

AGENDA

Monday, March 2, 2020

**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**
February 17, 2020
- 5. Petitions, Communications, Remonstrance and Memorials**

APPEAL NO. 2020-05 Use Variance to permit an Accessory Structure (Maintenance Bldg.) on a lot without a Primary Structure at the SE corner of Comfort Place & N. Pine Street

APPEAL NO. 2020-06 Use Variance to allow Furniture Retail & Showroom at 403 & 411 S. Main St.

PETITION NO. 2020-04 Rezone area South of Rentintion Area from R-1 Single Family to C-1 General Commercial 4019 & 4021 LWE

A public hearing on Vacation R2020-01 required by State Statute on behalf of Mishawaka High School Vacating Areas of N. Wenger Ave. between LWE and Homewood - Thw East 63' of the East/ West alley North of LWE - all alleys bounded by Homewood on the North, Indiana on the West, Wenger on the East.

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

R2020-02 Use Variance to allow a contractor's business on a new building addition on an existing house (Pending R-1 District) 4416 LWE

9. Ordinances on Second Reading

P.O. NO. 2020-01 Annex and Zone C-1 54655 Fir Rd. for future expansion and additional parking for its adjacent office development The Plaza at Day Rd. and Fir Rd. **VOTE ONLY** (Assigned to Land Use Planning Committee)

P.O. NO. 2020-05 PUD Amendment for reduction of Landscaping Requirements Vacant Land S. of 3729 Bremen Hwy. & N. of US 20 Bypass (Assigned to Land Use Planning Committee)

P.O. NO. 2020-06 Rezoning from C-1 Commercial to R-1 Residential for existing house and contractors business 4416 LWE (Pending Appeal 2020-01)(Assigned to Land Use Planning Committee)

P.O. NO. 2020-07 Vacating Areas of N. Wenger Ave. between LWE and Homewood - The East 63' of the East/West alley North of LWE - all alleys bounded by Homewood on the N. Indiana on the West and Wenger on the East - Mishawaka High School (Assigned to Land Use Planning Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

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

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 Susan Kile, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

February 17, 2020

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, February 17, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Absent: Mr. Emmons.

Others present; Mike Trippel, Council Attorney, Mary Ellen Hazen Chief Deputy

Minutes for the Regular meeting of February 3, 2020 were approved as received from the Clerk's Office.

Clerk Block read the following joint resolution honoring the league of women voters.

Joint Resolution Honoring the League of Women Voters

Clerk Block read letters from the City Plan Commission and the Board of Zoning Appeals regarding their recommendations from the February 11th meeting.

APPEAL NO. 2020-01 An appeal submitted by James Clardy and Theresa Clardy requesting a Use Variance for 4416 Lincolnway East to allow a contractor's office in the R-1 Single Family Residential District.

The Board, with a vote of 4-0, recommended approval.

PETITION NO. 2019-19 A petition submitted by KLT Properties LLC requesting to amend the Gateway Plaza PUD to modify landscaping requirements.

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

PETITION NO. 2020-01 A petition submitted by James W Clardy and Theresa Clardy requesting to rezone 4416 Lincolnway East from C-1 General Commercial District to R-1 Single Family Residential District.

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

PETITION NO. 2020-02 A petition by School City of Mishawaka requesting the vacation of various street and alley rights-of-way west of 1202 Lincolnway East, (Mishawaka High School).

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

PETITION NO. 2020-03 AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE DESIGN REVIEW DEVELOPMENT PLAN ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA. The City is seeking to amend the following: Section 105-174. – Signage size limitations. To increase the following size of logos, letters, and to limit where signs may be placed along a wall. Section 105-175. – Signage quality. - To permit signage based on individual businesses or storefronts rather than per building and to allow projecting signs and awnings in addition to wall signs. Section 105-176. - Signage Clutter. – To allow directory signs with an unlimited number of letters three inches in height or less.

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

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

PROPOSED ORDINANCE NO. 2020-05

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

PUD Amendment for reduction of Landscaping Requirements Vacant Land S. of 3729 Bremen Hwy. & N. of the US 20 Bypass

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2020-06

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.

Rezoning from C-1 Commercial to R-1 Residential for existing house and Contractors Business (Pending Ap20-01) 4416 LWE

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2020-07

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.

**Vacating areas of N Wenger Ave between LWE and Homewood – The East 63’ of the East/West alley North of LWE – all alleys bounded by Homewood on the North Indiana on the West and Wenger on the East – Mishawaka High School
(Assigned to Land Use Planning Committee)**

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

RESOLUTION NO. 2020-01

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR THE ANNEXATION FOR THE PROPERTY LOCATED AT:

Part of 54655 Fir Road, Mishawaka, IN 46545.

Ken Prince, City Planner stated the property was 1.26 acres contiguous to the city and all departments indicated they could serve this property.

Question was called for at 7:15PM for **RESOLUTION NO. 2020-01**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

Clerk Block read the following proposed ordinances by title and were opened the public hearing.

PROPOSED ORDINANCE NO. 2020-01

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

Annex and Zone C-1 54655 Fir Rd for future expansion and additional parking for its adjacent office development The Plaza at Day Rd and Fir Rd.

NO VOTE

Tibby Mihalache, one of the owners stated the added parking would help with traffic issues on Day Road with access on Fir Road.

The public hearing on **PROPOSED ORDINANCE NO. 2020-01** was closed at 7:19 PM. A vote would take place at the March 2nd meeting, where the committee report would also be received.

PROPOSED ORDINANCE NO. 2020-04

AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE “DESIGN REVIEW DEVELOPMENT PLAN ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA.

Mr. Banicki reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This is signed by the majority of the committee upon a second by Mr. Compton motion carried.

Ken Prince, City Planner stated the design review development plan was created in 1999 to create a design standard and pallet to encourage high quality development for the downtown area. He also stated there have been multiple amendments made to the plan since it was created, one being the allowance of sandwich boards in 2013. Mr. Prince used Flaherty & Collins as an example of amendments made to the plan. He said the amendments consisted of signage size limitations, signs closer than 24” to the building, signage quantity, and signage clutter.

Mr. Hazen asked how this would affect existing signs. Mr. Prince answered saying all existing signs up were grandfathered in, but if a new sign was to be put up, they would have to meet the new criteria.

Question was called for at 7:28PM for **PROPOSED ORDINANCE NO. 2020-04**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.

NEW BUSINESS

Mr. Mammolenti announced his monthly neighborhood watch meeting with Mr. Hazen would be held on February 19th at Twin Branch School starting at 7PM. The speaker of the event would be Mr. Phil Blasko discussing and answering questions on the next phase of improvements to Twin Branch Park.

Mr. Hixenbaugh announced the Mishawaka Fire Department achieved ISO Public Protection Classification rating of Class 2, meaning they have been placed in the top 2% of all fire departments in the United States for ISO rating. Mr. Hixenbaugh congratulated the Mishawaka Fire Department for the fine work they’ve done to obtain this recognition.

ADJOURNMENT 7:30PM

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

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President

FEB 26 2020

CITY CLERK
MISHAWAKA, IN

Date: February 19, 2020

To: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Michael J. Wargo, acting as a representative for the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:
 - a. Lot 2A of the Center for Hospice Subdivision, the plat of which is recorded in instrument No. 14-07853 in the office of the recorder of St. Joseph county, Indiana.
2. The above-described real estate presently has a zoning classification of R-1 District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property as a vacant lot and proposes to construct a single maintenance accessory building.
4. Appellant desires to construct a single maintenance accessory building on Lot 2A. This building is considered an accessory building that will be constructed on a separate lot. In addition, the proposed building size and height exceed the height requirement and the floor square foot area. Therefore, the following use and development variance are being requested:
 - a. Development Variance: To all allow for a single accessory building on a separate lot.
 - b. Use Variances:
 - i. Height Variance: From 15' to 18'
 - ii. Floor Square Foot Area: From 720 square feet to 1,074 square feet.
5. Per the Zoning Ordinance of the City of Mishawaka the R-1 Zoning District is identified as follows:
 - a. **Sec. 137-166.** – Height, area, and developmental regulations.

(5) Accessory buildings.

- a. Accessory buildings not over 15 feet high may be located in the rear half yard area, provided that, the accessory buildings come no nearer than 30 inches to any rear lot line or side lot line. Additionally, accessory buildings shall not be greater than 720 square feet in floor area.
6. It is the desire to construct the single maintenance accessory building to fit within the fabric of the existing residences located directly east and south of this property.
7. Responses to Questions for a Use Variance
 - a. *Will approval be injurious to the public health, safety, morals or general welfare of the community?* Approval of this Use Variance request will not be injurious since the use of the structure will be a maintenance building utilized for the Center for Hospice Care.
 - b. *Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?* The proposed design for this building will match the character and style of the houses within the neighborhood. Therefore, we

AP 20-05

believe that the use and values of adjacent properties are not adversely affected but actually enhanced by this development.

- c. *Does the need for the variance arise from some condition peculiar to the property involved?* The proposed building fits within the boundaries of Lot 2A
- d. *Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?* The proposed maintenance building will house the necessary equipment and material to maintain the Center for Hospice Care facility. Since the existing maintenance building that served the Hospice Campus was removed for the construction of the new parking lot for the new Ernestine M. Raclin House Raclin it is the desire of the Center for Hospice Care to building a new structure that will serve as their new maintenance facility.
- e. *Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?* We believe that the approval of the Use and Development Variance requests will not substantially interfere with the Mishawaka 2000 Comprehensive Plan.

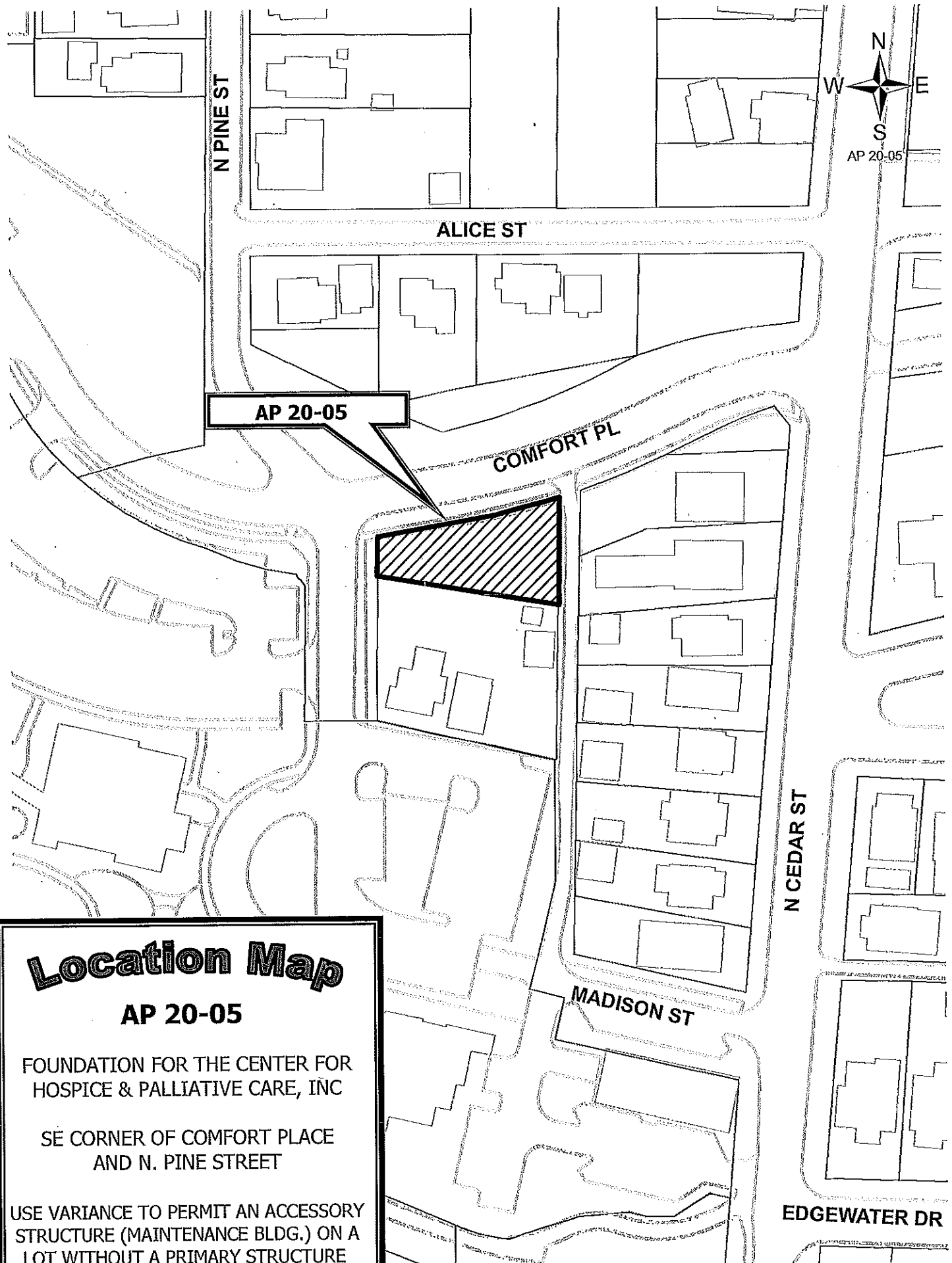
Wherefore, Appellant respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.



