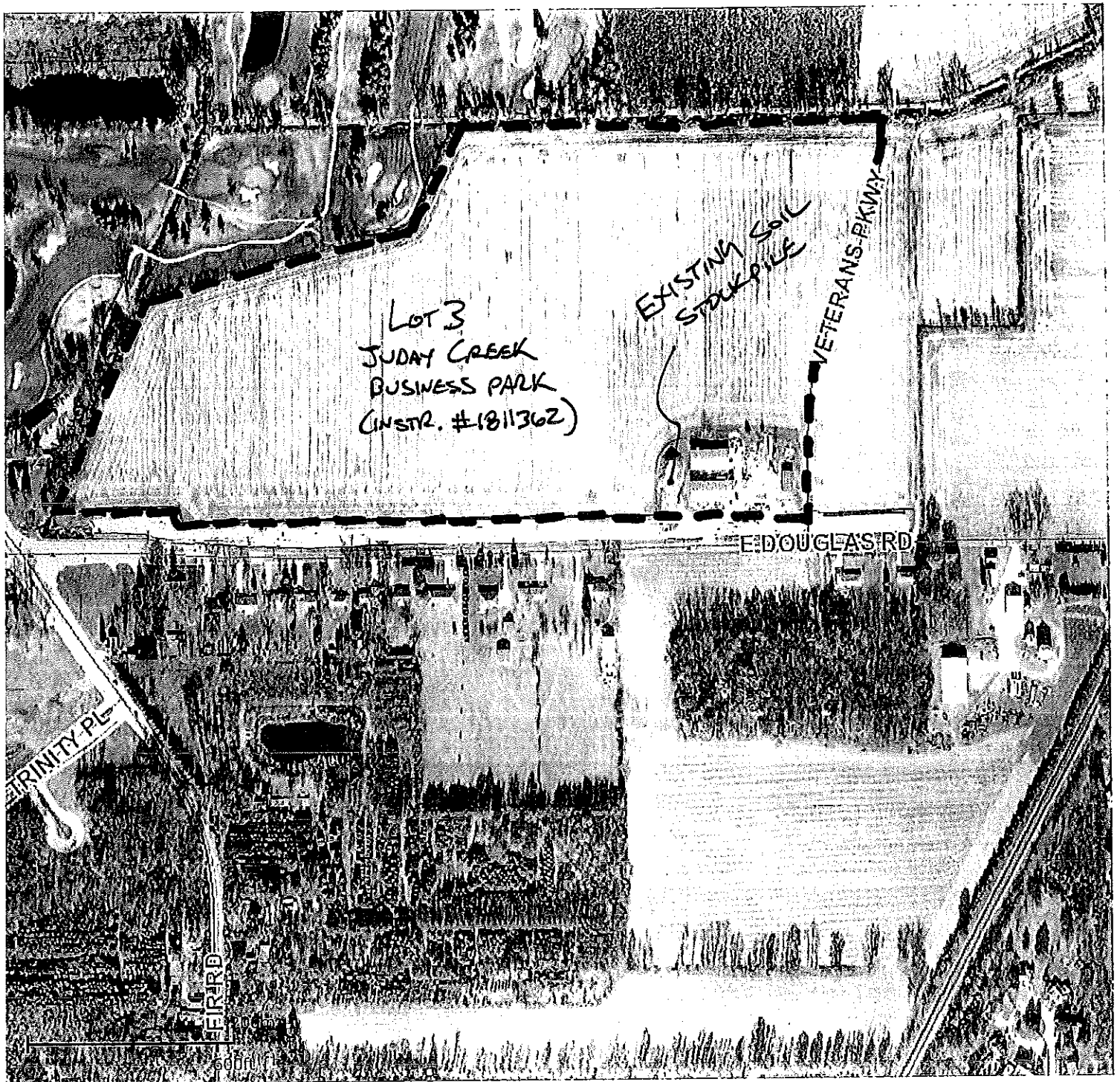
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7. Answer the following necessary questions for a USE VARIANCE:
 - 1.) Will approval be injurious to the public health, safety, morals or general welfare of the community? No, continuation of current operations.
 - 2.) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? No
 - 3.) Does the need for the variance arise from some condition peculiar to the property involved? Yes, a large amount of surplus excavation materials has been deposited onto property as a result of construction of Douglas Road.
 - 4.) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? Yes
 - 5.) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? Yes

Wherefore, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

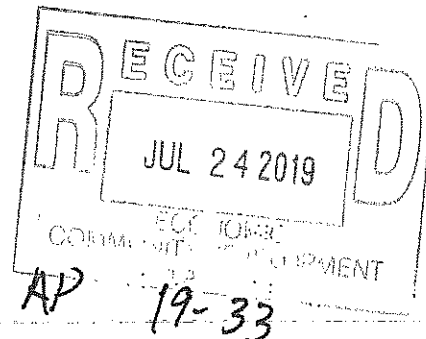

L & B Penn LLC
Larry Penn, Member


PJT Penn LLC
Paul Penn, Member

Contact Person:
Plymouth Land Surveying & Design, Inc.
J. Bernard Feeney
1405 N. Michigan Rd.
Plymouth, IN. 46563
(574)936-3469

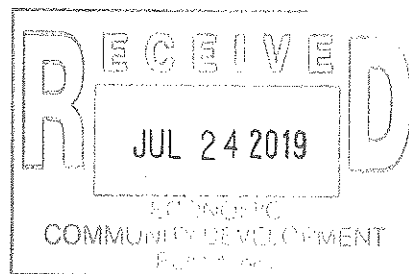


FALL 2017 AERIAL

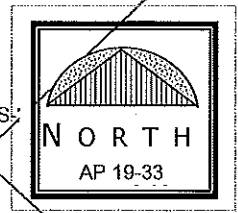




FALL 2017 AERIAL



AP 19-33



S-2

AP 19-33

S-2

S-2

S-2

E DOUGLAS RD

VETERANS PKWY

**APPROX.
LOCATION OF
EXISTING SOIL
STOCKPILE**

C-8

C-8

C-8

C-1

C-1

C-1

Location Map
APPEAL 19-33

L&B PENN LLC & PJT PENN LLC

2320 DOUGLAS RD. - LOT 3
OF JUDAY CREEK BUSINESS PARK

USE VARIANCE TO ALLOW
WHOLESALE LANDSCAPE
MATERIAL SALES (TOP SOIL)

FIR RD.

Use Variance Petition Application

07-24-2019

JUL 31 2019

for an existing Home Based business

CITY CLERK
MISHAWAKA, IN

Patricia A Skelton is the owner of real estate within the City of Mishawaka, St Joe county state of Indiana Lot 77 excluding the east 40' and all of Lot 78 in Ward's Addition - 903 east 5th street Mishawaka In 46544 which presently is zoned I-1 light Industrial District under the Zoning Ordinance of the City of Mishawaka.

Appellant presently occupies the described property as a single-family residential home. Though has been using the detached 400sq ft garage as a business designing and machining composite molds for the last 30 yrs while maintaining a good neighborly environment. USING BASIC HAND TOOLS, AIR COMPRESSOR, GRINDING AND SANDERS TO POLISH, BUFF, AND CLEAN

Appellant desires to demolish an existing detached garage and construct a new 1500 sq ft accessory structure. A use variance is required to allow the existing non-conforming single-family residence to remain on the property and add a home occupation (machine shop) within the new accessory structure.

The Zoning Ordinance of the City of Mishawaka does not permit single-family residential in the Light Industrial District I-1 (section 137-586 (a)) or allow expansion of any non-conforming use. Furthermore, the use variance will allow for the addition of a home occupation on the property.

Explain why strict adherence to the ordinance would create an unusual hardship:

Having a small business in the 400sq ft garage for the last 30 yrs has been a burden with no room to grow. Need the extra space to maneuver and build new product or simply end the business all together, which would result in a financial loss.

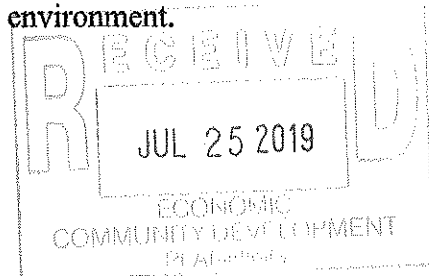
Approval of the use variance would not harm the public health, safety, morals or general welfare of the community. As this is just a small expansion of a ongoing enterprise that has already existed here for the last 30 yrs without any community backlash.

Adjacent property would not be affected in a substantially adverse manner at all, as there would be no effect differently as to what has already been in operation for the last 30 yrs. While being able to improve the residence to the betterment of the community as a whole.

The need for the variance is peculiar to the property as it is already zoned for Light Industrial while having a single family-residence in place. Which is necessary for the small expansion of the garage.

Yes strict application of the terms of this chapter will create a unnecessary hardship to the property. Without a use variance the business as it is will not be able to expand and therefore will have to end. Thus unable to make improvements to the residence which would add cosmetically to the neighborhood.

Approval of the variance will have no negative effect on the overall Mishawaka Comprehensive Plan as the expansion of the garage is minimal doing no damage to the surrounding area while increasing a healthy business environment.

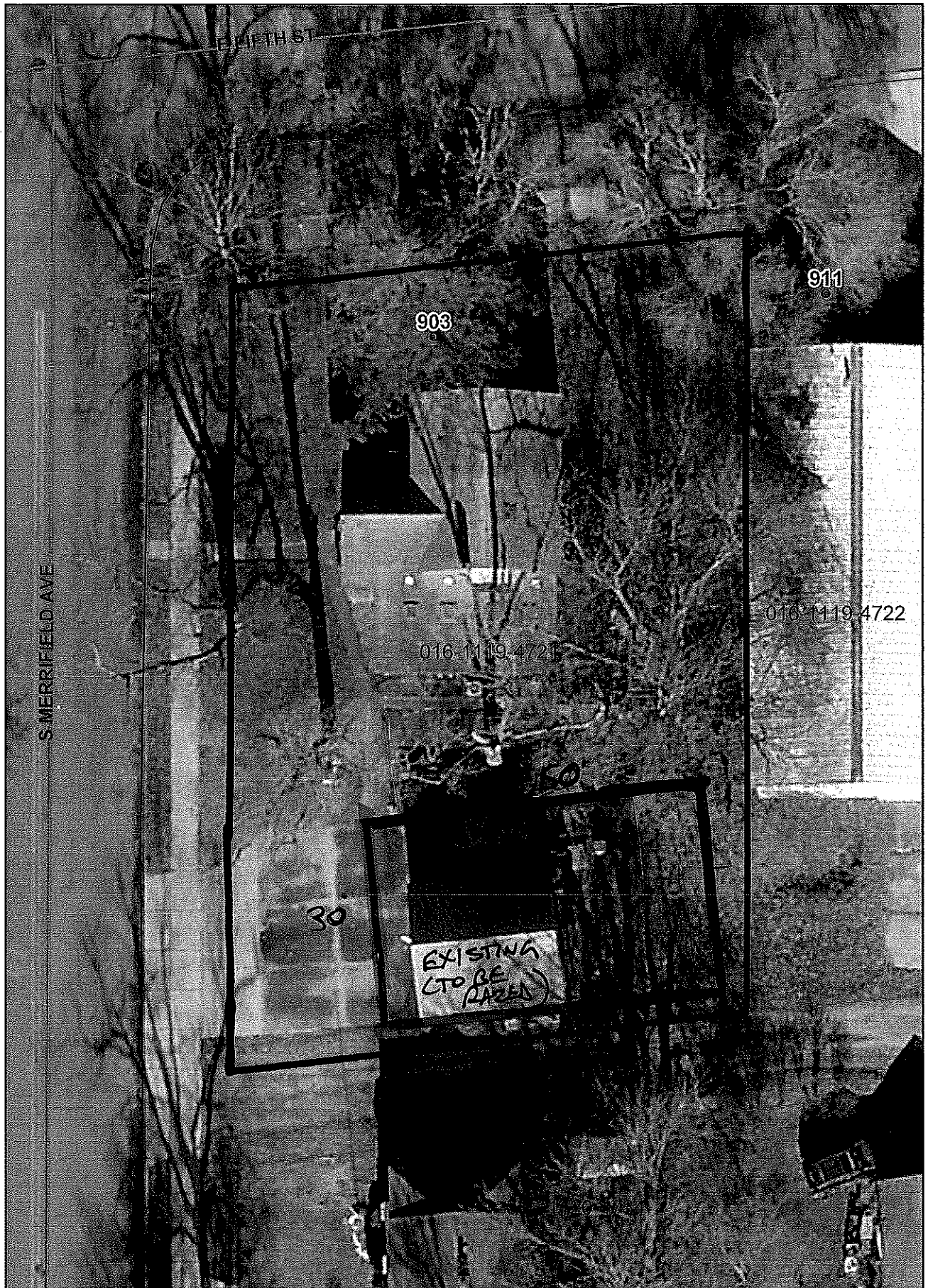


AP 19-35

Thank you very much for your consideration:
Patricia A Skelton , aka Patricia Vandermee

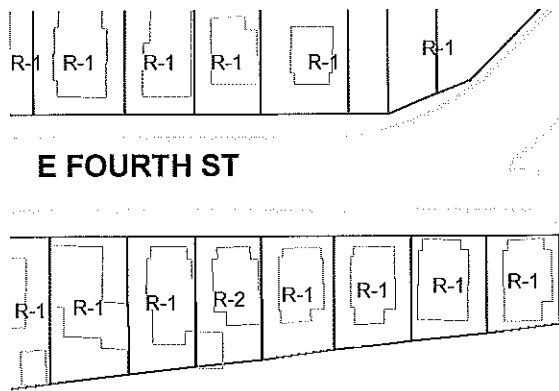
CONTACT:
NORM
VANDERMEER

Patricia Vandermee
aka Patricia Skelton
574-329-4007
can
NORM VANDERMEER @ EBCGLOBAL.NET

