

AGENDA

Monday, May 19, 2014

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

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

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

council minutes of 05-07-2014

5. Petitions, Communications, Remonstrance and Memorials

A letter from the board of Zoning Appeals regarding recommendations from their may 13, 2014 meeting

A letter from the City Plan Commission regarding recommendations from their May 13, 2014 meeting.

A public hearing on Vacation 2014-01 as required by State Statute on behalf of Beacon Health Systems, Inc., Memorial Health Systems, Inc., Capital Avenue Propoerties, LLC, Mary A. Golata, Golata Family Trust and Golata Charitable Remainder Unitrust for vacation of the following described public righ tof way and underlying utility easement rights - Evergreen Rd between I 80/90 Toll Rd and Capital AVe.

A public hearing on Vacation 2014-02 as required by State Statute on behalf of Ken Prince for the City of Mishawaka for vacation of Main Street Underpass at Grand Trunk Western Railroad City of Mishawaka

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2014-06 Amending Business Regulations - Leadsonline

P.O. NO. 2014-07 Walker PUD Amendment West Side of Capital Ave. North Side of Grande Vista Parkway

P.O. NO. 2014-08 Rezone from I-1 Industrial to C-9 Auto Detailing Facility - 2340 Schumacher Dr.

P.O. NO. 2014-09 Vacation of Public Right of Way and Underlying Utility Easement Rights - Evergreen Rd. I 80/90 Toll Rd. and Capital Ave.

P.O. NO. 2014-10 Rezone from I-2 Heavy Industrial to R-1 Single Family - 1709 Elder Rd

P.O. NO. 2014-11 Vacation of Public Right of Way - Main St. Underpass at Grand Trunk Western Railroad

8. Resolutions

R2014-10 Confirming Resolution - Dearborn Crane and Engineering 1133 East 5th Street

R2014-11 Land Use and Variance Requests - 1110 South Ironwood Dr. - Auto Sales Facility

9. Ordinances on Second Reading

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

Re-appoint Randy Squadroni to Transpo Board

13. Adjournment

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
May 7, 2014

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Wednesday, May 7, 2014 at 7:00 p.m. The meeting was called to order by President Matt Mammolenti all were asked to stand for the Pledge of Allegiance.

Roll Call.

Present: John Reisdorf, Ron Banicki, John Roggeman, Woody Emmons, Mike Compton, Mike Bellovich, Dan Bilancio, Matt Mammolenti. **Absent/Excused:** Kate Voelker.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson Chief Deputy II, and Council Attorney Mike Trippel

The minutes from the April 14, 2014 meeting were approved as received from the City Clerk's Office.

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

Clerk Block presented the following Petition to the Council, who referred it to the Plan Commission for their recommendation.

- | | |
|-----------------------------|---|
| APPEAL NO. 2014-06 | Land Use and Variance Requests 1110 South ironwood Drive – Auto Sales Facility |
| PETITION NO. 2014-05 | Walker PUD Amendment West Side of Capital Avenue North Side of Grande Vista Parkway. |
| PETITION NO. 2014-06 | Rezone from I-1 Industrial to C-9 auto Detailing Facility – Schumacher Drive |
| PETITION NO. 2014-07 | Vacation of Public Right of Way and Underlying Utility Easement Rights – Evergreen Road I-80/90 toll Road and Capital Avenue. |
| PETITION NO. 2014-08 | Rezone from I-2 Heavy Industrial to R-1 Single Family – 1709 Elder Road. |

Clerk Block read **RESOLUTION NO. R-2014-08** opening it for public hearing.

RESOLUTION NO. R2014-08
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING A REPORT OF COMPLIANCE WITH
STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNER

(Tax Abatement Compliance Reports for 2013)

Dave Thomas, Community Development Director stated the Compliance of Statement of Benefit forms CF-1 must show the requirements set out were met. He read them as follows:

NYLONCRAFT	Shown 321 employees having lost 12 jobs over last year due to the economy in relationship to auto motives. They originally proposed 390 employees. They started out with 200 employees in 200. The City feels they have substantial compliance.
BD SJRMC	Still contains empty space, with 370 estimated employees only 353 are currently employed with the occupancy at 87%. The City feels they have substantial compliance.
JAMIL	Reported 106 jobs 23 more than last year, with 27 more employees than they originally projected. The City feels they have substantial compliance.
NORTH AMERICAN COMPOSITES	Reported 12 estimated jobs showing 1 more than last year. The City feels they have substantial compliance.

Mr. Roggeman thanked Mr. Thomas for his report, he went on to say tax abatements do work and Mishawaka does not give them out lightly.

President Mammolenti echoed those sentiments and stated these companies weathered the recession storm.

Clerk Block read **RESOLUTION NO. R2014-09** opening it for public hearing.

RESOLUTION NO. R2014-09

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

Dearborn Crane and Engineering

DECLARATORY RESOLUTION

Mr. Thomas, Plan Commission said Dearborn Crane and Engineering at 1133 East 5th Street next to the Mishawaka Recycling Center, are seeking to tear down a portion of their building and build new. He said they would be adding 3 new jobs and may exceed the 3 year abatement on real estate investments. Mr. Thomas stated this was a long term business, with

good manufacture jobs that brings money back to our area. Mr. Thomas said the Administration strongly supports this.

Simon Addicott, President of Dearborn Crane and Engineering 536 Miami Club Court, Mishawaka said they have 24 current employees and plan to add at least 3 more.

Joan Mansfield, Vice President, General Manager, said this company was founded in 1947 in Dearborn, Michigan and moved here in 1954 they have been located on East 5th Street for 60 years. She said they do all kinds of manufacturing and they service and build cranes approximately 100 per year. Ms. Mansfield stated they are a member of 292 Iron Workers Local and ship all over the country.

Mr. Emmons asked how much they would be tearing down. Mr. Addicott said it was an older part of the building of block structure not quite 5,000 sq. ft. to expand the parts business.

Mr. Banicki asked if the \$750,000 would include this. Mrs. Addicott said it would and they would also be addressing drainage problems created by the higher ground as their building was lower then street level and the building up of the recycling center funneled water through their building.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Dan Bilancio, John Reisdorf, John Roggeman, Matt Mammolenti, Mike Bellovich, Mike Compton, Ron Banicki, Woody Emmons.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-05** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-05

AN ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE “BUSINESS REGULATIONS ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA (Amending Taxicab Regulations)

Mr. Bilancio reported the Public Health and Safety Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Roggeman the motion carried.

Geoff Spiess, Staff Attorney stated this proposed ordinance was to help the Mishawaka Police recognize licensed cab drivers. He said the cabs would require a decal with an expiration date on it showing compliance, the fee would be \$5.00 per cab and would be valid from January to the end of December of every year.