Michael J. Wargo, Chief Operating Officer
Foundation for the Center for Hospice & Palliative Care, Inc.

Contact Person:

Chris Chockley
Jones Petrie Rafinski
325 South Lafayette Blvd.
South Bend, Indiana, 46601
Phone: 574-232-4388
Fax: 574.232-4333
Email: cchockley@jpr1source.com



Location Map

AP 20-05

FOUNDATION FOR THE CENTER FOR
HOSPICE & PALLIATIVE CARE, INC

SE CORNER OF COMFORT PLACE
AND N. PINE STREET

USE VARIANCE TO PERMIT AN ACCESSORY
STRUCTURE (MAINTENANCE BLDG.) ON A
LOT WITHOUT A PRIMARY STRUCTURE

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 26 2020

CITY CLERK
MISHAWAKA, IN

February 18, 2020

To: Board of Zoning Appeals

City of Mishawaka, Indiana



I, Maurice Bokhart am the current owner of 403 South Main Street in Mishawaka IN. I am currently in the process of finalizing a purchase agreement to sell the property to Angelyn Rockenbaugh who is the owner of Interior Motives by 321. I understand that Angelyn's desired use for this property is for retail purposes only and on her behalf, I am asking that the zoning variance that is appropriate for her business be approved. I support her efforts to go before the Board of Zoning Appeals in order to obtain formal approval.

Thank you for your consideration.

By: Maurice Bokhart

Bokhart Properties LLC

16400 Kern Road

Mishawaka, IN 46544

The undersigned appellant respectfully shows the Board:

1. I, Angelyn Rockenbaugh, and the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit: Beginning at the point of intersection of the East right-of-way line of Spring Street, a 60 foot right-of-way, with the Southerly right-of-way line of the Conrail Railroad right-of-way, thence south 0-00'-00" West along said East right-of-way line of Spring Street, a distance of 46.00 feet; thence South 78-24'-00" East, a distance of 50.00 feet; thence South 80-04'-00" East, 50.00 feet; thence South 82-54'-00" East, a distance of 50.00 feet; thence South 86-

41'-00" East, a distance of 50.00 feet; thence South 88-37'-00" East, a distance of 50.00 feet; thence South 89-50'-00" East, a distance of 411.50 feet to the West right-of-way line of Main Street in said City of Mishawaka; thence North 1-17'-00" East, along said West right-of-way line, a distance of 92.50 feet to its intersection with said Southerly right-of-way line of the Conrail Railroad; thence South 88-43'-00" West, along said Northerly right-of-way line, a distance of 198.30 feet; thence South 88-31'-50" West, along said Northerly right-of-way line, a distance of 463.22 feet to the place of beginning containing 52,860 square feet (1.21 acres) more or less. Subject to any easements, covenants or restrictions of record.

SEE ATTACHED
ADDITIONAL LEGAL

2. The above described real estate presently has a zoning classification of Industrial I-1 District under the Zoning Ordinance of the City of Mishawaka.
3. The current owner, Maurice Bokhart, presently has this real estate for sale or lease. Currently Mr. Bokhart has a special use variance for the following use: warehousing, resale, detailing and rental of high end, luxury automobiles. Auto sales will be both Internet driven and on-site. All vehicles will be housed indoors, and no painting or mechanical work will take place at this location. Hours of operation are expected to be from 8 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 2:00 p.m. on Saturday. Signage will be following the requirements established by the State of Indiana Dealer Licensing Department.

Appellant desires to occupy the building for use as an Interior Design Studio, Conference area and Furnishings showroom containing but not limited to furniture, accessories such as artwork, area rugs, lamps, tabletop, throws, pillows, bedding and florals. Inside the showroom would also be square footage designated for custom cabinetry, surfaces such as counter tops, flooring, and wall treatments, interior doors, and hardware. The appellant would also like to allot for space to have architectural finds such as antique columns, doors, windows etc. and will also need the space to warehouse incoming orders on a temporary basis for our clients until delivery can be scheduled.

Business hours will be the following: Monday, by appointment only, Tuesday through Friday 10:00 a.m. to 5:30 p.m. and Saturday 10:00 a.m. to 2:00 p.m.

4. Appellant desires for you to allow for a retail furnishings and interior design studio.
5. The Zoning Ordinance of the City of Mishawaka requirements: it is our understanding that any retail use will require a variance from the existing zoning.
6. Without the Variance allowing for retail of furnishings, accessories, gifts, cabinetry and countertops, flooring, architectural details, a design studio, and temporary warehousing of furnishings and accessories, the pending purchase agreement between Angelyn

Rockenbaugh and Maurice Bokhart will be null and void- due to the inability to obtain appropriate zoning.

7. A. This variance will not in any way be injurious to the public health, safety, morals or general welfare of the community.

B. It should have no adverse effect to any adjoining properties as the intended use will not in any significant way change the character of the building.

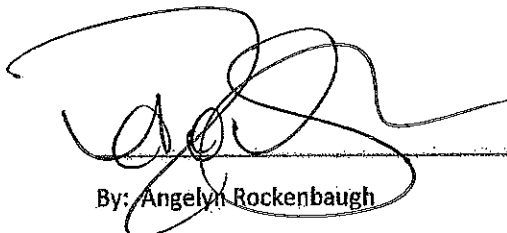
C. The need for variance does not arise from some condition peculiar to the property.

D. It is our belief that strict adherence severely restricts our ability to utilize the space for the intended purposes, and the requested variance will allow for the vacant space to be utilized.

E. We do not believe that the approval of the Variance will substantially interfere with the Mishawaka 2000 Comprehensive Plan. There will be minimal change in the nature and character of the internal or external building and minimal impact on traffic or visual aesthetics of the building.

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

Respectfully submitted,



By: Angelyn Rockenbaugh

Interior Motives by 321

4000 East Bristol Street

Suite 4,

Elkhart, IN 46514

574.361.4944

ANGIE@IM321.DESIGN

Christa Hill

From: Christa Hill
Sent: Tuesday, February 18, 2020 9:55 AM
To: Angie Rockenbaugh
Subject: RE: variance rough draft

The Legal for 403 S Main is:

Beginning at the point of intersection of the East right-of-way line of Spring Street, a 60 foot right-of-way, with the Southerly right-of-way line of the Conrail Railroad right-of-way, thence south 0-00'-00" West along said East right-of-way line of Spring Street, a distance of 46.00 feet; thence South 78-24'-00" East, a distance of 50.00 feet; thence South 80-04'-00" East, 50.00 feet; thence South 82-54'-00" East, a distance of 50.00 feet; thence South 86-41'-00" East, a distance of 50.00 feet; thence South 88-37'-00" East, a distance of 50.00 feet; thence South 89-50'-00" East, a distance of 411.50 feet to the West right-of-way line of Main Street in said City of Mishawaka; thence North 1-17'-00" East, along said West right-of-way line, a distance of 92.50 feet to its intersection with said Southerly right-of-way line of the Conrail Railroad; thence South 88-43'-00" West, along said Northerly right-of-way line, a distance of 198.30 feet; hence South 88-31'-50" West, along said Northerly right-of-way line, a distance of 463.22 feet to the place of beginning containing 52,860 square feet (1.21 acres) more or less. Subject to any easements, covenants or restrictions of record.

* The Legal for 411 S Main is:

79.5' W Side Main Street X 308' Deep E & W N & Adj Dodge Mfg Co. Add in the Office of the Recorder of St. Joseph County, Indiana

Question #5 you can just say that industrial zoning doesn't allow retail uses.

The answer to (7)-4 should be yes, it doesn't allow retail. Also maybe something about the history of the site or how it was underutilized if it were vacant.

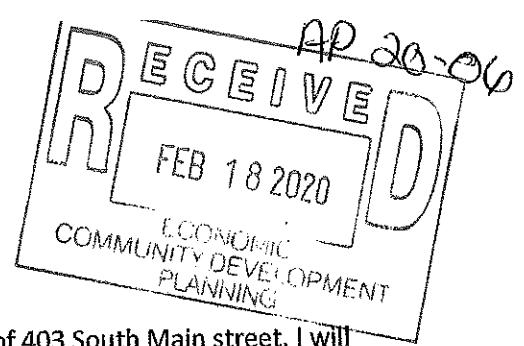
Did that answer your questions? Your first email chain was a bit confusing.

Christa Hill
Associate Planner
(574) 258-1625
Chill2@mishawaka.in.gov

From: Angie Rockenbaugh <angie@im321.design>
Sent: Monday, February 17, 2020 5:46 PM
To: Christa Hill <chill2@mishawaka.in.gov>
Subject: variance rough draft

>>> FROM EXTERNAL SENDER <<<

February 18, 2020



As a side note, I would like to also let you know that with the purchase of 403 South Main street, I will also be pursuing the purchase of 411 South Main St., as well as 410 S. Spring Street, and 424 So. Main Street. I would like to use the back property of 411 South Main Street as additional parking for 403 So. Main St. I am currently working on getting quotes to make this a parking lot surfaced in asphalt. Please see the attached photo for further clarification. I believe that the dimensions of this lot would allow for adequate parking in addition to having 2 ADA parking spaces. I am figuring 3 parking places per 1000 sq. foot of building space (9000 sq. ft x 3= 27 parking spaces including 2 ADA spaces). If the city of Mishawaka has different requirements, please let me know.

Currently, I am not planning to alter the zone classification of these buildings. The current tenants would still be leasing these properties.

Please let me know what steps I need to take for this potential parking area to be compliant with City Zoning laws.

Thank you,

Angelyn Rockenbaugh



RECEIVED
DEBORAH S. BLOCK, MMC

FEB 26 2020

CITY CLERK
MISHAWAKA, IN

February 18, 2020

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



RE: **Petition to Rezone**
4019 Lincolnway East and 4021 Lincolnway East

The undersigned, as attorney for the property owner, respectfully shows that A and J Properties, LLC, an Indiana limited liability company, is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

See attached **Exhibit A**.