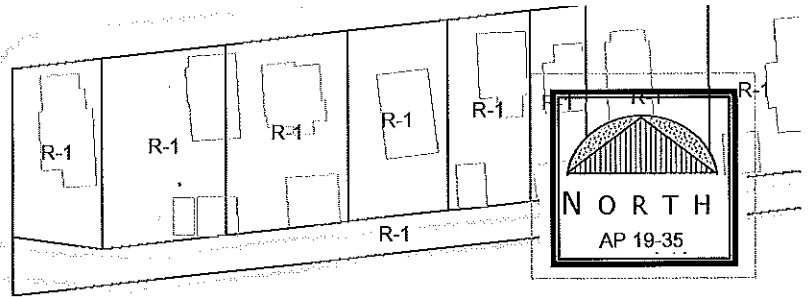


NEW 1,500 SQ. FT.
30' x 50' ACCESSORY STRUCTURE
FOR HOME BASED BUSINESS

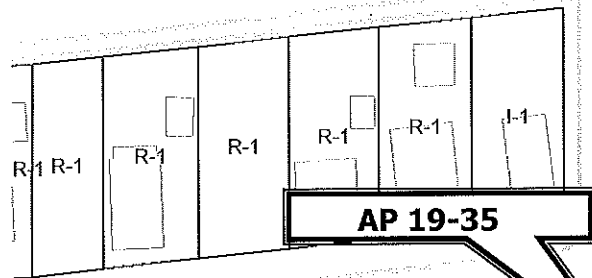
↑ N
1"=20'



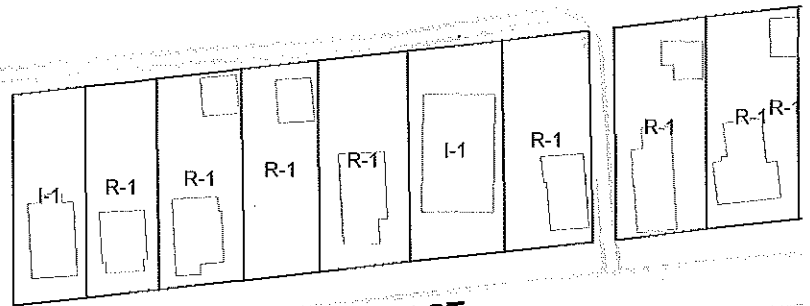
E FOURTH ST



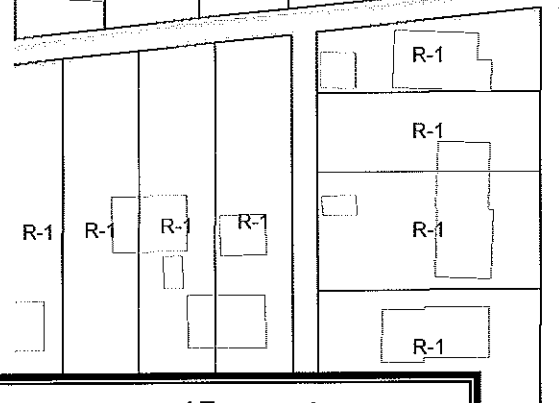
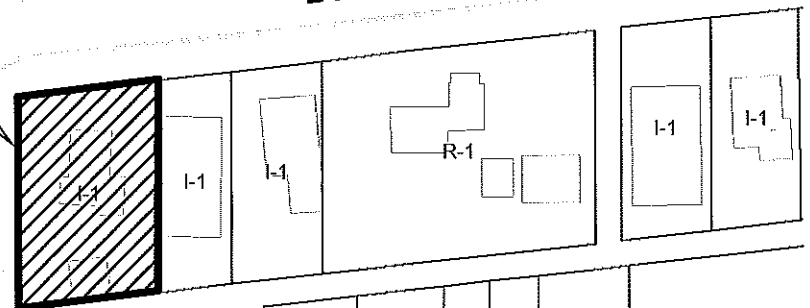
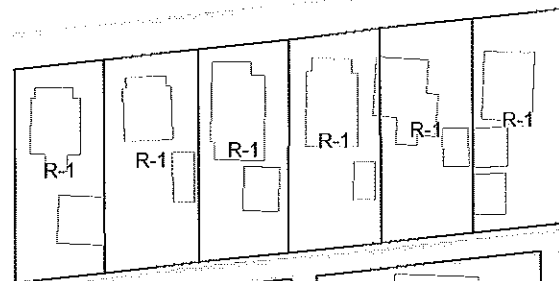
NORTH
AP 19-35



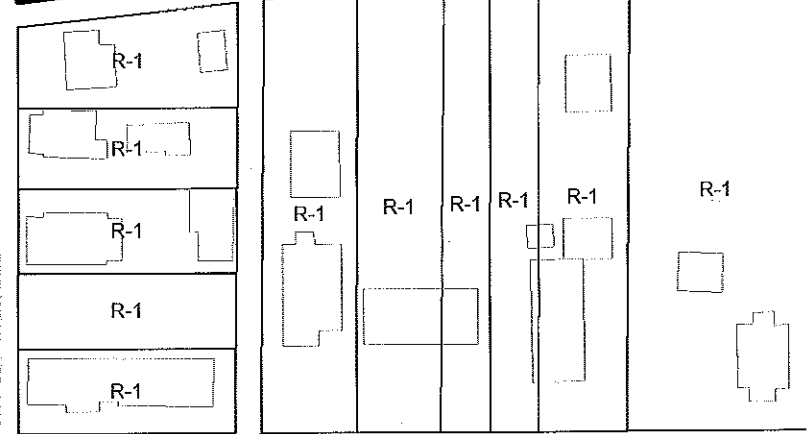
AP 19-35



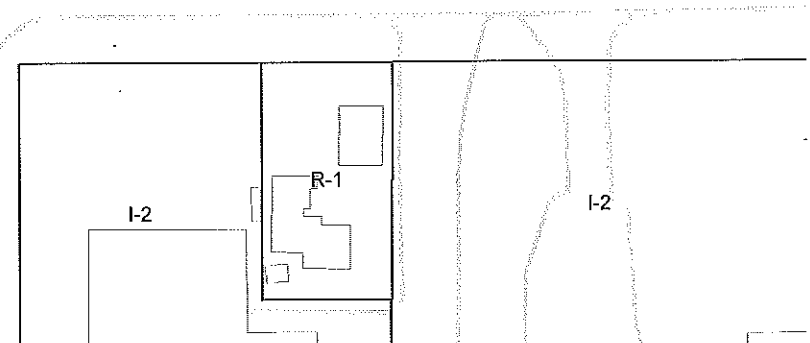
E FIFTH ST



S MERRIFIELD AVE



E SIXTH ST



Location Map **APPEAL 19-35**

**PATRICIA VANDERMEE (NEE SKELTON)
& NORM VANDERMEE (SPOUSE)**

**903 E. 5TH STREET - LOT 78 & PART
OF LOT 77 IN WARD'S ADDITION**

**USE VARIANCE TO ALLOW AN EXISTING
HOUSE AND 1,500 SQ. FT. ACCESSORY
STRUCTURE TO BE USED AS A HOME
BASED BUSINESS (ZONED: I-1)**

JUL 10 2019

1st Reading 7-15-19
2nd Reading
Passed
Failed
Continued To

PETITION 19-07

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2019-19E

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:

Unit 25 and 26, University Gardens Office Park

COMMON ADDRESS: 6910 North Main Street

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow microblading services in Units 25 and 26 only.

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

1. Existing Conditions – The use will be located near other buildings with similar personal services/salon uses.
2. Character of Buildings in Area - The character of the buildings located within this development and the surrounding area are professional and commercial.
3. The most desirable/highest and best use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/personal services.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development.

Proposed Ordinance No: PO 19-19

Ordinance No: _____

5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

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

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2019

CITY CLERK
MISHAWAKA, IN

University Gardens Office Park
6910 North Main Street
Granger, Indiana 46530

May 21, 2019

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

RE: PETITION OF PUD AMENDMENT

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

University Gardens, Inc,
6910 N Main Street
Building 25 & 26
Granger, IN 46530

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification S-2 Planned Unit Development specifically for leased commercial space/office use.

Legal Description of land:

UNIT 25 UNIVERSITY GARDEN OFFICE PARK
PARCEL NUMBER: 71-04-27-102-027.000-036 / 030-1001-000430
PROPERTY ADDRESS: 6910 N GUMWOOD UNIT 25, GRANGER, IN 46530

UNIT 26 UNIVERSITY GARDENS OFFICE PARK
PARCEL NUMBER: 71-04-27-102-028.000-036 / 030-1001-000431
6910 N GUMWOOD RD, GRANGER, IN 46530

Petitioner(s) desire said real estate to be amended to allow for Inside Out Salon and Wellness Spa, LLC. To use the space for MICROBLADING/SEMI-PERMANENT MAKEUP applications.

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 that hearing, an appropriate ordinance be enacted amending the PUD of the above described parcels of land located in the City of Mishawaka.

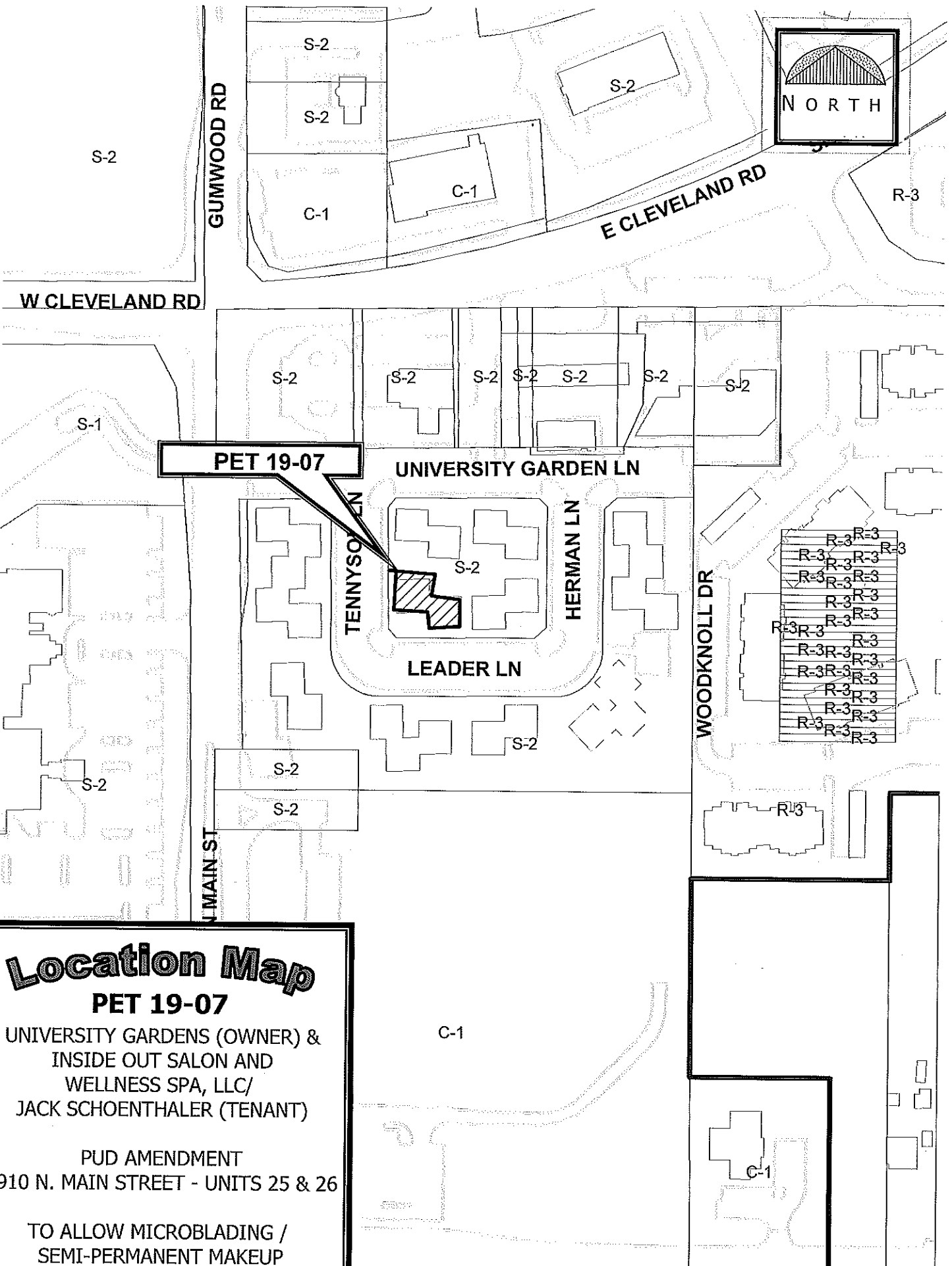
Respectfully,


Thomas J. Herrman, Owner

Contact:
Jennifer Herrman
574-274-2524
jherrman@hgservices.com

JACK SCHOENTHALER
Cell 574-250-3089
jschoenthaler7277@yahoo.com

Let 19-07



JUL 10 2019

1st Reading 7-15-19
2nd Reading
Passed
Failed
Continued To

PETITION 19-09
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2019-20
ORDINANCE NO. _____

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:

Lot 1, R E Perkins Addition, City of Mishawaka, Penn Township, St. Joseph County,
State of Indiana

COMMON ADDRESS: 426 West Sixth 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
designated in "The Zoning Ordinance of 1966" as amended.

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

1. Many of the properties in the immediate vicinity are residential in use. Tax
records and Sanborn maps support its historic use as a single-family dwelling;
2. The use and value of the area adjacent to the property included in the
rezoning will not be affected in a substantially adverse manner because as a
single-family home, there will be less impact to the neighborhood, and
improvements will be made to make it look and feel like a single-family
home;
3. Because the parcel is located in an area of residential properties, the rezoning
to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: _____

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with the current commercial zoning, rezoning this parcel 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 use it as any other single-family home; and,
5. The City's Comprehensive Plan identifies the area General Commercial, however, the historical use as single- family home is consistent with the Plan for that 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 _____, 2019, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

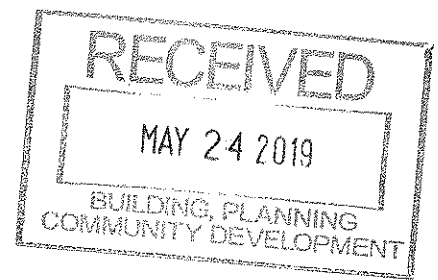
PRESENTED by me to the Mayor this _____ day of _____, 2019, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

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

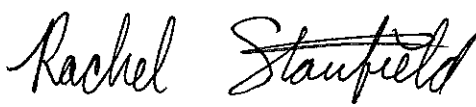
Tax ID Number: 016-1140-5493

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

A rectangular stamp with a double border. The word "RECEIVED" is at the top in a large, bold, sans-serif font. Below it, the date "JUN 27 2019" is stamped in a smaller font. At the bottom, the name "DEBORAH S. BLOCK, MMC" is stamped in a small, sans-serif font.