Mark Tavernier, Assistant Police Chief said in 2013 there were 3 cabs that were licensed and 5 that were not. He said in order for the Police Department to enforce the licensing and

recognizing cabs that should or should not be in Mishawaka it was important for them to purchase these decals that were visible and easy to read.

Mr. Roggeman asked how many a year was given out. Chief Tavernier said in 2013 they issued 3, with 8 applying only the 3 finished the process. He said in order for a cab to pick up a fare in Mishawaka they must be licensed.

Mr. Mammolenti asked how many citations have been written. Chief Tavernier said to this date none, a police officer would have to pull over every cab to check for a license that was why the decal was necessary the officer would be able to see the cab was licensed by the decal and able to pull over the ones that were not.

PRIVILEGE OF THE FLOOR

Pasqual Rulli, President of the FOP said the week of May 12th was Police Week and he would like to invite everyone to the memorial in front of the Police Station at 2:00 p.m. for the service.

Rayette Quick, 2512 River Avenue, Mishawaka, said she had a Pit Bull Dog and was very concerned about the rules and regulations for them in the City of Mishawaka. Ms. Quick said she has 3 dogs of which one is a Pit Bull, who has to be muscled, tethered, or caged when let outside. She said he cannot run and play with the other dogs because of the rules concerning his breed. Ms. Quick said she felt it was very unfair and wanted to know if the Council could do anything to help her.

President Mammolenti, said he understood Ms. Quick's concerns as a fellow dog owner and agreed to meet with her and have the Council discuss it further.

Mr. Compton said he was familiar with the animal ordinance and does not feel it should be breed specific.

Clerk Block said she wanted to acknowledge her Chief Deputy, Mary Ellen Hazen on her Anniversary of 28th in the Mishawaka City Clerk's Office.

NEW BUSINESS

Mr. Emmons said he would be having his Neighborhood Watch Meeting at St. Bavo School May 15, 2014 at 7:00 p.m. He said Terry Zeller, from the Park Department and a representative from Well Pet would be speaking.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:43 p.m.

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

Matt Mammolenti
Matt Mammolenti, Presiding Officer



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 15, 2014

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
May 13, 2014, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

APPEAL #14-06 An appeal submitted by Teachers Credit Union and Hameln III LLC a requesting Use Variance for **1110 South Ironwood Drive** to allow an automotive sales lot on C-7 Automobile Oriented Restaurant Commercial zoned property.

The Board, with a vote of 4-0, recommended approval subject to the three (3) year time limit being removed.

Sincerely,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Jeff Ballard

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location 1110 S. Ironwood Drive

Date: May 13, 2014

Appeal 14 06

Prepared By: GGS

GENERAL INFORMATION

Applicant: Hameln III LLC and Teachers Credit Union

Status: Property Owners

Request: Use Variance for Continued Automobile Sales

Zoning Classification: C-7 Auto Oriented Restaurant Commercial

Lot Size: 0.32 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: Commercial/C-1 General Commercial
South: Single Family/R-1 Single Family Residential
East: Single Family/R-1 Single Family Residential
West: City of South Bend/ Church and Gasoline Station

Thoroughfare: Ironwood Drive and Dragoon Trail

School District: School City of Mishawaka

Public Utilities: All public utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The appellants are requesting a use variance to continue the existing use of vehicle sales on property located at 1110 S Ironwood. The property is zoned C-7 Auto Oriented Restaurant Commercial. Automotive sales are not allowed on C-7 zoned property. However, the appellant was granted a use variance in January 2006 and 2010 to allow vehicle sales on this property. A condition of approval for that use variance was to limit the auto sales to time period not to exceed three years at which time the property owner would need to file a request to continue the use. The last variance period ending in 2013.

Work has been done over the past few years to help bring portions of this property into compliance with the current Zoning Ordinance. Existing pavement along the intersection had been removed to allow for a landscape buffer. The appellants received a developmental variance for reduced pavement setbacks along Ironwood and Dragoon Trail to allow for sufficient vehicle maneuvering through the site. Landscaping in accordance with the Landscape ordinance had been installed as well as new stormwater management measures.

In the long term, given the very small area, the Staff feels that the highest and best use of the property is not an automobile oriented commercial use. Staff recommends that this use variance be approved as a transitional use that will allow the owner to lease the property in the interim until another more appropriate permanent use presents itself. Given the amount of complaints the Planning staff receives from other car lots adjacent to residential property, the permanent use of the property of as a car sales lot would not be recommended. So far, the City has not received any complaints about the current use of the property as a used car lot. However, the used car industry is constantly

changing and varied in the way business is conducted on property. The (3) year variance to will allow the continued use of car sales on the property but will allow the opportunity to discontinue the car sales use if the use starts to affect the adjacent residential property in an substantially adverse manner and the City starts to receive complaints.

The appeal submitted requested several development variances. However, the variances will not be needed because these conditions are considered existing and legal non-conforming and can continue on the property unless the use is changed. In such case, changes would be required and/or variance would be needed. Therefore, the request for development variances are not needed.

RECOMMENDATION

The Staff recommends approval of Appeal 14-06 to continue to operate a used car sales lot at 1110 S. Ironwood Drive limited to a time period not to exceed three years (June 2017), at which time it would be necessary for the property owner to file a request to continue the auto sales lot use. This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be 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 because the historical use of the property had been a gas station. A variety of commercial businesses have been developed on Ironwood drive south of Ewing in both the City of Mishawaka and the City of South Bend;
3. The need for the variance arises from some condition peculiar to the property involved because the zoning allows for an auto related commercial use such as a drive-through/ drive-in restaurant, but prohibits a auto sales lot;
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 because the zoning for the property permits auto oriented drive through restaurants but exempts auto sales; and
5. The approval is consistent with the recommendations of the Comprehensive Plan for Commercial development at the northeast corner of the intersection of Ironwood Drive and Ewing.

ATTACHMENTS

PHOTOGRAPHS, APPEAL, LOCATION MAP



View looking onto existing car lot



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 15, 2014

RECEIVED
DEBORAH S. BLOCK, MMC

Honorable Members of the Common Council
City of Mishawaka, Indiana

MAY 15 2014

RE: Plan Commission Recommendation
May 13, 2014, Public Hearing
Certification of Proposed Ordinances

CITY CLERK
MISHAWAKA, IN

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinances were considered:

PETITION #14-05 A request submitted by Capital Avenue Properties, LLC, requesting a PUD Amendment for the Walker Planned Unit Development (west side of Capital Avenue, north side of Grande Vista Parkway) to allow for the addition of drive-thru facilities, and off-street parking ratio of 10 spaces per 1,000 sqft of gross building floor area.

