

AGENDA

Tuesday, September 3, 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**

August 19, 2019

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

Introduction and Swearing-in of Mayor Wood's Youth Council

Appeal No. 2019-37 Use Variance Outside Storage & Developmental Variance to Permit Unpaved Area Within Outside Storage Area 3723 N. Home St.

Appeal No. 2019-38 Use Variance to Permit Permanent Makeup Services(Microshading) & Cosmetology Services 605 W. Edison Rd, Unit L

Petition No. 2019-10 Amend PUD to Allow Microblading as a Permitted Use - 239 W. University Drive

Petition No. 2019-11 Rezone from C-7 Auto Oriented Restaurant Com. to C-4 Auto Oriented Com. for a Car Wash Facility - 410 W. McKinley

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

P.O. NO. 2019-23 Civil City Budget and Tax Levy for 2020

- 8. Resolutions**

R2019-21 Use Variance to Permit Micro-blading &/or Permanent Makeup 228 W Edison Rd Suite 600

- 9. Ordinances on Second Reading**

P.O. NO. 2019-21 Elected Officials Salary Ordinance for 2020(Assigned to Budget and Finance Committee)

P.O. NO. 2019-22 City Employees Salary Ordinance for 2020 (Assigned to Budget and Finance Committee)

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

P.O. NO. 2019-17 Grandview PUD Amendments W. Side of North Gumwood South by W. Cleveland Rd (SR) and E. by Centennial Place Shopping Plaza (**Menards**)
(Assigned to Land Use Planning Committee)

12. New Business

13. Adjournment

At this time I know of no other business to come before the Council.

Deborah S. Block, IAMC, MMC, City Clerk

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

August 19, 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 August 19, 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: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

Absent: Mrs. Voelker, Mr. Compton.

Others Present: Clerk Block, Deputy Clerk Raven Boston, Council Attorney Michael Trippel.

Minutes of the Regular Meeting of August 05, 2019 was approved as received from the Clerk’s Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendations from their August 13, 2019 meeting.

APPEAL #19-28 An appeal submitted by Jay Frederickson requesting a Use Variance for **228 West Edison Road**, Suite 600, to permit microblading and/or permanent make up.

The Board, with a vote of 3-0, recommended approval.

APPEAL #19-33 An appeal submitted by L & B Penn LLC & PJT Penn LLC requesting a Use Variance at **2320 Douglas Road** to allow wholesale landscape material sales.

The Board, with a vote of 3-0, recommended approval subject to the following conditions:

1. The sale of wholesale landscape materials shall be limited to only top soil for a period not to exceed three (3) years.
2. The access drive improvements along Veteran’s Parkway shall be reviewed and implemented as determined by the City of Mishawaka Engineering Department.

APPEAL #19-35 An appeal submitted by Patricia A. Skelton requesting a Use Variance for **903 East Fifth Street** to allow an existing house and 1,500 sqft accessory structure to be used as a home-based business in I-1 Light Industrial zoning district.

The Board, with a vote of 3-0, recommended approval subject to the following conditions:

1. All business operations shall occur completely within the accessory structure.
2. No outside storage of raw materials or finished product is permitted.

3. No person shall be employed on the premises other than a member of the immediate family residing on the premises.
4. No signage shall be permitted other than a nameplate of no more than one square foot in area flush mounted to an outside wall.
5. No commodity shall be sold on the premises.
6. No mechanical equipment is used except for basic hand tools and an air compressor.
7. The exterior of the accessory structure shall not be painted or constructed to indicate from the exterior that the structure is being utilized for any purpose other than that of a detached residential accessory building.

Clerk Block read a letter from the Police Department for the approval of the Justice Assistance Grant (JAG) for 2019.

A motion was made by Mr. Banicki to accept the JAG letter same upon a second by Mr. Tanner motion carried.

Clerk Block read the following proposed ordinances by title and was set for public hearing at the next meeting.

PROPOSED ORDINANCE NO. 2019-21

**AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020
(Elected Officials Salary Ord)
(Assigned to the Budget and Finance Committee)**

PROPOSED ORDINANCE NO. 2019-22

**AN ORDINANCE THE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY
OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND
THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA,
FOR THE YEAR BEGINNING JANUARY 1, 2020.
(City Employee Salary Ord)
(Assigned to the Budget and Finance Committee)**

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

RESOLUTION NO. 2019-21

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT:
228 West Edison Road, Suite 600, Mishawaka, Indiana**

(Use Variance to Permit Micro-blading/permanent makeup)

Petitioner was not present.

Mr. Mammolenti made a motion to postpone **Resolution No. 2019-21** to the September 03, 2019 meeting upon a second by Mr. Tanner motion carried.

RESOLUTION NO. 2019-22

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

2320 Douglas Road, Mishawaka, Indiana

(Use Variance to allow Wholesale Landscape Material Sales)

Bernard Feeney, Land Surveyor Plymouth Land Surveying and Design, Inc. spoke on the behalf of the petitioners. He said the Penn family was the owner of the farm that was being converted into the Juday Creek Park. Mr. Feeney explained two buildings remaining on the proposed property on the northwest corner of the intersection of Veterans Parkway and Douglas Road was a part of their homestead. He said there was a substantial amount of top soil left over from the construction from the widening of Douglas Road, which was deposited at the west end of the remaining buildings. Mr. Feeney said they were requesting to allow the sale of the top soil by Larry and Paul Penn. He informed the council the petitioners were aware of the requirements from the Engineering Department and they fully expect to comply to all conditions. Mr. Feeney continued to say they were also aware there was a 3-year term limit.

Mr. Tanner said he understood this was not a landscape business going in to the location. He asked to clarify this was to address the access top soil left behind from the project. Mr. Feeney replied correct, they were selling the top soil wholesale to landscaping businesses throughout the county. He mentioned the primary beneficiary benefitting from the sale was the McKinley Landscape Center. Mr. Tanner also asked was this an agreement made with the Penn Family and the contractor for this project. Mr. Feeney replied yes.

Question was called for at 7:31 P.M. for **RESOLUTION NO. 2019-22**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.**

RESOLUTION NO. 2019-23

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

903 East Fifth Street, Mishawaka, Indiana

(Use Variance to allow existing house and Accessory Structure used for home business)

Norman Vandermee 903 E. 5th Street said his property was currently zoned industrial and for the last 30 years he has been working out of his one and a half car garage. He continued to say he would like to increase the size of his garage to 1500 square feet which would fit up to 4 cars. Mr. Vandermee mentioned he had no employees and it was a home-based business. He said his line of business was designing prototype molds for automotive racing cars. Mr. Vandermee said in his 30 years of working out of his home he did not hear of any complaints from the surrounding neighbors. He mentioned there were neighbors with concerns regarding property values, but it seemed he alleviated their concerns.

Mr. Tanner ask would the business require heavy metal machinery and the type of construction the garage would be. Mr. Vandermee replied no, it was all basic hand tools. He said the garage would be an insulated metal building; he would try to make it look as residential as possible.

Mr. Mammolenti questioned the hours of operation. Mr. Vandermee explained he did not have set hours of operation, he worked on his own time. He said he kept the noise down at night.

Mr. Emmons commented Mr. Vandermee answered all the questions of the concerned citizens at the Board of Zoning meeting.

Question was called for at 7:19 P.M. for **RESOLUTION NO. 2019-23**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mrs. Petko Reisdorf, Mr. Bellovich, Mr. Hixenbaugh, Mr. Emmons.

PRIVILEGE OF THE FLOOR

Mr. Emmons explained the guidelines to take place under privilege of the floor for the Menards remonstrators. He asked the audience to be courteous, limit comments and please do not be redundant. He said the council was there to listen to comments, there would not be any discussion from the council.

Ken Prince, City Planner explained whatever decision made by the council had to be defensible. He stated if the council approved or turned down the proposed ordinance for Menards at the next meeting, state law mandates what kind of process would take place. Mr. Prince continue to explain there was a public hearing scheduled for September 03, 2019 for the proposed Menards. He mentioned there was a number of remonstrators who made contact regarding their concerns the council would take action at the last meeting before the deadline was up. Mr. Prince went on to say in this case there was not a representative from Menards present to defend and to take testimony on the item tonight and it would jeopardize the process. He said it would not prevent the public to ask questions, but it was very important to refer to the legal counsel regarding the ability to take testimony tonight.

Mike Trippel, Council Attorney said as Mr. Prince pointed out under Indiana law, on zoning matters the council would act as the arbiter of the evidence and make a decision based on evidence presented. He said there was a public hearing scheduled for September 3rd on the Menards item. Mr. Trippel said at that time the council would hear from the public in favor and against to then ask their questions and weigh the evidence to make a decision. He continued to

explain the decision made by the council was subject to a potential appeal by either party if they were not pleased with the decision, but there were court remedies if the parties decided to appeal the decision. Mr. Trippel concurred with Mr. Prince, the acceptance of evidence on a night when there was no public hearing scheduled would be violative to Indiana law which would potentially expose the council to liability later. He then went on to quote section 6 of the council rules, "as the presiding officers (council), on none agenda items for such period of time the council may allow people to speak only as allowed by the presiding officers." He said the council had the ultimate digression to limit or to cease comment.

Mr. Emmons said each person's remarks would be limited to 3 minutes. He asked the public to remain professional and respect the rules Mr. Trippel stated. Mr. Emmons opened the floor to privilege of the floor.

Granger residence expressed they were against the relocation of the Menards store. Jeff and Marie Sepeta 50701 Trails North, Kimberly VanElk 7520 Toscana Ct., Chris and Christine Baglow 52888 Farmingdale Dr., Charleen Wozniak 52367 Liberty Mills Ct., Corrine Weaver 16280 Brick Rd., Michael Schlemma 52800 Farmingdale Dr., Margret Filchak 51137 Heathertin Ct., Marylin Kostry 16113 Gumwood Crossings, Richard Paul 52180 Wyndham Crest Ct., Claudia Mager 52440 Wynbrooke Ct., Amanda Jones 15587 Signal Hill Ct., Lisa Gamman 51904 Quail Valley, Doris Collins 15736 Fieldcrest Ct., Gloria Prawat 52366 Silverleaf Ct., Anne Slater 16394 Darden Rd.

ADJOURNMENT 8:21 P.M.

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

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

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 28 2019

CITY CLERK
MISHAWAKA, IN

DATE: August 10, 2019

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

1. I, Paul A Kitkowski & Kathy F Kitkowski, am the owner(s) of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A 9,200 sq. ft. metal building located at 3723 n. Home Street on 3 (three) acres.

~~BEG 344/25' W OF N 1/4 CORNER OF SEC 2 150' N&S X 866.98' E&W CONT 3.00 AC MORE
SEC 2 37 3E EX 1 FT N & 1 FT W 99-00 CORRECT 1 FT SPLIT~~ SEE ATTACHED
LEGAL DESCRIPTION

2. The above-described real estate presently has a zoning classification of I-1 Industrial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant proposes to occupy the above-described property in the following manner:

CL Management and Leasing is purchasing the property for the use of Milestone Fence LLC and Superior Access and Door LLC. Business operations will include use of trucks, equipment, outside storage for construction materials and office functions.

4. Appellant desires to:

As part of the business operations, CL Management and Leasing is proposing outside storage of materials and equipment necessary for the regular operation of the business. Additionally, CL Management and Leasing is seeking a developmental variance for relief from the required all-weather paved surface for off-street parking.

5. The Zoning Ordinance of the City of Mishawaka requires

General contractors with no outside storage are permitted uses under the I-1 Zoning District in Sec 137-586 of the City of Mishawaka Zoning ordinance, however, CL Management and Leasing is proposing to have outside storage of materials and equipment, bringing the need for the variance. Sec 137-587 requires off-street parking areas to be surfaced with all-weather paving material capable of carrying a wheel load of 4,000 pounds.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

The nature of the materials and equipment required for the operation of the business do not easily suit themselves for storage inside of buildings. The size and cost of constructing buildings to accommodate the storage of the materials and equipment would be cost prohibitive to the development of the proposed site location. Similarly, the

AP 19-37

cost of providing a paved surface to accommodate parking of equipment and storage of materials for the proposed use would be cost prohibitive for the development of this site.

The materials to be stored outside are predominantly:

- *Steel and galvanized pipe*
- *Steel and galvanized fence fabric*
- *Temporary fence panels*
- *Work trucks when not in use*
- *Trailers*

USE VARIANCE:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

NO- Granting the use variance and allowing outside storage on the property will not impact the public health, safety, morals or general welfare of the community. The materials and equipment that will be stored do not pose any risks to public health.

- (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. This property and surrounding properties are all in an industrial park. The properties to the south are zoned I-1 and I-2. Properties to the east are zoned I-1 and C-4. Properties to the north are zoned I-1. Other properties to the north and west are St. Joseph County agricultural and residential and are over 1000 ft away from the property at 3723 N. Home St.

- (3) Does the need for the variance arise from some condition peculiar to the property involved?

No. However, the parcel is long and narrow toward Home St. (150 ft of frontage). Adjacent properties are predominantly I-1 and I-2. Those that are not are in St. Joseph County either agricultural or residential and are at least 1000 ft away from the property at 3723 N. Home St.

- (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- The nature of the materials and equipment required for the operation of the construction business do not easily suit themselves for storage inside of buildings. The size and cost of constructing buildings to accommodate the storage of the materials and equipment would be cost prohibitive to the development of the proposed site location.

- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

NO- Then Mishawaka 2000 Comprehensive Plan calls for Industrial Development for the proposed property and the adjacent properties.

DEVELOPMENTAL VARIANCE

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

NO- Granting the use variance and allowing relief from the paved parking requirements will not have a negative impact to the public health, safety, morals or general welfare of the community.

- (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. The areas surrounding the property to the south-east and to the north are primary I-1 and I-2. The other areas are agricultural and vacant land. There will be more than adequate natural buffer.

- (3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property?

YES- The cost of providing a paved surface to accommodate parking of equipment and storage of materials for the proposed use would be cost prohibitive for the development of the site.

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

Property Owner: Paul A. Kitkowski Second Property Owner: Kathy Kitkowski
Print Name: PAUL A. KITKOWSKI Print Name: KATHY F. KITKOWSKI

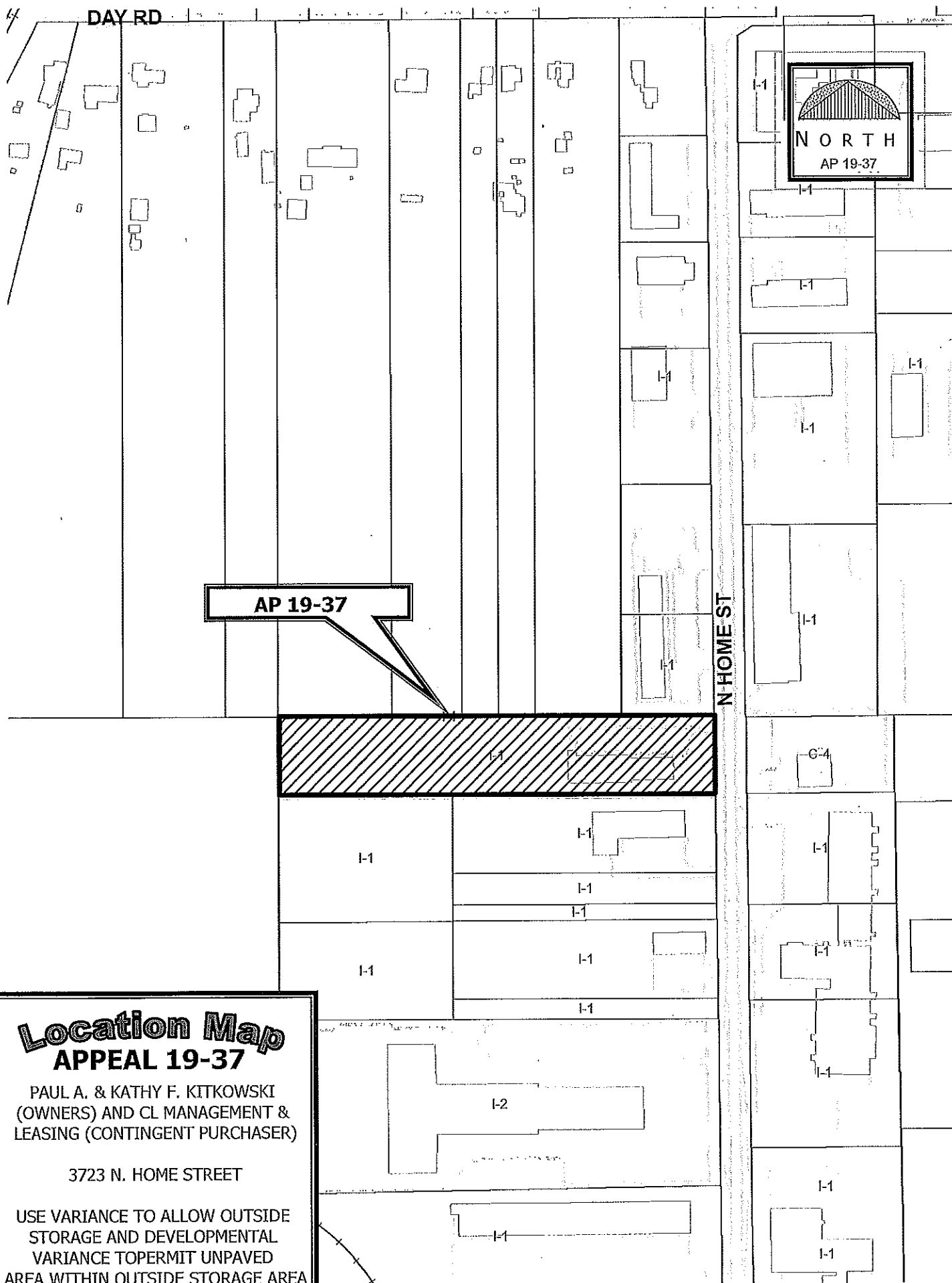
CONTACT PERSON

Name: PAUL A. KITKOWSKI
Address: 1121 E. BURLY AVE., MISHAWAKA, IN 46545
Day Phone Number: 574-256-5911
Fax Number: 574-256-7123
Email: PROTOOLENG @ COMCAST.NET

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST (BEARING ASSUMED) ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, 344.25 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 15 SECONDS WEST, 1.00 FOOT TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 03 MINUTES 15 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF HOME STREET (60 FOOT RIGHT-OF-WAY), 150.00 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST, 866.84 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 150.00 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 30 SECONDS EAST, 866.98 FEET TO THE POINT OF BEGINNING.