Petitioner owns one hundred (100%) percent of the above-described parcels of land, which carry a zoning classification of R-1 Single Family District for the approximately 134 feet of lot length running northerly from Norton Court. The above-described parcels also carry a zoning classification of C-1 General Commercial District for the approximately 296 feet of remaining lot length that fronts on Lincolnway East. Said property is the site of the Lincolnway Veterinary Clinic, LLC. The clinic building is located on the Lincolnway East frontage of the above-described parcels, with its parking area extending across an adjacent parcel also owned by A and J Properties, LLC.

Petitioner desires the portion of said real estate that is zoned R-1 Single Family District to be rezoned to C-1 Commercial District. Petitioner further states that the veterinary clinic intends to utilize said land to create an additional parking area behind the clinic building and relocate the existing retention pond. A conceptual site plan showing the existing and proposed parking is attached to this petition as **Exhibit B**.

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 rezoning the above described parcels of land located in the City of Mishawaka.


Wendy K. Walker, Attorney for Property Owner

Contact Person:

Wendy K. Walker (24004-46)
May Oberfell Lorber
4100 Edison Lakes Parkway, Suite 100
Mishawaka, Indiana 46545
Telephone: (574) 243-4100
Fax: (574) 232-9789
Email: wwalker@maylorber.com

EXHIBIT A
Legal Description

PARCEL I:

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 1035 FEET 6 1/2 INCHES EAST OF A POINT IN THE CENTER OF THE OLD FORT WAYNE ROAD, NOW LINCOLN HIGHWAY EAST, WHERE THE SAME IS CROSSED BY THE WEST LINE OF SAID SECTION 18; THENCE RUNNING EAST 66 FEET 5 INCHES; THENCE SOUTH 656 FEET TO THE NORTH LINE OF THE CHICAGO, SOUTH BEND, AND NORTH INDIANA RAILWAY COMPANY'S LAND; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID RAILWAY COMPANY'S LAND TO A POINT DIRECTLY SOUTH OF THE PLACE OF BEGINNING; THENCE NORTH TO THE PLACE OF BEGINNING AND BEING KNOWN AS ACRE NUMBER 17 OF DANIEL WARD'S PROPOSED PLAT; EXCEPTING THAT PART OF SAID TRACT TAKEN FOR THE WIDENING OF LINCOLN HIGHWAY EAST; ALSO EXCEPTING THAT PART TAKEN FOR THE OPENING OF NORTON COURT; ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; BEGINNING AT A POINT 510 FEET SOUTH AND 1035 FEET 6 1/2 INCHES EAST; AS MEASURED ALONG THE CENTER LINE OF THE OLD FORT WAYNE ROAD, NOW LINCOLN HIGHWAY EAST, OF THE POINT OF INTERSECTION OF THE CENTER LINE OF SAID LINCOLN HIGHWAY EAST AND THE WEST LINE OF SAID SECTION 18, WHICH BEGINNING POINT IS THE NORTHWEST CORNER OF THAT PART OF ACRE NUMBER 17 OF DANIEL WARD'S PROPOSED PLAT LYING SOUTH OF NORTON COURT; AS NOW ESTABLISHED; RUNNING THENCE SOUTH 148.2 FEET TO THE NORTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO, SOUTH BEND AND NORTHERN INDIANA RAILWAY COMPANY, NOW THE PROPERTY OF THE INDIANA & MICHIGAN ELECTRIC COMPANY, THENCE EASTERLY, ALONG SAID NORTHERLY LINE, 66.85 FEET; THENCE NORTH 146.1 FEET TO THE SOUTH LINE OF SAID NORTON COURT; THENCE WEST, ALONG THE SOUTH LINE OF SAID NORTON COURT, 66.85 FEET TO THE PLACE OF BEGINNING.

Parcel ID: 016-1104-4058 / Parcel State ID: 71-10-18-152-003.000-023

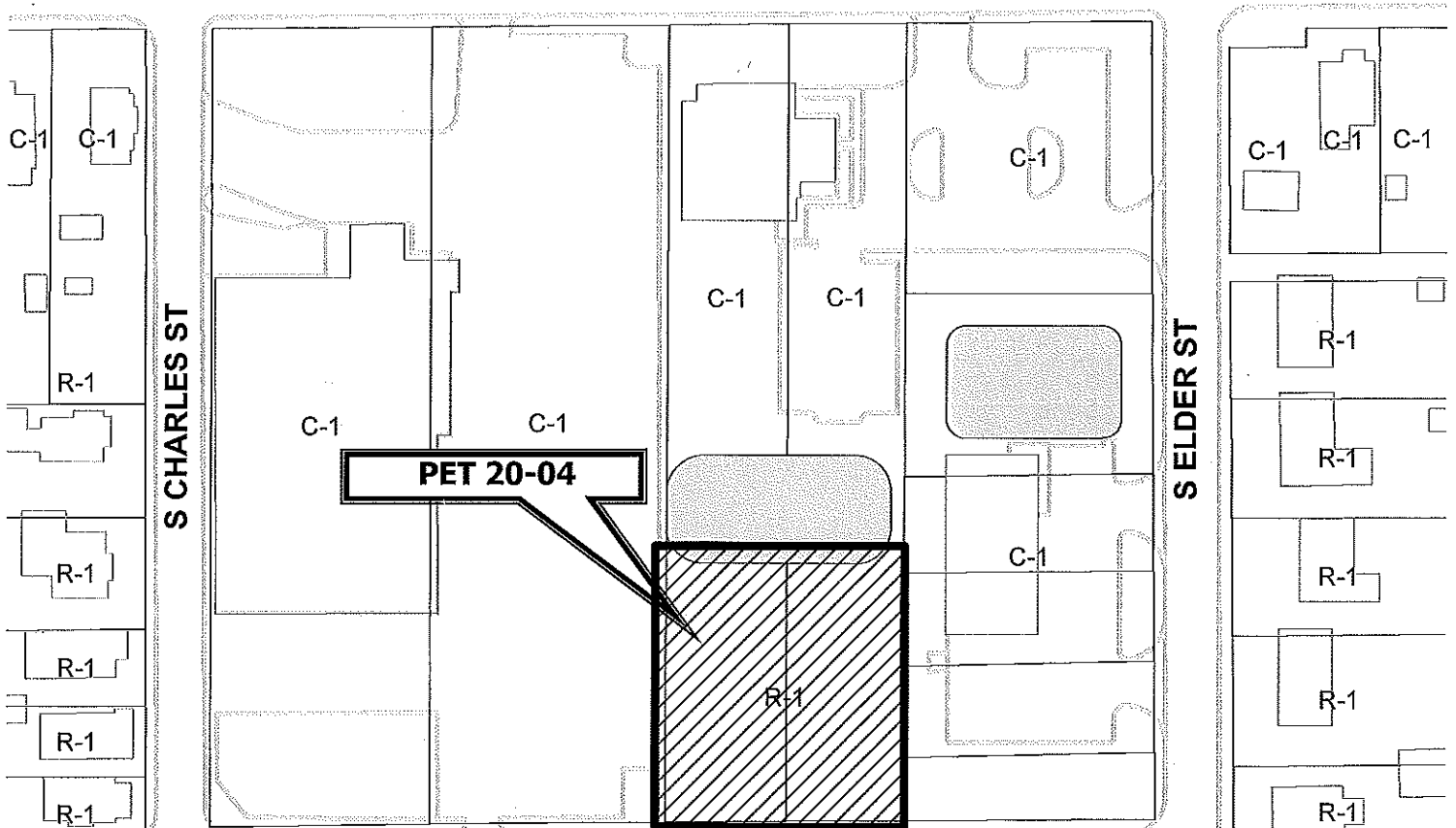
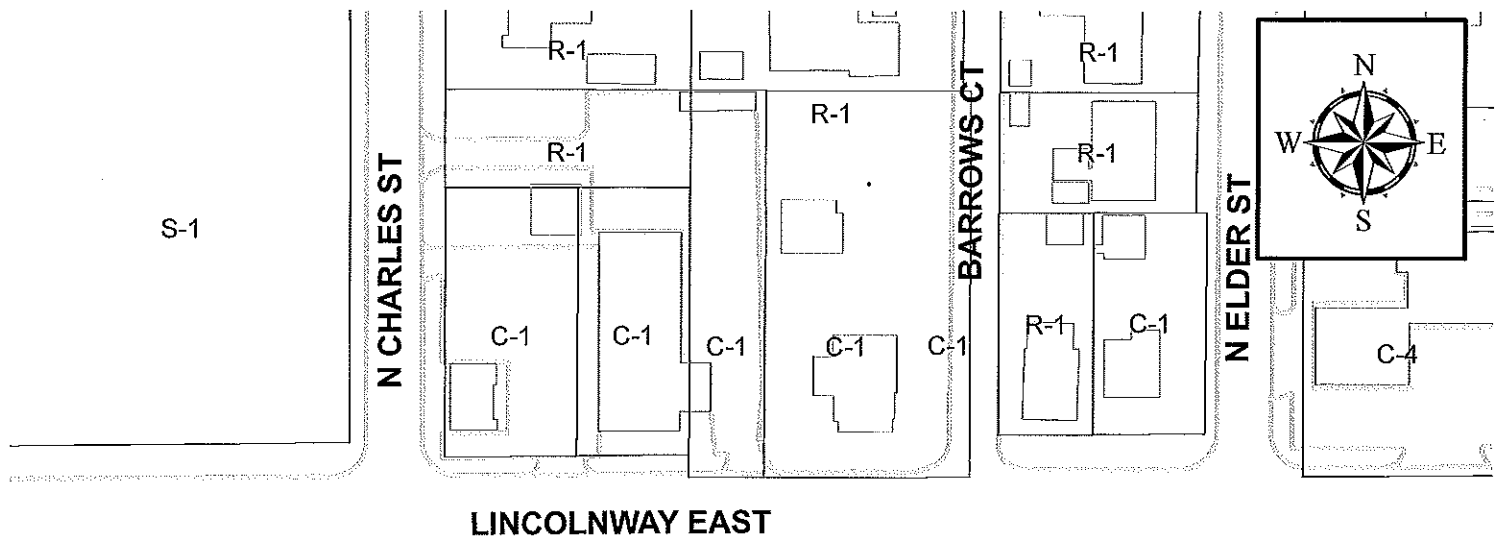
Address: 4019 Lincolnway East

PARCEL II:

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, DESCRIBED AS BEGINNING AT A POINT 1101 FEET AND 11 1/2 INCHES EAST OF A POINT ON THE SOUTH LINE OF LINCOLN HIGHWAY (FORMERLY THE OLD FORT WAYNE ROAD) AS EXISTED ON DECEMBER 18, 1944, WHERE THE SAME IS CROSSED BY THE WEST LINE OF SAID SECTION 18; THENCE EAST AND ALONG THE SOUTH LINE OF SAID LINCOLN HIGHWAY 66 FEET 7 INCHES; THENCE SOUTH 430 FEET, MORE OR LESS, TO THE NORTH LINE OF NORTON COURT; THENCE WEST AND ALONG THE SAID NORTH LINE OF NORTON COURT 66.95 FEET; THENCE NORTH 430 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, AND BEING KNOWN AS LOT NUMBERED 18 IN DANIEL WARD'S PROPOSED PLAT IN THE CITY OF MISHAWAKA.