JUN 27 2019

CITY CLERK
MISHAWAKA, IN

Ret 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.

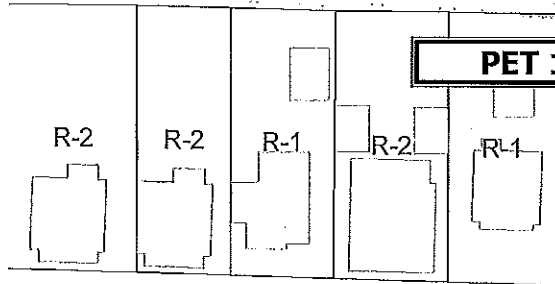
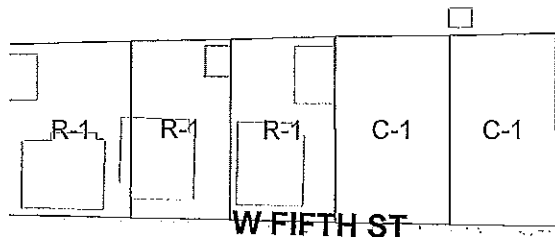
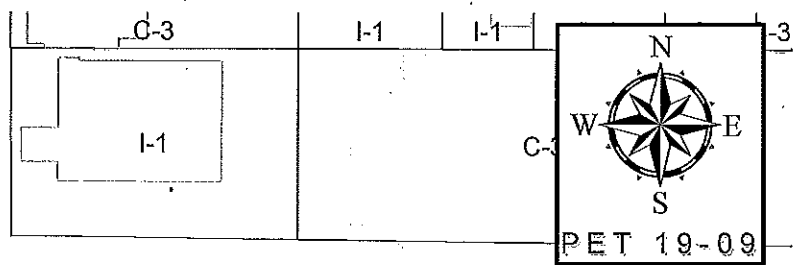
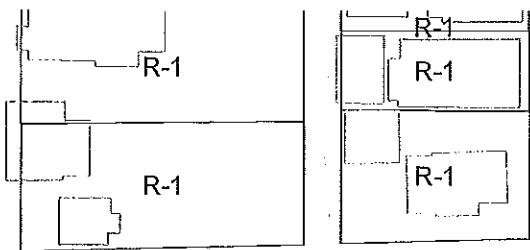
CONTACT PERSON:

NAME: Rachel Stanfield

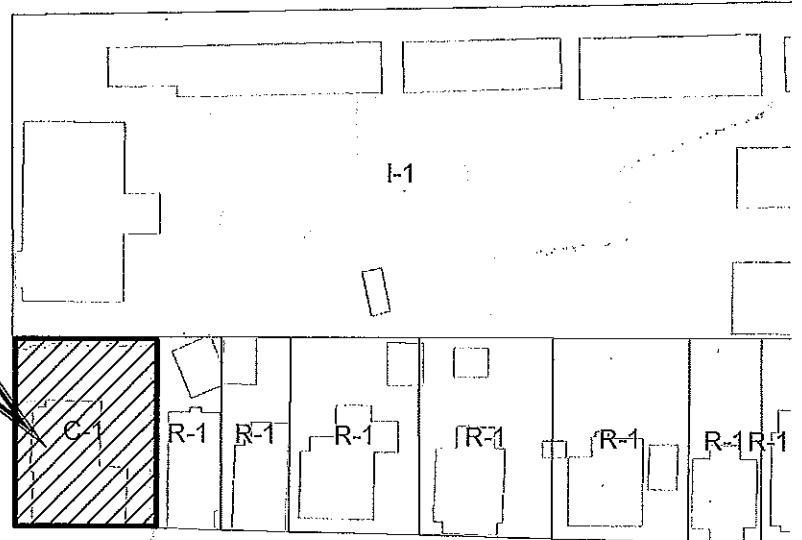
ADDRESS: 426 W 6th St, Mishawaka, IN 46544

PHONE NUMBER: 574-703-5878

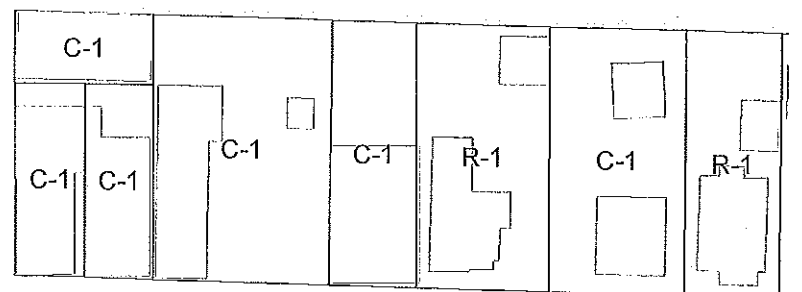
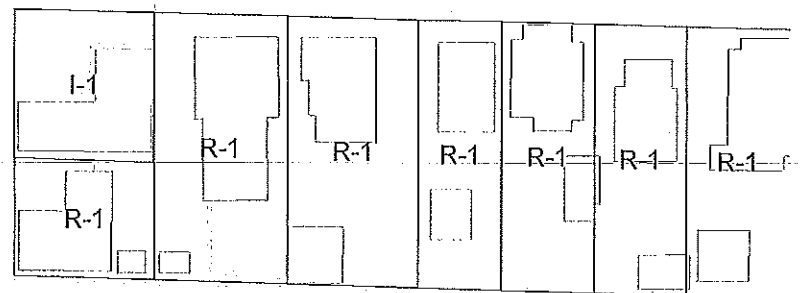
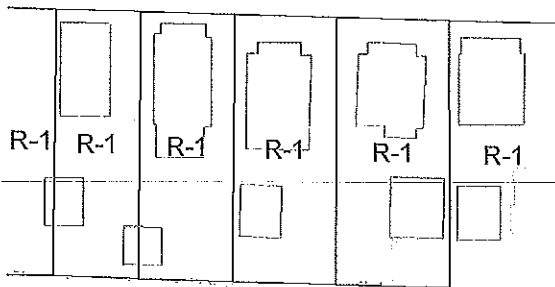
EMAIL: rachelstanfield5@yahoo.com



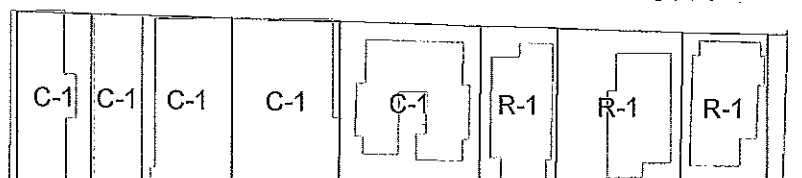
PET 19-09



W SIXTH ST



W SEVENTH ST



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

July 31, 2019

Mr. Dale "Woody" Emmons, President
City of Mishawaka Common Council
600 East Third Street
Mishawaka, IN 46544

RECEIVED
DEBORAH S. BLOCK MMC

JUL 31 2019

CITY CLERK
MISHAWAKA, IN

Re: GrandView PUD/Menards
Proposed Ordinance #2019-17

Dear President Emmons:

On behalf of Gumwood Acquisitions, LLC, I respectfully request that the Common Council postpone the 2nd reading and public hearing on the referenced proposed ordinance until the September 3, 2019 Council Meeting. I will plan to be present at the public hearing on Monday, August 5th to discuss if necessary.

Sincerely,



Brian McMorrow
for Gumwood Acquisitions, LLC

CC: City of Mishawaka Common Council
Kenneth Prince, Planner – City of Mishawaka
Audra Sieradzki – Great Lakes Capital, LLC
Ryan Rans – Great Lakes Capital, LLC
Thomas O'Neil – Menard, Inc.

July 31, 2019

Re: GrandView PUD/Menards
Proposed Ordinance #2019-17

TO: Our GrandView Neighbor,

Thank you for attending and providing us with your feedback at the public meeting held on July 29th regarding our petition to amend the GrandView PUD Ordinance. We have asked Common Council to postpone the 2nd Reading and Public Hearing of Proposed Ordinance #2019-17 so that we may have an opportunity to provide to the City supplemental information in response to some of the feedback. Attached is a copy of the letter I sent to Common Council today about our request to have the **2nd Reading and Public Hearing on September 3rd** in City Hall.

Sincerely,


Brian McMorrow

CC: City of Mishawaka Common Council
Kenneth Prince, Planner – City of Mishawaka
Audra Sieradzki – Great Lakes Capital, LLC
Ryan Rans – Great Lakes Capital, LLC
Thomas O'Neil – Menard, Inc.

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 31 2019

CITY CLERK
MISHAWAKA, IN

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2019

CITY CLERK
MISHAWAKA, IN

1st Reading 6-17-19

2nd Reading

Passed

Failed

Continued To Aug 5th

Sept 3rd

PETITION 19-08

CITY OF MISHAWAKA, INDIANA

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 22, 2019

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 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.

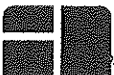
Sincerely,

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.

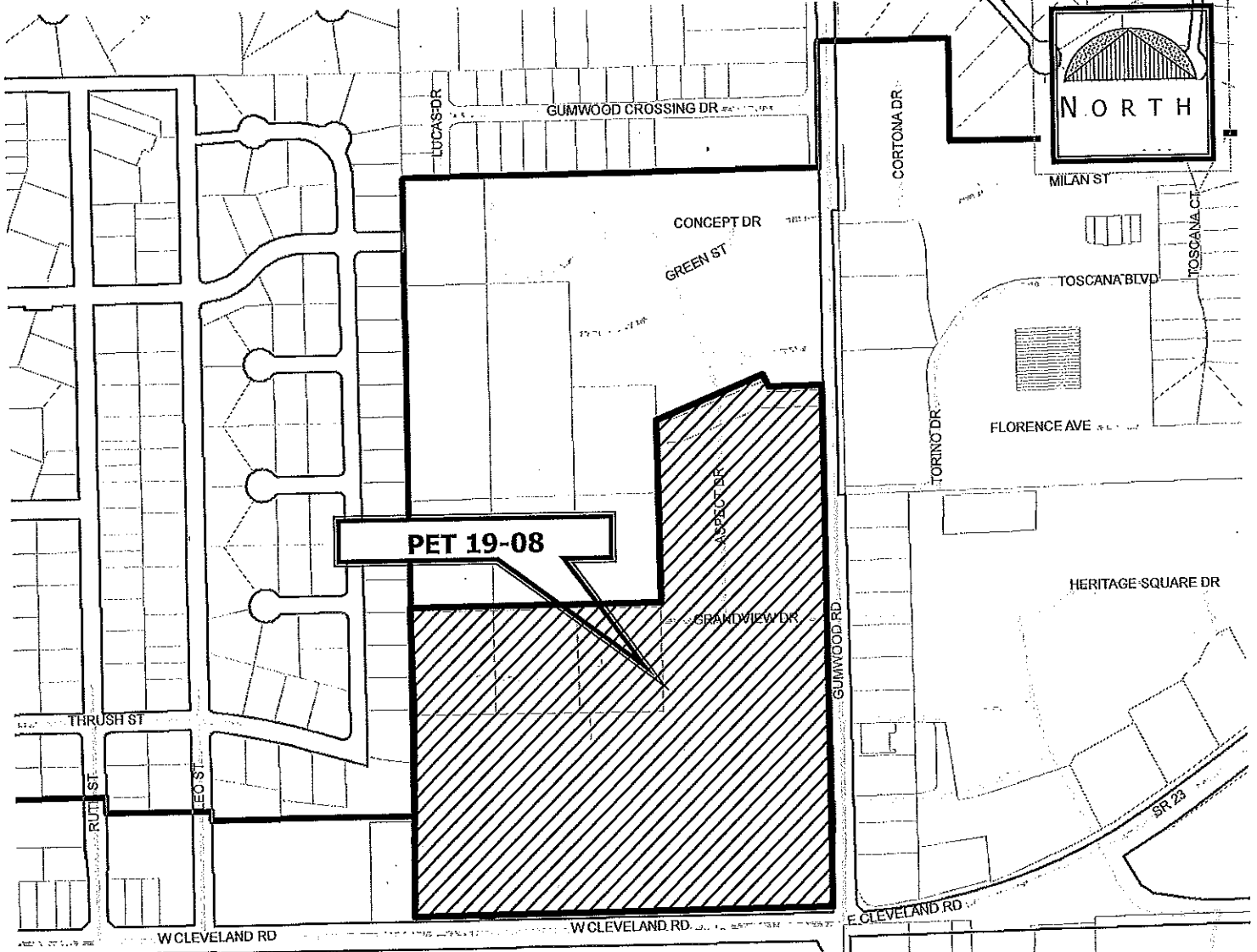
For: **Gumwood Acquisitions, LLC**

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



Location Map

PET 19-08

GRANDVIEW PUD AMENDMENT

- *INCLUDE "OUTSIDE STORAGE AND DISPLAY" AS A USE
- *PRESERVE EXISTING VEGETATION IN LIEU OF LANDSCAPING REQUIREMENTS
- *CONSTRUCT 14' HIGH OPAQUE FENCE TO SCREEN OUTSIDE STORAGE AND DISPLAY AREA
- *PROVIDE DRIVEWAY ACCESS THROAT LENGTH OF 100' TO PROPERTY TO WEST

Sandra Brody
51331 Windsor Manor Court
Granger, Indiana 46530

June 24, 2019

Mr. Mathew Lentsch, President
Mishawaka Plan Commission
City Hall
600 East Third St.
Mishawaka, IN. 46544

Dear Mr. Lentsch:

On Tuesday June 11, the Plan Commission voted in favor of moving forward regarding the request from Great Lakes Capital to make certain changes in order to accommodate the relocation of Menards to the GrandView Development property.