The Commission, with a vote of 5-2, recommended approval subject to the following conditions:

1. Required off-street parking for the proposed drive thru-facility lot shall be a ratio of (10) parking spaces per 1000 sf of gross building floor area.
2. Required building setback along the northwest lot line along Capital Avenue shall be a minimum of 25-ft for the proposed drive-thru facility lot.
3. Required pavement setback along the northwest lot line along Capital Avenue shall be a minimum of 5-ft for the proposed drive-thru facility lot.
4. The proposed access drive may be utilized on a temporary basis up until the time the adjacent parcel is developed. At that time, the temporary access drive shall be removed and a common access drive for both lots shall be provided. Appropriate easements shall be created at that time.

PETITION #14-06 A request submitted by Lawrence and Susanne Silverman and Diane Gaughan to rezone **2340 Schumacher Drive** from I-1 Light Industrial District to C-9 Automotive Sales Commercial District.

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

PETITION #14-07 A request submitted by Beacon Health Systems, Inc., Memorial Health Systems, Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust, and Golata Charitable Remainder Unitrust to vacate public right of way(s) more specifically Evergreen Road (between Toll Road and Capital Avenue).

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

PETITION #14-08 A request submitted by Mark E. Skibinski requesting to rezone **1709 Elder Road** from I-2 Heavy Industrial District to R-1 Single Family Residential District.

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

PETITION #14-09 A request submitted by the City of Mishawaka requesting to vacate public right-of-way.

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

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinances regarding the above matters.

Respectfully,



Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Daryl Knip
Jeff Ballard
Mark Skibinski

STAFF REPORT

Location: Northwest corner of Capital Avenue & Grande Vista Parkway

Date: May 13, 2014

Petition: 14 05

Prepared By: GGS

GENERAL INFORMATION

Applicant: Capital Avenue Properties, LLC
Status: Property Owner
Request: Amend PUD to allow for drive-thru facility
Zoning Classification: S-2 Planned Unit Developments
Lot Size: Approximately .79 acres
Applicable Regulations: Section 137-671 to 137-679 S-2 Planned Unit Development District
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: S-2 Planned Unit Development
East: Unincorporated St. Joseph County
West: S-2 Planned Unit Development

Thoroughfare: Capital Avenue & Grande Vista Parkway
School District: Penn-Harris-Madison School Corporation
Township: Harris
Public Utilities: All utilities are available or will be available to the site
Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Commercial Growth.

ANALYSIS

The petitioner is requesting to amend a portion of the Walker PUD located the northwest corner of the Indiana Toll Road and Capital Avenue. The portion of the Walker PUD to be amended is a 0.79 acre parcel of land at the northwest corner of Capital Avenue and the newly constructed Grande Vista Parkway. The petitioner desires to amend the PUD to allow for a drive-thru restaurant facility.

The original PUD allowed for uses identified within the C-1 General Commercial zoning district. A drive-thru restaurant facility is not an allowed use under the C-1 zoning classification. Therefore, the petitioner is requesting an amendment to allow the proposed drive thru-use.

As part of the PUD amendment, the petitioner is requesting a reduction in parking requirements. For drive-thru restaurant facilities, the ordinance requires a minimum of (15) parking spaces per 1000 sf of building area. The petitioner desires to amend the PUD to allow an off-street parking ratio of (10) parking spaces per 1,000 sf of gross building floor area for the drive-thru restaurant use. The parcel on which the drive-thru will be located is small in size, only approximately 0.79 acres. The site is not large enough for

a full-sized fast food restaurant. The size of the lot will only allow for a small facility such as a coffee shop or small sandwich type use. The majority of business conducted by such uses typical relies on drive-thru traffic with very little inside building seating area. Therefore, the request for a reduction in parking is appropriate.

Upon review of the preliminary site plan, it was noticed that the northwest lot line actually abuts a portion of Capital Avenue. This portion of right-of-way is undeveloped. According to the original PUD conditions, a 75-ft building setback and a 25-ft pavement setback would be needed. Given the amount of undeveloped right-of-way at this northwest corner, the proposed 25-ft building setback and 5-ft pavement setback as shown on the preliminary plan is appropriate.

The preliminary site plan shows an access off of Grande Vista Parkway. The location of this access drive is too close to the intersection of Capital Avenue. However, since the area is undeveloped, the access drive may be installed on temporary basis until the adjacent parcel is developed. At that time, the access drive shall be relocated and a single access drive for both lots will need to be provided.

RECOMMENDATION

Staff recommends in favor of PET 14-05 amending a 0.79 acre parcel of land located at northwest corner of Capital Avenue & Grande Vista Parkway within the Walker PUD to allow for drive-thru restaurant facility. All previous PUD conditions shall be retained as part of this PUD with the following amendments:

1. Required off-street parking for the proposed drive thru-facility lot shall be a ratio of (10) parking spaces per 1000 sf of gross building floor area.
2. Required building setback along the northwest lot line along Capital Avenue shall be a minimum of 25-ft for the proposed drive-thru facility lot.
3. Required pavement setback along the northwest lot line along Capital Avenue shall be a minimum of 5-ft for the proposed drive-thru facility lot.
4. The proposed access drive may be utilized on a temporary basis up until the time the adjacent parcel is developed. At that time, the temporary access drive shall be removed and a common access drive for both lots shall be provided. Appropriate easements shall be created at that time.