Parcel ID: 016-1104-4059 / State ID: 71-10-18-152-004.000-023

Address: 4021 Lincolnway East



Location Map

PETITION 20-04

4019 & 4021
LINCOLNWAY EAST

REZONE AREA SOUTH OF
RETENTION AREA
FROM R-1 SINGLE FAMILY
RESIDENTIAL TO
C-1 GENERAL COMMERCIAL



City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMC, MMC, City Clerk

NOTICE OF HEARING

VACATION NO.	<u>2020-01</u>
PETITION NO.	<u>2020-02</u>
DATE of HEARING	<u>03-02-2020</u>
TIME of HEARING	<u>7:00PM</u>

A petition has been filed by School City of Mishawaka to vacate the following described public right of ways

North Wenger Ave between LWE and Homewood, The East 63' of the East/West alley North of LWE, All Alleys bounded by Homewood on the North Indiana on the West and Wenger on the East.

NOTICE IS HEREBY GIVEN that a regular meeting of the Mishawaka Common Council will be held on March 02, 2020 at 7:00 pm in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. A Public hearing will be conducted on a proposed ordinance at which time any interested person may appear, be represented by agent or present in writing any reasons they may have for the granting or denying of a proposed ordinance. You are requested to prepare your case, in detail, and present all evidence relating to this proposed ordinance at the time of scheduled hearing.

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 Susan Kile, ADA Coordinator, at (574) 258-1615.

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

Mary Ellen Hazen, Chief Deputy I Raven Boston, Chief Deputy II
City Hall, 600 East Third Street Mishawaka, IN 46544-2241 (574) 258-1616 FAX (574) 258-1728
E-mail: dblock@Mishawaka.in.gov Website: Mishawaka.in.gov

FEB 13 2020

APPEAL #20-01

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2020- 02

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:

4416 Lincolnway East, 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 **4416 Lincolnway East, Mishawaka, Indiana**, more particularly known and described as follows:

Lots 189 and 190 of Oakland 2nd Addition including the south half of a vacated adjacent alley to the north, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance will allow a contractor's business in R-1 Single Family Residential District subject to the following conditions of approval:

1. The Use Variance shall only permit warehousing and storage related to appellant's operations for a contracting business.
2. All vehicles and equipment shall be stored within the building addition. No outside storage is permitted.
3. No persons employed by the business other than those residing on the premises shall park personal vehicles on the property or within the adjacent public right-of-way.
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.

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. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all required permits will be secured, and state and local building codes adhered to during construction.
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. The current use of the property will continue as is with the addition of warehousing and storage related to the appellant's business operations. The building addition will be similar in character to a large attached garage which would be permitted if not used for business purposes. A majority of the adjacent land uses are commercial.
3. The need for the variance arises from some condition peculiar to the property. The zoning ordinance does not permit a contractor's business as a customary home occupation in the R-1 Single Family Residential District nor does it allow a residential building to be structurally altered or physically altered in order to accommodate a home occupation.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. Without the Use Variance, the building addition could not be constructed and occupied for business purposes.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The property will continue to be occupied as is with a building addition used for vehicle and equipment storage. Due to the property's location on the Lincoln Way East corridor, the plan identified a preferred or planned use as commercial.

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 _____, 2020, at _____ o'clock _____ .m.

Presiding Officer

RESOLUTION #2020-02
4416 Lincolnway East
Page 3 of 3

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2020,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at
_____ o'clock ____m.

David A. Wood, Mayor

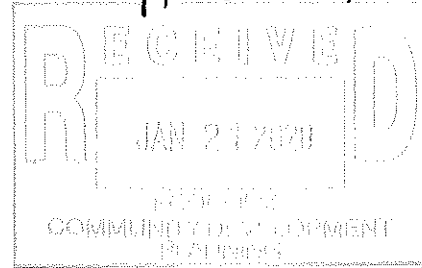
January 6th, 2020

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 29 2020

CITY CLERK
MISHAWAKA, IN



The undersigned appellant respectfully shows the Board:

- We, James W. Jr. & Theresa Clardy, are the owners of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

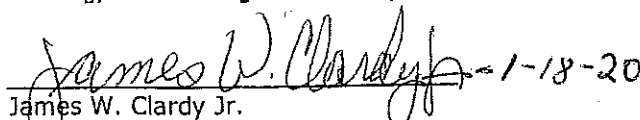
Lots 189 and 190 of Oakland 2nd Addition including the south half of a vacated adjacent alley to the north. – 4416 Lincoln Way East, Mishawaka, IN 46544

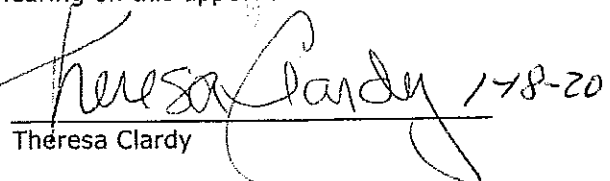
- The above-described real estate presently has a zoning classification of C-1 General Commercial District pending a rezoning to the R-1 Single Family Residential District under the Zoning Ordinance of the City of Mishawaka.
 - Appellant's tenants, Tiffany Gilbert and James Eichorst presently occupy the above-described property in the following manner: Single-family residential home.
 - Appellant desires to utilize the land for continued use as a single-family residence, as existing, with the addition of a contractor's business (Michiana Contract Services) located in a new attached structure. The 30' X 60' structure will primarily be used for equipment storage. In conjunction with the use variance, a rezoning petition is also being filed to rezone the property to the R-1 Single Family Residential District. Rezoning the property will allow for continued use as a residence.
 - The Zoning Ordinance of the City of Mishawaka only permits private garages, and customary home occupations, professional offices, or day nurseries conducted by the resident only, as permitted accessory uses (Section 137-165 (a)). The use variance will allow for a non-customary home occupation, being a contractor's business, to be located within a structure attached to the existing house. (Please note that no outside employees other than those living at the property will be permitted.)
 - City Ordinance requires a typical accessory building to be no larger than 720sq.ft. Since our occupation operates with one large piece of heavy equipment, and several smaller trailers, trucks, plows, and other outside tools and equipment, we need a larger space than 720sq.ft. We risk theft and weather damage to our business's investments by not being able to store our equipment on our property, inside a safe and lockable structure. The unpredictability of weather requires access to our equipment (and access to be able to fix our equipment) all hours of the day, all days of the year, which is why we must store said equipment on our property, in a separate structure.
- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? NO, because the structure will not interfere with any public areas, it won't block the visibility of traffic, and it won't be any different than having a large garage next to our residence.
 - (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, because the property adjacent to the proposed structure is a transmission shop, not a residence. There's no reason a large attached garage would obstruct the use of that transmission shop or devalue it.
 - (3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property?

. Yes. Once the property is rezoned to the R-1 Single Family Residential District, a contractor's business with equipment storage is not permitted in a new structure attached to the existing house.

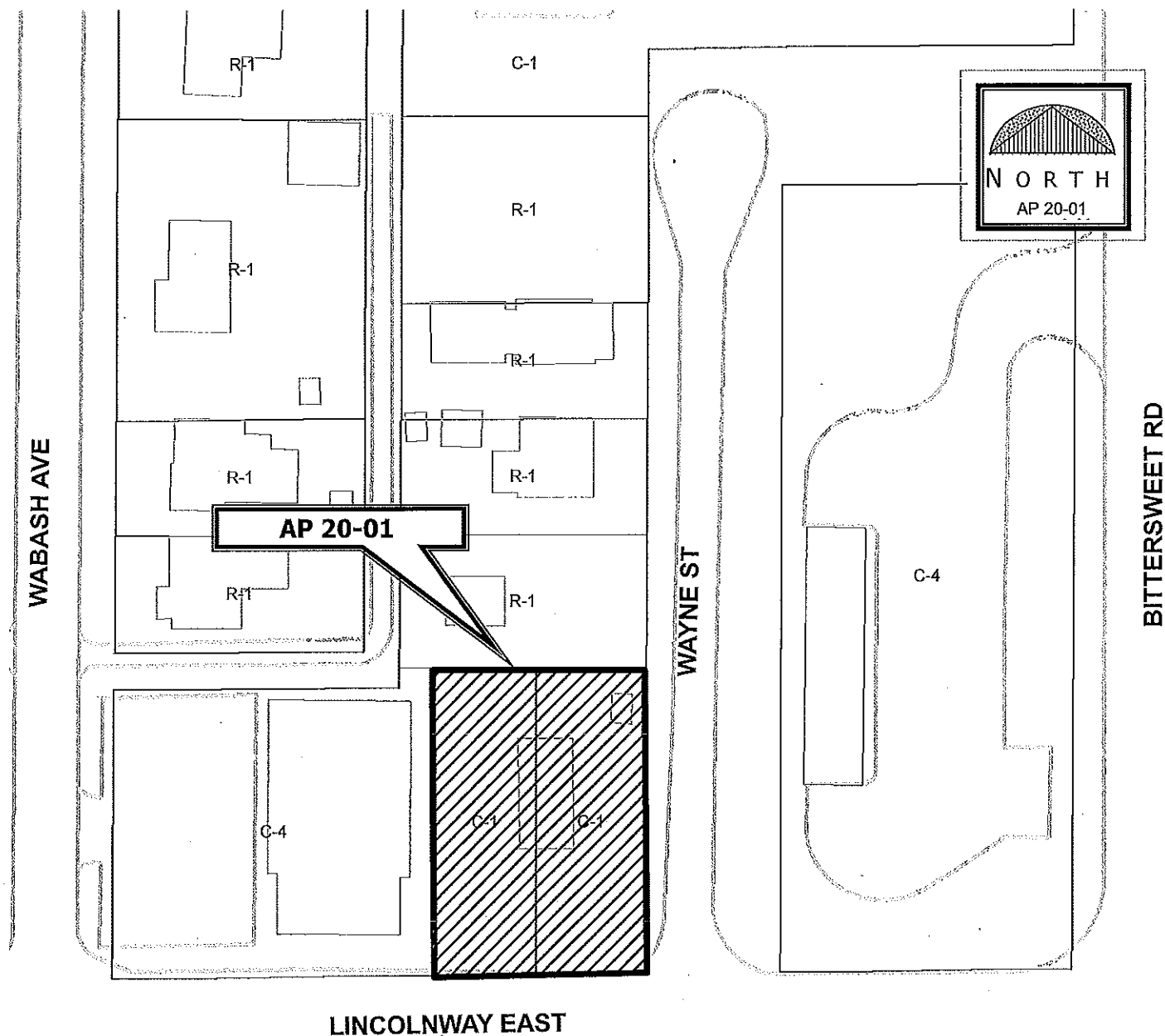
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


James W. Clardy Jr.