Location Map APPEAL 19-37

PAUL A. & KATHY F. KITKOWSKI
(OWNERS) AND CL MANAGEMENT &
LEASING (CONTINGENT PURCHASER)

3723 N. HOME STREET

USE VARIANCE TO ALLOW OUTSIDE
STORAGE AND DEVELOPMENTAL
VARIANCE TO PERMIT UNPAVED
AREA WITHIN OUTSIDE STORAGE AREA

AP 19-38

August 7, 2019

RECEIVED
DEBORAH S. BLOCK, MMC

To: Board of Zoning Appeals
City of Mishawaka, Indiana

AUG 28 2019

CITY CLERK
MISHAWAKA, IN

The undersigned appellant respectfully submits to the Board the following to its knowledge:

1. I, EIG Edison Park Center, LLC, am 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 2 of Edison Holdings subdivision as recorded under Instrument No.2010-14775 in the office of Recorder of St. Joseph County, Indiana – 605 W. Edison Road, Unit L, Mishawaka, IN 46545.

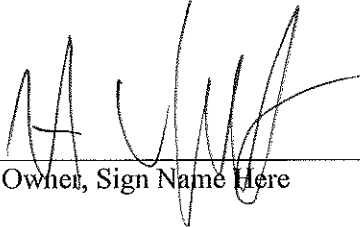
2. The above described real estate presently has a zoning classification of C-2 Shopping Center Commercial district under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner: Multi-Tenant Commercial Strip Development.
4. Appellant desires to rent tenant space to Xclusive Beauty n' BROWS which intends to provide permanent makeup services (microshading) and cosmetology services.
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. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. The permitted uses in the C-2 District do 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?
No, we understand that LaSheen Taylor of Xclusive Beauty n' BROWS has had significant amounts of training and is also Bloodborne-Pathogen Certified to provide safe, professional 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?
No, Xclusive Beauty n' BROWS, once approved, will provide a service consistent with other tenants at the shopping center and further will be inspected by the Health Department to confirm code compliance.
 - 3.) Does the need for the variance arise from some condition peculiar to the property involved?
Yes, Xclusive Beauty n' BROWS will provide a professional, safe and sanitary environment appropriate for the shopping center but not currently permitted by current codes.
 - 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, strict adherence limits the opportunity to provide at the shopping center permanent makeup artists and licensed beauty professionals to perform the intended beauty services. Permanent makeup services have been known to provide individuals a multitude of benefits, including for example self-esteem, especially for cancer survivors.

5.) 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 hearing, the Board grants the requested variance.

Robert C. Sutton
Property Owner, Print Name Here

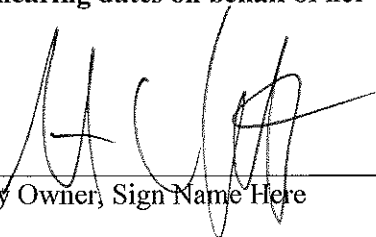

Property Owner, Sign Name Here

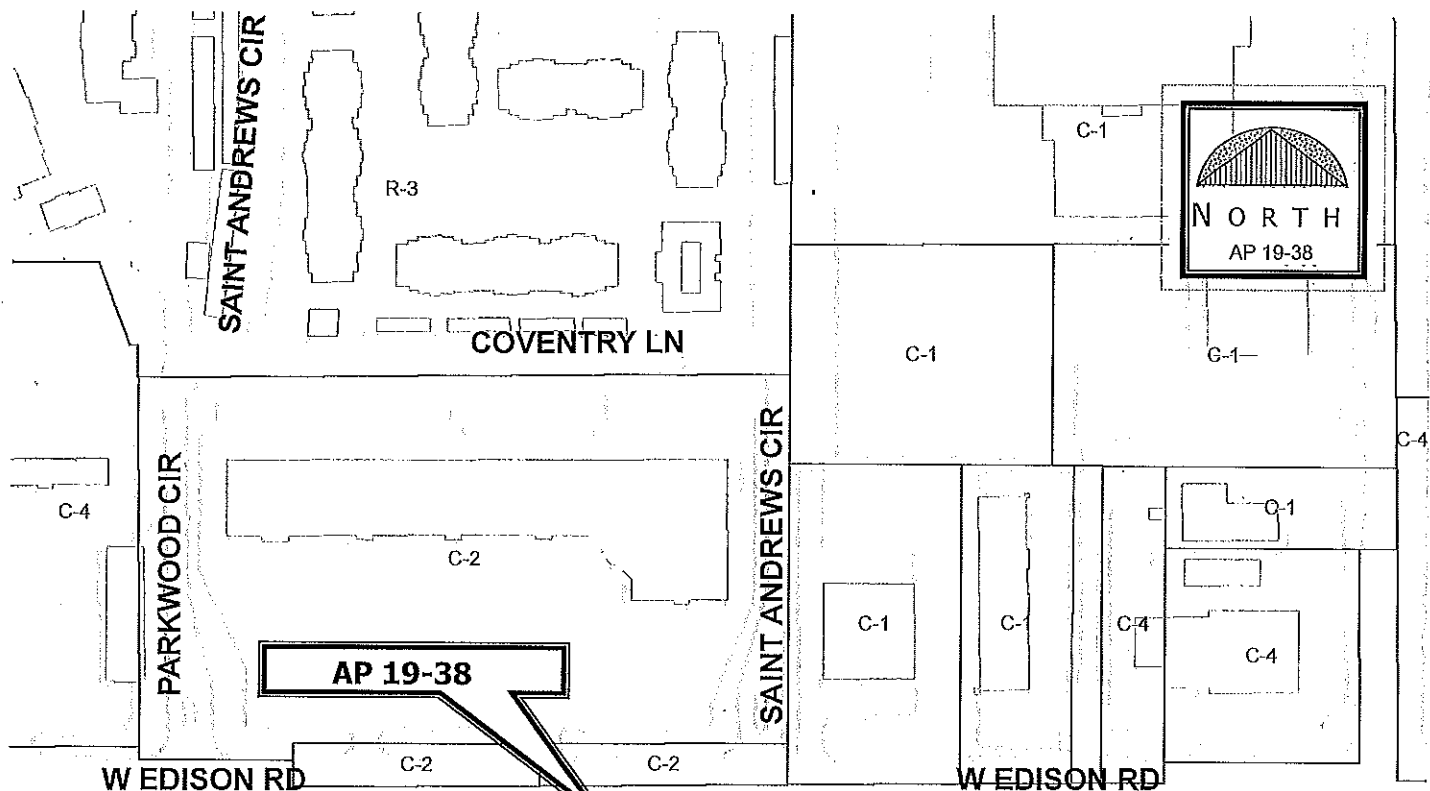
CONTACT PERSON:

LaSheen Taylor
797 Pulling Street, South Bend, IN 46614
P: 269-876-7856
F: 574-231-8267
E: lasheen.taylor@aol.com

I, EIG Edison Park Center, LLC, further understand and give my permission for LaSheen Taylor of Xclusive Beauty n' BROWS to attend the required public hearing dates on behalf of her company regarding the decision of this use variance.

Robert C. Sutton
Property Owner, Print Name Here


Property Owner, Sign Name Here



Location Map

APPEAL 19-38

LASHEEN TAYLOR D/B/A XCLUSIVE
BEAUTY N' BROWS (TENANT) & EIG
EDISON PARK CENTER LLC (OWNER)

605 W. EDISON ROAD, UNIT L

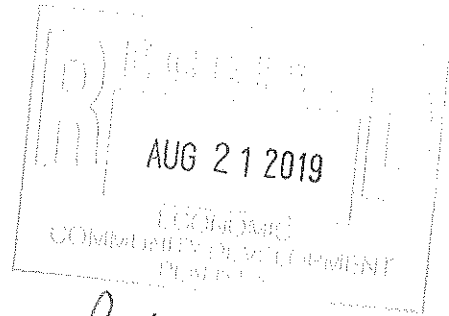
USE VARIANCE TO PERMIT PERMANENT
MAKEUP SERVICES (MICROSHADING) &
COSMETOLOGY SERVICES

AUG 28 2019

August 13, 2019

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

CITY CLERK
MISHAWAKA, IN



RE: PETITION FOR PUD AGREEMENT

The undersigned, DF Properties LLP, 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:

Lot 5 being a parcel of land being a part of the Northeast Quarter of Section 28, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana and being more particularly described as commencing at the Southeast corner of the Northeast Quarter of said Section 28; thence North 0° - 34' - 41" East along East line of said Northeast quarter, a distance of 915.81 feet; thence South 89° - 35' - 28" West, a distance of 450.86 feet to the place of beginning also being the Southwest corner of a parcel of land conveyed to Midas Realty; thence continuing South 89° - 35' - 28" West, a distance of 523.88 feet; thence North 0° - 24' - 32" West, a distance of 91.89 feet to the South right-of-way line of University Drive, thence along a non-tangent curve to the left having a radius of 994.93 feet and a central angle of 14° - 13' - 25" and limited in length by a chord which bears North 66° - 37' - 58" East, a distance of 246.36 feet; thence North 59° - 31' - 13" East, a distance of 105.76 feet; thence along a curve to the right having a radius of 914.93 feet and a central angle of 14° - 21' - 05" and limited in length by a chord which bears North 66° - 41' - 44" East, a distance of 228.57 feet to the Northwest corner of said Midas Realty Parcel; thence South 0° - 28' - 44" West along the West line of said Midas parcel, a distance of 332.00 feet to the place of beginning containing 2.54 acres more or less. Located on the south side of University Drive approximately 415 feet west of North Main Street, Mishawaka, Indiana.

Petitioner owns one hundred percent (100%) of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for commercial retail - salon services.

Petitioner desires said real estate to be amended to allow for the hair salon to add microblading services.

Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above describe parcel of land located in the City of Mishawaka.

Gary Standiford, Managing Partner, DF Properties LLP

Contact Person: Aaron Slagel

1336 E. 510 S. Lafayette, IN 47909

phone: 765-412-4272

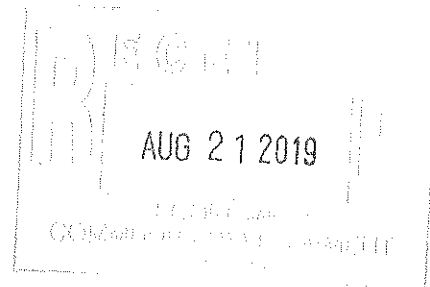
email: aaronslagel@msn.com

August 13, 2019

The undersigned, DF Properties – LLP, respectfully allows Kelly Reynolds, owner of "Blown Away Blow Dry Bar, Inc." hair salon to appear and act on our behalf at the hearing of the amendment to the Planned Unit Development.



Gary Standiford, Managing Partner, DF Properties – LLP





N MAIN ST

C-1

S-2

S-2

W UNIVERSITY DR

PET 19-10

S-2

S-2

S-2

C-2

N MAIN ST

S-2

S-2

S-2

Location Map

PET 19-10

239 W UNIVERSITY

AMEND PUD TO ALLOW
MICROBLADING AS A
PERMITTED USE

PET 19-11

August 20, 2019

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

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 28 2019

CITY CLERK
MISHAWAKA, IN

RE: PETITION TO REZONE

The undersigned GLC-MAP McKinley Trust, LLC respectfully show they are the owners of the following described real estate, and the undersigned Wyant Properties LLC respectfully show they are the contract purchasers of the following described real estate, located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Legal Description: See attached Exhibits "A" and "B"

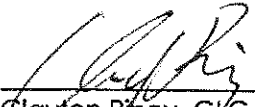
Address: 410 West McKinley Avenue, Mishawaka, IN 46545

Parcel ID: Portion of 016-2058-193912

GLC-MAP McKinley Trust, LLC owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-7, Auto-Oriented Restaurant Commercial. Wyant Properties LLC will own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-7, Auto-Oriented Restaurant Commercial. Said property is currently occupied by a Rally's Drive-in Restaurant.

Petitioner(s) desire said real estate to be rezoned to C-4, Auto-Oriented Commercial District. Petitioner(s) further state that they intend to utilize said land for a car wash facility.

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



Clayton Riney, GLC-MAP McKinley Trust, LLC
Authorized Agent

John Wyant, Wyant Properties LLC

CONTACT PERSON:

Abonmarche Consultants, Inc. (Attn. Brian McMorrow)
750 Lincoln Way East
South Bend, IN 46601
574.314.1022
bmcmorrow@abonmarche.com

PET 19-11

August 20, 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 GLC-MAP McKinley Trust, LLC respectfully show they are the owners of the following described real estate, and the undersigned Wyant Properties LLC respectfully show they are the contract purchasers of the following described real estate, located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Legal Description: See attached Exhibits "A" and "B"

Address: 410 West McKinley Avenue, Mishawaka, IN 46545
Parcel ID: Portion of 016-2058-193912

GLC-MAP McKinley Trust, LLC owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-7, Auto-Oriented Restaurant Commercial. Wyant Properties LLC will own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-7, Auto-Oriented Restaurant Commercial. Said property is currently occupied by a Rally's Drive-in Restaurant.

Petitioner(s) desire said real estate to be rezoned to C-4, Auto-Oriented Commercial District. Petitioner(s) further state that they intend to utilize said land for a car wash facility.

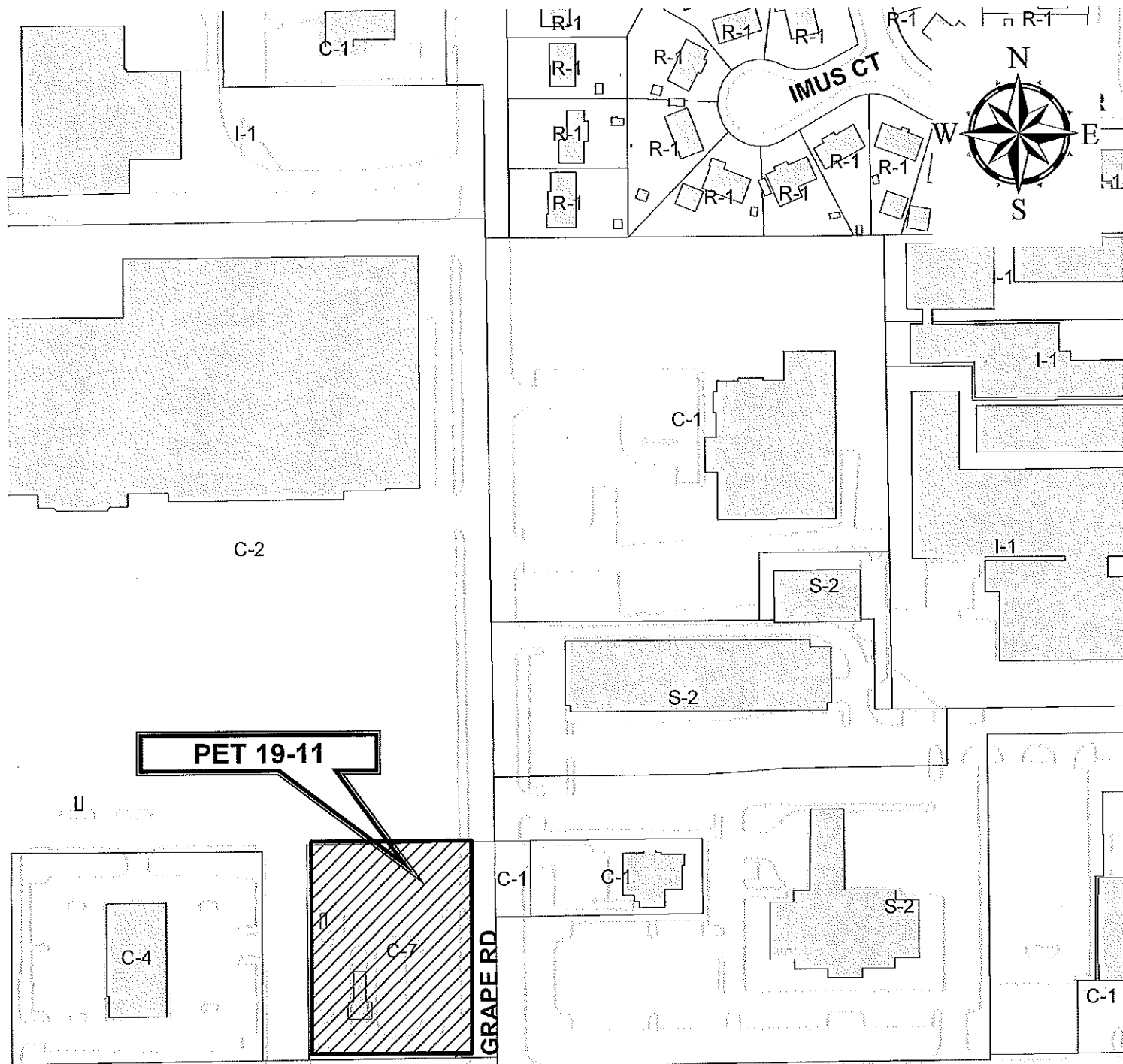
Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Clayton Riney, GLC-MAP McKinley Trust, LLC

John Wyant, Wyant Properties LLC

CONTACT PERSON:

Abonmarche Consultants, Inc. (Attn. Brian McMorrow)
750 Lincoln Way East
South Bend, IN 46601
574.314.1022
bmcmorrow@abonmarche.com



W MCKINLEY AVE

Location Map

PET 19-11

410 W MCKINLEY

REZONE FROM C-7
AUTOMOBILE ORIENTED
RESTAURANT COMMERCIAL TO
C-4 AUTOMOBILE ORIENTED
COMMERCIAL

LIBERTY DR

W RUSS AVE

ANN ST



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: August 29, 2019

To: Honorable Members of the Common Council

From: Rebecca Miller

rs

RE: 2020 Budget

Attached, please find the new budget totals for 2020 and associated tax rates for publication.