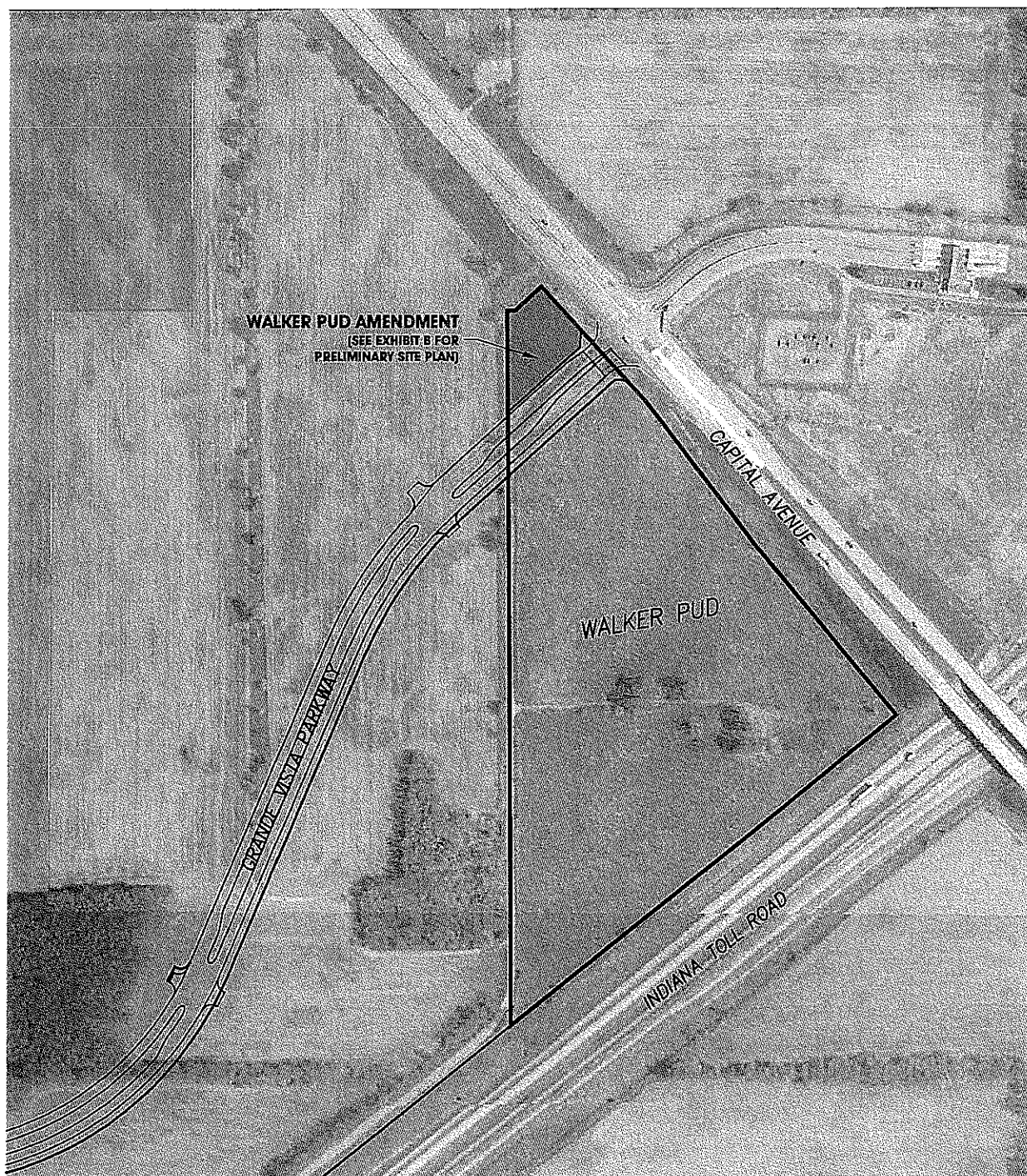
This recommendation is based on the following findings of fact:

1. The subject parcel is located within a commercial planned unit development.
2. The area is currently vacant land. However, because the property is located within a commercial PUD, the character of the buildings within the surrounding area will be commercial.
3. Because of the parcels' location and the proposed future commercial development in the area, the highest and best use for the property is commercial in nature.
4. The proposed zoning will not be injurious to property values in the surrounding neighborhood, because vast majority of adjacent property remains undeveloped. The proposed extension of City infrastructure will actually add value to adjacent properties.
5. This specific property was guided as commercial in the joint Comprehensive Plan Amendment prepared jointly by both St. Joseph County and the City of Mishawaka, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are commensurate to the City's status as a regional area of commerce. The substantial residential growth that occurred in the unincorporated County (the unincorporated area of Granger) also contributes to the need/demand for services.

ATTACHMENTS

Photographs, Petition, Amended Preliminary Plan

EXHIBIT A



0 200 400
SCALE: 1" = 400'

WALKER PUD AMENDMENT

EAST HALF OF SECTION 23, TOWNSHIP 38 NORTH,
RANGE 3 EAST, HARRIS TOWNSHIP,
ST. JOSEPH COUNTY, INDIANA



DATE: 4-23-14 ACI JOB #: 14-0183
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SHT: 1 of 2

EXHIBIT B

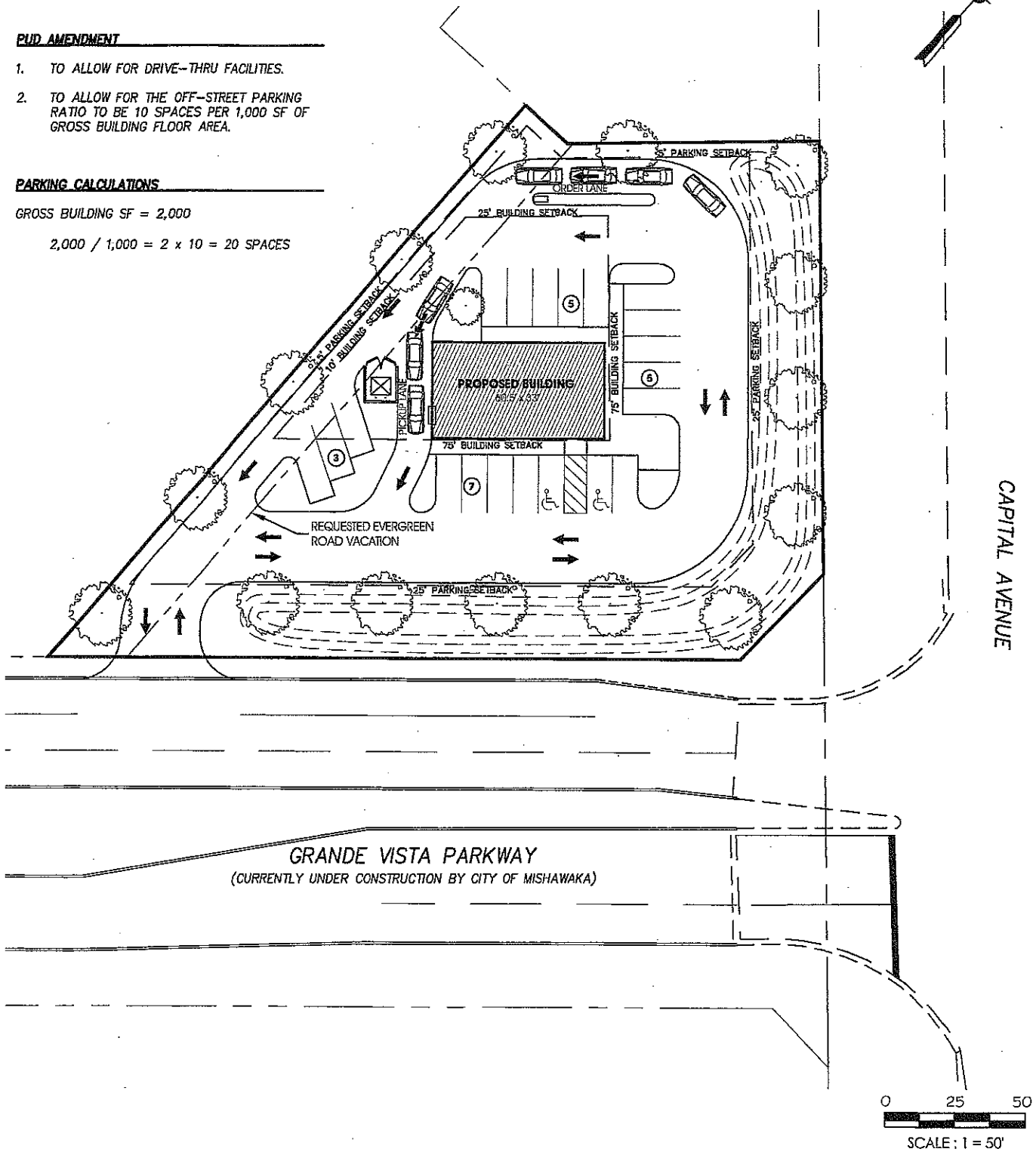
PUD AMENDMENT

1. TO ALLOW FOR DRIVE-THRU FACILITIES.
2. TO ALLOW FOR THE OFF-STREET PARKING RATIO TO BE 10 SPACES PER 1,000 SF OF GROSS BUILDING FLOOR AREA.