I am writing to express my dismay over what I would classify as a decision made with little thought or consideration to the entire area and those who live in the near vicinity of this proposed structure.

I am very pleased that both Dale "Woody" Emmons and Chris Tordi voted against this project and I applaud their decision. To the remaining five who voted in favor I say shame on you. In talking to Mr. Emmons he stated that he and perhaps others on

the commission had no idea until that night that the ordinance amendment was for a Menards.

That being said, it's apparent to me that not much time or thought was given to this project before the vote was taken. How can a project of this magnitude be voted on based on a few minutes of deliberation?

By their own admission, this Menards will be a two story structure, adding an additional 50,000 sq. ft. for a total of 134,700 sq. ft. And this does not even include the outdoor space of 176,000 sq. ft. This behemoth does not belong in a residential mixed used area such as GrandView.

Was any thought given to the neighborhood to the immediate west? I believe it is called Country Side Estates and it a nice quiet development with at least one street, Farmingdale Drive bordering this proposed development. In all honesty, if you lived on Farmingdale would you want this mammoth store and outdoor lumber yard in your back yard? What about all the semis that will be delivering truckloads of product daily to keep this store stocked? Think of the noise, and diesel fumes from that type of activity in your back yard. This type of commercial activity could become the demise of their property values and I would think that should be a real concern to you as a Plan Commission.

And what about the almost 400 apartments in Grandview Phase I and Phase II. And the additional 100 residences at Toscana Park (where I previously lived for the last four years). Are multi-family home dwellers treated with a different attitude than how you would treat 400 individual family home owners? Do they have less quality of life rights because they don't own their homes? These apartments are being marketed as a pedestrian friendly, mixed

use, upscale, urban feel. None of these descriptive words conjure up a vision of a Menards Superstore.

In a previous South Bend Tribune article, Mr. Ryan Rans himself stated:

"GrandView is being designed to purposefully contrast with the Grape Road corridor. The residential component, architecture, and pedestrian friendly environment will help set the development apart from the older strip centers."

In another article he states: " You have grocery walkability, and restaurant, retail walkability, there's no place else in our market where you can walk to retail, restaurant and grocery and we're looking to enhance that."

Not by adding a Mega Store to the mix! Which leads me to the traffic issues that need to be addressed.

The corner of Gumwood and Cleveland is already poorly designed and can barely handle the volume of traffic it is already experiencing. The main problem is you encounter a huge utility box that was never moved when Gumwood was widened. You have to take this little jog around it. Often times in rainy or snowy weather you can not even see the lane lines and just hope the person in the vehicle next to you is familiar with the "jog" and navigates accordingly. I can't image semi-trailers navigating that on a daily basis.

The other problem is directly across the street at the CVS entrance to their parking lot. For whatever reason it was not designed to accommodate both a car entering and one exiting at the same time - much too narrow. And again this was not remedied during the Gumwood widening project of a few year's

ago. This narrow entry creates near rear-end collisions on a daily basis. especially those making a left hand turn onto Gumwood from Cleveland. As traffic increases this will only get worse. Not to mention the volume of traffic and how it will increase on Gumwood affecting all the subdivision entrances such as Brendon Hills, Quail Ridge South, Wellington Lakes, etc.

I do not know if there was ever a situation where the Mishawaka Plan Commission decided to reverse their decision on a project, but I ask that you seriously consider doing so and rescind your vote to move forward on this proposed amendment.

A Menards mega-store is just not appropriate for that 34 acre plot of land which can be put to better use for something more desirable and suitable for the area.

Thank you for your consideration.

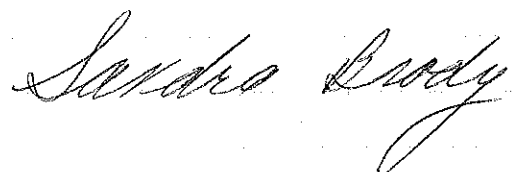
Respectfully submitted,



Sandra Brody

Dear Mr. Lentzsch,

Please share this letter with the entire Plan Commission and should you like to contact me regarding my thoughts and concerns I can be reached at 574-360-2915.



RE: July 29th meeting time change

Brian McMorrow <bmcmmorrow@abonmarche.com>

Tue 7/30/2019 5:13 PM

To: Ken Prince <kprince@mishawaka.in.gov>; Deb Block <dblock@mishawaka.in.gov>; Dale "Woody" Emmons <demmons@mishawaka.in.gov>

Cc: Mary Ellen Hazen <mhazen@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>; Daryl Knip <dknip@abonmarche.com>; Audra Sieradzki <asieradzki@greatlakescapital.com>; Thomas W. O'Neil <toneil@menard-inc.com> <toneil@menard-inc.com>; Michael Hixenbaugh <mhixenbaugh@mishawaka.in.gov>; Ryan Rans <rtrans@greatlakescapital.com> <rtrans@greatlakescapital.com>

>>> **FROM EXTERNAL SENDER** <<<

In response, Ken, and to allow time for us to reflect upon last night's feedback and provide supplemental information to your staff and to the Common Council, I respectfully request, on behalf of the petitioner, that the public hearing scheduled for this Monday, August 5th, be carried to a future date. We expect that in 2-3 weeks' time we can furnish supplemental documents to the City that will assist in the decision-making. We would welcome, too, the opportunity to meet with you as soon as possible to provide our summary of the public comments and questions. Let's talk in the AM to set that up.

I have added as cc's Ryan Rans and Audra Sieradzki of Great Lakes Capital, Tom O'Neil of Menard, Inc., and Daryl Knip of Abonmarche.

I plan to be present on Monday evening to learn if our request is granted and of the new date.

Thank you again for everyone's time and attention in this matter.

Brian McMorrow
Sr. Project Manager

D 574.314.1022

C 574.360.7674

O 574.232.8700 ext 222

F 574.251.4440

W www.abonmarche.com



RECEIVED
DEBORAH S. BLOCK MMC

JUL 31 2019

CITY CLERK
MISHAWAKA, IN

From: Ken Prince [mailto:kprince@mishawaka.in.gov]

Sent: Tuesday, July 30, 2019 3:50 PM

To: Deb Block <dblock@mishawaka.in.gov>; Brian McMorrow <bmcmmorrow@abonmarche.com>; Dale "Woody" Emmons <demmons@mishawaka.in.gov>; Michael Hixenbaugh

<mhixenbaugh@mishawaka.in.gov>

Cc: Mary Ellen Hazen <mhazen@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>

Subject: RE: July 29th meeting time change

Brian,

I have read the Tribune article, but I think it would be helpful for me and others who may not have attended the meeting last night to have a summary of the meeting last night, particularly if there are questions that were directed toward the City, I'd like to be prepared for Monday.

Thanks,

Ken

From: Deb Block

Sent: Tuesday, July 16, 2019 11:59 AM

To: Brian McMorow <bmcmorow@abonmarche.com>; Ken Prince <kprince@mishawaka.in.gov>; Dale "Woody" Emmons <demmons@mishawaka.in.gov>; Michael Hixenbaugh <mhixenbaugh@mishawaka.in.gov>

Cc: Mary Ellen Hazen <mhazen@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>

Subject: RE: July 29th meeting time change

Thank you. I will send you the notice that I prepare for the Council and media.

From: Brian McMorow <bmcmorow@abonmarche.com>

Sent: Tuesday, July 16, 2019 8:45 AM

To: Deb Block <dblock@mishawaka.in.gov>; Ken Prince <kprince@mishawaka.in.gov>; Dale "Woody" Emmons <demmons@mishawaka.in.gov>; Michael Hixenbaugh <mhixenbaugh@mishawaka.in.gov>

Cc: Mary Ellen Hazen <mhazen@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>

Subject: RE: July 29th meeting time change

>>> **FROM EXTERNAL SENDER** <<<

Thank you all for your time last night. Attached is the revised letter which will be mailed today to property owners within 300' of the GrandView PUD and to the three (3) residents who spoke at the Plan Commission hearing last month.

Brian McMorow

Sr. Project Manager

D 574.314.1022

C 574.360.7674

O 574.232.8700 ext 222

F 574.251.4440

W www.abonmarche.com



From: Deb Block [<mailto:dblock@mishawaka.in.gov>]

Sent: Monday, July 15, 2019 11:30 AM

To: Brian McMorro bmcmorrow@abonmarche.com; Ken Prince kprince@mishawaka.in.gov;

Dale "Woody" Emmons demmons@mishawaka.in.gov

Cc: Mary Ellen Hazen mhazen@mishawaka.in.gov; Raven S. Boston rboston@mishawaka.in.gov;

Michael Hixenbaugh mhixenbaugh@mishawaka.in.gov

Subject: July 29th meeting time change

Importance: High

Brian – I just spoke with President Emmons of the Mishawaka City Council. As soon as you have confirmed that the meeting will begin at 6pm and not 4:30pm please give me immediate notification. I will be posting this meeting for the public and the media as soon as this important change has been made.

Debbie

Debbie Ladyga-Block, IAMC, MMC
Mishawaka City Clerk
600 East Third Street
Mishawaka, Indiana 46544
574-258-1616

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Gumwood Acquisitions: GrandView PUD

Brian McMorrow <bmcmmorrow@abonmarche.com>

Wed 6/19/2019 12:13 PM

Inbox

To: Deb Block <dblock@mishawaka.in.gov>;

Cc: Ken Prince <kprince@mishawaka.in.gov>; Mary Ellen Hazen <mhazen@mishawaka.in.gov>;

>>> FROM EXTERNAL SENDER <<<

Good morning, Ms. Block. Last week, the Plan Commission voted to send along to the Common Council with a favorable recommendation a petition filed by Gumwood Acquisitions, LLC to amend the GrandView PUD.

During the course of the hearing, a number of residents expressed opinions and concerns. After consultation with my client, and on behalf of the petitioner, I am asking that the Common Council afford us a bit of time to work out the logistics of an informal meeting with neighbors. It is respectfully requested that the referenced matter be scheduled for the July 15th agenda of the Common Council and that you alert council members. As soon as we have information regarding day, time and place of the informal meeting, I will circle back with you.

Thank you for assistance.

Brian McMorrow

Sr. Project Manager

D 574.314.1022

C 574.360.7674

O 574.232.8700 ext 222

F 574.251.4440

W www.abonmarche.com*Aug 5th meeting*

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develop | invest

July 16, 2019

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

All are invited to a public meeting to learn more about the proposed development of a Menards retail store on a portion of the property owned by Gumwood Acquisitions and the subject of the PUD ordinance commonly known as the GrandView PUD. Representatives from Gumwood Acquisitions, which is managed by Great Lakes Capital, Abonmarche Consultants, and Menards will be available to describe the proposed development and answer questions.

The meeting will be held on **MONDAY JULY 29, 2019 at 6pm** at the **Holiday Inn Express & Suites** located in **Toscana Park** at 224 Florence Avenue, Granger, Indiana 46530. The Large Meeting Room on the Second Floor has been reserved for this meeting. Signage will direct attendees and elevator access is available.

We look forward to this opportunity to speak with you further about the ongoing development of GrandView in cooperation with the City of Mishawaka.

Please direct questions to Great Lakes Capital 574.251.4400.

A handwritten signature in black ink, appearing to read 'Ryan Rans', is positioned above the printed name and title.

Ryan Rans + Managing Partner
Great Lakes Capital



develop | invest

July 8, 2019

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

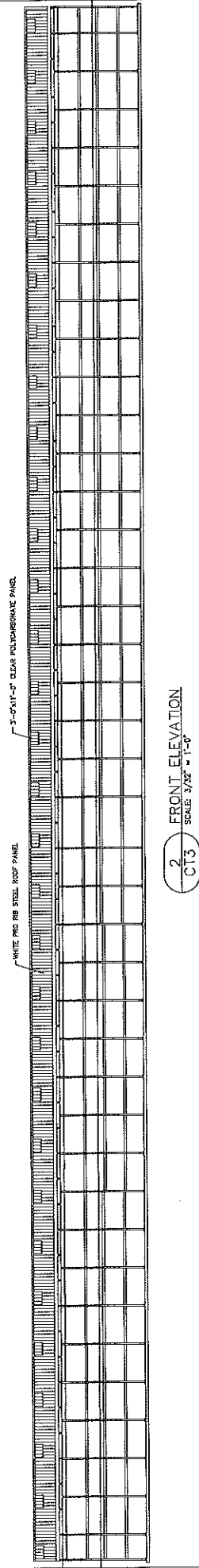
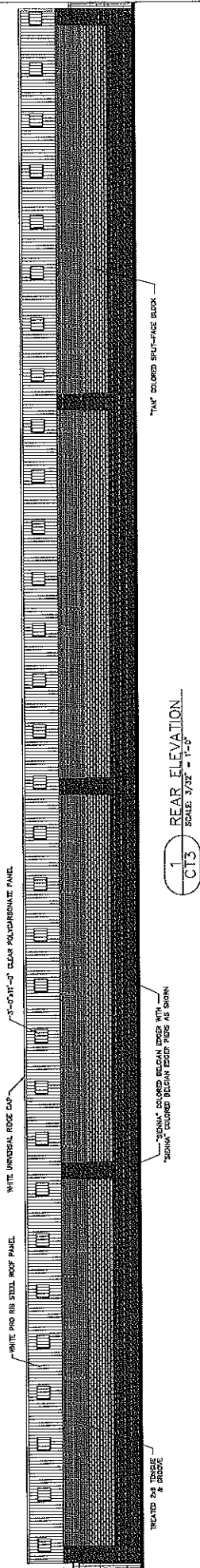
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The meeting will be held on **MONDAY JULY 29, 2019** from **4:30-6:30pm** at the **Holiday Inn Express & Suites** located in **Toscana Park** at 224 Florence Avenue, Granger, Indiana 46530. The Large Meeting Room on the Second Floor has been reserved for this meeting. Signage will direct attendees and elevator access is available.

We look forward to this opportunity to speak with you further about the ongoing development of GrandView in cooperation with the City of Mishawaka.

Please direct questions to Great Lakes Capital 574.251.4400.