I look forward to our budget meetings to discuss the 2020 budget.

I will also be sending out budget book drafts next week for your review.

Please contact me with any questions.

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 29 2019

CITY CLERK
MISHAWAKA, IN

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 8/29/2019 1:33:18 PM

Ordinance Proposed Ordinance No 2019-23

Be it ordained/resolved by the **Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2020** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Mishawaka Common Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Mishawaka Common Council	Common Council and Mayor	10/07/2019

Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$35,154,175	\$30,665,862	2.6563
0254	LOCAL INCOME TAX	\$2,770,991	\$0	0.0000
0341	FIRE PENSION	\$2,072,000	\$0	0.0000
0342	POLICE PENSION	\$1,352,000	\$0	0.0000
0706	LOCAL ROAD & STREET	\$670,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$3,818,213	\$5,201,898	0.4506
1151	CONTINUING EDUCATION	\$100,000	\$0	0.0000
1301	PARK & RECREATION	\$3,821,649	\$3,379,688	0.2928
1310	PARK NONREVERTING - CAPITAL	\$250,000	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$60,000	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$650,000	\$3,213,675	0.2784
2411	ECONOMIC DEV INCOME TAX CREDIT	\$3,918,802	\$0	0.0000
6290	CUMULATIVE SEWER	\$500,000	\$0	0.0000
		\$55,137,830	\$42,461,123	3.6781

1st Reading 9-3-19
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK MMC

AUG 29 2019

CITY CLERK
MISHAWAKA, IN

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 8/29/2019 1:33:18 PM

Name		Signature
Ronald S. Banicki	Aye ☐ Nay ☐ Abstain ☐	
Michael A. Bellovich	Aye ☐ Nay ☐ Abstain ☐	
S. Michael Compton	Aye ☐ Nay ☐ Abstain ☐	
Dale E. Emmons	Aye ☐ Nay ☐ Abstain ☐	
Gregg A. Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	
Matthew T. Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Stacy Petko-Reisdorf	Aye ☐ Nay ☐ Abstain ☐	
Bryan J. Tanner	Aye ☐ Nay ☐ Abstain ☐	
Mary C. Willson	Aye ☐ Nay ☐ Abstain ☐	

ATTEST		
Name	Title	Signature
Deborah S. Block	City Clerk	

MAYOR ACTION (For City use only)			
Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

AUG 14 2019

APPEAL #19-28

RESOLUTION NO. 2019- 21

CITY CLERK
MISHAWAKA, IN

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

228 West Edison Road, Suite 600, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **228 West Edison Road, Suite 600, Mishawaka, Indiana**, more particularly known and described as follows:

Situate in St. Joseph County, in the State of Indiana: Beginning at a point on the North line of Edison Road (60 foot right of way), 622.89 feet East of the West line of the Southeast ¼ of Section 33, Township 38 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana; thence North parallel with said West line of the Southeast ¼ of Section 33 a distance of 383.67 feet to the centerline of the Indiana and Michigan Electric Company easement (100 foot width); thence Easterly along said centerline of easement 129.50 feet to a point 572.55 feet West of the East line of the Southwest ¼ of the Southeast ¼ of said Section 33; thence South parallel with said East line of the Southwest ¼ of the Southeast ¼ a distance of 383.27 feet to the North line of Edison Road; thence Westerly along said North line of Edison Road 129.50 feet to the place of beginning.

The Use Variance will allow microblading and/or permanent make up services within a multi-tenant commercial building.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended

by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the business will be located within an existing commercial plaza.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the business will be located in a building that is surrounded by various commercial uses.
3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit microblading/permanent tattoo services, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use.
4. Since the business establishment is moving into an existing commercial center there are proper utilities, drainage, paved access roads, landscape, buffering, fencing, leakproof dikes, and safety precautions to minimize traffic congestion.
5. The granting of the Use Variance is in the best interest for the community because this location is in one of the areas where multiple commercial businesses already exist and the orientation of the building provides that the microblading/permanent make up services will not be visible from the street.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2019, at _____ o'clock _____ .m.

Presiding Officer

RESOLUTION #2019- 21
228 West Edison Road, Suite 600
Page 3 of 3

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

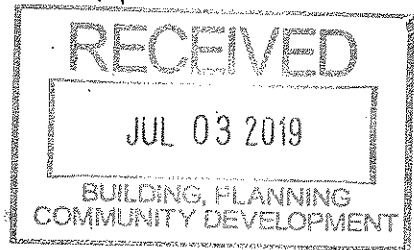
PRESENTED by me to the Mayor this _____ day of _____ 2019,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

AP 19-28



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.

5) 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 hearing, 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

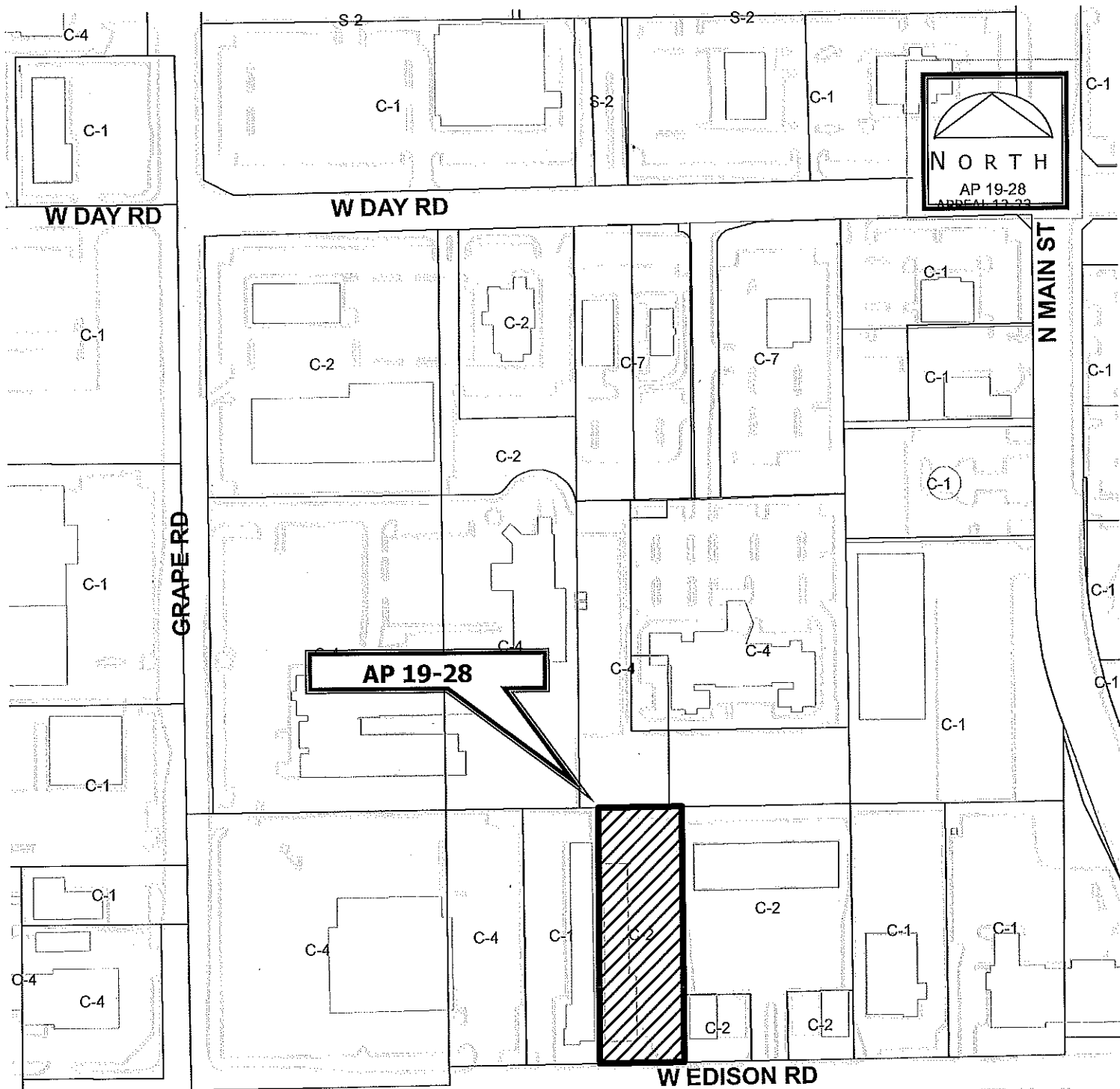
574

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: August 15, 2019
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: City and Elected Officials salary ordinances

I am requesting first reading on these salary ordinances covering all employees except park and utilities.

All full-time employees will receive a 1 ½% increase and an additional \$500.

Please contact me with any questions.

c: David A. Wood, Mayor
Geoff Spiess, HR Director/Corporation Counsel

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 15 2019

CITY CLERK
MISHAWAKA, IN

AUG 15 2019

CITY CLERK
MISHAWAKA, IN

1st Reading 8-19-19
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2019-21

ORDINANCE NO. -

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020

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

Section 1. The biweekly salaries of the following elected officials of the City of
Mishawaka, Indiana, for the fiscal year beginning January 1, 2020 shall be payable in
26 equal biweekly pay periods beginning January 10, 2020 in the following amounts:

	Biweekly salary
Mayor	\$ 3,103.62
Clerk	2,197.42
Council member	443.34

Section 2. Any prior ordinances in conflict herewith are hereby repealed.

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

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

1st Reading 8-19-19
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 15 2019

PROPOSED ORDINANCE NO. 2019 - 22

CITY CLERK
MISHAWAKA, IN

ORDINANCE NO. _____

AN ORDINANCE THE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2020.

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

Section 1. The biweekly salaries of all employees of the City of Mishawaka except the Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2020 and shall be payable in 26 bi-weekly pay periods commencing on January 10, 2020.

BIWEEKLY SALARY

MAYOR'S ADMINISTRATIVE ASSISTANT	1,614.11
MAYOR'S EXECUTIVE SECRETARY	1,368.44
CONTROLLER	3,026.60
DEPUTY CONTROLLER	2,076.32
ACCOUNTANT	1,652.25
PAYROLL CLERK	1,506.36
BOOKKEEPER A	1,542.43
BOOKKEEPER B	1,339.28
BOOKKEEPER C	1,253.94
PURCHASING AGENT	1,558.48
CPA CERTIFICATION FT	192.31
CHIEF DEPUTY CLERK I	1,596.58
CHIEF DEPUTY CLERK II	1,548.56
HR DIRECTOR	2,221.39
ASST DIRECTOR	1,557.78
HR OFFICE MANAGER	1,357.20
HR CERTIFICATION	19.23
DIRECTOR OF IT	2,560.52
SYSTEM SPECIALIST IV	2,114.62
SYSTEM SPECIALIST III	1,796.65
SYSTEM SPECIALIST II	1,711.86
SYSTEM SPECIALIST I	1,580.77
CORPORATE COUNSEL/HR DIRECTOR	2,294.94
1 st DEPUTY CITY ATTORNEY	2,402.96
2 nd DEPUTY ASST CITY ATTORNEY	672.75
PART TIME SECRETARY	288.46
COUNCIL ATTORNEY	672.75
DIRECTOR OF ENGINEERING	3,026.60

ASSISTANT DIRECTOR	2,512.85
TRAFFIC MANAGER	2,076.79
PROJECT MANAGER	2,129.85
CONSTRUCTION COORDINATOR	1,867.74
TECHNICIAN	1,855.60
GIS COORDINATOR	2,077.10
PROJECT COORDINATOR	1,547.78
LOCATOR/INSPECTOR	1,588.30
OFFICE MANAGER	1,357.20
PE BONUS FT	192.31
IDEM REVIEW BOARD BONUS	153.85
DIRECTOR OF CODE ENFORCEMENT	2,287.87
OFFICE MANAGER	1,357.20
CODE ENF OFFICER A	1,862.98
CODE ENF OFFICER B	1,564.06
BUILDING COMMISSIONER	2,340.81
ASSISTANT BUILDING COMMISSIONER	2,206.09
OFFICE ADMINISTRATOR	1,376.87
OFFICE MANAGER	1,357.20
INSPECTOR A	2,242.90
INSPECTOR B	2,037.32
FIRE CHIEF	3,019.10
ASSISTANT CHIEF	2,802.83
CHIEF FIRE PREVENTION	2,457.22
BATTALION CHIEF	2,550.99
CAPTAINS	2,428.72
LIEUTENANT	2,362.94
FIRE INSPECTOR	2,362.94
DRIVER OPERATOR	2,298.61
1 st CLASS FIREFIGHTER	2,276.67
MASTER FIREFIGHTER	2,188.75
PROBATION - FF/EMT	1,993.21
FIRE EXECUTIVE SECRETARY	1,368.44
FIRE OFFICE MANAGER	1,357.20
POLICE CHIEF	3,036.86
ASSISTANT CHIEF	2,820.55
CAPTAIN	2,405.30
LIEUTENANT	2,360.13
SERGEANT	2,316.37
1 st CLASS OFFICER	2,286.55
2 nd CLASS OFFICER	Pre 01/01/18 hire: 2,206.52 Post: 2,064.26
PROBATION	Pre 01/01/18 hire: 2,009.80 Post: 1,875.18
2 ND SHIFT DIFFERENTIAL	13.46
3 RD SHIFT DIFFERENTIAL	26.92
POLICE RECRUIT	1,638.44
PROPERTY MANAGER	1,502.46
EXECUTIVE SECRETARY	1,368.44
ADMINISTRATIVE SECRETARY	1,357.20
SERVICES ADMINISTRATOR	1,550.94
PROPERTY CLERK	1,325.50
SECRETARY	1,339.43

PARKING PERSONNEL	1,339.43
CROSSING GUARDS	21 pays@ 359.04
CITY PLANNER	3,026.60
SENIOR PLANNER/ECON DEVEL SPLIST	2,067.15
SENIOR PLANNER	1,883.40
ASSOCIATE PLANNER	1,788.14
ADMINISTRATIVE PLANNER	1,596.89
OFFICE MANAGER	1,357.20
DIRECTOR COMMUNITY DEVELOPMENT	2,569.77
TIF CONSTRUCTION MANAGER	2,435.40
PROGRAM CONSTRUCTION MANAGER	2,211.01
PROGRAM COORDINATOR	1,566.21
GRANT MANAGER	2,027.60
GRANT SPECIALIST	1,381.83
CENTRAL SERVICES ASSISTANT	2,077.53
STREET COMMISSIONER	2,461.71
OFFICE ADMINISTRATOR	1,376.87
OFFICE MANAGER	1,357.20
SECRETARY	1,339.43

BIWEEKLY HOURLY

PART-TIME HELP	7.25-30.00
CENTRAL SERVICES: FLEET MAINTENANCE TECHNICIAN	21.66
CENTRAL SERVICES/MVH: GROUP 1	20.58
GROUP 2	19.52
GROUP 3	18.71
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60
PROJECT COORDINATOR	1.00

ANNUAL/MISC

FIRE:		
SPECIALTY PAY:		
	<u>TIER1</u>	<u>TIER 2</u>
ADVANCED EMT	1,000	3,000
PARAMEDIC	2,000	4,000
LEAD PARAMEDIC	4,000	50/shift
WATER RESCUE/RECOVERY LEADER	1,050	
WATER DIVE/RESCUE TEAM		
MEMBER	950	
SELF-CONTAINED BREATHING		
APPARATUS TEAM TECHNICIAN	1,000	
MECHANIC	2,500	
INFORMATION TECHNOLOGY	1,500	
UNIFORM ALLOWANCE		1,250
POLICE:		
IDACS SPECIALIST		370
PARKING PERSONNEL CLOTHING		600
CROSSING GUARD SUBSTITUTE		20 per day

SUMMER SCHOOL CROSS GUARD	20 per day
UNIFORM ALLOWANCE	2,050
EQUIPMENT MAINT ALLOWANCE	680
PLAN COMMISSION	600
BZA MEMBER	375
INSURANCE STIPEND: ASST CITY ATTORNEY & COUNCIL ATTORNEY	500 per month

Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund.

Section 3. The City will contribute 3% of the employee portion to the 1977 Fire Pension for all employees eligible for participation in the 1977 Fire Pension Fund.

Section 4. The City will contribute 2% of the employee portion to the 1977 Police Pension for all employees eligible for participation in the 1977 Police Pension Fund.

Section 5. The City will contribute a match of 100% of the employee's contribution not to exceed 1% of the employee's base biweekly pay for all employees eligible for participation in the State's 457B plan. Employees under the FOP collective bargaining agreement are exempt from this match.

Section 6. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees (as amended). The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employee's anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
5	0	150
6	75	225
7	75	300
8	75	375
9	75	450
10	75	525

An additional \$80.00 will be added for each year of service after the 10th year.

Section 7. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve-month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 8. This ordinance shall be in full force and effect from and after its signing and attestation.

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

Dale "Woody" Emmons, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME, to the Mayor on this _____ day of _____ 2019, at _____ o'clock, _____.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2019, at _____ o'clock, _____.m.

David A. Wood, Mayor

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. _____

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2019

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, 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

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

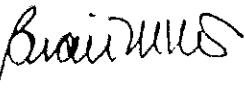
CITY CLERK
MISHAWAKA, IN

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.

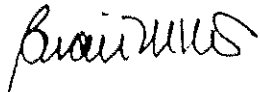
July 31, 2019

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

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.