PARKING CALCULATIONS

GROSS BUILDING SF = 2,000

$$2,000 / 1,000 = 2 \times 10 = 20 \text{ SPACES}$$



WALKER PUD AMENDMENT

WEST SIDE OF CAPITAL AVENUE AND
THE NORTH SIDE OF GRANDE VISTA
PARKWAY, MISHAWAKA, INDIANA



DATE: 4-23-14 ACI JOB #: 14-0183
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SHT: 2 of 2

STAFF REPORT

Location: 2340 Schumacher Drive

Date: May 13, 2014

PET 14 06

Prepared By: GGS

GENERAL INFORMATION

Applicant: Lawrence & Susanne Silverman & Diane Gaughan

Status: Property Owners

Request: To rezone from I-1 Light Industrial to C-9 Automotive Sales

Zoning Classification: C-9 Automobile Sales (Proposed)

Lot Size: 3.34 acres

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial
South: C-4 Automobile Oriented Commercial
East: R-1 Single-Family Residential
West: I-1 Light Industrial

Thoroughfare: Schumacher Drive

School District: School City of Mishawaka

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The petitioner is requesting approval to rezone property from I-1 Light Industrial and C-9 Automobile Sales to allow for an automotive detailing facility. The C-9 zoning classification specifically identifies auto detailing as an allowed use. The C-4 Automobile Commercial zoning classification does not list auto detailing as an allowed use; thus, the request to rezone to C-9 rather than to the C-4 zoning classification. The 3.34 acre property to be rezoned is located along Schumacher Drive just north of the Hall's automotive dealership facility.

Currently on site, there is a 17,142 square foot building. The petitioners are requesting rezoning to sale this property to a potential buyer who desires to renovate the existing building into the auto detailing facility. Site improvements such as additional parking, stormwater management, and landscaping will be included and required as part of the renovation.

The proposed rezoning is consistent with the existing uses in the area. To the west are industrial developments. To the south is property zoned C-4 Automobile Oriented Commercial. Property to the north is zoned C-1 General Commercial. Property to the east is zoned R-1 Single-Family Residential. However, the proposed C-9 zoning will have less of an impact to the residential properties than the existing industrial zoning.

RECOMMENDATION

The Planning Department recommends approval of Petition 14-06 to rezone property located at 2340 Schumacher Drive from I-1 Light Industrial to C-9 Automotive Sales. This recommendation is based upon the following findings of fact:

1. Given the property's close proximity to industrial and commercially zoned property the C-9 zoning would be compatible with the surrounding commercial properties and the existing automotive sales use located to the south.
2. 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 an industrial project, staff feels that the most desirable use for this property is the C-9 Automotive Sales zoning.
3. Because the parcel is located adjacent to commercial properties and adjacent to existing auto sales uses, the C-9 zoning classification would be compatible and is a desirable use for this property;
4. The C-9 zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.
5. The proposed C-9 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

ATTACHMENTS

Photograph, Petition, Site Plan



Views looking onto property to be rezoned

STAFF REPORT

Location: Portion of Evergreen Road – Northwest of Capital Ave. & Toll Rd Date: May 13, 2014

Prepared By: GGS

Petition: 14-07

GENERAL INFORMATION

Applicant: Beacon Health Systems, Inc., Memorial Health Systems Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust, and Golata Charitable Remainder Unitrust

Status: Adjacent Property Owners

Request: Vacate Public Right of Way

Zoning Classification: Public Right of Way

Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: I-80/90 Toll Road
East: S-2 Planned Unit Development
West: S-2 Planned Unit Development

Thoroughfare: Evergreen Road

School District: Penn-Harris-Madison School Corporation

Public Utilities: Public Right-of-Way

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Commercial Growth.

ANALYSIS

The Petitioners are requesting to vacate a portion of Evergreen Road. The portion to be vacated is a 40-ft wide right-of-way running north/south and is located northwest between the I-80/90 Toll Road and Capital Avenue.

The vacation of the portion of Evergreen Road will provide for future development within the Walker PUD. In addition to the right-of-way vacation, the petitioner is requesting release of utility rights. It is typical that when a right-of-way is vacated, utility easements and rights are retained within the right-of-way. Releasing the utility and easements within this vacated right-of-way will allow for future unhindered development of the PUD. Evergreen Road is currently located in the middle of a vacate field. Location of utilities at within the vacated right-of-way is not appropriate. More appropriate utility easements will be created as the property is developed later in the future.

RECOMMENDATION

Staff recommends in favor of Petition 14-07 to vacate a and release utility rights of a portion of Evergreen Road running north/south located northwest between the I-80/90 Toll Road and Capital Avenue This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley 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.