Ryan Rans + Managing Partner
Great Lakes Capital



NOTES: 1) WAREHOUSE WILL BE FULLY SPRINKLERED
2) MATERIALS STORED WILL BE SIMILAR TO THE EXISTING WAREHOUSE, INCLUDING LUMBER, DRYWALL SHINGLES AND INSULATION
3) WALL MATERIALS WILL MATCH THOSE USED ON THE EXISTING WAREHOUSE STRUCTURE, EXCEPTING THE SIENNA BELGIAN EDGERS AND TAN SPILT-FACE BLOCK TREATMENTS TO ENHANCE THE BUILDING AS VIEWED FROM MERCHANTS WALK.

MEMORANDUM STORE DESIGN DEPARTMENT CHICAGO, ILLINOIS		PROJECT TITLE COLUMBIUS, INDIANA	
SCALE DATE DRAWN BY CHECKED BY DATE		SHEET TITLE WAREHOUSE ELEVATIONS	
NO. OF SHEETS DATE		DATE THIS DRAWING PREPARED, DRAWN	
NO. OF SHEETS DATE		BY NO.	
NO. OF SHEETS DATE		NO.	



Engineering • Architecture • Land Surveying

LETTER OF TRANSMITTAL

TO: City of Mishawaka
Dept. of City Planning
600 East Third Street
Mishawaka, IN 46544

DATE: 05/22/19

JOB NO.: 18-1048

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

ATTN: Kenneth B. Prince, ASLA, AICP

WE ARE SENDING YOU: ☐ Contract / Agreement ☐ Prints / Plans ☐ Shop Drawings
☐ Change Order ☐ Specifications ☒ Documents

COPIES	DATE	DESCRIPTION
3	05/22/19	Cover Letter & Petition, signed by Brian McMorow & Ryan Rans
1	05/21/19	Check No, 409 made payable to "City of Mishawaka" in amount of \$400.
3	05/22/19	"Preliminary Site Plan", Sheet 1 of 1, by Abonmarche Consultants, Inc.
3	03/15/19	Proposed Building Elevations and Photos, by Menards
3	05/21/19	Proposed Warehouse Elevations, by Menards
3 Sets	12/18/17	Aerial Map; List of Adjacent Property Owners within 300' of PQ
1 Set	-	Envelopes (29)

THESE ARE TRANSMITTED as checked below:

☒ For Review & Comment ☒ For Your Use ☐ As Requested
☐ Approved as Submitted ☐ Approved as Noted ☐ Returned for Corrections
☐ For Signature & Notary

REMARKS: It is respectfully requested that you distribute these documents in the usual manner and place us on the Plan Commission agenda on June 11, 2019.

COPY TO: Ryan Rans, Gumwood Acquisitions, LLC
Kristen Sawdon, Great Lakes Capital, LLC
Thomas W. O'Neil, Menard, Inc.
Daryl S. Knip, Abonmarche Consultants, Inc.

SIGNED:

Brian McMorow
Senior Project Manager

O:\Projects\2018\18-1048 Great Lakes Capital\Permits-Approvals\Mishawaka Plan Commission\PUD Amendment\2019.05.22 Submission Pkg\2019.05.22 - GLC
GrandView PUD Amendment LOT.docx

If enclosures are not as noted, kindly notify us at once.

750 Lincoln Way East, South Bend, IN 46601 • 574.232.8700
abonmarche.com

May 22, 2019

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

GUMWOOD ACQUISITIONS, LLC

C/O GREAT LAKES CAPITAL
PO BOX 540
SOUTH BEND, IN 46624

LAKE CITY BANK

409

05/21/2019

074903719

\$400.00*****

**** FOUR HUNDRED AND 00/100 DOLLARS

Void After 90 Days

TO THE
ORDER OF

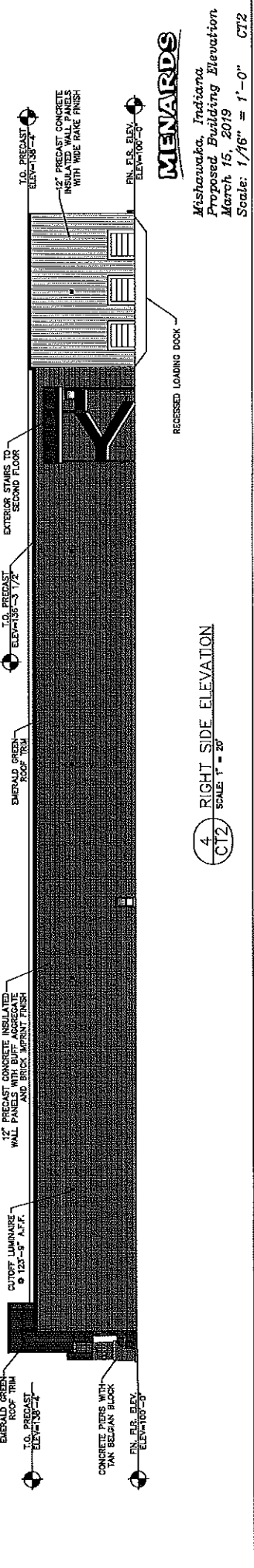
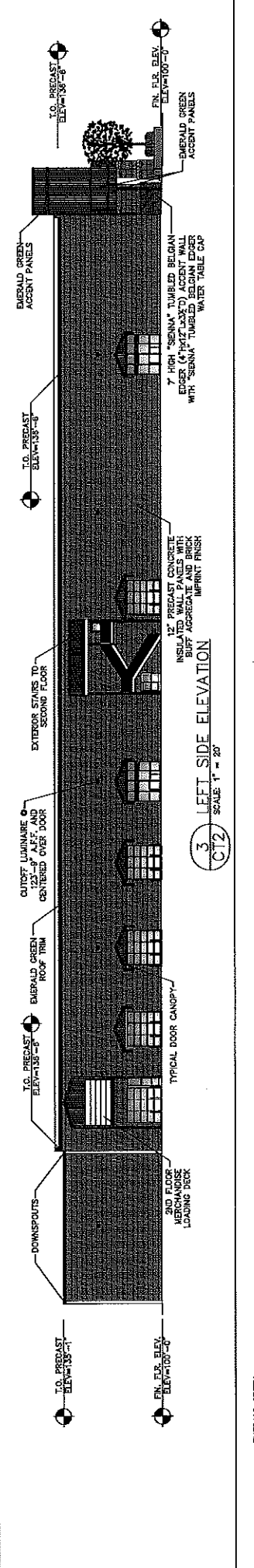
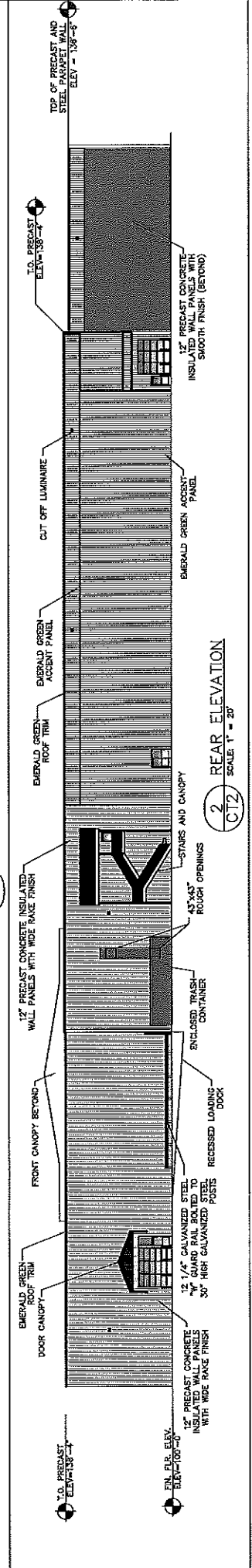
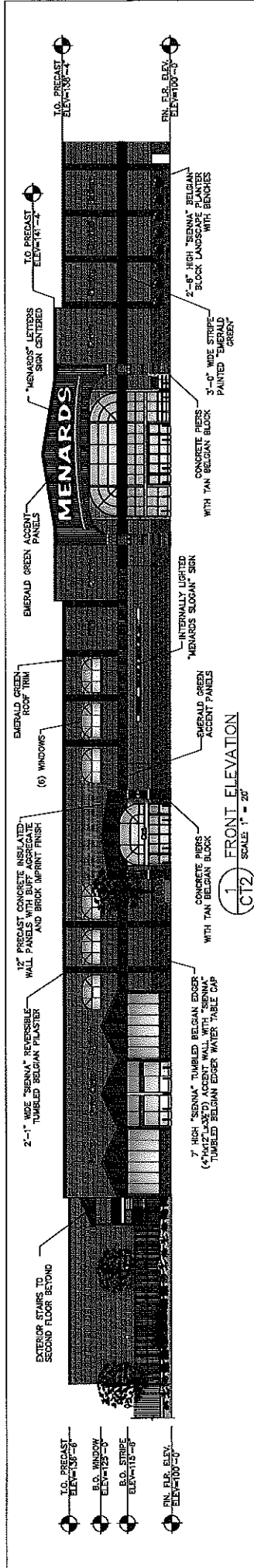
City of Mishawaka
600 E 3rd St
Mishawaka, IN 46544



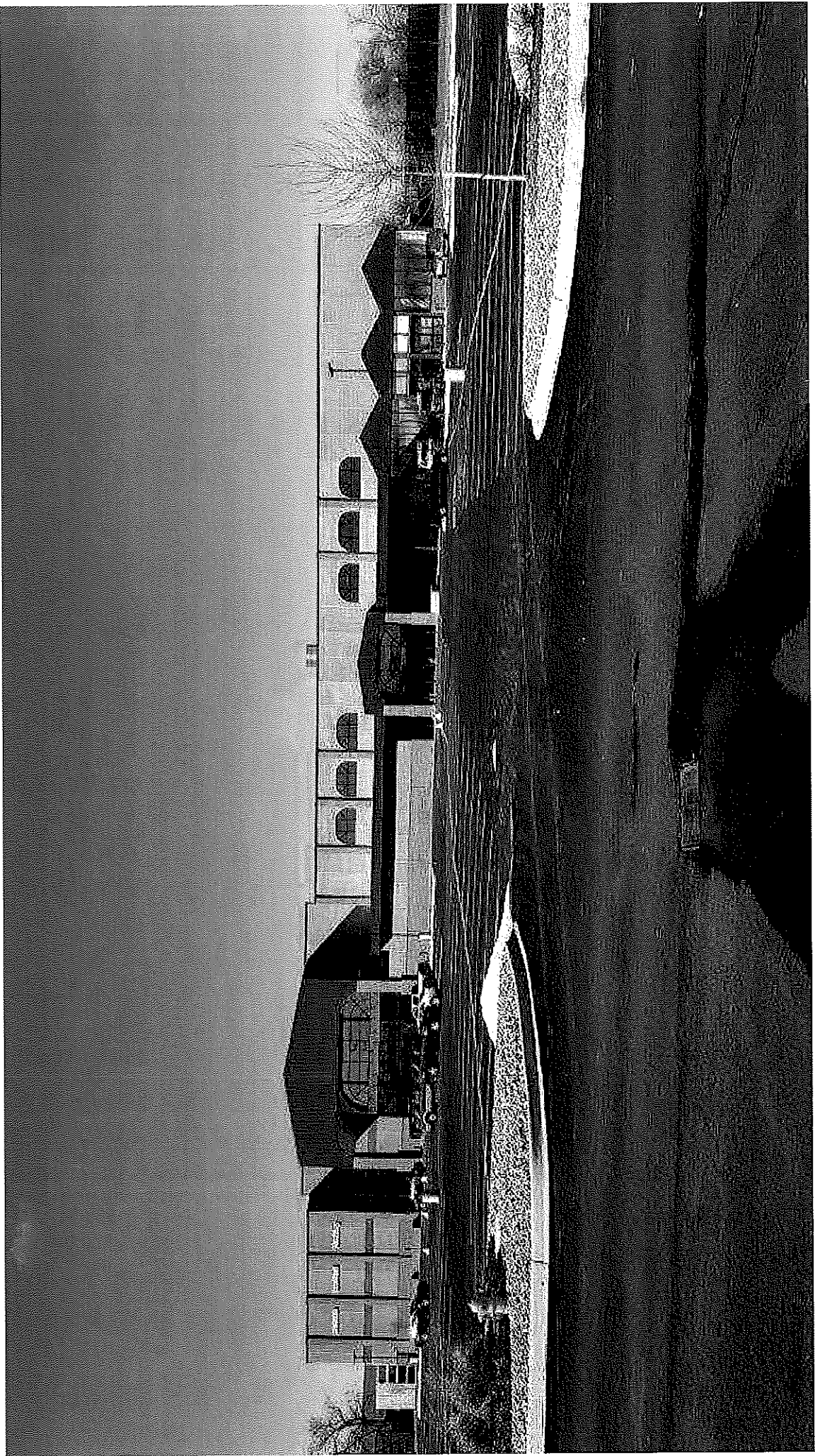
⑈000409⑈ ⑆074903719⑆ 1011322560⑈

DATE:05/21/2019 CK#:409 TOTAL:\$400.00***** BANK:GUMWOOD ACQUISITIONS, LLC(265ops)
PAYEE:City of Mishawaka(city014)