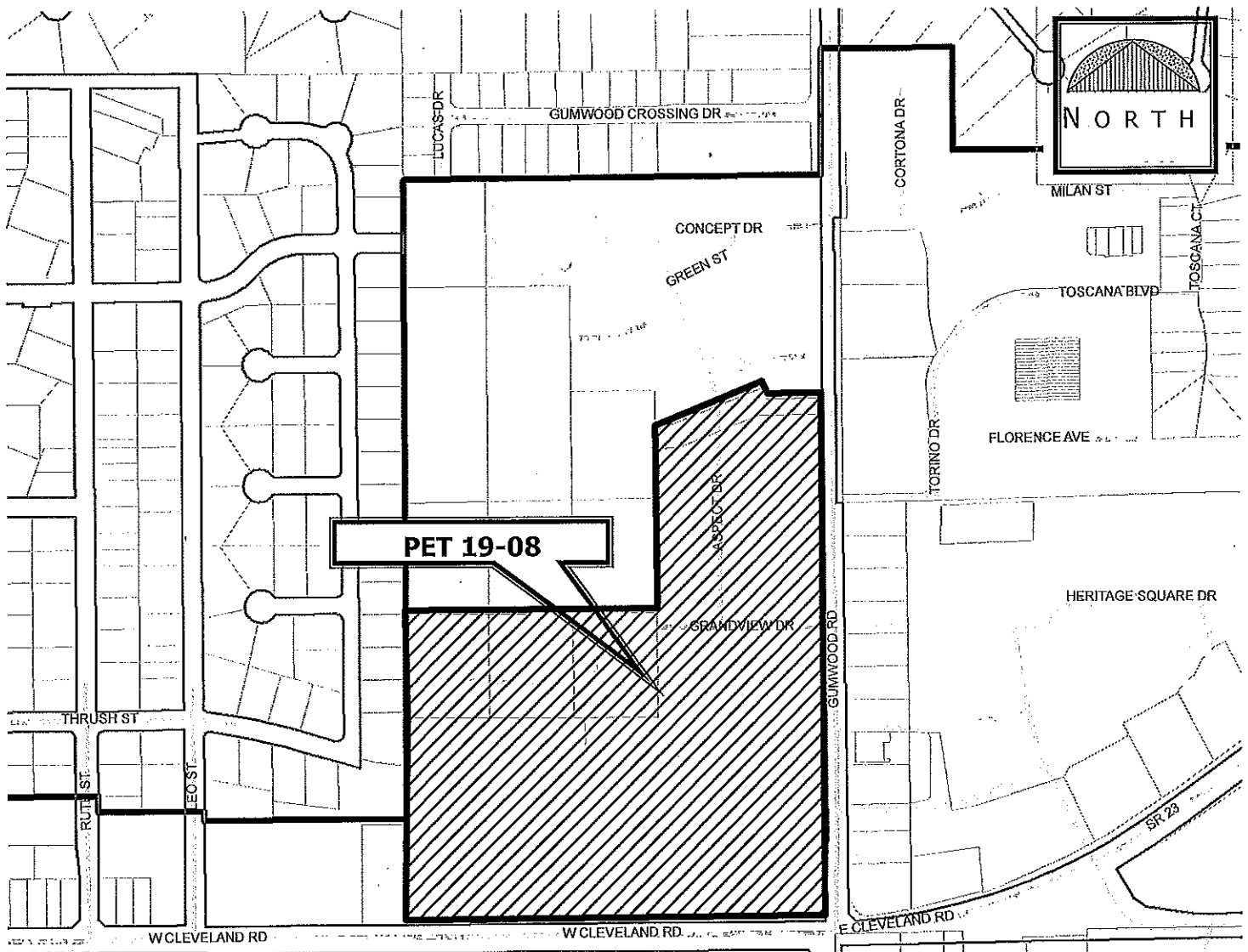
For: Gumwood Acquisitions, LLC

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.

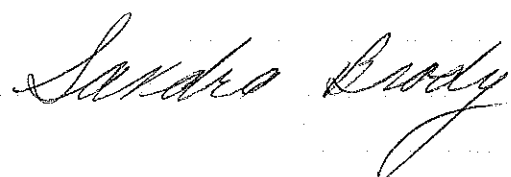
Respectfully submitted,



Sandra Brody

Dear Mr. Lentoch,

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 McMorrow <bmcmmorrow@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 McMorrow <bmcmmorrow@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 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



From: Deb Block [<mailto:dblock@mishawaka.in.gov>]
Sent: Monday, July 15, 2019 11:30 AM
To: Brian McMorrow <bmmorrow@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

Aug 5th meeting

D 574.314.1022
C 574.360.7674
O 574.232.8700 ext 222
F 574.251.4440
W www.abonmarche.com



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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

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** 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.

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

Ryan Rans + Managing Partner
Great Lakes Capital



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\Proj\2019.05.22 - GLC
GrandView PUD Amendment LOT1.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

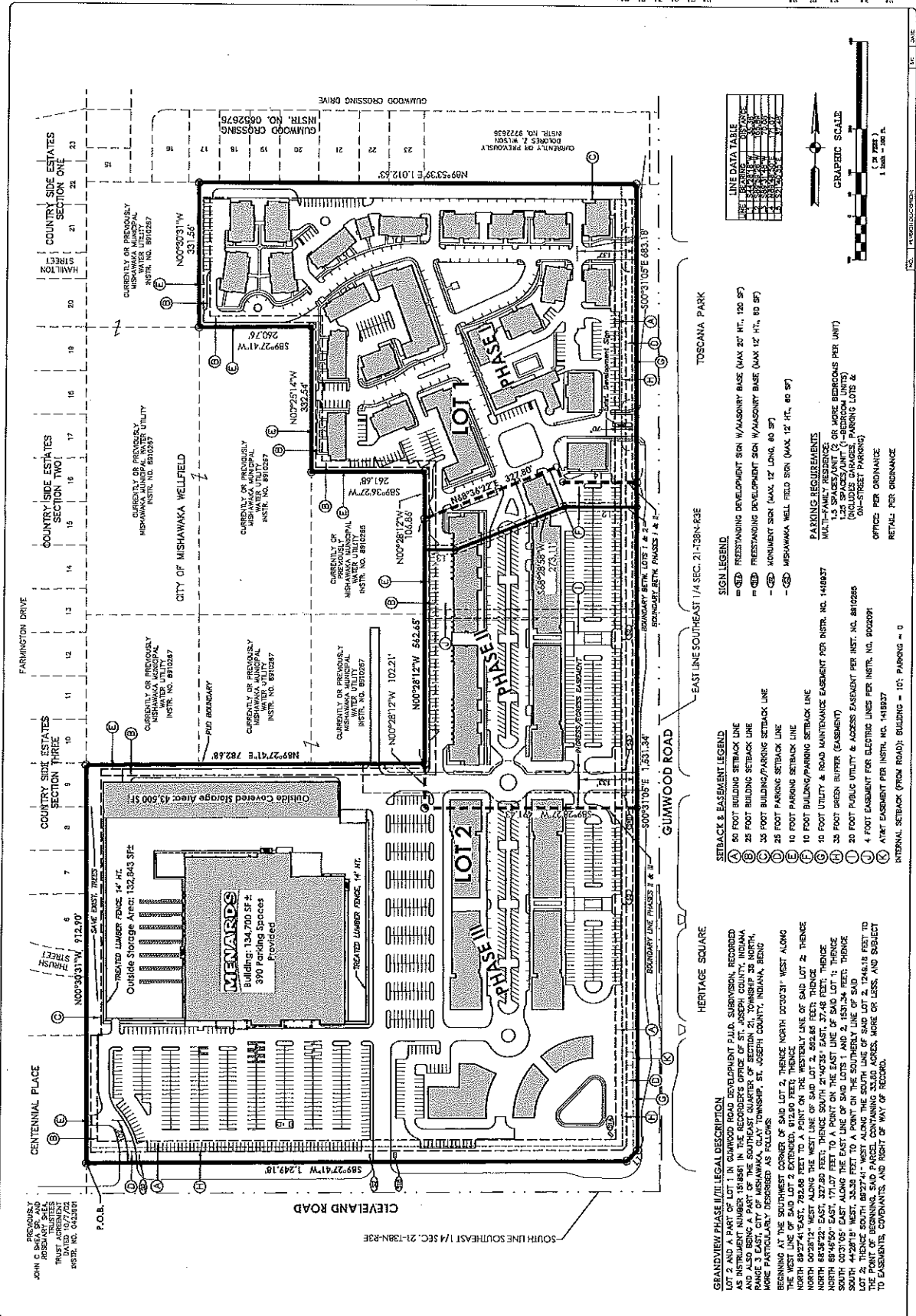
City of Mishawaka
600 E 3rd St
Mishawaka, IN 46544

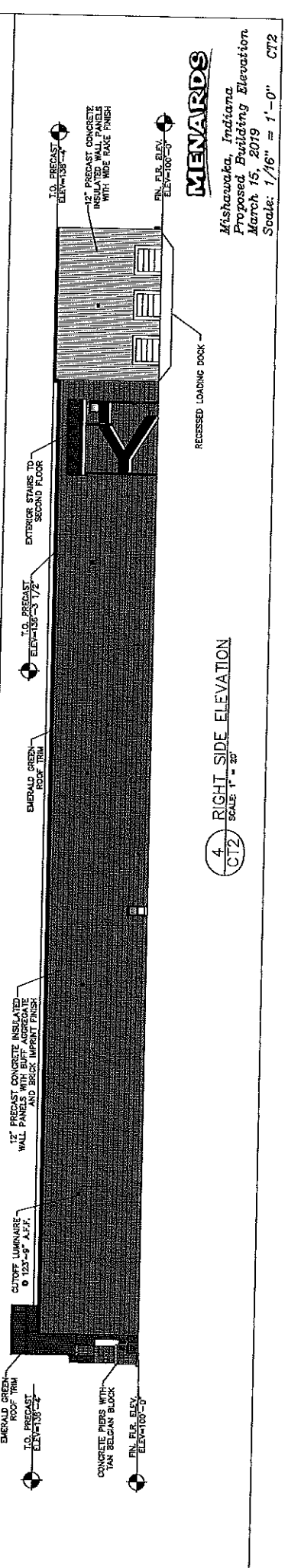
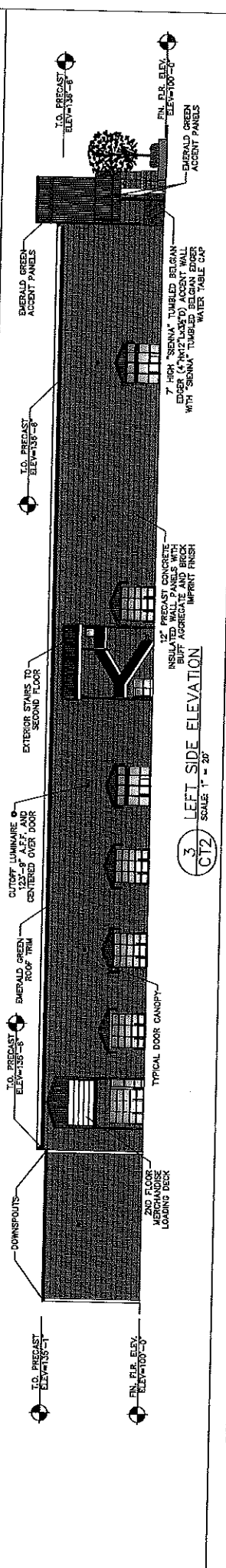
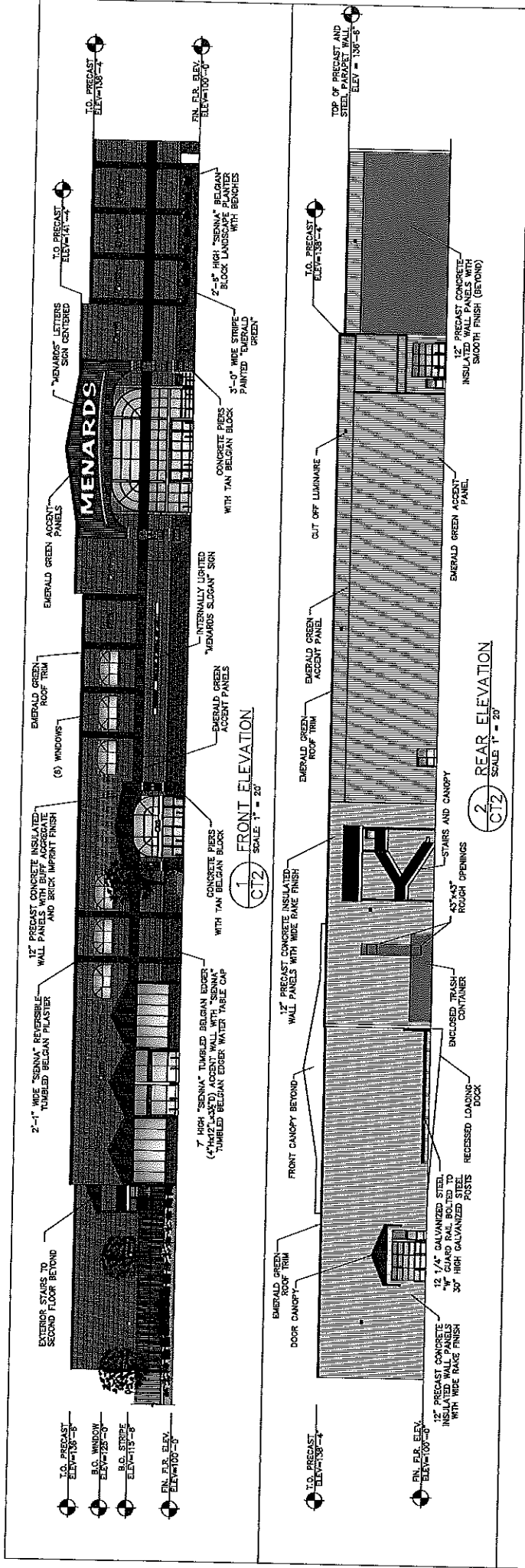


⑈000409⑈ ⑆074903719⑆ 1011322560⑈

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





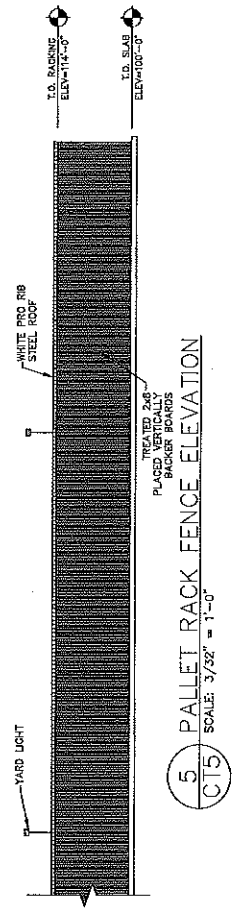
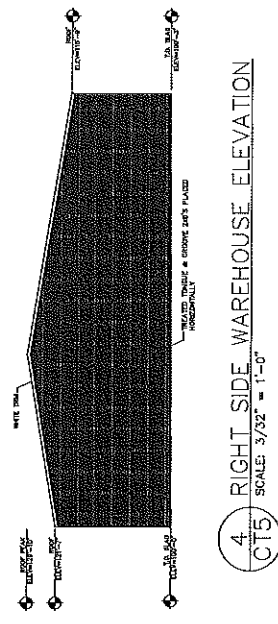
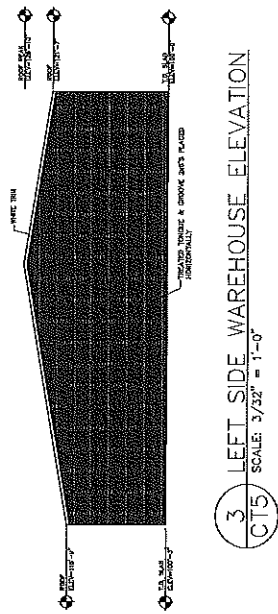
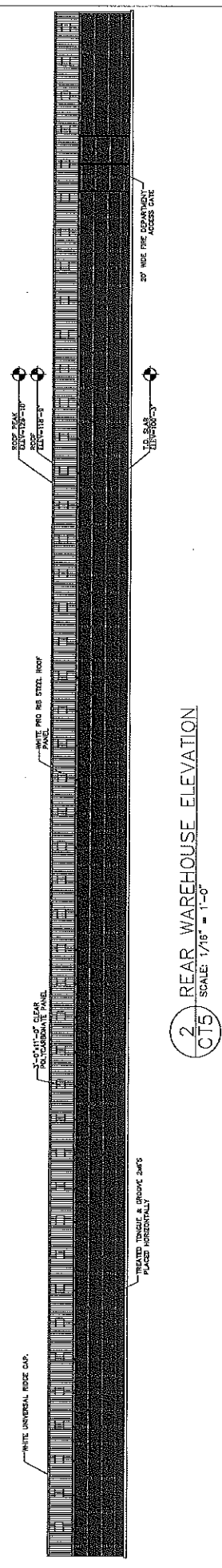
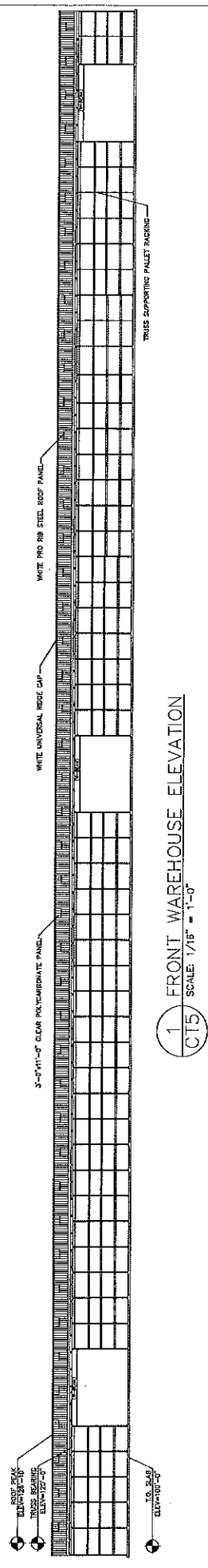
MENARDS