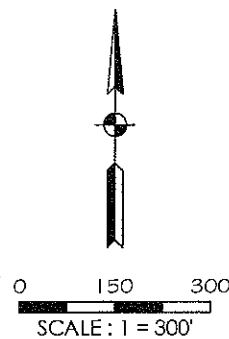
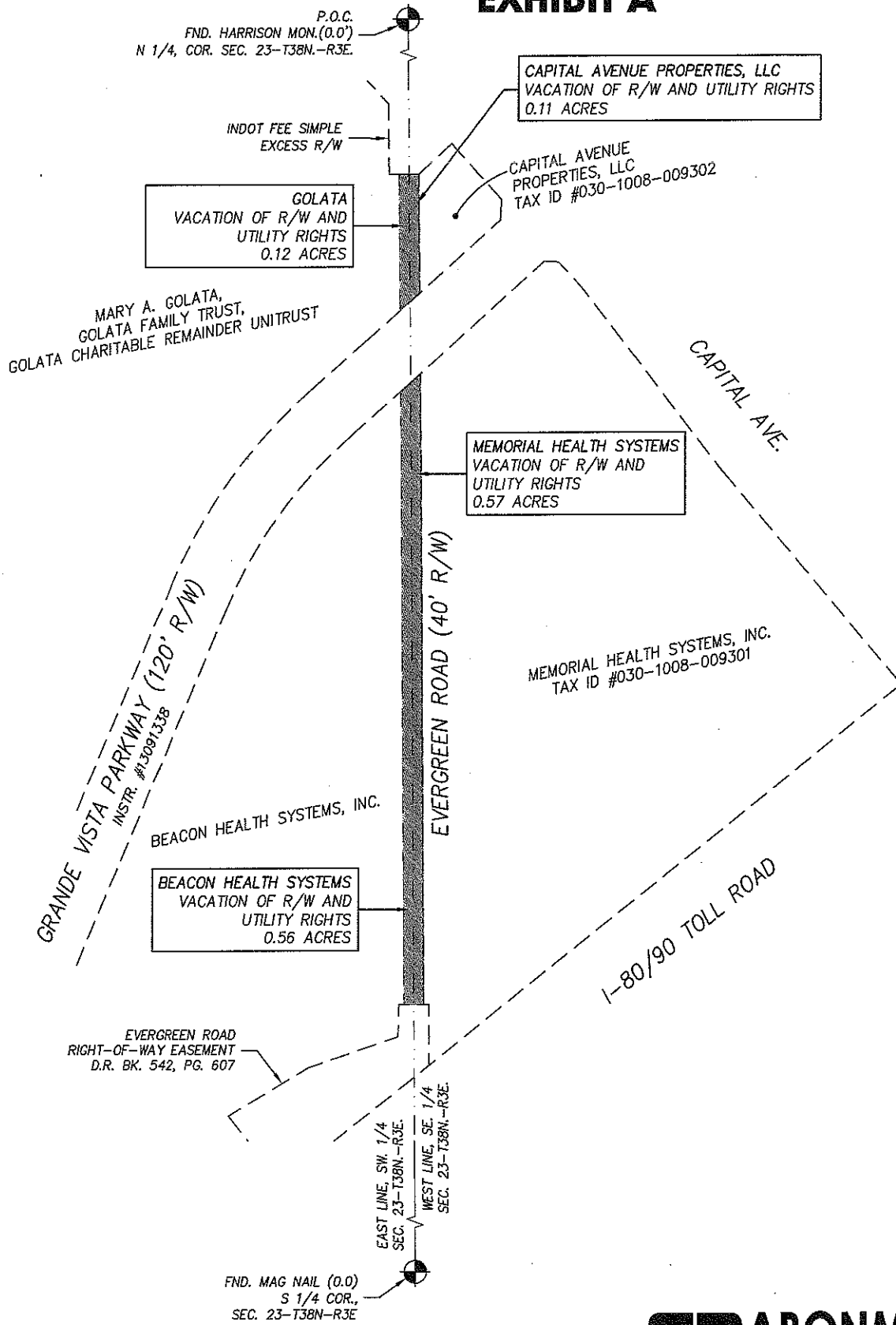
ATTACHMENTS

Petition, Vacation Diagram



VIEW FROM CAPITAL AVENUE LOOKING WEST AT THE PROPERTY OWNED BY
MEMORIAL HEALTH SYSTEMS.

EXHIBIT A



EVERGREEN ROAD VACATION OF RIGHT-OF-WAY AND UTILITY EASEMENT RIGHTS

(BETWEEN I-80/90 TOLL ROAD AND CAPITAL AVENUE)



STAFF REPORT

Location: 1709 Elder Road

Date: May 13, 2014

Petition: 14 08

Prepared By: KM

GENERAL INFORMATION

Applicant: Mark E. Skibinski
Status: Property Owner
Request: Rezone from I-2 Heavy Industrial District to R-1 Single Family Residential District
Zoning Classification: I-2 Heavy Industrial District
Lot Size: 80' X 398.3'
Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: I-2 Heavy Industrial District (residential use)
South: R-1 Single Family Residential District
East: St. Joseph County (residential use)
West: I-2 Heavy Industrial District
Thoroughfare: Elder Road north of Jefferson Boulevard
School District: Penn-Harris-Madison
Public Utilities: Available
Comprehensive Plan: Industrial

ANALYSIS

The Petitioner is requesting to rezone 1709 Elder Road from I-2 Heavy Industrial District to R-1 Single Family Residential District. The property is located north of Jefferson Boulevard.

Prior to the 1980's residential uses were permitted in industrial zoned districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts. Originally constructed as a private residence, the home historically has remained residential in its use. The Petitioner states he plans on constructing a freestanding garage, but staff advised him he needed to rezone the property as it would be expanding a non-conforming use.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

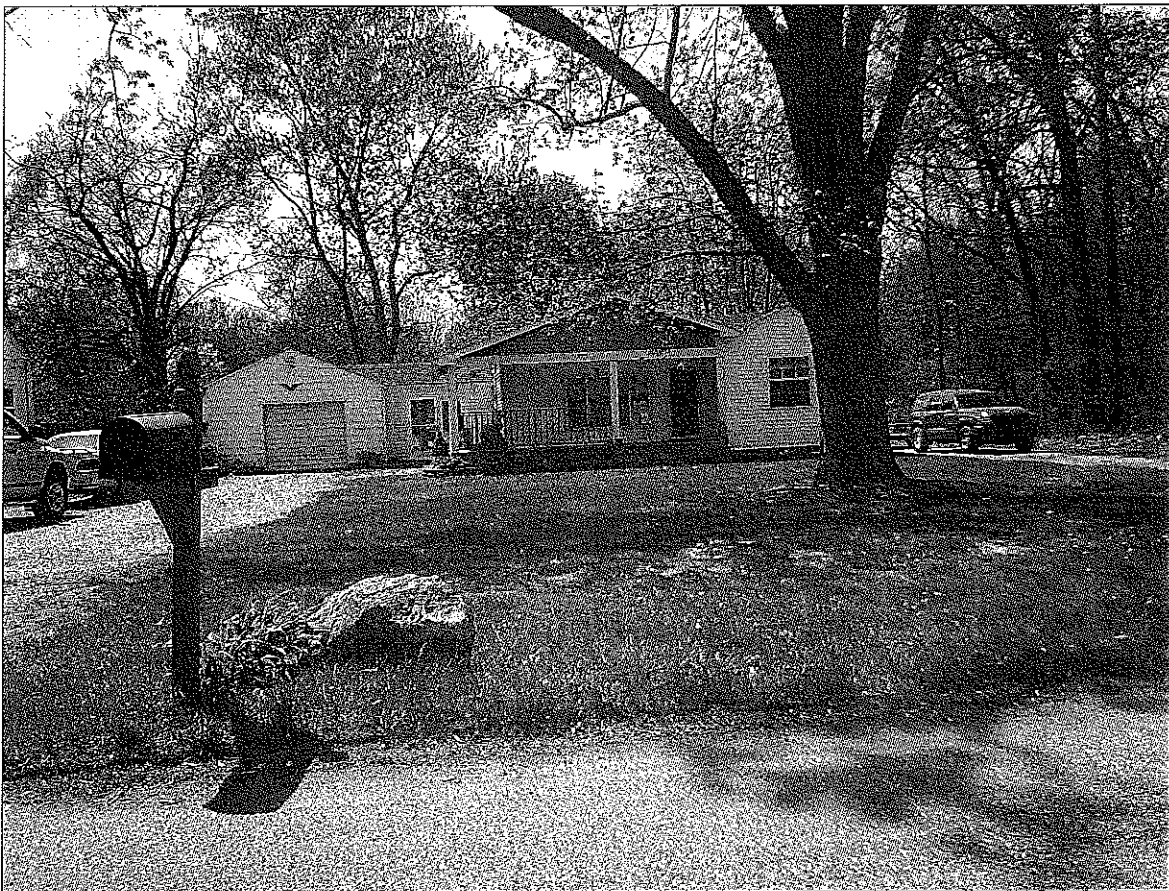
The Planning Department recommends **approval** of Petition 14-08 to rezone 1709 Elder Road from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are some industrial zonings in the neighborhood, but the neighborhood surrounding the property to the north, south, and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;