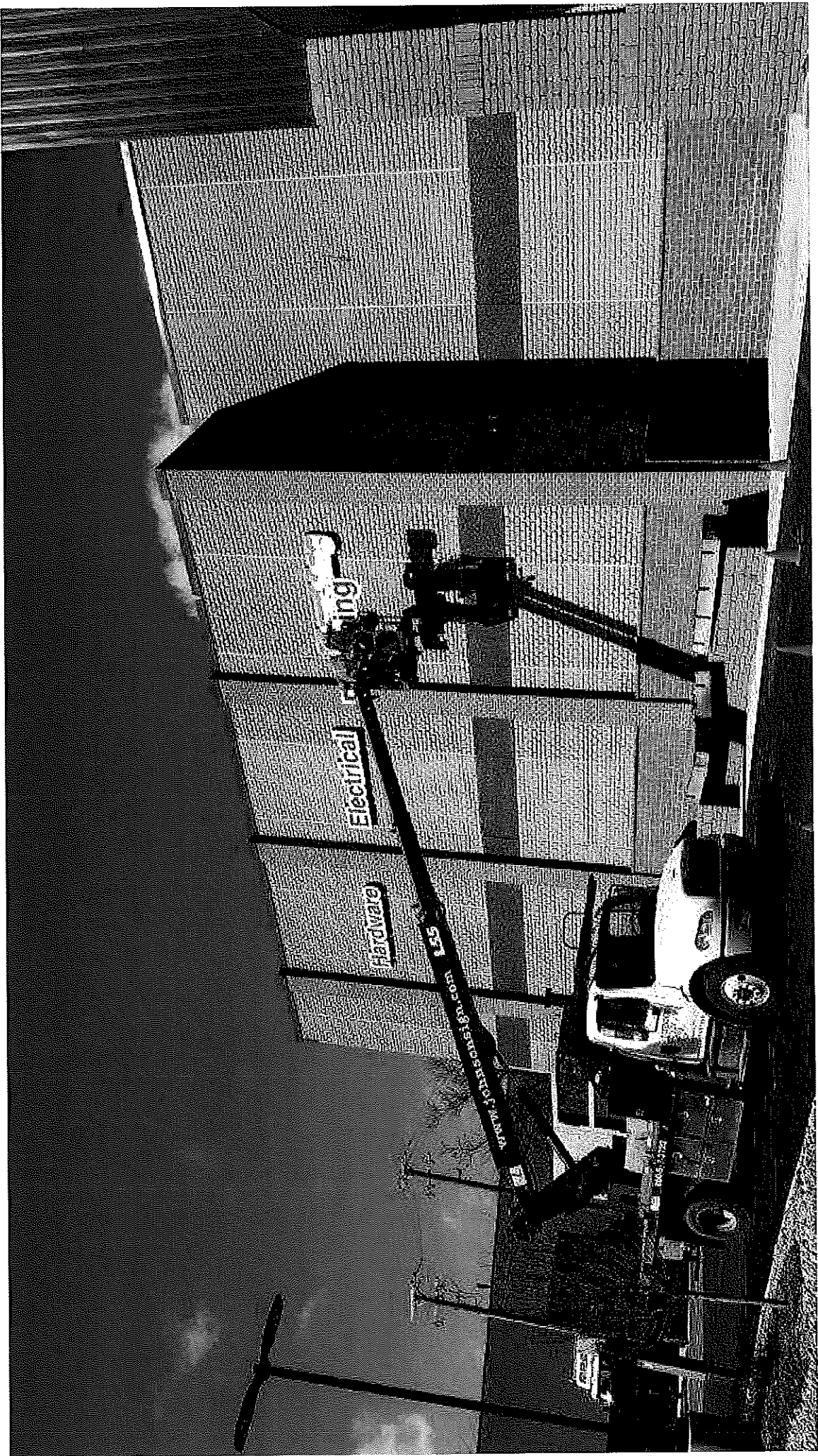
Property Address - Code	Invoice - Date	Description	Amount
Gumwood Acquisitions, LLC - 265	Grandview Menards - Amend PUD Menards @ Grandview		400.00
			400.00

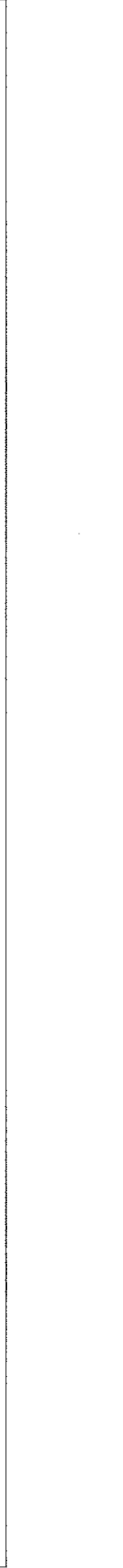
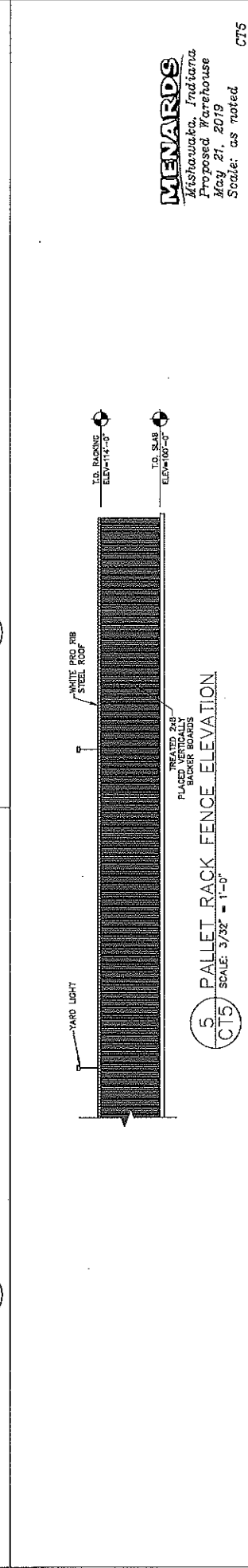
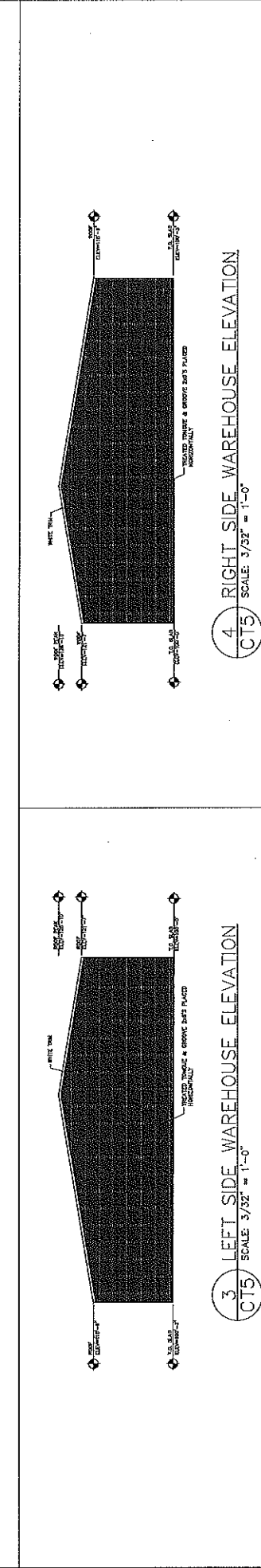
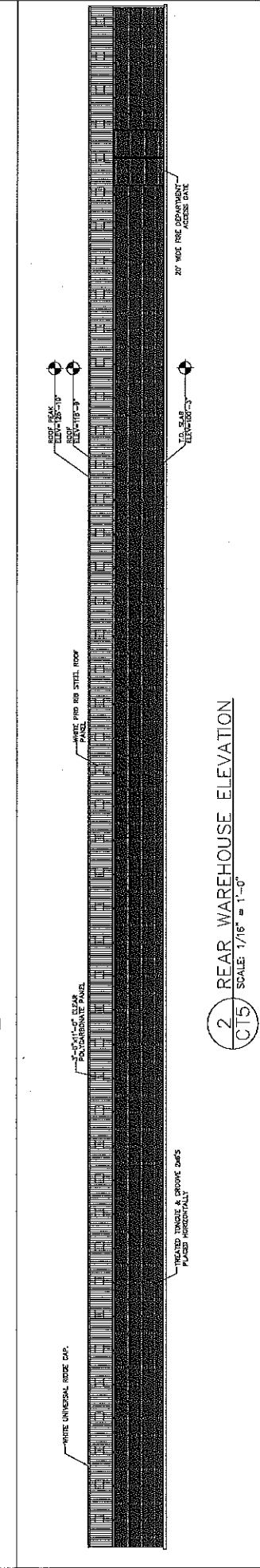
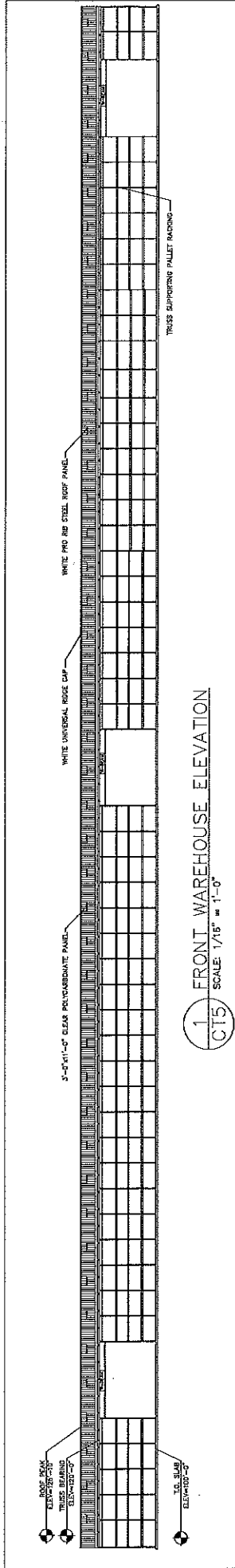


MENARDS
 Mishawaka, Indiana
 Proposed Building Elevation
 March 15, 2019
 Scale: 1/16" = 1'-0" CT2









MENARDS
Mishawaka, Indiana
Proposed Warehouse
May 21, 2019
Scale: as noted

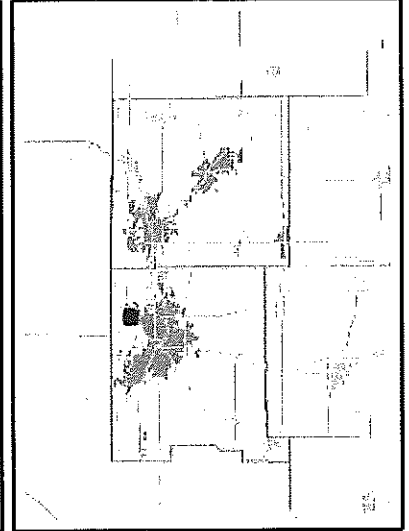
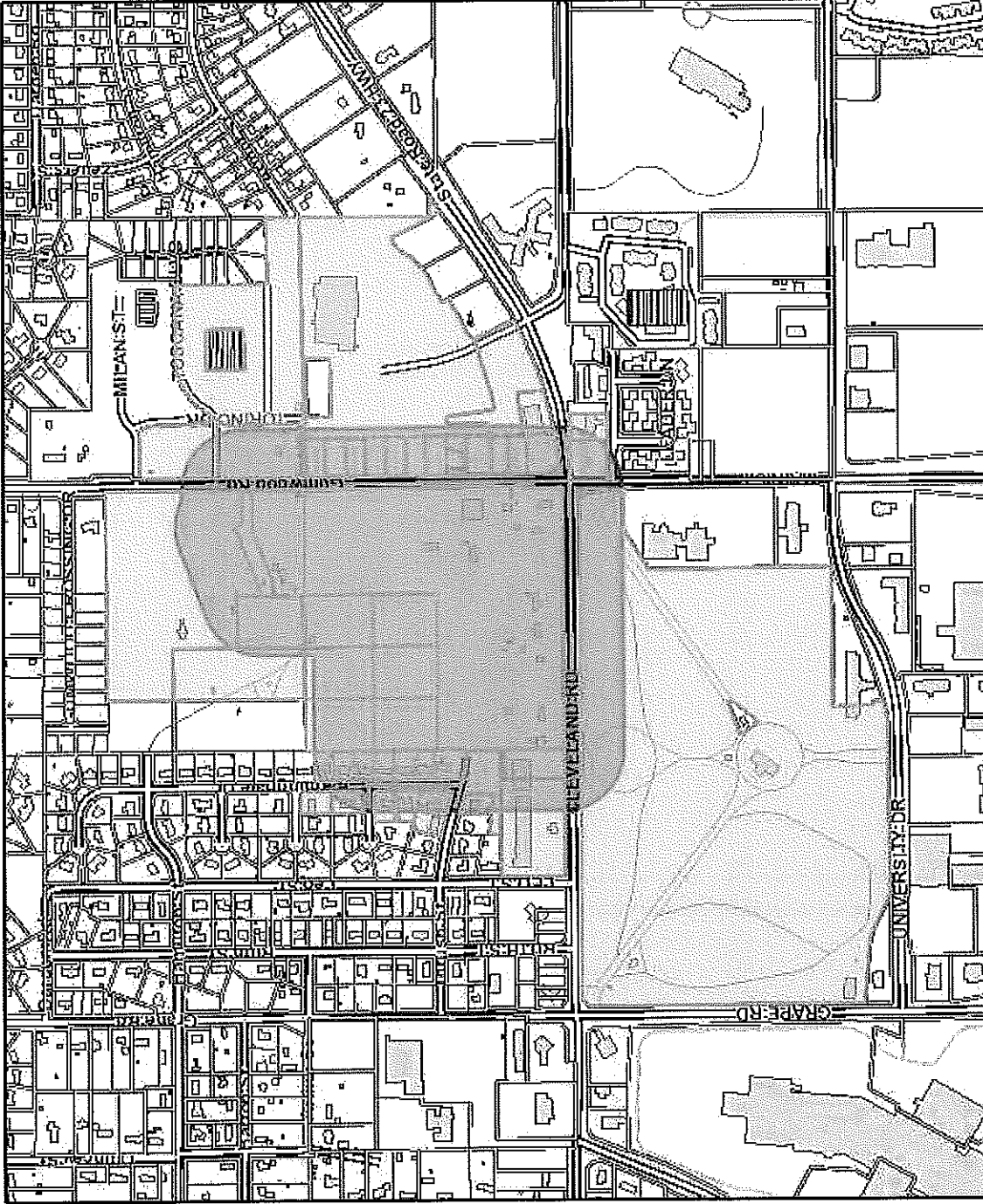
CTS

Michiana Regional GIS Website txtSubTitle

Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge
- Major Roads
- 1
- 10
- Primary Roads
- Secondary Roads
- Local Roads
- Rivers
- Local Roads

1 inch = 600.00 feet



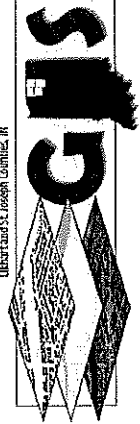
Date Printed: 12/20/2017

Map Generated By: Public

Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACOG.