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



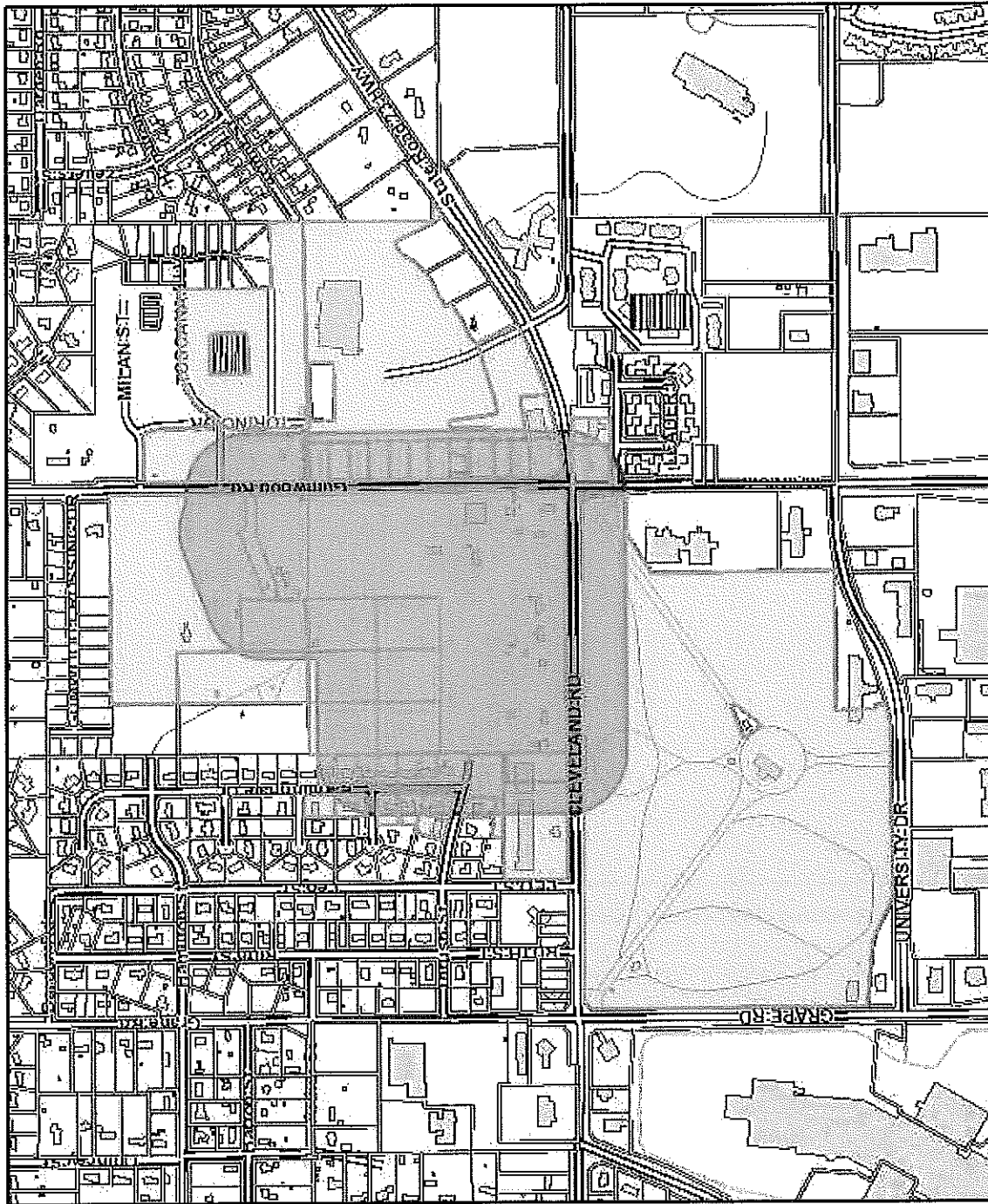






MENARDS
Mishawaka, Indiana
Proposed Warehouse
May 21, 2019
Scale: as noted

CT5

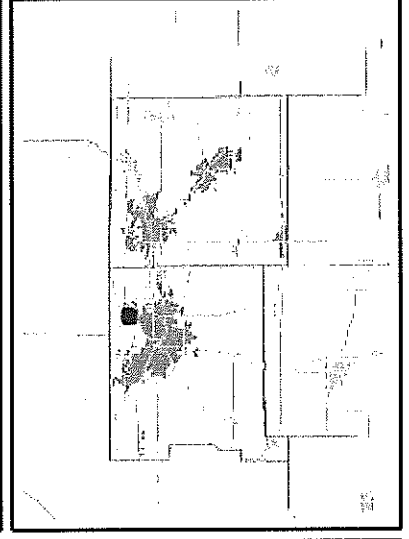


Michiana Regional GIS Website txtSubTitle

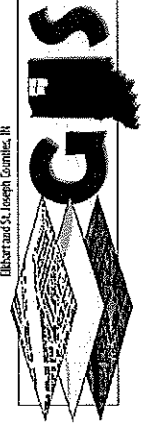
Legend

- 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
- Primary Roads
- Secondary Roads
- Local Roads
- Rivers
- Local Roads

1 inch = 600.00 feet



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



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.

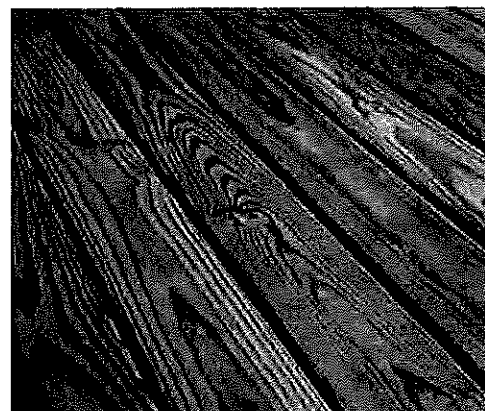
OwnerName	OwnerAddress	OwnerCity	OwnerState	OwnerZip
FISHER MARY	16302 TRUSH ST	Granger	IN	46530
HERITAGE SQUARE VENTURES LLC	1111 Benfield Blvd	Millersville	MD	21108
MISHAWAKA UTILITIES	126 N Church st	Mishawaka	IN	46544
MISHAWAKA MUNICIPAL WATER UTILITY	126 N Church	Mishawaka	IN	46544
CENTIER BANK	800 E 84th Ave	Merrillville	IN	46410
SHADE 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	46637
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
SCHLEMMA 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
STONEMOR INDIANA LLC	3600 Horizon Blvd	Feasterville Trevose	PA	19053
GRANGER HOTEL LLC	58362 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
BIEDRON MICHAEL AND LISA	148 S Milton Ave	Granger	IN	46530
TOSCANA REALTY LLC	PO Box 540	South Bend	IN	46524
MCCLOSKEY ANNE E REV TRUST AND AS TRUSTEE W LIFE EST	52872 Farmingdale Dr	Granger	IN	46530
STAPLES CRISTIE L	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	at 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

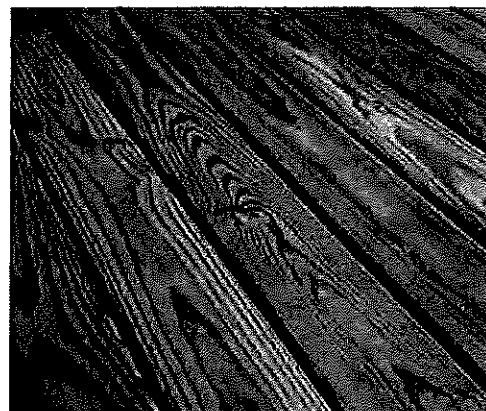
1 Forest Products Laboratory. "Drying and Control of Moisture Content and Dimensional Changes," In *Wood Handbook: Wood as an Engineering Material*, 13-13, Madison: U.S. Department of Agriculture Forest Service, 2010.



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- Building code compliant ICC-ES, ESR 2240
- National Green Building Standard Certified and UL Greenguard Gold Certified



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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.

Deb Block

From: Ken Prince
Sent: Wednesday, July 31, 2019 4:49 PM
To: Jba126
Subject: Potential Menards Relocation
Attachments: PET 19-08 Staff Report - AMENDED 6-11-19.pdf; Exterior Bldg Photos - Example.pdf; Exhibit A - Conditions of Approval - AMENDED 6-11-19.pdf; Preliminary Site Plan.pdf; Preliminary Bldg Elevations.pdf; 2019.07.31 Letter to Common Council.pdf

Good afternoon Mr. Bella,

Thank you for reaching out and expressing your objections. Although there has been a lot of input on social media and the public meeting that was held by the developer, you are actually one of only a few people that have actually reached out to officially express an opinion or request information from my department.

A lot of objections have been made without an understanding of the issues, so we honestly appreciate your e-mail. The basic plan for the commercial development has been in place for years. This approved plan specifically looked at the access locations along Gumwood Road and SR 23. Although there are multiple access points to adjacent roads as you referenced, once complete, all of the development areas will be interconnected through internal access roads. If you live in the apartments at Toscana, you do not need to travel on Gumwood Road to reach Martin's. Regarding the proposed development, we have also worked with the owner of Centennial Place to insure that internal access between Grandview and that existing development is provided for even though no provisions were originally made for it when that development was approved. The new traffic signal that was installed on Gumwood was strategically placed to serve Heritage Square, Toscana, and the Grandview PUD.

The reason why a special approval is required now for the Menards and why the Planned Unit Development ordinance is being requested to be modified is based on the desired outside storage for the lumber area and the details associated with that request. If they didn't need the outside storage area, the request would be consistent with the previously approved PUD that had public hearings, and no hearing would have been required. As an example, if the Menards is turned down, a large grocery or other large commercial box could be constructed in the proposed Menards location by right without any additional modification of the Planned Unit Development.

I have forwarded your e-mail on to the Council so that they have it for their consideration.

I have also attached the staff report on the project as well as scans and images as prepared by the developer for your use and information. Feel free to distribute it as you see fit. If you have any further questions after reviewing this information, please let me know. This is the same information that has been distributed to multiple members of the media as part of our efforts to provide the most information we can.

At this point in time, the Planning Commission has recommended in favor of the Planned Unit Development changes. The final action is required by the Common Council. The developer has requested a continuance until the September 3rd Council Meeting for that vote. I attached their request which was received by the Clerk's office today.

Sincerely,

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

Email- kprince@mishawaka.in.gov

Website- www.mishawaka.in.gov

Hello Ken,

I'm sure I'm not the first to contact t you about the menatds move. I am a 20 year resident of brendon hills. I am against the move to that corner for many reasons. I don't think a store of that type fits on harmony with Toscana and the general area. I'm not opposed to progress but do think the overall impact now and 10 years from now needs to be considered. The major error in all of the main st expansion is not using access roads. This would easethe huge traffic problems in this area that most overlook. In the section from sr 23 north to arbor crossing there are 10 or 12 separate entrances and exits from businees. There should be 2 on each side onto access roads. People that don't live near here minimize traffic since they only come once aweek. As a resident i have to come and go 2 /3 times a day.

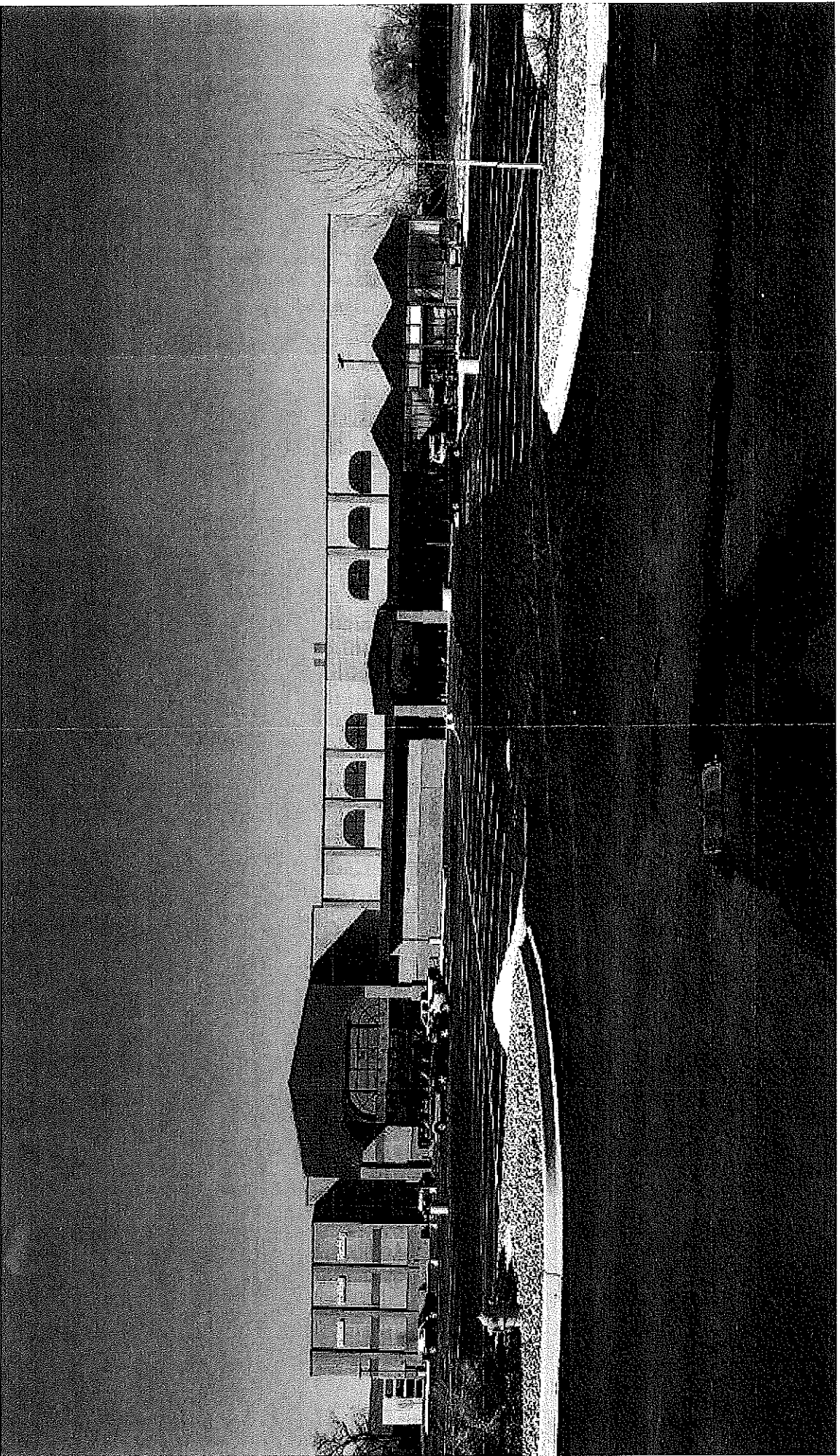
There is plenty of other real estate along fir douglass and capital that would be a better fit for large box stores. I hope you will deny this movie for the betterment of the area.

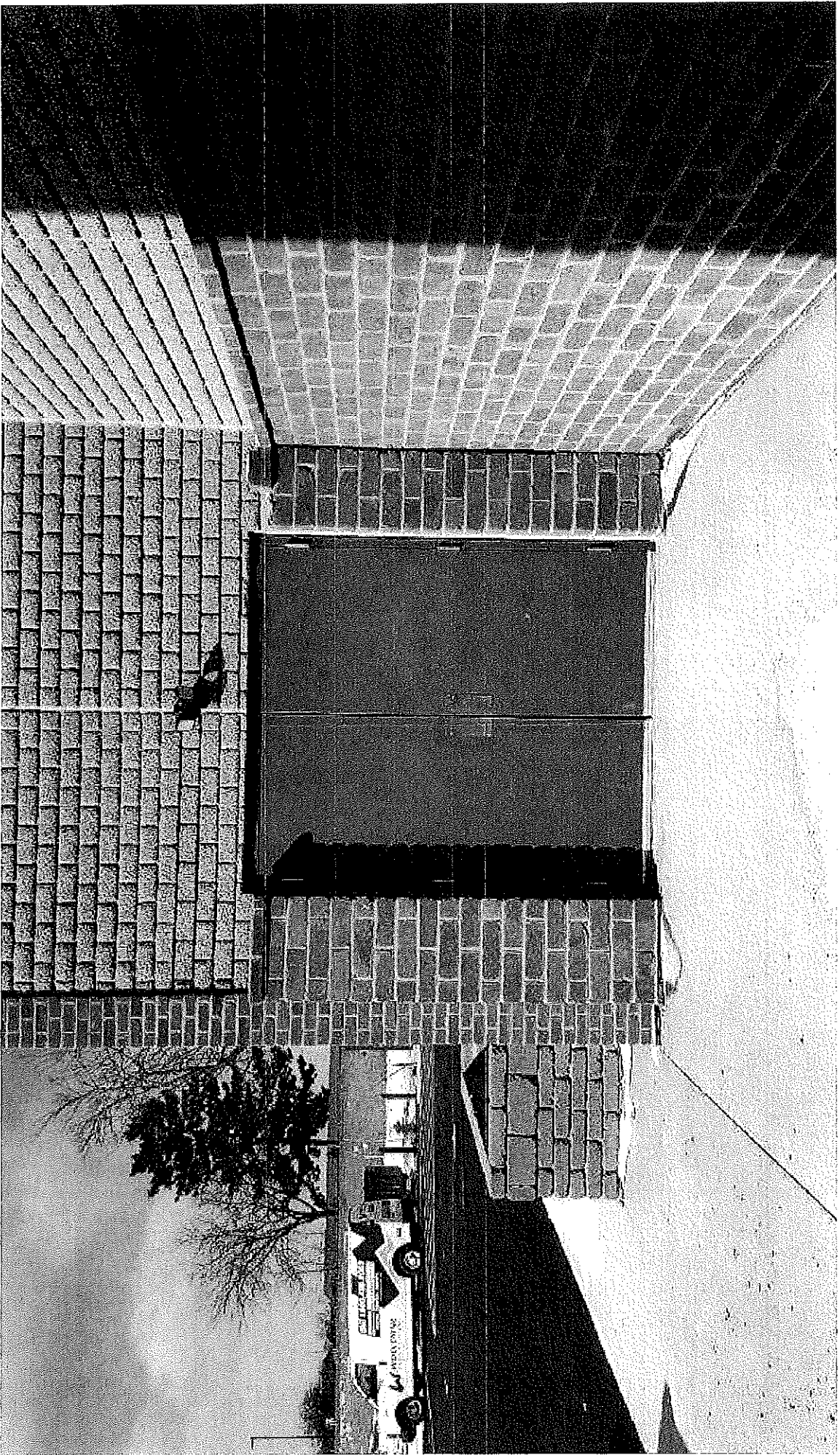
Thank you,

Joe Bella

52180 Dorchester

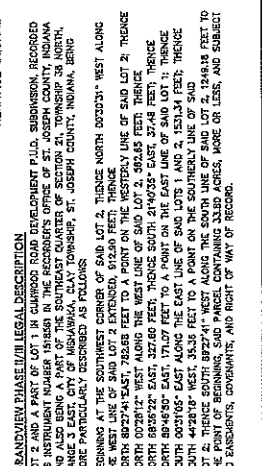
Granger in 46530







Oct 19 08



STAFF REPORT

Location: Northwest corner of Gumwood Road &
W. Cleveland Road (S.R. 23)