Theresa Clardy

CONTACT PERSON:

Tiffany J Gilbert
4416 Lincoln Way East
Mishawaka IN 46544
574-326-9571
michianacontractservicesllc@gmail.com

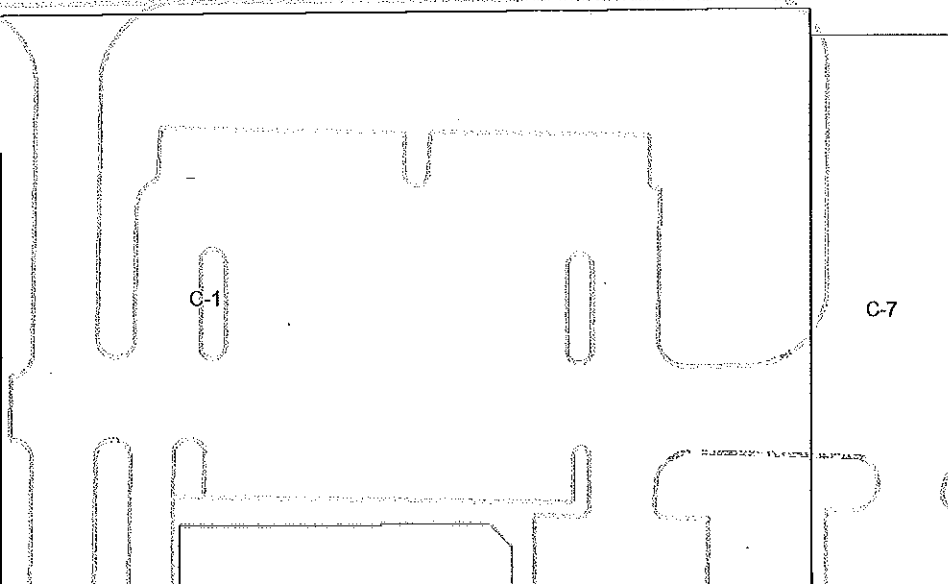


Location Map APPEAL 20-01

JAMES W. JR. & THERESA CLARDY
(OWNERS)/MICHIANA CONTRACTING
SERVICES (TENANT)

4416 LINCOLN WAY EAST

USE VARIANCE TO ALLOW A
CONTRACTORS BUSINESS IN A NEW
BUILDING ADDITION ON AN EXISTING
HOUSE (PENDING R-1 DISTRICT)



1st Reading 1-21-2020

PETITION #19-18

JAN 15 2020

2nd Reading

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

Passed

PROPOSED ORDINANCE NO. 2020-01

Failed

Continued To

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

The parcel is legally described as part of the Southeast Quarter of Section 34, Township 38 North, Range 3 East, Penn Township, St. Joseph County, Indiana being that 1.263 acre legal description prepared by Lang, Feeney & Associates, Inc. Terance D. Lang, Indiana Professional Surveyor No. 80040523 certified on December 5, 2019 for The Plaza Phase III, LLC c/o Steve Murphy (all monuments referenced herein are set or found on the aforesaid Lang survey), being more particularly described as follows:

Commencing at the southwest corner of Lot 2A as shown on the recorded plat of Stephenson - DeMeyer's First Replat in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9622114; thence South 89°59'51" West along the south line of Lot 1 as shown on the recorded plat of Stephenson - DeMeyer's Minor Subdivision in said Recorder's Office as Instrument No. 8617431, a distance of 420.18 feet; thence North 00°05'04" East parallel with the west line of said Lot 2A, a distance of 100 feet; thence North 89°59'51" East parallel with the south line of said Lot 1, a distance of 370.18 feet; thence North 00°05'04" East parallel with the west line of said Lot 2A, a distance of 50 feet; thence North 89°59'51" East parallel with the south line of said Lot 1, a distance of 260.00 feet to the east line of said Lot 1; thence South 00°05'04" West along the east line of said Lot 1, a distance of 50.00 feet to the northeast corner of said Lot 2A; thence South 89°59'51" West along the north line of said Lot 2A, a distance of 210.00 feet to the northwest corner of said Lot 2A; thence South 00°05'04" East along the west line of said Lot 2A, a distance of 100.00 feet to the point of beginning.

COMMON ADDRESS: 54655 Fir Road

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of C-1 General Commercial District.

Proposed Ordinance No. 2020-01

Ordinance No. _____

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

1. Existing Conditions – The subject property is located along a moderately travelled section of Fir Road and north of a more highly travelled section of E. Day Road. Traffic volumes in the immediate vicinity are anticipated to remain consistent or increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and Granger. The site, which is currently vacant, is adjacent to vacant land and a single family residence to the north, vacant land to west, a multi-tenant office development to the south, and single-family residences and a church to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Fir Road and E. Day Road corridors vary greatly and include single and multi-family residential, institutional, commercial, and industrial land uses.
3. The most desirable/highest and best use – Because of the property's location adjacent existing commercial development along the E. Day Road corridor, the most desirable use for the property is commercial. Although there are adjacent residential properties to the north and east, the adjacent commercial use to the south and the increasing traffic along E. Day Road makes commercial use the highest and best use of the property.
4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area. The proposed expansion of the existing adjacent multi-tenant office development is compatible with adjacent single-family residential and commercial uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided residential development within this area. More recent development patterns within the area, along with the increasing commercial development within the northern portion of Mishawaka, has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth.

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 _____, 2020, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. 2020-01

Ordinance No. _____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2020, at
o'clock _____.M.

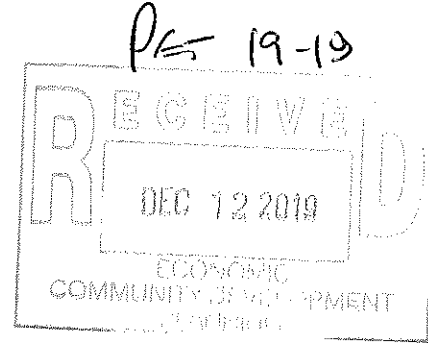
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at _____ o'clock
_____.M.

David A. Wood, Mayor

December 12, 2019

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



RE: Petition for Annexation and Zoning Classification
014-1059-120002/71-04-34-426-006.000-031
54655 Fir Rd.
Mishawaka, IN 46545

The undersigned Judy L. Davis (Owner), with assistance from Stephen R. Murphy, Member of THE PLAZA Phase III, LLC (Prospective Purchaser), respectfully shows that she is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 34, Township 38 North, Range 3 East, Penn Township, St. Joseph County, Indiana being that 1.263 acre legal description prepared by Lang, Feeney & Associates, Inc. Terance D. Lang, Indiana Professional Surveyor No. 80040523 certified on December 5, 2019 for The Plaza Phase III, LLC c/o Steve Murphy (all monuments referenced herein are set or found on the aforesaid Lang survey), being more particularly described as follows:

Commencing at the southwest corner of Lot 2A as shown on the recorded plat of Stephenson – DeMeyer's First Replat in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 9622114; thence South 89°59'51" West along the south line of Lot 1 as shown on the recorded plat of Stephenson – DeMeyer's Minor Subdivision in said Recorder's Office as Instrument No. 8617431, a distance of 420.18 feet; thence North 00°05'04" East parallel with the west line of said Lot 2A, a distance of 100 feet; thence North 89°59'51" East parallel with the south line of said Lot 1, a distance of 370.18 feet; thence North 00°05'04" East parallel with the west line of said Lot 2A, a distance of 50 feet; thence North 89°59'51" East parallel with the south line of said Lot 1, a distance of 260.00 feet to the east line of said Lot 1; thence South 00°05'04" West along the east line of said Lot 1, a distance of 50.00 feet to the northeast corner of said Lot 2A; thence South 89°59'51" West along the north line of said Lot 2A, a distance of 210.00 feet to the northwest corner of said Lot 2A; thence South 00°05'04" East along the west line of said Lot 2A, a distance of 100.00 feet to the point of beginning.

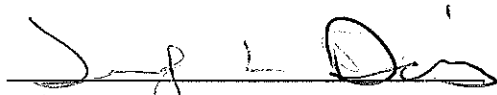
Prospective Purchaser is purchasing approximately 1.263 Acres of this parcel (see attached).

Petitioner owns one hundred percent (100%) of the above-described parcel of land which is located at 54655 Fir Road, and that Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a C-1 General Commercial District. Petitioner further states that the Prospective Purchaser's intended use of the said land is for future expansion and additional parking of its adjacent office development, commonly known as THE PLAZA at Day & Fir.

Accompanying this petition is an Aerial, with dimensions, showing the above-described parcel of real estate.

Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

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 annexing the above-described parcel of real estate to the City of Mishawaka with a C-1 General Commercial zoning classification.



Judy L. Davis

Contact Person:

Steve Murphy, Member
THE PLAZA Phase III, LLC
4715 Lincolnway East
Mishawaka, IN 46544
(574)255-8463 (Office)
(574)315-7777 (Cell)
(574)235-3347 (Fax)
steve@alltimes.com

Property Owners

Within 300'

1. **Judy L. Davis**, 54655 Fir Rd., Mishawaka, IN 46545
2. **New Life Bible Center, Inc.**, 54700 Fir Rd., Mishawaka, IN 46545
3. **Justin Fielder**, 54735 Fir Rd., Mishawaka, IN 46545
4. **Robert & Marilou Cencelewski**, 54757 Fir Rd., Mishawaka, IN 46545
5. **Lou Ann & Charles Miles**, 54771 Fir Rd., Mishawaka, IN 46545
6. **SP3 LLP**, 2417 S. Berkshire Rd., Goshen, IN 46526
7. **THE PLAZA at Day & Fir, LLC**, 4715 Lincolnway East, Mishawaka, IN 46544
8. **Executive Medical & Business Properties, LLC**, 115 S. Main Street, Suite 202,
Mishawaka, IN 46544
9. **Robert & Sandra Egendoerfer**, 15221 Day Rd., Mishawaka, IN 46545
10. **William & Kiernan Anzelc**, 15284 Fox Run Trail, Mishawaka, IN 46545



Date Printed: 10/23/2019

Map Generated By: Public

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

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



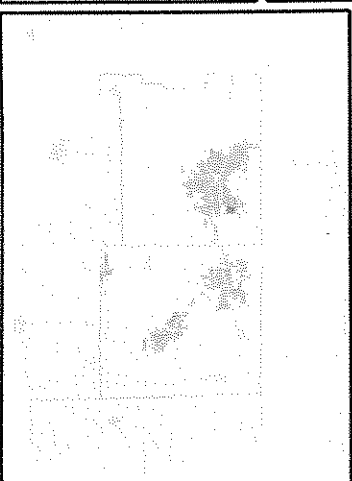
Michiana Regional GIS Website txtSubTitle

Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge



1 inch = 113.45 feet



1st Reading 2-17-2020
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 13 2020

CITY CLERK
MISHAWAKA, IN

PETITION 19-19

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-05

ORDINANCE NO. _____

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

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

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

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

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

THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER THAT IS 1150.77 FEET SOUTH 89°34'43" EAST FROM SAID NORTH LINES INTERSECTION WITH THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°34'43" EAST, ALONG SAID NORTH LINE A DISTANCE OF 1268.58 FEET TO A WESTERLY LINE OF PROPERTY PURCHASED BY THE STATE OF INDIANA FOR THE U.S. 20 BYPASS; THENCE FOR THE NEXT FIVE COURSES ALONG SAID WESTERLY LINE AND THE NORTHERN LINE OF SAID U.S. 20 BYPASS: THE FIRST COURSE BEING SOUTH 52°42'24" WEST, A MEASURE DISTANCE OF 307.44 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 66°40'11" WEST, A DISTANCE OF 156.13 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3217.93 FEET, A CENTRAL ANGLE OF 11°00'00" AND LIMITED IN LENGTH BY A CHORD OF 616.85 FEET THAT BEARS SOUTH 79°12'07" WEST TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1172.45 FEET, A CENTRAL ANGLE OF 05°50'20" AND LIMITED IN LENGTH BY A CHORD OF 119.43 FEET THAT BEARS SOUTH 87°37'17" WEST TO A POINT OF TANGENCY; THENCE NORTH 89°27'33" WEST, A DISTANCE OF 152.45 FEET; THENCE NORTH 00°26'33" WEST, A DISTANCE OF 152.46 FEET; THENCE NORTH 00°28'33" WEST,

Proposed Ordinance No: _____

Ordinance No: _____

PARALLEL WITH SAID WEST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 376.53 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH THE RIGHTS AND BENEFITS SET OUT IN A WARRANTY DEED BY AND BETWEEN BERTHA S. WEIS AND CARLTON MARKER AND MARY MARKER, ADULTS, HUSBAND AND WIFE, TENANTS RIGHTS ONLY, TO THE STATE OF INDIANA RECORDED JULY 21, 1975 AS DEED RECORD 803, PAGE 510 OF THE ST. JOSEPH COUNTY RECORDS.