2. 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 an industrial 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 of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property 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,
5. The City's Comprehensive Plan calls for industrial use, however, the Plan calls for low density residential immediately to the south and to the east, and its historic use as a single family home is compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, AERIAL, LOCATION MAP



1709 Elder Road

STAFF REPORT

Location: Portion of Main Street between Jefferson Blvd & Edgar Ave Date: May 13, 2013
Petition: 14-09 Prepared By: GGS

GENERAL INFORMATION

Applicant: City of Mishawaka
Status: Adjacent Property Owner
Request: Vacate Public Right of Way

Zoning Classification: Public Right of Way
Applicable Regulations: IC 36-7-3-12 and 13

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential
South: R-1 Single Family Residential
East: R-1 Single Family Residential & C-6 Linear Office Commercial
West: S-1 Open/Public Space

Thoroughfare: Main Street
School District: School City of Mishawaka
Public Utilities: Yes
Comprehensive Plan: Public Right of Way

ANALYSIS

The Petitioners, City of Mishawaka, is requesting to vacate public right -of-way being a portion of Main Street between Jefferson Blvd and Edgar Avenue. The portion of Main Street to be vacated is a small residual piece resulting from the Main Street realignment and underpass improvement project.

The advertising for this petition went out stating that the petitioners were The City of Mishawaka and the Fairview Cemetery Association. However, the only petitioner is the City of Mishawaka and does not include Fairview Cemetery Association.

RECOMMENDATION

Staff recommends in favor of Petition 14-09 to vacate the portion of Main Street between Jefferson Blvd & Edgar Ave. This recommendation is based on the following findings of fact.

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.

- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The right-of-way to be vacated 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.

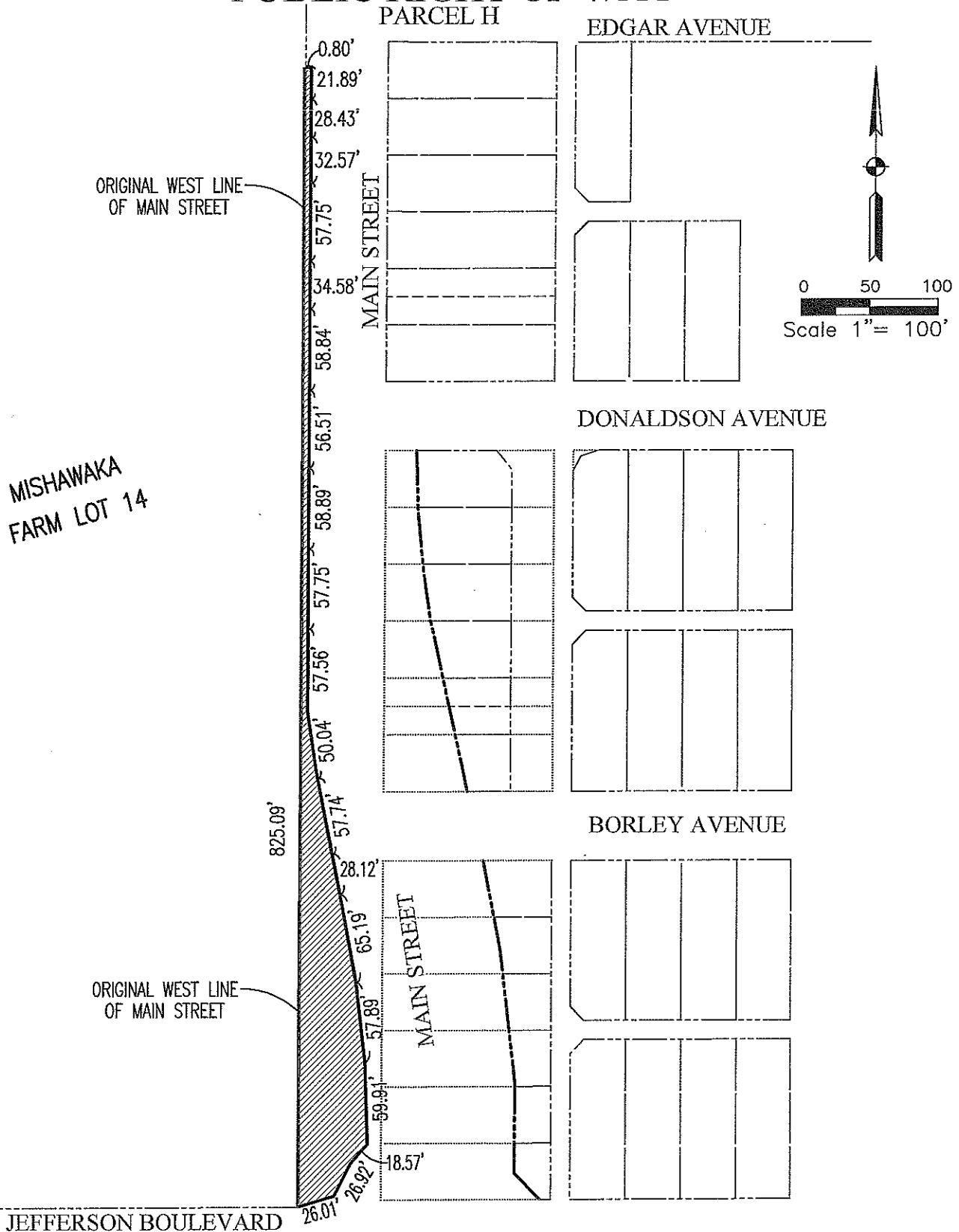
ATTACHMENTS

Petition, Vacation Diagram

EXHIBIT "A"