Date: June 11, 2019
(AMENDED)

Petition: 19-08

Prepared By: DJS

GENERAL INFORMATION

Applicants:	Gumwood Acquisitions, LLC / Menard, Inc. / Abonmarche Consultants, Inc
Status:	Property Owner / Contingent Owner & Developer of part of Lot 2 of the Gumwood Road Development PUD plat and three parcels to the north / Surveyor & Engineering Consultant
Request:	Amend a preliminary Planned Unit Development to refine the overall development plan for a proposed Menard's Home Improvement store, add outdoor storage and display as a permitted use, utilize existing vegetation in a 35' buffer area along a portion of the west property line in lieu of the current PUD ordinance landscaping requirements, construct a 14' high opaque fence to screen the outside storage and display area, and reduce the length of a driveway access throat
Existing Zoning:	S-2 Planning Unit Development (Permitted uses include all those identified in the C-1 General Commercial and C-2 Shopping Center Commercial districts, and multi-family residential)
Proposed Zoning:	S-2 Planning Unit Development (Same as existing permitted uses with the addition of outdoor storage and display)
Lot Size:	33.8 Acres
Applicable Regulations:	Section 137-671 thru 137-679 / S-2 Planned Unit Development District; Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern:		North: S-2 Planned Unit Development (Grandview Mixed-Use Development including commercial and multi-family residential uses & City of Mishawaka/Municipal Wellfield) South: S-1 Extensive Open Space/Public (Cemetery/St. Joseph Valley Memorial Park) East: S-2 Planned Unit Development (Heritage Square and Toscana Park Mixed-Use developments including commercial and residential uses) West: C-2 Shopping Center Commercial (Multi-Tenant Commercial/Centennial Place) & Unincorporated St. Joseph County (Single-Family Residential)
Thoroughfare:		Gumwood Road & W. Cleveland Road (S.R. 23)
School District:		South Bend Community School Corporation

Public Utilities:	All utilities are available and/or will be extended to/throughout the site at the developer's expense
Comprehensive Plan:	Not specifically identified in the Mishawaka 2000 Comprehensive Plan. However, the amended PUD with the existing permitted commercial and multi-family residential uses and proposed outdoor storage and display area is generally consistent with the established policy and trend of encouraging retail and multiple family uses within the area.

ANALYSIS

The petitioner is requesting to amend the Northwest Gumwood and Cleveland Road Planned Unit Development (commonly known as the Grandview PUD) 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 mound planted with evergreen trees, minimum of 8' height, spaced 10' to 12' max along with a 6' minimum height opaque fence as required in the current Grandview PUD ordinance; and
- Permission to construct a treated lumber opaque fence, 14' in height, to screen the proposed outdoor storage and display areas.
- Permission to provide a driveway access throat having a length of approximately 100' to allow for cross access with the adjacent Centennial Place commercial center should there be mutual consent by and between the property owners.

The Planned Unit Development is located at the northwest corner of Gumwood Road and W. Cleveland Road (S.R. 23). The portion to be amended includes the remaining approximate 24.5 acre undeveloped area being a part of Lot 2 of the Grandview Road Development PUD (also a part of tax parcel 029-2017-0370.08) and three vacant parcels (tax parcels 029-2017-0370.23, 029-2017-0370.24, and 029-2017-0370.25).

The petitioner desires to construct a two-story 134,700 sq. ft. retail building with an outdoor storage and display area, where conceptually shown on the attached preliminary site plan, and the required parking areas, access drives, and related infrastructure. The building is for a new Menards Home Improvement Center. The outdoor storage area includes over 176,000 sq. ft. with a 132,843 sq. ft. fenced-in open area and a 43,000 sq. ft. covered storage/warehouse structure located to the north of the main building. The elevations of the storage/warehouse structure show it to be constructed with treated lumber. Staff is recommending that the north side of this structure be constructed with a high quality composite or aluminum siding.

The existing vegetation (i.e. mature overstory tree row) is proposed to be maintained in the 35' wide buffer area along the property line adjacent to the existing residential parcels. The current PUD ordinance states, "a 2-foot high earthen mound planted with evergreen trees, minimum 8' in height, and spaced 10' and 12' max along with a 6' minimum height opaque fence shall be provided along the west property line abutting existing residential property." In addition to maintaining the existing tree row, Staff is recommending that a row of 8' high evergreen trees spaced 12' apart be provided between the tree row and the proposed 14' high opaque fence, as described below, and along the north side of the covered storage/warehouse structure. The 2' mound as previously required can be eliminated. Staff believes that the above described landscaping and fence will provide sufficient screening between the commercial and residential uses. Except for the requested amendment, the site shall comply with all other landscaping requirements as attached.

A 14' high treated lumber opaque fence is proposed to enclose and screen the outdoor storage and display areas. Staff is recommending that this fence be aluminum or composite as these materials will be more durable and aesthetically appealing. The opaque fence will be located along the west side of the storage area adjacent to the residential properties and the east side of the storage area where shown on the

preliminary site plan. A 14' high semi-transparent fence is to be located along the southern edge of the storage area facing the parking area. This amendment is being requested as the current PUD ordinance only allows a maximum 7' high fence per the C-1 General Commercial District.

A reduction in the required length of an on-site throat/stacking area for a proposed access drive is being requested from 200 lineal feet to approximately 100 lineal feet. This is to allow a future cross access to the adjacent Centennial Place commercial center where shown on the preliminary site plan. The Engineering and Planning Staff recommended that the cross access drive be moved further to the north with a potential connection to the adjacent drive north of Centennial Place. Per a discussion with the adjacent property owner, two access drives are desired. The drive(s) will only be constructed should there be mutual consent between the property owners.

Similar to when the original Planned Unit Development was approved, the petitioner is only proposing to establish, or in this case, amend the permitted uses and basic development requirements of the planned unit development. If approved, a detailed final planned unit development site plan will be submitted at a later date concurrent with a specific development request. It is anticipated that the next development request will be the proposed Menards. The amended conditions of approval and development regulations are attached to this report as Exhibit "A".

RECOMMENDATION

Staff recommends in favor of amending the preliminary Northwest Gumwood and Cleveland Road Planned Unit Development (commonly known as the Grandview PUD) as follows:

- 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;

The amended conditions of approval and development regulations, *with changes italicized*, are attached as Exhibit "A". Omissions from the previously amended conditions and development regulations were made when appropriate.

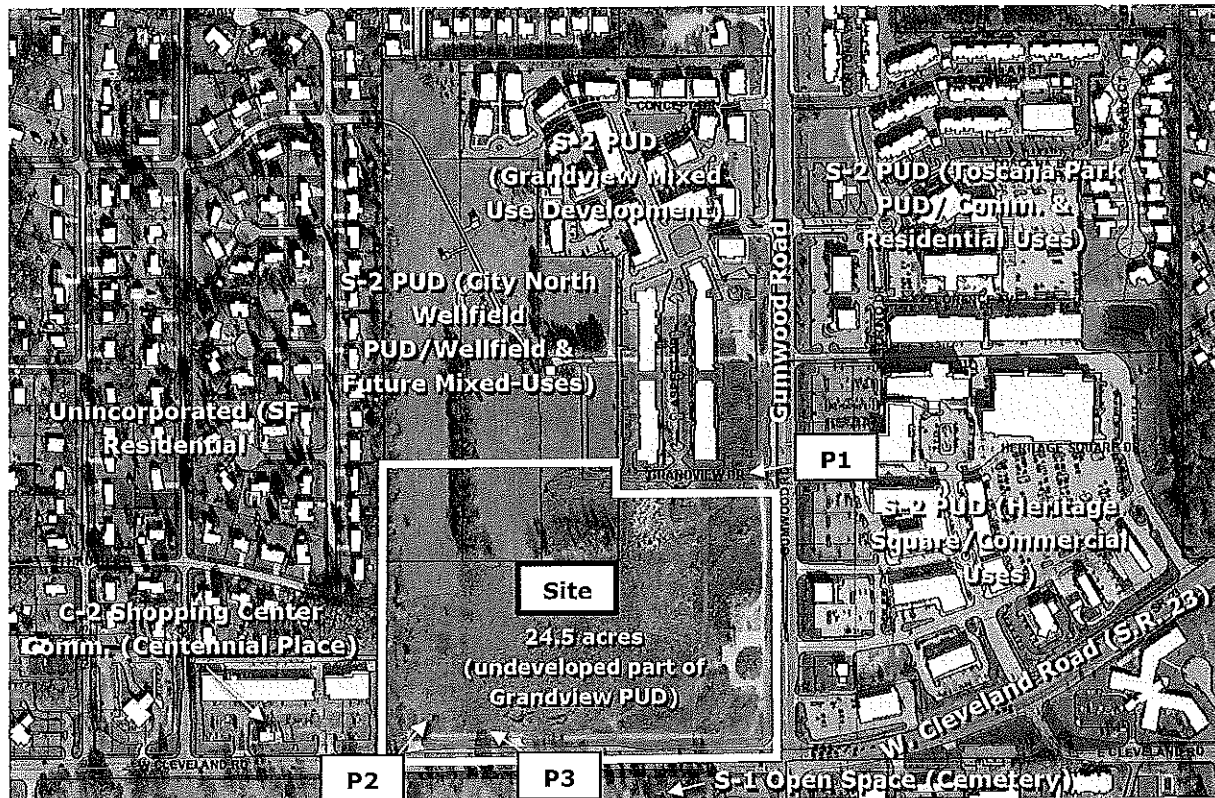
This recommendation is based on the following findings of fact:

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 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.

ATTACHMENTS

Aerial Map, Photographs, Exhibit A – Conditions of Approval, Petition, Prior Preliminary PUD Site Plan (as approved per Petition 18-04/Ordinance 561.1), Amended Preliminary Site Plan, Building Elevations, Photographs of Proposed Menards (For Illustrative Purposes Only)



Aerial Photograph - Northwest Gumwood and Cleveland Road PUD



P1. Looking westerly into the site along Grandview Drive from Gumwood Drive south of Phase II of the Grandview PUD (currently under construction).



P2. Looking northeasterly toward the site from Cleveland Road near the existing access drive.



P3. Looking northwesterly from Cleveland Road toward the site and the existing tree row adjacent to the single-family residential properties to be maintained.

**PETITION 19-08
EXHIBIT "A"**

Northwest Gumwood & S.R. 23 Conditions of Approval

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for the completion of this project (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established. The intent is not to have the applicant build the road for additional function for pass-through traffic, rather that any required turn lanes, widening, access control required as a result of this project be provided to ensure that proposed levels of service (based on proposed improvements) are maintained.
 - a. Any additional right-of-way required for both Gumwood Road and State Road 23 improvements associated with the proposed development project shall be dedicated. There is a need to coordinate the timing of pending State and County improvements with the needed/required improvements of the development. Phasing of improvements associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.
 - b. The number and or type of curb cuts shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/jurisdictions.
 - c. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.

Proposed Uses:

1. Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Multi-Family Residential uses may be allowed.
2. *Outdoor storage and display shall be permitted as limited to the fenced-in area shown on the preliminary site plan. Outside storage, excluding materials under the covered storage/warehouse structure, shall be limited to 14' in height.*
3. Off-premise signs/billboards shall be prohibited.
4. Outside storage and display shall be prohibited.
5. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Road Connections:

1. *A hierarchy of the internal vehicular road network shall be provided. A minimum access throat/stacking area of 200 lineal feet on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way. The minimum access/throat stacking area can be reduced to 100 lineal feet for one (1) proposed entrance point where shown on the preliminary site plan. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.*
2. Access and utility easements shall be dedicated to adjacent properties, including the City Well Field and Centennial Plaza.

Stormwater run-off:

1. The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.
2. An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.

Lighting:

1. All site lighting, *except for lighting located within the outdoor storage and display area*, shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.
2. *Lighting located within the outdoor storage and display area shall be limited to 15' in height. 90-degree cut-off fixtures shall be required within this area.*

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 44+ acre site) and to otherwise further the intent of this chapter as follows:
 - a) A maximum of (4) monument type signs may be located along Cleveland Road/S.R. 23 and (6) monument signs may be located along Gumwood Road. The maximum standard for area and height calculations for monument signs shall be further restricted as follows: the maximum sign area shall be limited to a maximum of 60 square feet (rather than 75 square feet) with a maximum length of any sign not exceeding 12 feet.
 - b) Three freestanding identification/development signs for the entire planned unit development (not just for one tenant/occupant) shall be permitted in addition to the monument signage. One may be located along State Road 23. One may be located along Gumwood Road. And one may be located at the intersection of State Road 23 and Gumwood Road. The sign at the intersection of State Road 23 and Gumwood sign shall be limited to a maximum of 20 feet in height and

120 square feet in area. The Gumwood Road and State Road 23 signs shall be limited to a maximum of 12 feet in height and 96 square feet in area.

- c) A sign easement shall be provided to the City of Mishawaka well field property, located at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.
 - d) Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.
2. All freestanding signs shall have a masonry base.
 3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.
 4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the center.
 5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.
 6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.
 7. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from SR 23 or Gumwood Road.

Landscaping and Screening:

1. A 3-foot high earth mounding shall be provided along Gumwood Road and State Road 23. A minimum 25-foot green buffer area shall be required along both corridors. Each buffer area shall comply with the landscape requirements of the C-1 General Commercial zoning district.
2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the 25 foot green area, an additional 10 feet of green area shall be required for planting.
3. *The existing vegetation (tree row) in the 35' wide buffer along the west property lines abutting existing residential property shall be preserved. A row of 8' high evergreen trees spaced 12' apart shall be provided between this tree row and the screening fence and along the north side of the covered storage/warehouse structure as shown on the preliminary site plan.*
4. *Foundation landscaping shall be provided adjacent to the screening fence along the east side of the proposed outdoor storage and display as deemed appropriate.*
5. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and

shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located.

6. *A 14' high composite, aluminum or CedarTone Premium pressure treated lumber fence shall be permitted to screen the proposed outdoor storage area shown on the preliminary site plan.*
7. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.
8. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

Parking:

1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street parking may be utilized for required parking.
2. All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.

Building/Parking Setbacks:

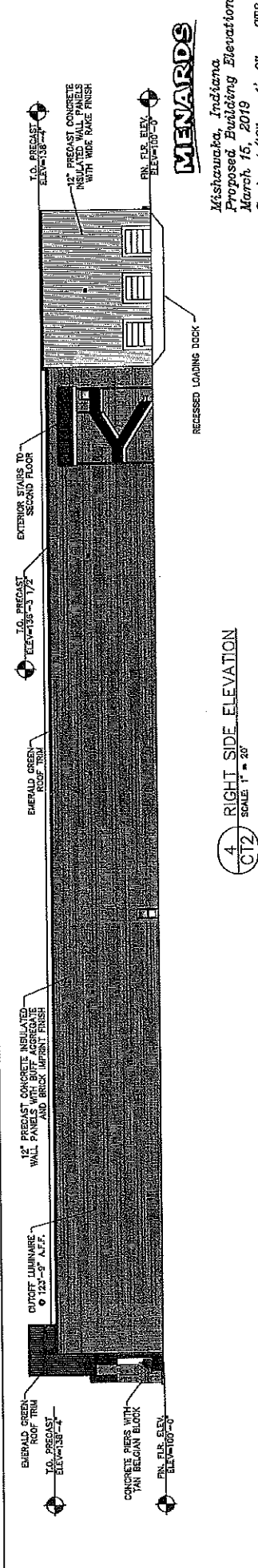
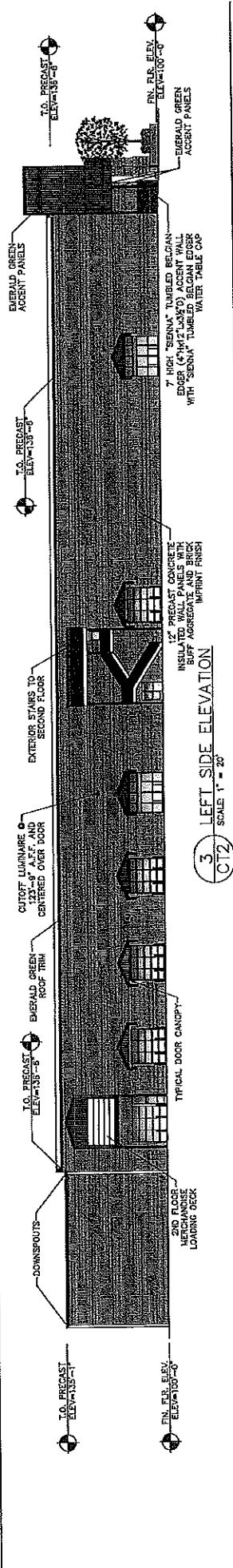
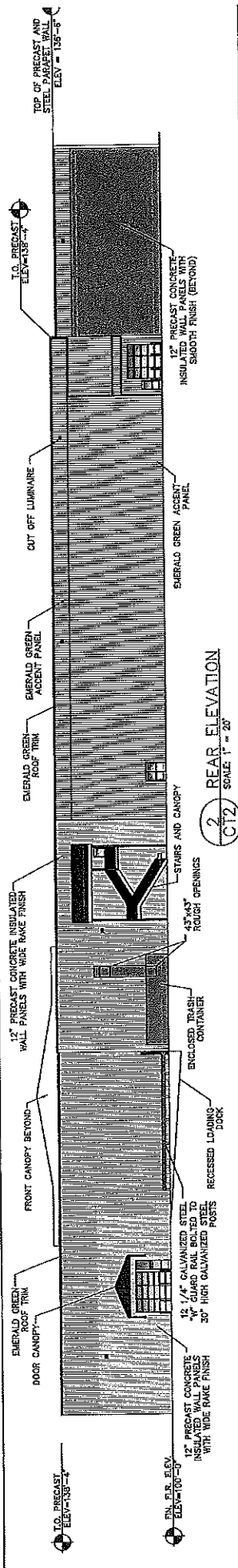
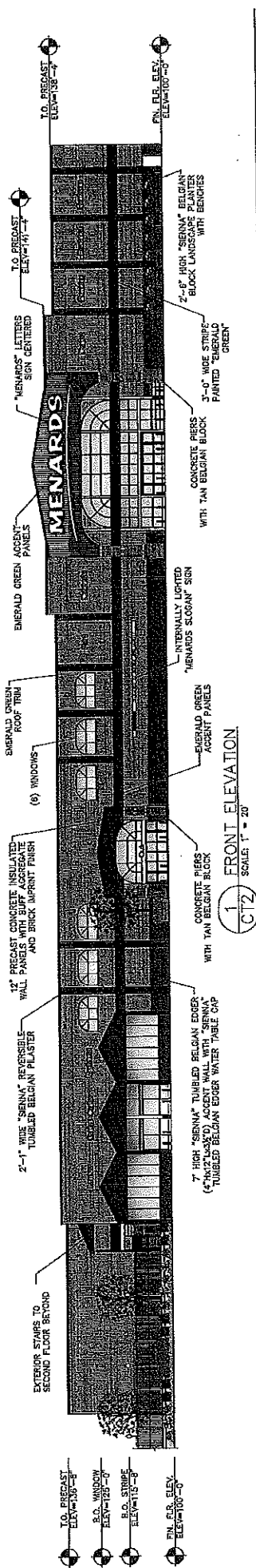
1. A minimum 50' building setback shall be provided along Gumwood Road and S.R. 23/Cleveland Road.
2. A minimum 25' parking setback shall be provided along Gumwood Road, S.R. 23/Cleveland Road.
3. A minimum 35' building setback shall be provided along the north property line adjacent to Gumwood Crossings and along the west property line abutting existing residential property.
4. A minimum 25' building setback and a 10' parking setback shall be property along the west property line adjacent to Centennial Plaza.
5. A minimum 25' building and 10' parking setback shall be provided along property adjacent to City of Mishawaka owned property.
6. A minimum 10' building and parking setback shall be provided along internal roads and between outlot property lines within the Planned Unit Development, however, a 0' parking setback may be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.

Building Height & Architectural Material Standards:

1. All buildings shall be a maximum of four (4) stories or forty-eight (48) feet in height.
2. All buildings shall be permitted to utilize fiber cement board as an appropriate exterior building material. Excluding this material, a minimum of two-thirds of each individual building façade facing the public right-of-way or private internal collector (access) roads within the PUD shall utilize appropriate architectural materials as defined per the C-1 General Commercial District.
3. *The north elevation of the covered storage/warehouse structure shall utilize a combination of colored split face block (concrete masonry units), treated lumber, and colored Belgian edgers as shown on the provided elevation.*

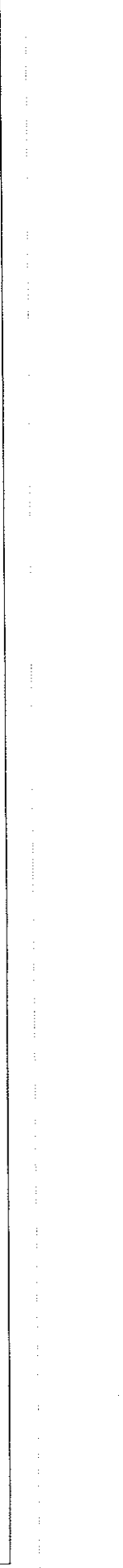
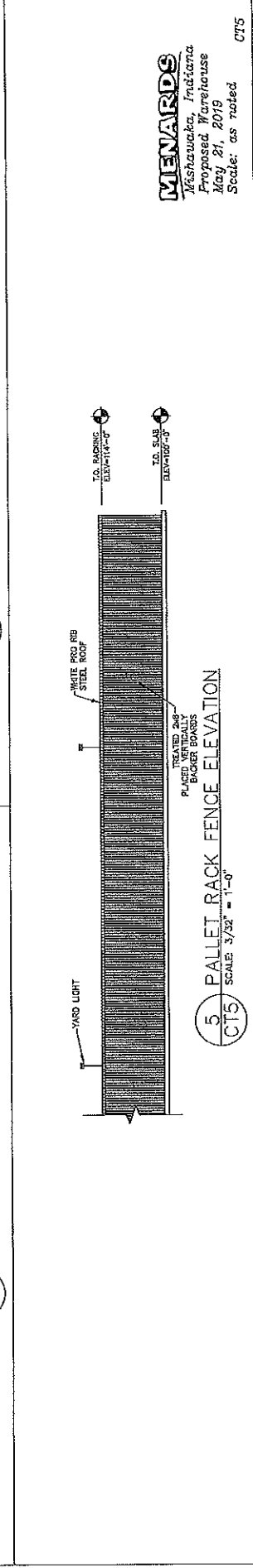
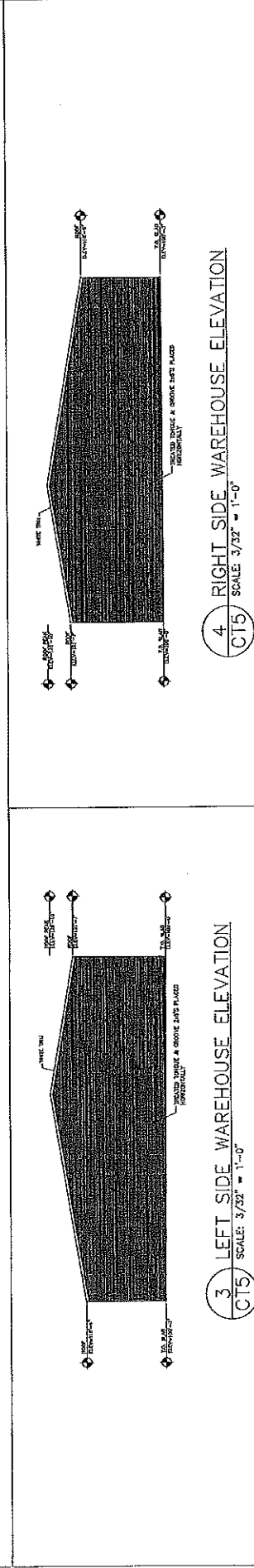
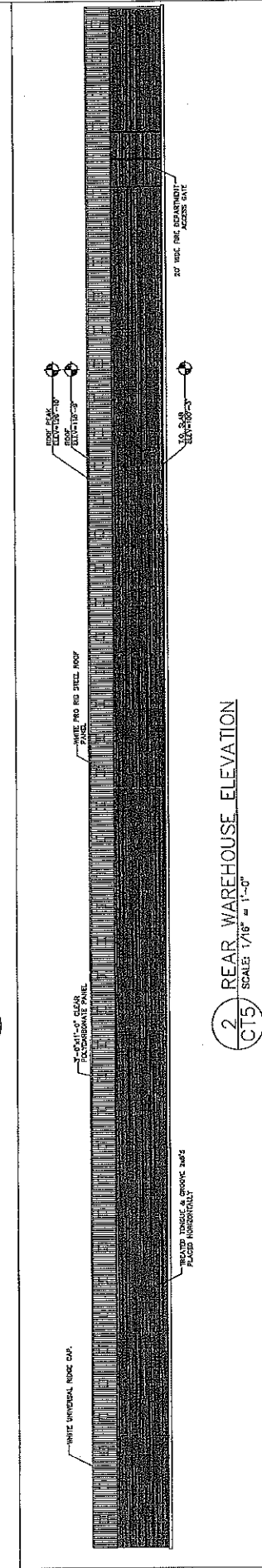
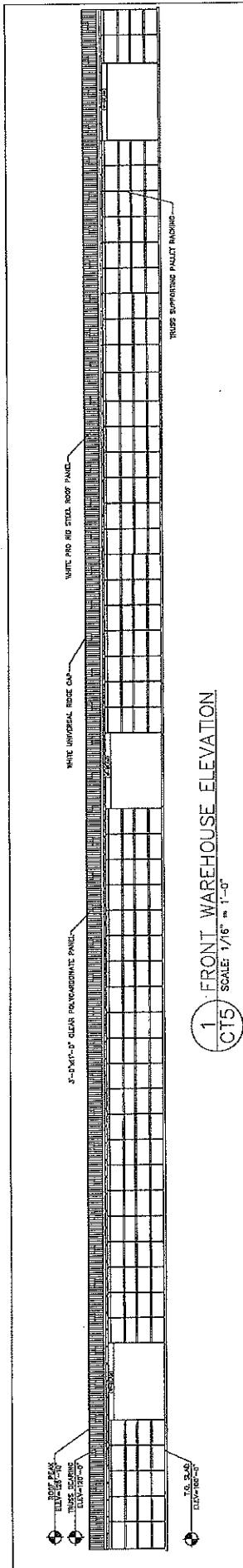
Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first final planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads, sidewalks, pedestrian access, and other related infrastructure.



MENARDS

Mishawaka, Indiana
Proposed Building Elevation
March 16, 2019
Scale: 1/4" = 1'-0"



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

CTS



Engineering • Architecture • Land Surveying

July 31, 2019

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

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,

A handwritten signature in black ink, appearing to read 'Brian McMorrow'.

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.



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.

Ryan Rans + Managing Partner
Great Lakes Capital

Grandview Pk Near Northwest Corner of Gumwood Rd
and Cleveland Rd (SR23)

TO THE MEMBERS OF
THE COMMON COUNCIL OF THE CITY OF MISHAWAKA

Your Committee on **LAND USE PLANNING**; to whom was referred
the matter of Proposed Ordinance No. 2019-17 report that they
have examined said matter and that in their opinion

should be adopted

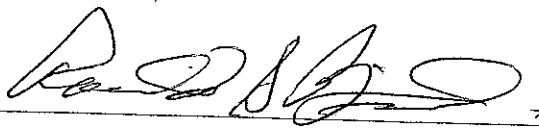
should not be adopted

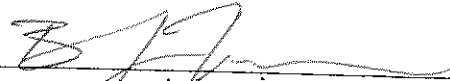
should be amended and adopted

should be presented to the Council as a whole

should be continued TO SEPT. 3RD MTG.

This is signed by THE ENTIRE COMMITTEE and I move for its
acceptance





Kate Vukobratovic

August 27, 2019

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

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 27 2019

CITY CLERK
MISHAWAKA, IN

Re: Gumwood Acquisitions, LLC
PO No. 2019-17, GrandView PUD Amendments

Dear President Emmons:

Enclosed herewith please find our "Report to Mishawaka Common Council" in connection with the referenced matter, scheduled for a public hearing on September 3, 2019. As you know, we hosted an informal public meeting on July 30th to provide an opportunity for residents to learn more about the petition filed by Gumwood Acquisitions, LLC to amend the GrandView PUD Ordinance, to ask questions, and voice concerns. Overwhelmingly, traffic concerns were expressed.

We are grateful to the Common Council for approving our request to postpone the public hearing from August 5th to afford us the opportunity to collect traffic data, make an assessment of traffic, and submit a report to you in advance of the public hearing now scheduled for September 3rd. I respectfully request that this report be distributed by the City Clerk to all members of the Common Council. We are also providing copies to the City Planner, City Engineer, and four (4) residents with whom the City and we have been engaged in conversation and are representative of neighborhoods from where we have heard comments and concerns.

I invite you to review our report and hope that you will conclude, as we do that:

- A "Home Improvement Retail Store", like Menards, is a permitted use in the GrandView PUD;
- The traffic to be generated by Menards sits comfortably in the middle of other "big box" land uses expressly permitted at GrandView;
- A "Supermarket" having half the gross floor area of the Menards proposed at GrandView would generate about *double* the number of trips;
- Levels of Service along Gumwood Road at Heritage Square Drive and at Cleveland Road (SR 23) for peak Weekday and peak Weekend days were found to be within generally acceptable levels, with room for growth in their current lane configurations and widths. Driver delays at the Gumwood Road and Cleveland Road intersection are expected to increase 3 to 7 seconds;

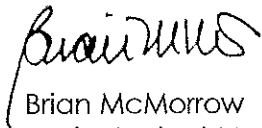
- On the weekday that trips were counted in the AM and PM peak hours at Gumwood Drive and Heritage Square Drive, a total of sixty-seven (67) trucks were counted. On the weekday that trips were counted in the AM and PM peak hours at Gumwood Drive and Cleveland Road (SR 23), a total of two hundred seventeen (217) trucks were counted. Adding 10-12 Menards trucks to that mix at both intersections is only a modest increase.
- Main Street south of the toll road has approximately 30,000 vehicles per day with the same number of lanes as Gumwood Road north of SR 23 / Cleveland Road. Gumwood Road has approximately 16,100 vehicles per day in this area and is well below capacity.

In conclusion, the proposed project results in less traffic than a grocery store or other allowable uses and the existing Gumwood Road infrastructure constructed by the City in expectation of development provides ample capacity for this project.

On behalf of Gumwood Acquisitions, LLC and Menard, Inc. we thank you again for your courtesies and look forward to meeting with you and the public on September 3rd.

Sincerely,

ABONMARCHE CONSULTANTS, INC.



Brian McMorrow
Senior Project Manager

CC: Ryan Rans – Gumwood Acquisitions, LLC
Audra Sieradzki – Gumwood Acquisitions, LLC
Thomas W. O'Neil – Menard, Inc.
Deborah S. (Ladyga) Block, IAMC, MMC – Mishawaka City Clerk
Kenneth B. Prince, ASLA, AICP – City of Mishawaka Planning Department
Christine Jamrose, PE – City of Mishawaka Engineering Department



RECEIVED
DEBORAH S. BLOCK, MMC

AUG 27 2019

CITY CLERK
MISHAWAKA, IN

REPORT TO MISHAWAKA COMMON COUNCIL

PREPARED FOR: GUMWOOD ACQUISITIONS, LLC
in connection with Petition to Amend GrandView PUD

DATE: AUGUST 27, 2019



Planning
Architecture
Landscape
Interior/Exterior
Community Planning
Historic Architecture
Development Services

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1.0 INTRODUCTION

Gumwood Acquisitions, LLC (Owner) owns 56.48 acres of land in the City of Mishawaka, St. Joseph County, Indiana having approximately 2,100 linear feet of frontage on Gumwood Road and approximately 1,250 feet of frontage on Cleveland Road (SR 23). The Owner petitioned the City of Mishawaka in 2014 to establish a Planned Unit Development (PUD) ordinance to govern the development of the subject property. The PUD expressly permits multi-family residential uses, all uses listed in the Commercial C-1 District, and all uses permitted in the Commercial C-2 District as set forth in the Mishawaka Code. Listed among the 134 permitted C-1 uses are:

- *Appliance Sales and Services*
- Auctions*
- Automobile Leasing Offices*
- Bicycle Sales & Service*
- *Book and Stationery Stores*
- Bowling Alleys
- Comprehensive Car Care Centers
- *Department Stores*
- Florist Shops*
- *Furniture Stores*
- *Grocery Stores**
- *Health Clubs*
- Health Facilities
- *Home Improvement Retail Stores**
- Hospitals
- Lawn Mower Sales & Service*
- Motor Bus Terminals*
- Office Buildings
- Parking Garages
- *Post Offices**
- Retail Stores
- *Sporting Good Stores*

The permitted uses listed above with an asterisk sometimes require outdoor storage. The permitted uses listed above in *italics* are sometimes commonly known as "big box" retailers.

In addition to permitted uses, conditions of approval imposed upon the Mishawaka Plan Commission over the years address a number of planning and design criteria, including traffic impact, proposed uses, road and pedestrian connections, stormwater runoff, lighting, signage, landscaping, parking, building and parking setbacks, building height and architectural materials, and phasing.

Ground was broken for the first phase of GrandView in 2015. In this initial phase, 203 dwelling units, common amenities, and 11,100 square feet of commercial space was constructed. Construction was completed and virtually all units were leased in the first quarter of 2017. The second phase of GrandView broke ground in 2018 and is scheduled to be complete in 2020, bringing another 178 dwelling units and 25,000 square feet of commercial space to market. Development has generally occurred in accordance with the original PUD ordinance, although the Owner sought and secured approvals from the Mishawaka Plan Commission and Mishawaka Common Counsel for several amendments during that time including:

- Changing the PUD boundary to include the addition of some land purchased from the City of Mishawaka;
- The deletion of assisted-living housing and nursing homes as an option;
- The reduction of one curb cut on Gumwood Road;
- A modest reduction of the internal drive "throat/stacking area";
- Permission to construct buildings as high as four (4) stories and 48 feet high; and
- Permission to allow "fiber cement" as a building material.