COMMON ADDRESS: West of Bremen Highway and North of the U.S. 20 Bypass

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow a reduction in the required landscaping as follows:

1. Exceptions to required landscaping and screening include the existing utility easements where trees would not be permitted due to height restrictions. In such cases, the required 6' height opaque fence shall suffice.
2. Landscaping and screening in all front yards of a lot shall consist of trees planted in accordance with one of the two following alternatives:

If deciduous shade (over-story) trees are used:

- There shall be a minimum of one tree planted at every 40 feet on center of a linear distance within all front yards.
- These required trees may be grouped together in the required front yard; however, in no case shall spacing between trees exceed 80 feet.

If deciduous ornamental (under-story) trees are used:

- There shall be one tree planted at a minimum of every 25 feet on center of linear distance within the front yard.
- These required trees may be grouped together in the required front yard; however, in no case shall the spacing between trees exceed 50 feet.

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards; however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed 80 feet.

3. Existing vegetation already located on the property may fulfill the requirements for tree planting in required yards as long as the trees and shrubs are documented and submitted for review and approval by planning staff, protected during the construction process, and maintained through construction completion.

All other previously approved development standards and conditions of approval per Ordinances 5057 and 5566 shall be adhered to.

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

Proposed Ordinance No: 2020-05

Ordinance No: _____

1. Existing Conditions – The subject property is currently vacant and has been approved for development as a mini self-storage facility. Adjacent uses are primarily single-family residential which includes the remainder of the PUD to the north approved for commercial uses.
2. Character of Buildings in Area – Buildings within the area south of Elmwood Avenue / Meijer Drive and west of Bremen Highway consist entirely of low-density residential homes. Commercial buildings, including a restaurant with drive-thru, convenience store with gas station, and credit union, are located east of Bremen Highway.
3. The most desirable/highest and best use – The requested PUD amendment is only requesting a change to the previously approved landscaping and does not affect the approved use.
4. Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area due the required screening fence to be installed along the west and north property lines of the subject parcel.
5. Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. The proposed mini self-storage facility use is reasonable consistent with that guided use.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2020, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

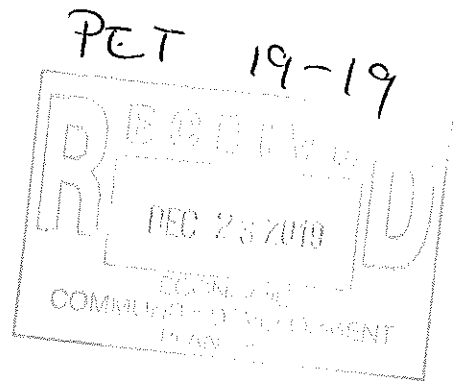
PRESENTED by me to the Mayor this _____ day of _____, 2020, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at _____ o'clock ____M.

David A. Wood, Mayor

Continued



DATE: December 23, 2019

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

RE: **PETITION FOR PUD AMENDMENT**
Gateway Plaza PUD
NW Corner of Bremen Highway and US 20 Bypass

The undersigned, **KLT Properties, LLC**, respectfully show that they are the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER THAT IS 1150.77 FEET SOUTH 89°34'43" EAST FROM SAID NORTH LINES INTERSECTION WITH THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°34'43" EAST, ALONG SAID NORTH LINE A DISTANCE OF 1268.58 FEET TO A WESTERLY LINE OF PROPERTY PURCHASED BY THE STATE OF INDIANA FOR THE U.S. 20 BYPASS; THENCE FOR THE NEXT FIVE COURSES ALONG SAID WESTERLY LINE AND THE NORTHERN LINE OF SAID U.S. 20 BYPASS: THE FIRST COURSE BEING SOUTH 52°42'24" WEST, A MEASURE DISTANCE OF 307.44 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 66°40'11" WEST, A DISTANCE OF 156.13 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3217.93 FEET, A CENTRAL ANGLE OF 11°00'00" AND LIMITED IN LENGTH BY A CHORD OF 616.85 FEET THAT BEARS SOUTH 79°12'07" WEST TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1172.45 FEET, A CENTRAL ANGLE OF 05°50'20" AND LIMITED IN LENGTH BY A CHORD OF 119.43 FEET THAT BEARS SOUTH 87°37'17" WEST TO A POINT OF TANGENCY; THENCE NORTH 89°27'33" WEST, A DISTANCE OF 152.45 FEET; THENCE NORTH 00°26'33" WEST, A DISTANCE OF 152.46 FEET; THENCE NORTH 00°28'33" WEST, PARALLEL WITH SAID WEST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 376.53 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH THE RIGHTS AND BENEFITS SET OUT IN A WARRANTY DEED BY AND BETWEEN BERTHA S. WEIS AND CARLTON MARKER AND MARY MARKER, ADULTS, HUSBAND AND WIFE, TENANTS RIGHTS ONLY, TO THE STATE OF INDIANA RECORDED JULY 21, 1975 AS DEED RECORD 803, PAGE 510 OF THE ST. JOSEPH COUNTY RECORDS.

The above described parcel of land contains the following property at the northwest corner of Bremen Highway and US 20 Bypass.

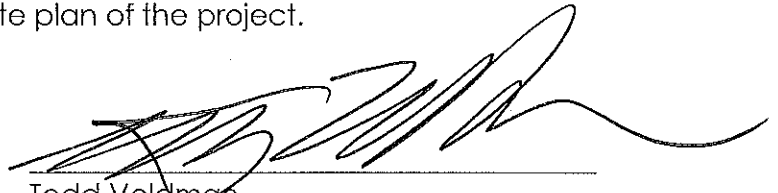
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 PUD and allows for a Light Industrial use.

Petitioner desires said real estate to be amended as follows:

1. Parking/Landscaping/Drive-Thru
 - 4)b. {added to end of paragraph}
"Exceptions to required buffer include existing utility easements where trees would not be permitted due to height restrictions. In such cases required 6' height opaque fence shall suffice."
2. Add new section:
 - 4)c. Landscape buffers and/or street tree plantings are not required adjacent to US-20 bypass entrance ramp.

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

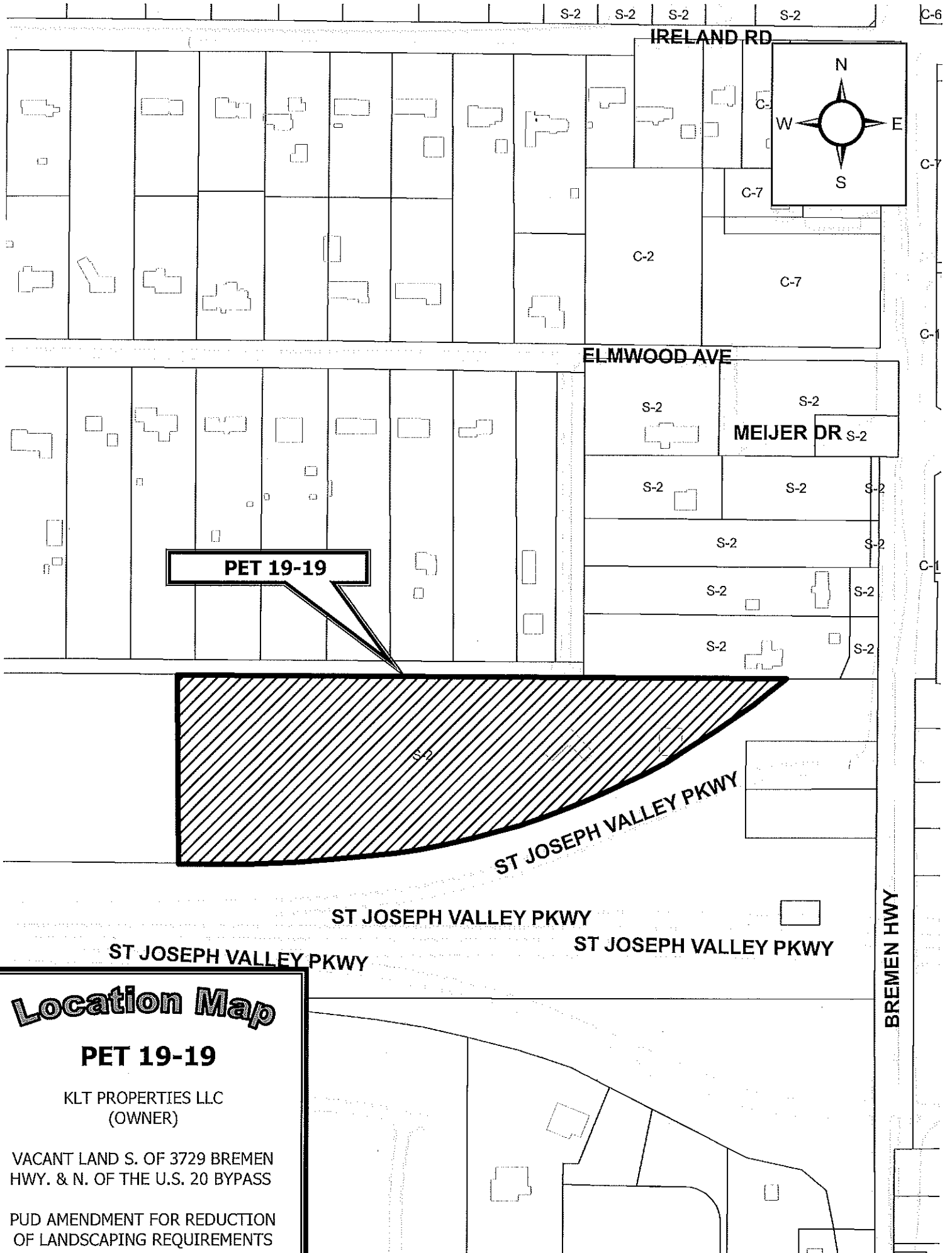
Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and preliminary site plan of the project.



Todd Veldman
KLT Properties, LLC
5222 Western Avenue
South Bend, IN 46619

CONTACT PERSON:

Brian McMorrow, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmcmorrow@abonmarche.com



Location Map

PET 19-19

KLT PROPERTIES LLC
(OWNER)

VACANT LAND S. OF 3729 BREMEN
HWY. & N. OF THE U.S. 20 BYPASS

PUD AMENDMENT FOR REDUCTION
OF LANDSCAPING REQUIREMENTS

FEB 13 2020

1st Reading 2-17-2020
2nd Reading
Passed
Failed
Continued To

PETITION 20-01

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2020-06

ORDINANCE NO. _____

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

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

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

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

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

Lots 189 and 190 of Oakland 2nd Addition including the south half of a vacated
adjacent alley to the north

COMMON ADDRESS: 4416 Lincolnway East

which real estate is now classified as C-1 General Commercial District shall hereafter
be within and a part of that District known as R-1 Single Family Residential District
designated in "The Zoning Ordinance of 1966" as amended.

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

1. Many of the properties in the immediate vicinity are residential in use and
would be compatible to the area;
2. The use and value of the area adjacent to the property included in the
rezoning will not be affected in a substantially adverse manner because given
the context of its location, its relationship to surrounding properties, and the
potential of development as a commercial project, staff feels that the most
desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area with some residential properties, the
rezoning to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2020-06

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with the current zoning, rezoning this parcel to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owners to sell the home; and,
5. The City's Comprehensive Plan identifies the area as General Commercial and their historical use as single- family homes is consistent with the Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2020, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2020, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2020, at _____ o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK MMC

January 6th, 2020

JAN 29 2020

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 TO REZONE

The undersigned, James W. Clardy, Jr. and Theresa Clardy 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:

- Lots 189 and 190 of Oakland 2nd Addition including the south half of a vacated alley to the north—4416 Lincoln Way East, Mishawaka, IN 46544

The land carries a zoning classification of C-1 General Commercial. Said property is currently a single-family residential house occupied by Tiffany Gilbert and James Eichorst, renting. Tiffany Gilbert is the owner of Michiana Contract Services.