Michiana Area Council of Governments | Geographic Information System
Liberty and St. Joseph Counties, IN



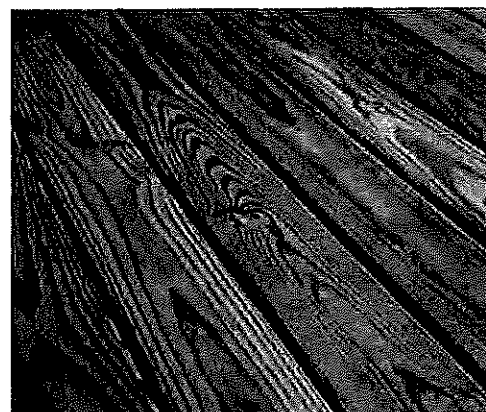
OwnerName	OwnerAddress	OwnerCity	OwnerState	OwnerZIP
FISHER MARY	16302 TRUSH ST	Granger	IN	46530
HERITAGE SQUARE VENTURES LLC	1111 Benfield Blvd	Millersville	MD	21108
MISHAWAKA UTILITIES	126 N Church st	Mishawaka	IN	46544
MISHAWAKA MUNICIPAL WATER UTILITY	126 N Church	Mishawaka	IN	46544
CENTIER BANK	600 E 84th Ave	Merrillville	IN	46410
SIADÉ JOSEPH AND KAY JOAN	16298 Parkwood Ct	Granger	IN	46530
WEC 99D-10 LLC C/O PROPERTY TAX INC DEPT 123	ONE CVS DRIVE	Woonsocket	RI	02895
PROBST WILLIAM F & REGINA M	52841 Farmingdale Dr	Granger	IN	46530
KNIMAR ADVENTURES,LLCWD*07 11-02-07	7145 HERITAGE SQUARE	Granger	IN	46530
NELSON WILLIAM C & SRODA SHEILA A	52855 Farmingdale Dr	Granger	IN	46530
MCCULLOUGH HENRY G L & MCCULLOUGH-NARO PRINCESS S D	2043 South Bend Ave #361	South Bend	IN	46537
FINNEGAN JOAN L	52836 Farmingdale Dr	Granger	IN	46530
SHEA JOHN C SR & ROSEMARY REVOCABLE LIVING TRUST JOHN C & ROSEMARY TRUSTEES UND 1/2 INT	1212 Southwestern	Park Ridge	IL	60068
SCHLEIMA MICHAEL E AND ANNA R	52800 Farmingdale Dr	Granger	IN	46530
BRYANT WILLIAM E AND BORDERS CYNTHIA M AND TETZLOFF DEBRA P AND BRYANT RICK M J	16321 Thrush St	Granger	IN	46530
SCHELLINGER JOSEPH M & JAYNE A	52888 Farmingdale Dr	Granger	IN	46530
STONEWELL INDIANA LLC	3600 Horizon Blvd	Feasterville Trevose	PA	19053
GRANGER HOTEL LLC	58382 SR 19 Ste 106	Elkhart	IN	46517
BAGLOW CHRISTOPHER & CHRISTINE	52888 Farmingdale Dr	Granger	IN	46530
KENNEDY STEPHEN D & LORRIE A	52788 Farmingdale Dr	Granger	IN	46530
BEDRON MICHAEL AND LISA	148 S Milton Ave	Granger	IN	46530
TOSCANA REALTY LLC	PO Box 540	South Bend	IN	46624
MCCLOSKEY ANNE E REV TRUST AND AS TRUSTEE W LIFE EST	52872 Farmingdale Dr	Granger	IN	46530
STAPLES CRISTIL	52818 Farmingdale Dr	Granger	IN	46530
NAMANJA ANDREW T AND KELLY NAMANJA 1/2INT AND NAMANJA DOROTHY E 1/2INT AS JT W FROS	52877 Farmingdale Dr	Granger	IN	46530
VALLEY AMERICAN BANK & TRUST CO	130 S. Jefferson St Ste 300	Chicago	IL	60661
GARRISON HOLLADAY HERITAGE SQUARE LLC	att David Moson 1350 Ave of the Americas fl 9	New York	NY	10019
GRANDVIEW FLATS HOLDINGS LLC	112 W. Jefferson St Ste 200	South Bend	IN	46601
GUMWOOD ACQUISITIONS LLC	112 W. Jefferson Blvd	South Bend	IN	46601



CedarTone Premium

**All the benefits of AC2® Brand Pressure Treated and more!
Exclusively at **MENARDS®****

- **Rich color similar to Coastal Western Cedar**
- **More preservative - Ground Contact Treated**
- **Built-in water repellent**
- **Superior grades of lumber all Made in the USA!**
- **Approved for aluminum contact**
- **Building code compliant ICC-ES, ESR 2240**
- **National Green Building Standard Certified and UL Greenguard Gold Certified**



AC2® CedarTone Premium is the only pigmented colorant system specifically developed for wood treated with AC2®, which provides a pleasing color performance for the first two years following completion of an outdoor project. After several weeks of outdoor exposure, the product will change to a lighter, more natural color. CedarTone Premium treated wood products will maintain a cedar-like color while natural cedar wood fades to a Gray color. Because wood has natural variations in color and outdoor projects have different weather exposures and foot traffic, a homeowner may experience some color changes over time. An annual coating of a Clear brush-on water repellent (SKU # 553-9660/9700) will help maintain the beauty of the outdoor project. To restore and maintain color, apply Pittsburgh Ultra Advanced Semi-Transparent Stain & Sealant In One (SKU# 553-4630).

AC2® CedarTone Premium has a minimum of 50% more preservative

All AC2® CedarTone Premium lumber is treated to a minimum of ground contact protection (.15 lbs of preservative per cubic foot of wood), which is more than twice as much as regular lumber treated for above ground use (.06). AC2® CedarTone (.15) exceeds building codes for above ground use and also allows use of the product for more applications. Moreover, all timbers are treated for critical structural application (.23) vs. ground contact (.15). Some state and local building codes require this heavier treatment (.23).

AC2® CedarTone Premium has factory-applied water repellent

All AC2® CedarTone Premium lumber is pressure treated with built-in water repellent. The built-in water repellent helps to

reduce checking, splitting, cupping, twisting and warping, which are all natural tendencies of wood when exposed to the elements.

AC2® CedarTone Premium has superior grades of lumber

All decking is 15% thicker than standard decking, and is "Premium" grade Southern Yellow Pine. AC2® CedarTone Premium is wane-free decking, has more clear wood, a maximum knot size of 1 ½" (vs. standard at 2 ½") and through holes that are a maximum of 1 in 4 feet of length (vs. standard are allowed well scattered).

All nominal 1" boards are D-Select and better grade Southern Yellow Pine. This is a mostly clear grade with smaller knots (a maximum knot size of ¾" in nominal 4" widths, 1 ½" in 6" widths and 2" maximum in 8" widths).

All 2x4's and 2x6's are #1 Southern Yellow Pine Prime – no-wane grade. All other widths and timbers are #1 Southern Yellow Pine grades. #1 has fewer and smaller knots, less wane (bark or lack of wood) and spans further than #2 grades of pressure treated lumber.

Approved for Aluminum Contact

AC2® pressure treated products are approved for aluminum contact while there are other treatments available today that are not because of their corrosiveness. Corrosive treatment, such as ACQ, is not only bad for aluminum but can also prematurely corrode other metal fasteners. This can result in premature failure. Plus, more expensive fasteners must be used with ACQ.

Building Code Compliant ICC-ES, ESR-2240

AC2® pressure treated products meet or exceed the stringent rules set forth by the ICC. In addition, all AC2® is certified approved by the National Green Building Standards, UL Greenguard Gold, SCS, and has been third party certified by the Southern Pine Inspection Bureau for quality assurance.

Important Information

- Different pieces of lumber may vary slightly in thickness and in width when exposed to different moisture and temperature conditions. According to the *Wood Handbook: Wood as an Engineering Material*, Lumber and other wood items may change in moisture content and dimension while awaiting shipment, during fabrication, in transit, and in storage.¹ This is particularly important for wood that is intended for outdoor use, as it will pick up moisture during storage as well as before and after construction, causing the wood to shrink and swell. Proper care, application and construction methods should be used to ensure an outdoor project will last for years to come.
- Mold growth can and does occur on the surface of many products, including untreated and treated wood during prolonged surface exposure to excessive moisture conditions. To remove mold from the treated wood surface, wood should be allowed to dry. Typically, mild soap and water can be used. For more information visit, www.epa.gov.
- Do not burn preserved wood.
- Wear a dust mask and goggles when cutting or sanding wood.
- Wear gloves when working with wood.
- Some preservative may migrate from the treated wood into soil/water or may dislodge from the treated wood surface upon contact with skin. Wash exposed skin areas thoroughly.
- All sawdust and construction debris should be cleaned up and disposed of after construction.
- Wash work clothes separately from other household clothing before reuse.
- Preserved wood should not be used where it may come into direct or indirect contact with drinking water, except for uses involving incidental contact such as fresh water docks and bridges.
- Do not use preserved wood under circumstances where the preservative may become a component of food, animal feed or beehives.
- Do not use preserved wood as mulch.
- Only preserved wood that is visibly clean and free of surface residue should be used.
- If the wood is to be used in an interior application and becomes wet during construction, it must dry before being covered or enclosed.
- Disposal Recommendations: Preserved wood may be disposed of in landfills or burned in commercial or industrial incinerators or boilers in accordance with federal, state, or local regulations.
- If you want to apply a paint, stain, clear water repellent, or other finish to your preservative treated wood, we recommend following the manufacturer's instructions and label of the finishing product. Before you start, apply the finishing product to a small exposed test area before finishing the entire project to ensure it provides the intended result before proceeding.
- Projects should be designed and installed in accordance with federal, state, and local building codes and ordinances governing construction in your area, and in accordance with the National Design Specifications (NDS) and the *Wood Handbook: Wood as an Engineering Material*.

Residential & Agricultural Limited Warranty

AC2® CedarTone Premium pressure treated lumber is sold "As Is" "With

All Faults", except for provisions of the Lifetime Limited Warranty offer by Koppers Performance Chemicals Inc.(KPC). Original consumer purchasers of AC2® brand wood products are eligible for this NON-TRANSFERABLE RESIDENTIAL & AGRICULTURAL LIMITED WARRANTY. Subject to all the terms and conditions of this warranty, KPC will replace any AC2® brand wood products produced by a licensed treating facility, used in, or in conjunction with residential or agricultural applications that "structurally fail" (are defective) in service due to rot, fungal decay, or termite attack during the warranty term. To qualify for this warranty, you must be the owner-of-record of the property at the time AC2® brand wood products were installed by a builder-contractor-owner. This warranty is non-transferable.

WARRANTY EXCLUSIONS

This Limited Warranty does not cover:

- Commercial or industrial structures, wood foundation systems, wood exposed to salt water, building poles or building timbers in structural applications, commercial vineyard stakes, lattice, peeler core landscape timbers, specialty items, such as spindles, ball tops, lattice and railing or any other products that have been milled after treatment.
- The structural failure of projects or structures containing Wood Product where some or all of the Wood Product has been used in contact with untreated or treated material that has been used in an improper application.
- The structural failure of "Ground Contact" Wood Product where the Wood Product has been end-cut or trimmed and used in contact with the ground, unless a brush-on end coat wood preservative is used to coat all saw cuts and drill holes.
- The structural failure of Wood Product where the Wood Product has been sawn lengthwise or surfaced.
- The structural failure of Wood Product caused by the "weathering" of wood, including but not limited to raised grain, splitting, checking, twisting, warping, shrinkage, swelling, or any other physical property of the wood.
- The corrosion of fasteners, hardware, or any other material(s), or structural failure resulting from such an occurrence. Corrosion of metal materials used to wrap or encapsulate Wood Product.
- The delamination of Wood Product including plywood and other laminated wood products.
- Mold growth on Wood Product.
- Damage to Wood Product other than structural failure.
- Damage to "Above Ground" wood product used in construction of a deck or porch where the underside has been covered with an impervious roofing material that does not provide proper ventilation and/or allow for water drainage.
- The expense of labor, installation, delivery or removal of treated wood product.

How to Make Claims

Defective product may be brought back to the nearest Menards® store for an even exchange of replacement product of the same item or for a refund. The defective AC2® and a receipt of your purchase will be required. For all installed claims: If you purchased product, installed it, or have a problem with it and cannot simply bring it back for an exchange or refund - please submit an Installed Guest Complaint Form along with photograph(s), description of the damage and a copy of your original purchase receipt or proof of purchase. The form may be obtained at any Menards® store, or found online at www.Menards.com and mailed directly to:

MENARDS GUEST SERVICES

At Menard, Inc.

5101 MENARD DRIVE
EAU CLAIRE, WI 54703

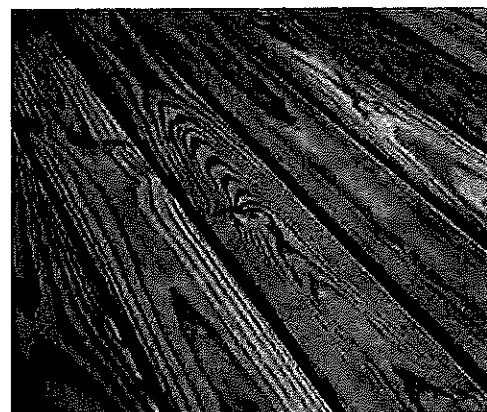
1 Forest Products Laboratory. "Drying and Control of Moisture Content and Dimensional Changes," In *Wood Handbook: Wood as an Engineering Material*, 13-13, Madison: U.S. Department of Agriculture Forest Service, 2010.



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- Damage to Wood Product other than structural failure.
- Damage to "Above Ground" wood product used in construction of a deck or porch where the underside has been covered with an impervious roofing material that does not provide proper ventilation and/or allow for water drainage.
- The expense of labor, installation, delivery or removal of treated wood product.