On May 22, 2019, Gumwood Acquisitions once again petitioned the Mishawaka Plan Commission to make certain amendments to the GrandView PUD. The principal amendment sought was permission to allow "outdoor storage" whereas outdoor storage is not permitted in the GrandView PUD. There are two (2) other amendments that were sought in an attempt to mitigate a possible adverse impact of "outdoor storage", including permission to have a fence as high as 14 feet and permission to relieve the developer of having to build a berm in a residential buffer yard because the developer thought it would be more effective to maintain existing mature vegetation. The fourth amendment sought is to once again reduce the "throat/stacking area" to allow for cross connection between GrandView and the Centennial Cleveland Road (SR 23). Said petition was made because the Owner had entered into a purchase and sale agreement with Menard, Inc. to build a new 2-story Menards home improvement retail store on about 14 acres of the 24.5 remaining at GrandView for development. The new retail store is to replace the existing Menards store located about one-half mile south on North Main Street at the Indiana Toll Road, which is no longer meeting the needs of the marketplace and could not be expanded horizontally or vertically. A site plan of the existing store has been included as Figure 1 of this report.

The Mishawaka City Planning Department reviewed the petition and recommended to that Mishawaka Plan Commission that the petition be forwarded to the Mishawaka Common Council favorably, conditioned upon certain recommendations from the City Planner be incorporated into the design.

The recommendations of the Mishawaka Planning Department staff were made based upon appropriate findings of fact concerning consideration of existing conditions, character of buildings in the area, the most desirable/highest and best use, conservation of property values and compatibility with the Mishawaka 2000 comprehensive plan. On June 11, 2019, the Mishawaka Plan Commission voted favorably. At that time, it was suggested that the Owner reach out to nearby residents before any Common Council hearing.

A public neighborhood meeting was hosted by the developer on July 30, 2019 at a venue near the project site. Approximately 150 residents turned out for that meeting and time was given to anyone who wished to speak or wished to ask questions. Many of those in attendance took the opportunity to address the representatives of the developer. Although many spoke, traffic concerns dominated the conversation.

The next chapter of this report provides details of a traffic assessment performed by Abonmarche Consultants to respond to these prevalent comments and concerns of local residents.

2.0 TRAFFIC ASSESSMENT

The construction of a new Menards store in the Grandview PUD is expected to add additional traffic to the surrounding transportation infrastructure. The purpose of the traffic assessment is to identify the anticipated traffic that could be generated by the new Menards store along with the expected remaining development of the Grandview PUD. The calculated anticipated "trips" will be added to the existing traffic that is expected to exist at the full build-out of the Grandview PUD, the Horizon Year. For the purposes of the assessment, the Horizon Year has been assumed to be 2024 with a traffic growth rate of 1.0% per year.

2.1 TRIP GENERATION COMPARISON

There are multiple land uses permitted within the Grandview PUD per the Commercial C-1 District zoning designation. In the C-1 zoning, the Menards store would be considered a "Home Improvement Retail Store". The traffic that is expected to be generated by the new Menards store was compared to other permitted "big box" uses.

ITE Land Use Code	Land Use Description	Typical Store for Land Use Code	Gross Floor Area (Sq. Ft.)	Average Trip Generation Rate*			Generated Trips		
				Weekday	Weekday	Saturday	Weekday	Weekday	Saturday
				AM Peak	PM Peak	Peak Hr.	AM Peak	PM Peak	Peak Hr.
862	Home Improvement Superstore	Menards	134,700	1.57	2.33	4.44	212	314	599
492	Health/Fitness Club	Life Time Fitness	136,500	1.31	3.45	3.19	179	471	436
813	Free-Standing Discount Superstore	Meijer, Walmart	172,000	1.85	4.33	5.57	319	745	959
850	Supermarket	Martin's, Kroger	73,000	3.82	9.24	10.34	279	675	755
857	Discount Club	Sam's Club, Costco	146,000	0.49	4.18	6.37	72	611	931
861	Sporting Goods Superstore	Dick's, Dunham's	50,000	0.34	2.02	4.21	17	101	211
863	Electronics Superstore	Best Buy	49,500	N/A	4.26	7.02	N/A	211	348
867	Office Supply Superstore	Office Depot	20,000	N/A	2.77	2.99	N/A	56	60
869	Discount Home Furnishing Superstore	IKEA	288,900	0.57	1.57	3.40	165	454	983
875	Department Store	Kohl's, Target	85,000	0.58	1.95	3.45	50	166	294
890	Furniture Store	Kittle's, Value City	82,750	0.26	0.52	1.10	22	44	92
				*Rate per 1,000 Sq. Ft. GFA					

Table 1 – Trip Generation Comparison

The *ITE Trip Generation Manual* was used to calculate the anticipated trips to be generated by each land use. Table 1 is a summary of the comparison. The Gross Floor Areas (GFA) were measured from existing buildings in the same vicinity of the Grandview PUD shown in aerial photography. The aerial photography was from Michiana Area Council of Governments (MACOG) GIS maps on their website. Under the Generated Trips the green cells represent the land uses that would be expected to generate less traffic than the proposed Menards store, while the red cells represent more trips.

2.2 GRANDVIEW PUD TRIP GENERATION

Menards conducted a trip generation study on three of their existing stores in Ohio. The study was completed in July 2019. The purpose of the study was to see how their existing store trip generation compared to the ITE rates. The ITE AM & PM peak hour rates are 1.57 and 2.33 trips, respectively, for 1,000 sq. ft. of GFA. The results of the Menards study shows that their stores have AM & PM peak hour rates of 0.68 and 1.54, respectively. The study rates would produce fewer trips from those of the ITE Trip Generation Manual.

For the traffic assessment, future traffic was calculated using *ITE Trip Generation Rates* for current and projected land uses for the PUD. Table 2 is a summary of the total anticipated trips to be generated from the PUD and Table 3 breaks down the entering and exiting trips for the PUD.

ITE Land Use Code	Land Use Description	Quantity	Units	Average Trip Generation Rate			Generated Trips		
				Weekday	Weekday	Saturday	Weekday	Weekday	Saturday
				AM Peak	PM Peak	Peak Hr.	AM Peak	PM Peak	Peak Hr.
	GrandView Phase 2								
220	Multi-Family Housing (Low-Rise)	178	Dwelling Units	0.46	0.56	0.70	78	95	118
820	Shopping Center	25,000	GFA*	0.94	3.81	4.50	18	72	85
	Total Trips for GrandView Phase 2						96	167	203
	Anticipated GrandView Phase 4								
710	General Commercial Building	118,000	GFA*	1.16	1.15	0.53	137	136	63
820	Shopping Center	14,000	GFA*	0.94	3.81	4.50	14	54	63
931	Quality Restaurant	425	Seats	0.02	0.28	0.33	9	119	141
932	High-Turnover (Sit-Down) Restaurant	300	Seats	0.48	0.42	0.53	144	126	159
	Total Trips for Anticipated GrandView Phase 4						304	435	426
	Menards (GrandView Phase 3)								
862	Home Improvement Superstore	134,700	GFA*	1.57	2.33	4.44	212	314	599
	TOTAL ALL TRIPS						612	916	1,228
				*Rate per 1,000 Sq. Ft. of GFA					

Table 2 – Total PUD Trip Generation

ITE Land Use Code	Land Use Description	Entering			Exiting			Enter/Exit Trip Distribution					
								Weekday AM Peak		Weekday PM Peak		Saturday Peak	
		AM	PM	Sat	AM	PM	Sat	Enter	Exit	Enter	Exit	Enter	Exit
	GrandView Phase 2												
220	Multi-Family Housing (Low-Rise)	23%	63%	50%	77%	37%	50%	18	60	60	35	59	59
820	Shopping Center	62%	48%	52%	38%	52%	48%	11	7	35	37	44	41
	Total Trips for GrandView Phase 2												
	GrandView Phase 4												
710	General Commercial Building	86%	16%	54%	14%	84%	46%	118	19	22	114	34	29
820	Shopping Center	62%	48%	52%	38%	52%	48%	9	5	26	28	33	30
931	Quality Restaurant	50%	67%	59%	50%	33%	41%	5	4	80	39	83	58
932	High-Turnover (Sit-Down) Restaurant	52%	57%	53%	48%	43%	47%	75	69	72	54	84	75
	Total Trips for GrandView Phase 4												
	Menards (GrandView Phase 3)												
862	Home Improvement Superstore	57%	49%	51%	43%	51%	49%	121	91	154	160	305	294
		Internal trips assumed to be at 15%						18	14	23	24	46	44
		Total external trips						103	77	131	136	259	250

Table 3 – PUD Entering & Exiting Trips

2.3 TRAFFIC COUNT DATA

Abonmarche conducted manual turning movement traffic counts at the Gumwood Road-Heritage Square Drive and the Gumwood Road-Cleveland Road intersections. The counts were conducted on Thursday August 8, 2019 between 6:00-9:00 AM and between 3:00-6:30 PM, and on Saturday August 10, 2019 between 9:00 AM-1:00 PM and can be considered a "typical weekday" and a "typical weekend day".

2.3.1 GUMWOOD ROAD AT HERITAGE SQUARE DRIVE

This intersection was counted as a "T" intersection since the west leg of the intersection is currently serving as the construction entrance for Phase 2 of the Grandview PUD. For the time periods counted at this intersection, the total number of vehicles and percent of semi-truck respectively are: AM – 2,320 vehicles with 1.8% trucks; PM 4,976 vehicles with 0.5% trucks; and Saturday – 4,849 vehicles with 0.4% trucks. The peak hour for each time period counted had a total number of vehicles and percent of semi-truck respectively are: AM – 967 vehicles with 1.7% trucks; PM 1,338 vehicles with 0.4% trucks; and Saturday – 1,403 vehicles with 0.5% trucks.

2.3.2 GUMWOOD ROAD AT CLEVELAND ROAD

For the time periods counted at this intersection, the total number of vehicles and percent of semi-truck respectively are: AM – 5,803 vehicles with 2.5% trucks; PM 14,470 vehicles with 0.5% trucks; and Saturday – 13,945 vehicles with 0.3% trucks. The peak hour for each time period counted had a total number of vehicles and percent of semi-truck respectively are: AM – 3,238 vehicles with 1.7% trucks; PM 4,996 vehicles with 0.6% trucks; and Saturday – 3,986 vehicles with 0.3% trucks.

2.4 INTERSECTION LEVEL OF SERVICE

A Level of Service (LOS) analysis was conducted at each intersection using the traffic modeling software Synchro 10. LOS measured traffic performance by delay in seconds. A letter "grade" is assigned based upon the delay in seconds. Each intersection was analyzed for the existing and Horizon Year AM, PM, and Saturday peak hours. It was determined that the weekday PM peak hour for the Horizon Year was the worst case scenario. Therefore, it was used as the "background" traffic and added to it the site generated traffic for the full development LOS analysis.

2.4.1 GUMWOOD ROAD AT HERITAGE SQUARE DRIVE

The LOS for this intersection has minimal to no change from the existing condition up to the full build-out horizon year. It is anticipated that delays will increase approximately 2 seconds for westbound traffic turning on to Gumwood Road and there will be less than a second change for north – south traffic. Table 4 summarizes the PM peak hour LOS analysis for this intersection.

Intersection	Analysis Period	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Table 4 – Gumwood at Heritage Square	Exist. PM Peak Hr.	N/A	N/A	N/A	14.6	0.3	N/A	N/A	16.7	4.0	8.6	15.3	N/A
		N/A	N/A	N/A	B	A	N/A	N/A	B	A	A	B	N/A
		N/A			7.6			14.7			14.3		
		N/A			A			B			B		
		13.7											
		B											
	HY PM Peak Hr. No Dev.	N/A	N/A	N/A	14.7	0.3	N/A	N/A	17.1	4.3	8.8	15.6	N/A
		N/A	N/A	N/A	B	A	N/A	N/A	B	A	A	B	N/A
		N/A			7.7			15.0			14.6		
		N/A			A			B			B		
		14.0											
		B											
	HY PM Peak Hr. With Dev.	13.1	5.6		14.9	4.8		7.6	17.1	4.3	8.8	15.6	0.1
		B	A		B	A		A	B	A	A	B	A
		7.6			9.9			14.7			14.2		
		A			A			B			B		
		13.6											
		B											

Gumwood Road @ Heritage Square Drive LOS Analysis Summary

2.4.2 GUMWOOD ROAD AT CLEVELAND ROAD

The north – south traffic at Main Street / Gumwood Road and Cleveland Road is expected to see an increase in delay of approximately 3 to 8 seconds during the afternoon peak hour. The east - west traffic is expected to see an increase of 3 to 7 seconds during the afternoon peak hour. However, the overall intersection LOS remains a D for all three scenarios. Table 5 summarizes the PM peak hour LOS analysis for this intersection.

Intersection	Analysis Period	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Gumwood at Cleveland	Exist. PM Peak Hr.	71.8	47.1	2.3	59.7	39.6	0.3	62.5	32.4	9.9	60.9	34.8	1.1
		E	D	A	E	D	A	E	C	A	E	C	A
		45.1			43.3			32.2			32.9		
		D			D			C			C		
		39.2											
		D											
	HY PM Peak Hr. No Dev.	70.8	51.0	2.7	65.4	44.6	0.4	74.8	35.1	12.0	61.4	35.4	1.7
		E	D	A	E	D	A	E	D	B	E	D	A
		47.6			48.2			36.6			33.6		
		D			D			D			C		
		42.6											
		D											
	HY PM Peak Hr. With Dev.	75.4	51.0	2.7	65.4	48.8	0.4	89.1	35.9	12.8	68.7	35.9	2.9
		E	D	A	E	D	A	F	D	B	E	D	A
		48.6			50.6			40.6			35.2		
		D			D			D			D		
		44.9											
		D											

Table 5 – Gumwood Road @ Cleveland Road LOS Analysis Summary

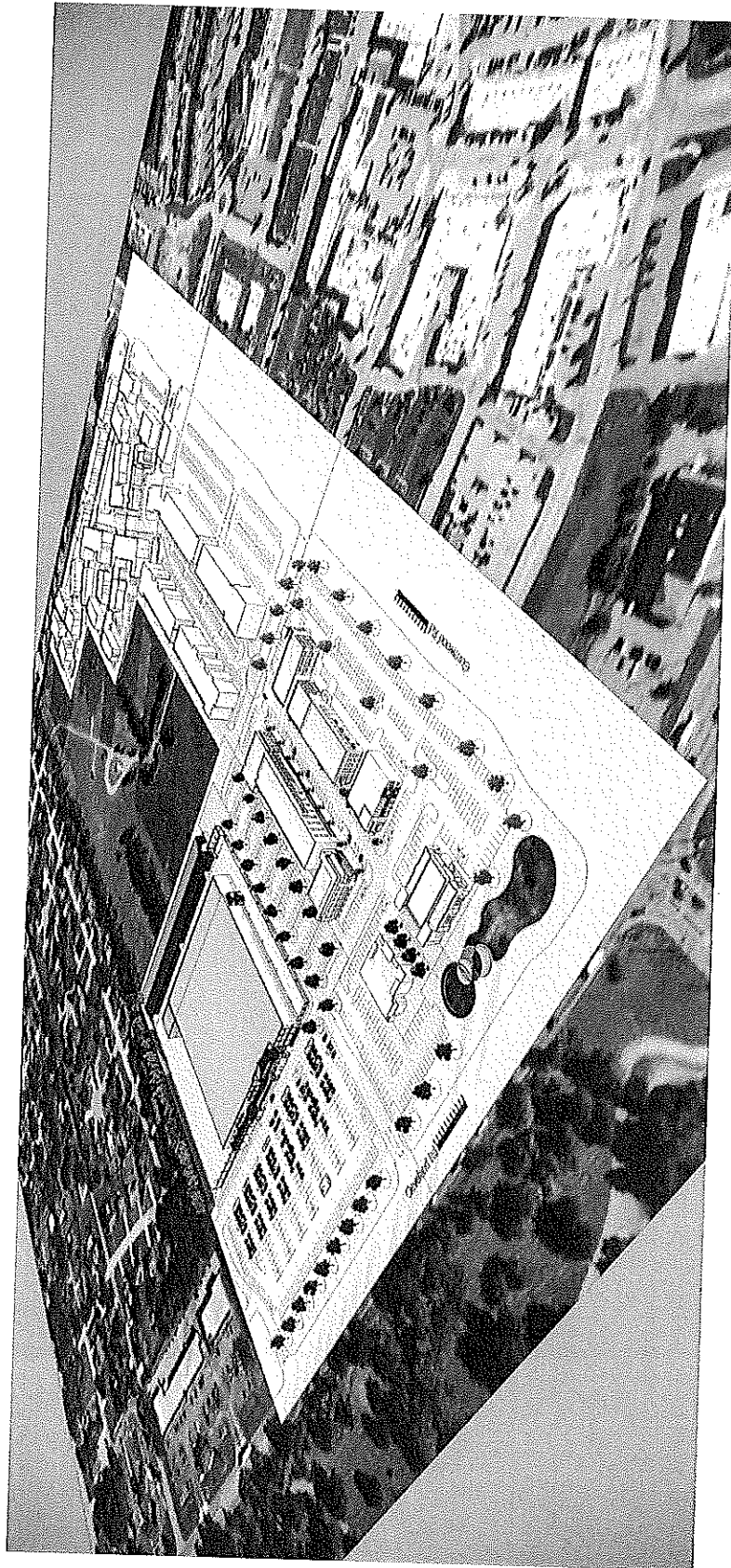
2.5 ROADWAY CAPACITY

The LOS analysis shows a minor increase in delay of 5.7 seconds for the Gumwood Road-Cleveland Road intersection. For comparison, Gumwood Road just north of SR 23 in 2018 had approximately 16,100 vehicles per day according to a study performed by the Michiana Council of Governments (MACOG) on October 17, 2018. Main Street south of the Toll Road, which has the same roadway cross section, in the same year had approximately 30,000 vehicles per day when MACOG studied the corridor on the same date. With nearly double the daily traffic, Main Street has been reported to perform at an above average LOS in a highly commercial area.

Planning for this section of Gumwood Road began in 2004. Since then the City of Mishawaka has anticipated, and planned for, this type of growth for the roadway infrastructure and it is in our opinion, set up to handle the Grandview PUD added traffic.

[illegible]

FIGURE 2



Full Build-Out (Date TBD)