Petitioners desire said real estate to be rezoned to R-1 Single-Family Residential District. Petitioners and tenants further state that they intend to utilize the land for continued use as a single-family residence, as existing, with the addition of a contractor's business (Michiana Contract Services) located in a new attached structure. The 30'X60' sq.ft. structure will primarily be used for equipment storage.

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.

Signature(s) of Property Owner(s)

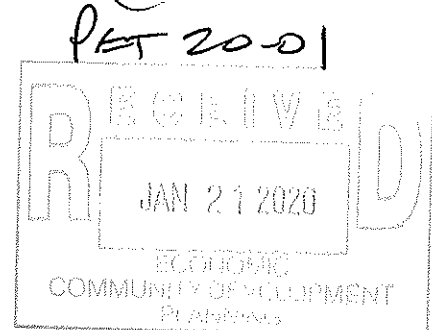
James W. Clardy 1-18-20
James W. Clardy

Signature(s) of Property Owner(s)

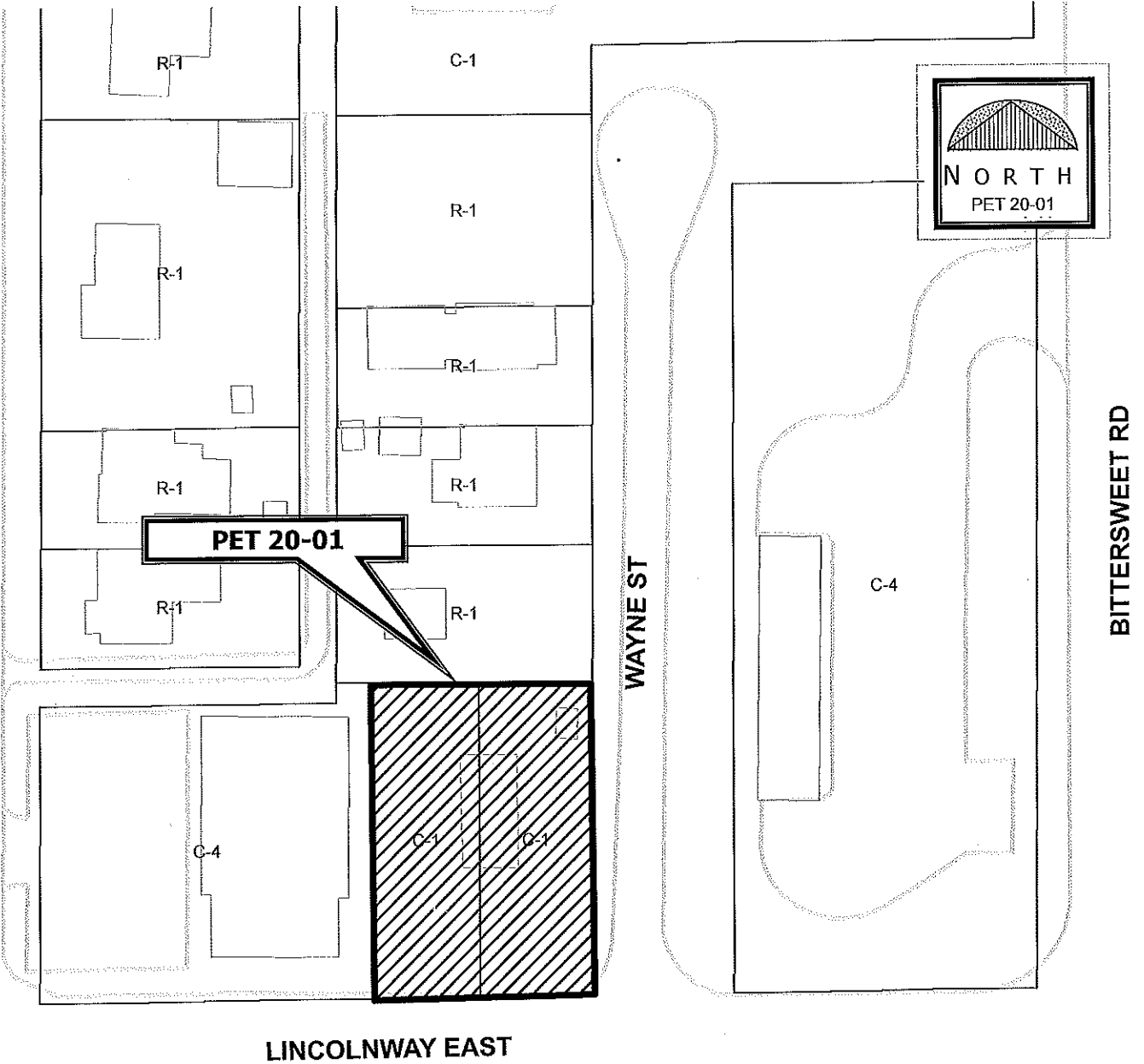
Theresa Clardy 1-18-20
Theresa Clardy

CONTACT PERSON:

TIFFANY J GILBERT
4416 LINCOLNWAY E
MISHAWAKA IN 46544
574-326-9571
MICHIANA CONTRACT SERVICES LLC@GMAIL.COM



WABASH AVE



LINCOLNWAY EAST

Location Map PET 20-01

JAMES W. JR. & THERESA CLARDY
(OWNERS)/MICHIANA CONTRACTING
SERVICES (TENANT)

4416 LINCOLN WAY EAST

REZONING FROM C-1 GENERAL COMM.
TO R-1 SINGLE FAMILY RESIDENTIAL
FOR EXISTING HOUSE & CONTRACTORS
BUSINESS (PENDING AP 20-01)

C-1

C-7

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #20-02

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-07

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 13 2020

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, School City of Mishawaka has filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner owns all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as hereinafter described.

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

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

A 15 FOOT WIDE NORTH SOUTH ALLEY RUNNING BETWEEN THE EAST AND WEST ALLEY NORTH OF AND PARALLEL TO LINCOLN WAY EAST AND HOMEWOOD AVENUE, IN THE CITY OF MISHAWAKA, INDIANA, WHICH NORTH AND SOUTH ALLEY IS BETWEEN WENGER AVENUE AND INDIANA AVENUE, AND WHICH IS BOUNDED ON THE WEST BY LOTS 49 THROUGH 58 AND ON THE EAST BY LOTS 59 THROUGH 68 AS SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF J.J. ENGELDRUM'S FIRST ADDITION TO THE CITY OF MISHAWAKA, RECORDED IN PLAT BOOK 8 PAGE 74, ST. JOSEPH COUNTY RECORDER; AND, A 14 FOOT EAST WEST ALLEY RUNNING BETWEEN INDIANA AVENUE AND WENGER AVENUE AND LYING BETWEEN LOTS 51, 52, 65 AND 66 AS SAID LOTS ARE KNOWN AND DESIGNATED ON SAID PLAT, ALL LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA INDIANA, AS DEPICTED ON THE ATTACHED PARCEL PLAT MARKED **EXHIBIT B**, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 56; THENCE NORTH 00° 05' 57" WEST ALONG THE EAST LINE OF SAID LOTS 58, 57, 56, 55, 54, 53, AND 52, A DISTANCE OF 309.44 FEET TO THE

PROPOSED ORDINANCE NO. 2020-07

ORDINANCE NO. __

NORTHEAST CORNER OF SAID LOT 52; THENCE SOUTH 83° 35' 53" WEST ALONG THE NORTH LINE OF SAID LOT 52 A DISTANCE OF 119.33 FEET, TO THE NORTHWEST CORNER OF LOT 52; THENCE NORTH 00° 07' 20" WEST

14.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 51; THENCE NORTH 83° 35' 53" EAST ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 119.34 FEET TO THE SOUTHEAST CORNER OF LOT 51; THENCE NORTH 00° 01' 07" WEST ALONG THE EAST LINE OF SAID LOTS 51, 50, AND 49 A DISTANCE OF 135.52 FEET TO THE NORTHEAST CORNER OF LOT 49; THENCE NORTH 83° 45' 13" EAST 15.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 68; THENCE SOUTH 00° 01' 07" EAST ALONG THE WEST LINES OF SAID LOTS 68 THROUGH 66 A DISTANCE OF 135.48 FEET TO THE SOUTHWEST CORNER OF LOT 66; THENCE NORTH 83° 35' 53" EAST ALONG THE SOUTH LINE OF SAID LOT 66 A DISTANCE OF 119.01 FEET TO THE SOUTHEAST CORNER OF LOT 66; THENCE SOUTH 00° 08' 00" EAST 14.08 FEET TO THE NORTHEAST CORNER OF SAID LOT 65; THENCE SOUTH 83° 35' 53" WEST ALONG THE NORTH LINE OF SAID LOT 65 A DISTANCE OF 119.02 FEET TO THE NORTHWEST CORNER OF LOT 65; THENCE SOUTH 00° 05' 57" EAST ALONG THE WEST LINES OF SAID LOTS 65, 64, 63, 62, 61, 60, AND 59 A DISTANCE OF 309.43 FEET TO THE SOUTHWEST CORNER OF LOT 59; THENCE SOUTH 83° 33' 07" WEST 15.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRE MORE OR LESS AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

ALSO:

AN EASTERLY PORTION OF A 16.5 FOOT ALLEY RUNNING BETWEEN WENGER AVENUE AND INDIANA AVENUE LYING BETWEEN LOTS 58 AND 59 AND LOTS "D" THROUGH "I", AS SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF J.J. ENGELDRUM'S FIRST ADDITION TO THE CITY OF MISHAWAKA, RECORDED IN PLAT BOOK 8 PAGE 74, ST. JOSEPH COUNTY RECORDER, SAID EASTERLY PORTION BEING NORTH OF A PARCEL OF LAND CONVEYED TO ROBERT V. AND JENNIFER C. TASHIJAN, INSTRUMENT NUMBER 9235291, ST. JOSEPH COUNTY RECORDER, ALL LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA INDIANA, AS DEPICTED ON THE ATTACHED PARCEL PLAT MARKED **EXHIBIT B**, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TASHIJAN LAND; THENCE SOUTH 83° 33' 07" WEST ALONG THE NORTH LINE OF SAID LOTS "I" AND "H" A DISTANCE OF 62.09 FEET TO THE NORTHWEST CORNER OF SAID TASHIJAN LAND; THENCE NORTH 06° 26' 53" WEST A DISTANCE OF 16.50 FEET TO THE SOUTH LINE OF SAID LOT 59; THENCE NORTH 83° 33' 07" EAST ALONG SAID SOUTHERLY LINE 63.92 FEET TO THE SOUTHEAST CORNER OF SAID LOT 59; THENCE SOUTH 00° 08' 00" EAST 16.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRE MORE OR LESS AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

COMMONLY KNOWN AS: Wenger Avenue north of Lincolnway East and south of Homewood; eastern 63' of the first east/west alley north of Lincolnway East and west of Wenger; and, the north/south and east/west alley bounded by Wenger Avenue, Homewood Avenue, Indiana Avenue, and the first east/west alley north of Lincolnway East

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow a new parking lot, and drop off lane to be constructed for Mishawaka High School.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

PROPOSED ORDINANCE NO. 2020-07

ORDINANCE NO. __

- 3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____, 2020.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____, 2020, at ____ o'clock ____ M.