How to Make Claims

Defective product may be brought back to the nearest Menards® store for an even exchange of replacement product of the same item or for a refund. The defective AC2® and a receipt of your purchase will be required. For all installed claims: If you purchased product, installed it, or have a problem with it and cannot simply bring it back for an exchange or refund - please submit an Installed Guest Complaint Form along with photograph(s), description of the damage and a copy of your original purchase receipt or proof of purchase. The form may be obtained at any Menards® store, or found online at www.Menards.com and mailed directly to:

MENARDS GUEST SERVICES

At Menard, Inc.

5101 MENARD DRIVE
EAU CLAIRE, WI 54703

¹ Forest Products Laboratory "Drying and Control of Moisture Content and Dimensional Changes," in *Wood Handbook: Wood as an Engineering Material*, 13-13, Madison: U.S. Department of Agriculture Forest Service, 2010.

RESOLUTION NO. 2019-20

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, APPROVING AN AMENDMENT OF THE DECLARATORY
RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT**

WHEREAS, the City of Mishawaka Redevelopment Commission (the "Redevelopment Commission") previously adopted a declaratory resolution (as subsequently confirmed and amended from time to time, the "Declaratory Resolution") pursuant to the provisions of Indiana Code 36-7-14 (the "Act") designating an area in the City of Mishawaka known as the Consolidated Area Improvement Project (the "Area") as an economic development area pursuant to the Act, designating the Area as an allocation area pursuant to Section 39 of the Act, and approving an economic development plan for Area (the "Plan"); and

WHEREAS, the Redevelopment Commission heretofore approved and adopted a Resolution (the "2019 Resolution") on July 8, 2019, amending the Declaratory Resolution and the Plan to add the acquisition pursuant to the Plan of the parcels described in Exhibit A to the 2019 Resolution, all as described in the 2019 Resolution; and

WHEREAS, the Redevelopment Commission submitted the 2019 Resolution to the City of Mishawaka Plan Commission (the "Plan Commission") for its approval pursuant to IC 36-7-14-16; and

WHEREAS, the Plan Commission heretofore issued its order on July 9, 2018, approving the 2019 Resolution;

**NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
THE CITY OF MISHAWAKA, INDIANA, AS FOLLOWS:**

SECTION 1. The Common Council hereby approves the amendment to the Declaratory Resolution and the Plan as provided in the 2019 Resolution, and hereby approves the order of the Plan Commission approving the 2019 Resolution.

SECTION 2. This Resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-4-6.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on
this _____ day of July, 2019, at _____ o'clock, P.M.

Dale (Woody) Emmons, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 10 2019

**CITY CLERK
MISHAWAKA, IN**

PRESENTED by me to the Mayor for his approval and signature this _____ day of July, 2019.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED and SIGNED by me this _____ day of July, 2019.

David A. Wood, Mayor

EXHIBIT A

Property Address: 100 Lincolnway West, Mishawaka, Indiana

Property Description:

Parcel I:

Lots Numbered Nine (9) through Twelve (12), inclusive, and lots Numbered Thirty (30), Thirty-two (32), Thirty-four (34), and Thirty-six (36), together with the vacated East and West alley lying South and adjoining Lots Eleven (11) and Twelve (12), as shown on the additional plat of the Town of St. Joseph Iron Works, also known as Liberty Square Addition, now City of Mishawaka being all of the block in the City of Mishawaka bounded on the North by First Street, on the East by Mill Street, on the South by Lincoln Way, and on the West by Spring Street, together with the 16.5 feet North and South vacated alley running through the center of said block.

Parcel II:

Lots Numbered Nine (9) through Twelve (12), inclusive, and Lots Numbered Twenty-two (22), Twenty-four (24), Twenty-six (26), and Twenty-eight (28), together with the vacated East and West alley lying South and adjoining Lots Eleven (11) and Twelve (12) as shown on the additional plat of the Town of St. Joseph Iron Works, also known as Liberty Square Addition, now City of Mishawaka being all of the block in the City of Mishawaka bounded on the North by First Street, on the East by Main Street, on the South by Lincoln Way, and on the West by Mill Street, together with the 16.5 feet North and South alley running through the center of said block.

Parcel III:

The entire width of the vacated Mill Street from the South right-of-way line of First Street to the North right-of-way line of Lincolnway West.

JUL 10 2019

Good afternoon all,

CITY CLERK
MISHAWAKA, IN

Attached is a draft of the resolution as prepared by Barnes and Thornburg regarding the potential purchase of the Liberty Mutual Building. As requested, I have confirmed with Randy Rompola that the Council has an opportunity to take this resolution under consideration at your July 15th meeting and act on it at your regularly scheduled August 5th meeting. This date would still allow us to meet the deadline established by the seller for providing a response since there is only a minimum of 10 days required between the date of the Council action and the final action of the Redevelopment Commission. Based on the questions of the Council and the desire to have more public input, the Administration's desire is to hold a public hearing and to make another full presentation on Monday the 15th at the Council Meeting, then have the decision on the resolution tabled until August 5th. That will allow for additional public meetings and/or time to answer questions before August 5th as may be requested by the Council.

As previously identified, the Redevelopment Commission did approve combining their regularly scheduled July and August meetings into a special meeting on August 19th to consider the confirming resolution and a potential purchase agreement. The official purchase agreement has not been created, but we have given direction to Barnes and Thornburg to work with the seller to prepare a draft for mutual consideration. Once a final draft is available, we will distribute it immediately. We do not expect that a final draft of that agreement will be available until August and that it's purpose will fill be to fill in details on the transaction, but not change the substantive content of the signed LOU.

Furthermore, in being asked about the future role of the Council in the process. If funding is provided through a utility bond as suggested by the Administration, it would require the approval of the Common Council. This fact should allow us to talk conceptually about funding as part of this initial process and if approved, more detailed discussions can occur as part of a larger picture as has been requested. If the decision is made to move forward with the acquisition, the Clerk and Council

would also play an active part in the design process given the needs associated with their respective functions that would be included in the newly consolidated building.

We will be able to respond to some of the questions that have been raised on Monday. The power point will be a little longer. As such, we are happy to move this presentation to the end of the meeting as may be determined by the Council, so that other business can be concluded in a timely manner. Following that presentation we will make the power point available on the City's website for public viewing and reference. Since we know it will have additions, we didn't want to post the current one then change it. We have had a few requests to be sent the powerpoint, and you are welcome to share what has been sent. We just want the one posted on line to be the most up-to-date.

Again, we appreciate your continued help and consideration. Please let me know if you have any additional questions or if there is anything else we can provide.

Ken

Kenneth B. Prince, ASLA, AICP

Executive Director- City Planner

City of Mishawaka

Economic-Community Development-Planning

600 East Third Street

Mishawaka, IN 46544

Phone- (574) 258-1625

RESOLUTION NO. 2019-01

**RESOLUTION OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING
AN AMENDMENT TO A DECLARATORY RESOLUTION APPROVED AND
ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION**

WHEREAS, the City of Mishawaka Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for the City of Mishawaka, Indiana (the "City"); and

WHEREAS, the City of Mishawaka Redevelopment Commission (the "Redevelopment Commission") previously adopted and amended a declaratory resolution (the "Declaratory Resolution") pursuant to the provisions of the Indiana Code 36-7-14 (the "Act") designating an area known as the Consolidated Area Improvement Project (the "Consolidated Area Improvement Project:") (the "Area") as an economic development area, pursuant to the Act, designating the Area as an allocation area pursuant to Section 39 of the Act, and approving an economic development plan for the Area (the "Plan"); and

WHEREAS, the Redevelopment Commission heretofore approved and adopted a resolution on July 8, 2019 (the "2019 Resolution") amending the Declaratory Resolution and the Plan to add the acquisition pursuant to the Plan of the parcels described in Exhibit A to the 2019 Resolution, as described in the 2019 Resolution; and

WHEREAS, the Redevelopment Commission has submitted the 2019 Resolution to the Plan Commission for its approval pursuant to IC 36-7-14-16;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MISHAWAKA PLAN COMMISSION, as follows:

1. The 2019 Resolution and the amendment to the Plan contained therein conform to the plan of development for the City.
2. This Plan Commission hereby approves the 2019 Resolution and the amendment to the Plan contained therein. This resolution hereby constitutes the written order of the Plan Commission approving the 2019 Resolution and the amendment to the Plan contained therein pursuant to IC 36-7-14-16.
3. The Secretary of this Plan Commission is hereby directed to file a copy of the 2019 Resolution with the minutes of this meeting.

SO RESOLVED BY THE CITY OF MISHAWAKA PLAN COMMISSION this 9th day of July, 2019.

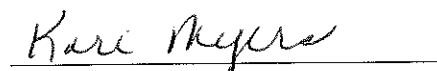
CITY OF MISHAWAKA
PLAN COMMISSION

President



RECEIVED
DEBORAH S. BLOCK, MMC

ATTEST:


Secretary
DMS 14721560v1

JUL 10 2019

CITY CLERK
MISHAWAKA, IN

EXHIBIT A

Property Address: 100 Lincolnway West, Mishawaka, Indiana

Property Description:

Parcel I:

Lots Numbered Nine (9) through Twelve (12), inclusive, and lots Numbered Thirty (30), Thirty-two (32), Thirty-four (34), and Thirty-six (36), together with the vacated East and West alley lying South and adjoining Lots Eleven (11) and Twelve (12), as shown on the additional plat of the Town of St. Joseph Iron Works, also known as Liberty Square Addition, now City of Mishawaka being all of the block in the City of Mishawaka bounded on the North by First Street, on the East by Mill Street, on the South by Lincoln Way, and on the West by Spring Street, together with the 16.5 feet North and South vacated alley running through the center of said block.

Parcel II:

Lots Numbered Nine (9) through Twelve (12), inclusive, and Lots Numbered Twenty-two (22), Twenty-four (24), Twenty-six (26), and Twenty-eight (28), together with the vacated East and West alley lying South and adjoining Lots Eleven (11) and Twelve (12) as shown on the additional plat of the Town of St. Joseph Iron Works, also known as Liberty Square Addition, now City of Mishawaka being all of the block in the City of Mishawaka bounded on the North by First Street, on the East by Main Street, on the South by Lincoln Way, and on the West by Mill Street, together with the 16.5 feet North and South alley running through the center of said block.

Parcel III:

The entire width of the vacated Mill Street from the South right-of-way line of First Street to the North right-of-way line of Lincolnway West.

RESOLUTION NO. 2019-04

**RESOLUTION OF THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION
APPROVING AN AMENDMENT TO THE DECLARATORY RESOLUTION AND
ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA
IMPROVEMENT PROJECT**

WHEREAS, the City of Mishawaka Redevelopment Commission (the "Commission"), the governing body of the City of Mishawaka, Indiana, Department of Redevelopment (the "Department") exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has heretofore adopted a declaratory resolution (as subsequently confirmed and amended from time to time, the "Declaratory Resolution") designating an area known as the Consolidated Area Improvement Project (the "Area") as an economic development area pursuant to the Act, designating the Area as an allocation area pursuant to Section 39 of the Act (the "Allocation Area"), and approving an economic development plan for Area (the "Original Plan"); and

WHEREAS, pursuant to Sections 15-17.5 of the Act, the Commission desires to amend the Declaratory Resolution and the Original Plan by adding the acquisition of the parcels described in Exhibit A attached hereto (the "Property") to the Original Plan (collectively, the "Amendment"); and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Area, the location of various parcels of property, streets, alleys, and other features affecting the replatting, replanning, rezoning, redevelopment or economic development of the Area and the parts of the Area that are to be devoted to public ways, sewerage and other public purposes under the Original Plan, as amended by the Amendment; and

WHEREAS, the Commission has caused to be prepared a list of the parcels of property located in the Area and the owners thereof; and

WHEREAS, the proposed Amendment and supporting data were reviewed and considered at this meeting;

NOW, THEREFORE, BE IT RESOLVED by the City of Mishawaka Redevelopment Commission, as follows:

1. The Commission hereby finds that it will be of public utility and benefit to adopt the Amendment, and that the public health and welfare will be benefited by the Amendment. The Commission further finds and determines that the Amendment is reasonable and appropriate when considered in relation to the Original Plan and the purposes of the Act, and that the Original Plan, as amended by the Amendment, conforms to the comprehensive plan for the City. The Commission hereby reconfirms the findings and determinations set forth in the Declaratory Resolution with respect to the Area.

RECEIVED
DEBORAH S. BLOCK MMC

JUL 11 2019

CITY CLERK
MISHAWAKA, IN

2. The Amendment is hereby approved in all respects. The Original Plan, as amended by the Amendment, is hereby confirmed in all respects.

3. Any member of the Commission is hereby authorized to take such actions as are necessary to implement the purposes of this resolution, and any such action taken prior to the date hereof is hereby ratified and approved.

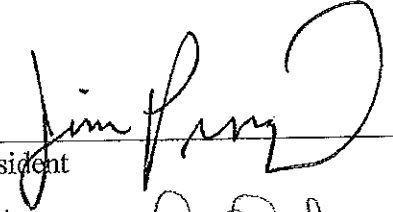
4. This Resolution, together with any supporting data, shall be submitted to the City of Mishawaka Plan Commission (the "Plan Commission") and the Common Council of the City of Mishawaka (the "Common Council") as provided in the Act, and if approved by the Plan Commission and the Common Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

5. The Commission authorizes the hiring of two (2) appraisers to appraise the value of the Property.

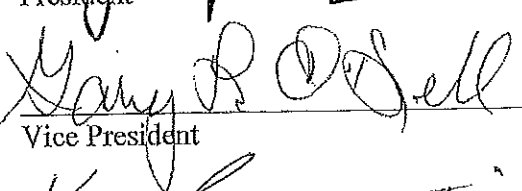
6. This resolution shall take effect immediately upon its adoption by the Commission.

Adopted this 8th day of July, 2019.

CITY OF MISHAWAKA
REDEVELOPMENT COMMISSION



President



Vice President

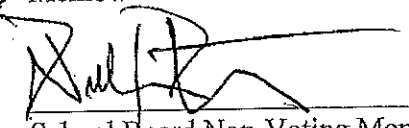


Secretary

Member



Member



School Board Non-Voting Member

EXHIBIT A

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Property Description:

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