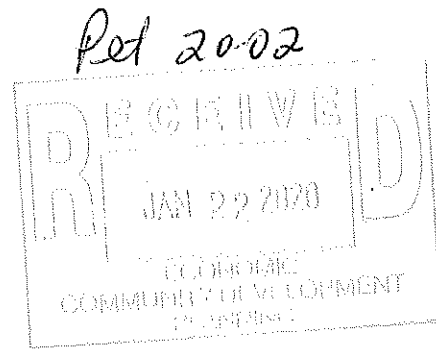
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of _____, 2020, at ____ o'clock ____ M.

David A. Wood, Mayor

January 22, 2020

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



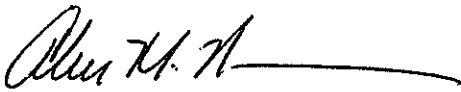
Re: Petition for Vacation of Public Right of Way

The undersigned **School City of Mishawaka** respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

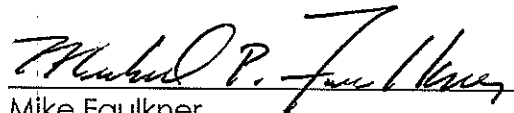
(Legal Description and Map Exhibits Attached).

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way.

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 vacated the above described right of way located in the City of Mishawaka.



Alex M. Newman
Chief Financial Officer
School City of Mishawaka



Mike Faulkner
Director of Operations
School City of Mishawaka

CONTACT PERSON:

Mike Huber
Abonmarche Consultants
750 Lincolnway East
574.347.4610

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 29 2020

CITY CLERK
MISHAWAKA, IN

EXHIBIT A

ALLEY VACATION

A 15 FOOT WIDE NORTH SOUTH ALLEY RUNNING BETWEEN THE EAST AND WEST ALLEY NORTH OF AND PARALLEL TO LINCOLN WAY EAST AND HOMEWOOD AVENUE, IN THE CITY OF MISHAWAKA, INDIANA, WHICH NORTH AND SOUTH ALLEY IS BETWEEN WENGER AVENUE AND INDIANA AVENUE, AND WHICH IS BOUNDED ON THE WEST BY LOTS 49 THROUGH 58 AND ON THE EAST BY LOTS 59 THROUGH 68 AS SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF J.J. ENGELDRUM'S FIRST ADDITION TO THE CITY OF MISHAWAKA, RECORDED IN PLAT BOOK 8 PAGE 74, ST. JOSEPH COUNTY RECORDER; AND, A 14 FOOT EAST WEST ALLEY RUNNING BETWEEN INDIANA AVENUE AND WENGER AVENUE AND LYING BETWEEN LOTS 51, 52, 65 AND 66 AS SAID LOTS ARE KNOWN AND DESIGNATED ON SAID PLAT, ALL LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA INDIANA, AS DEPICTED ON THE ATTACHED PARCEL PLAT MARKED **EXHIBIT B**, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 56; THENCE NORTH $00^{\circ} 05' 57''$ WEST ALONG THE EAST LINE OF SAID LOTS 58, 57, 56, 55, 54, 53, AND 52, A DISTANCE OF 309.44 FEET TO THE NORTHEAST CORNER OF SAID LOT 52; THENCE SOUTH $83^{\circ} 35' 53''$ WEST ALONG THE NORTH LINE OF SAID LOT 52 A DISTANCE OF 119.33 FEET, TO THE NORTHWEST CORNER OF LOT 52; THENCE NORTH $00^{\circ} 07' 20''$ WEST 14.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 51; THENCE NORTH $83^{\circ} 35' 53''$ EAST ALONG THE SOUTH LINE OF SAID LOT 51 A DISTANCE OF 119.34 FEET TO THE SOUTHEAST CORNER OF LOT 51; THENCE NORTH $00^{\circ} 01' 07''$ WEST ALONG THE EAST LINE OF SAID LOTS 51, 50, AND 49 A DISTANCE OF 135.52 FEET TO THE NORTHEAST CORNER OF LOT 49; THENCE NORTH $83^{\circ} 45' 13''$ EAST 15.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 68; THENCE SOUTH $00^{\circ} 01' 07''$ EAST ALONG THE WEST LINES OF SAID LOTS 68 THROUGH 66 A DISTANCE OF 135.48 FEET TO THE SOUTHWEST CORNER OF LOT 66; THENCE NORTH $83^{\circ} 35' 53''$ EAST ALONG THE SOUTH LINE OF SAID LOT 66 A DISTANCE OF 119.01 FEET TO THE SOUTHEAST CORNER OF LOT 66; THENCE SOUTH $00^{\circ} 08' 00''$ EAST 14.08 FEET TO THE NORTHEAST CORNER OF SAID LOT 65; THENCE SOUTH $83^{\circ} 35' 53''$ WEST ALONG THE NORTH LINE OF SAID LOT 65 A DISTANCE OF 119.02 FEET TO THE NORTHWEST CORNER OF LOT 65; THENCE SOUTH $00^{\circ} 05' 57''$ EAST ALONG THE WEST LINES OF SAID LOTS 65, 64, 63, 62, 61, 60, AND 59 A DISTANCE OF 309.43 FEET TO THE SOUTHWEST CORNER OF LOT 59; THENCE SOUTH $83^{\circ} 33' 07''$ WEST 15.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRE MORE OR LESS AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

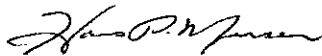
ALSO:

AN EASTERLY PORTION OF A 16.5 FOOT ALLEY RUNNING BETWEEN WENGER AVENUE AND INDIANA AVENUE LYING BETWEEN LOTS 58 AND 59 AND LOTS "D" THROUGH "I", AS SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF J.J. ENGELDRUM'S FIRST ADDITION TO THE CITY OF MISHAWAKA, RECORDED IN PLAT BOOK 8 PAGE 74, ST. JOSEPH COUNTY RECORDER, SAID EASTERLY PORTION BEING NORTH OF A PARCEL OF LAND CONVEYED TO ROBERT V. AND JENNIFER C. TASHIJAN, INSTRUMENT NUMBER 9235291, ST. JOSEPH COUNTY RECORDER, ALL LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA INDIANA, AS DEPICTED ON THE ATTACHED PARCEL PLAT MARKED **EXHIBIT B**, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TASHIJAN LAND; THENCE SOUTH 83° 33' 07" WEST ALONG THE NORTH LINE OF SAID LOTS "I" AND "H" A DISTANCE OF 62.09 FEET TO THE NORTHWEST CORNER OF SAID TASHIJAN LAND; THENCE NORTH 06° 26' 53" WEST A DISTANCE OF 16.50 FEET TO THE SOUTH LINE OF SAID LOT 59; THENCE NORTH 83° 33' 07" EAST ALONG SAID SOUTHERLY LINE 63.92 FEET TO THE SOUTHEAST CORNER OF SAID LOT 59; THENCE SOUTH 00° 08' 00" EAST 16.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRE MORE OR LESS AND SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

THIS DOCUMENT WAS PREPARED FOR SCHOOL CITY OF MISHAWAKA BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002, ON JANUARY 21, 2020.



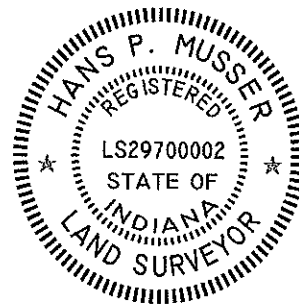
HANS P. MUSSER, PS

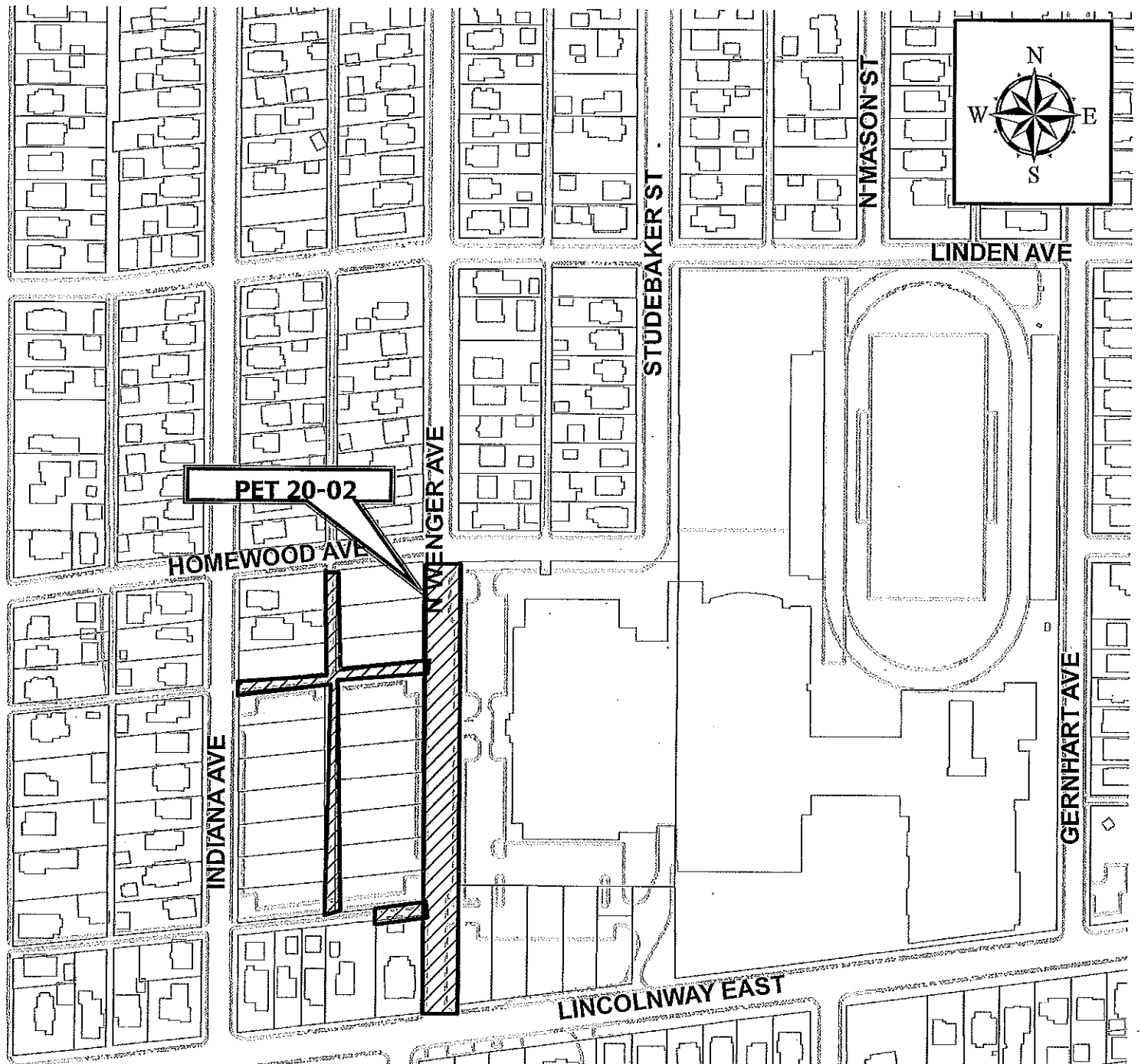
01/21/2020

DATE

JOB NO.: 19-0067

DATE: JAN. 21, 2020





Location Map

PETITION 20-02

OWNER: MISHAWAKA HIGH SCHOOL

VACATING

- 1) N WENGER AVENUE BETWEEN LINCOLNWAY EAST AND HOMEWOOD
- 2) THE EAST 63' OF THE EAST/WEST ALLEY NORTH OF LINCOLNWAY EAST
- 3) ALL ALLEYS BOUNDED BY HOMEWOOD ON THE NORTH INDIANA ON THE WEST AND WENGER ON THE EAST