PETITION FOR VACATION OF PUBLIC RIGHT OF WAY

SHEET 4 OF 5



MAIN STREET UNDERPASS AT
GRAND TRUNK RAILROAD
MISHAWAKA, INDIANA
PREPARED FOR THE CITY OF MISHAWAKA
PROJECT NO. ENT-07-020

DRAWN BY: S.M.HARTMAN
CHECKED BY: J.M.LIETZAN
DATE: FEBRUARY, 2011
DLZ PROJECT: 0461-2577-90





CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

NOTICE OF HEARING

Vacation No. 2014-01

Date of Hearing: May 19, 2014

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

A Petition has been filed by Beacon Health Systems, Inc., Memorial Health Systems, Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust and Golata Charitable Remainder Unitrust for vacation of the following described public right of ways in the City of Mishawaka described as follows:

Vacation No. 2014-01 Petition No. 2014-07

Petition for Vacation of Public Right of Way and Underlying Utility Easement Rights - Evergreen Rd between I 80/90 Toll Rd and Capital Ave

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

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



CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

NOTICE OF HEARING

Vacation No. 2014-02

Date of Hearing: May 19, 2014

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Petitions have been filed by Ken Prince for the City of Mishawaka for vacation of the following described public right of ways in the City of Mishawaka described as follows:

Vacation No. 2014-02 Petition No. 2014-09

Vacation of Public Right of Way Main Street Underpass at Grand Trunk Western Railroad City of Mishawaka

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

Respectfully,

Deborah S. Block

Deborah S. Block, IAMC, MMC, City Clerk

Mary Ellen Hazen, Chief Deputy • Linda Dotson, Chief Deputy
City Hall • 600 East Third Street • Mishawaka, Indiana 46544-2241

Telephone: (574) 258-1616 • Facsimile: (574) 258-1728 • E-Mail: dblock@Mishawaka.in.gov • Website: Mishawaka.in.gov

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-06

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "BUSINESS REGULATIONS ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA

WHEREAS, the Mishawaka Police Department makes best efforts to recover stolen property for victims of crime whenever possible; and

WHEREAS, electronic reporting services are now available to law enforcement to improve and enhance efforts to that end; and

WHEREAS, the Mishawaka Police Department has identified LeadsOnline as the best electronic reporting service available; and

WHEREAS, more than 3,000 police departments throughout Indiana and the United States have successfully used LeadsOnline, and adopting the use of LeadsOnline will facilitate coordination with those departments for the successful recovery of stolen property; and

WHEREAS, LeadsOnline is compatible with the National Crime Information Center, which is a computerized index of criminal justice information available to federal, state, and local law enforcement agencies; and

WHEREAS, it is in the best interests of the residents of the City of Mishawaka to adopt and implement LeadsOnline; and

WHEREAS, certain amendments to the Business Regulations of the Mishawaka Code of Ordinances are necessary to implement the use of LeadsOnline; and

WHEREAS, on April 13, 2014, the Mishawaka Board of Public Works and Safety approved Resolution Number 2014-03, approving the changes herein.

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

Section 1. Chapter 18, of the Municipal Code of the City of Mishawaka, commonly known as the "Business Regulations Ordinance," be, and the same is, hereby amended as follows:

Repeal Section 18-67 (b) in its entirety and replace with the following:

The person licensed shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police Department using the Records Management System used by the Police Department for the proceeding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required.

Repeal Section 18-157 (a) in its entirety and replace with the following:

Every dealer shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police Department using the Records Management System used by the Police Department for the proceeding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required by paragraph (2) below.

In Section 18-159, replace "seven" with "ten."

In Section 18-162, replace "seven" with "ten."

Repeal Section 18-614 (c) (6) in its entirety and replace with the following:

Full name, date of birth, and address of the seller.

Repeal Section 18-614 (c) (7) in its entirety and replace with the following:

Driver's license number or social security number of the seller.

In Section 18-614 (g), add the following:

The dealer may maintain the information required by this subsection in a computer program compatible with a program maintained by the Police Department or pre-approved by the Police Department.

In Section 18-616, replace "seven" with "ten."

Section 2. 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 _____, 2014, at _____ o'clock _____ M.

Matt Mammolenti
Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor



CITY OF MISHAWAKA



200 N. Church Street
Mishawaka, IN 46544

Police Department

David A. Wood, Mayor

May 15, 2014

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 15 2014

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Proposed Ordinance Amendment to the Business Regulations Ordinance Relating to Pawnbrokers, Precious Metal Dealers, and Secondhand Stores.

Honorable Members:

In recent years several businesses have popped up in our area and taken advantage of the value in used consumer merchandise and precious metals. Although the majority of these transactions are legitimate, criminals do take advantage of the opportunity to sell stolen merchandise and property for cash. I am aware of dozens of instances in which our Detectives have recovered stolen property at such businesses with in the City of Mishawaka and other communities. In order to assist in the recovery of stolen property and streamline the investigative process, I have worked with our City Attorney's Office to draft the attached ordinance amendment for City Council's review.

The primary goal of the ordinance is to require businesses who engaged in purchasing or pawning secondhand items to be required to electronically reporting of all transactions required by State Law. Unfortunately, some businesses operating in the City of Mishawaka do not report transactions and it is unknown how many opportunities to identify criminal activity have been lost. One reason may be the cumbersome nature of reporting transactions to the Police Department. State Law requires specific information about each transaction be sent to the Police Department. Upon receipt of the transaction, the Mishawaka Department places this information in a binder. The information is many time not legible and the information is not complete. Detectives have a difficult time sifting through the information given by the businesses.

The Mishawaka Police Department has been in contact with Leads Online to help streamline the reporting process by providing an electronic method of reporting transactions. The transactions are uploaded once a day and do not require a separate fax or form to be mailed to the police department. Once this information is uploaded, Detectives can conduct a broad search in the database from their workstation. They don't have to call or drive out to every business in the city or surrounding area in an attempt to locate stolen property. In addition, Leads Online will alert Detectives via e-mail if there is a known stolen item is pawned or sold. Currently, a few businesses in Mishawaka are registered with Leads Online. The City of South Bend has passed an amendment to their Business Regulations Ordinance requiring their businesses in their city to register with Leads Online.

Through-out the State of Indiana there are hundreds of businesses registered with Leads Online and over 600 million transactions have been reported across jurisdictional boundaries.

Although the Police Department will realize efficiencies from electronic reporting, our business community will benefit as well. There is no fee associated with registering and reporting transactions to Leads Online and reporting is fast, simple, and secure with a web-based system which is available 24 hours a day, 7 days a week. In addition, there is no software, hardware, or upgrades to buy. In a larger sense, our business community will be taking proactive steps to curtail criminal activity by streamlining the reporting process and further ensuring they are not purchasing stolen goods.

Please call or e-mail me with any questions.

Thank-You.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Gebo', with a stylized flourish at the end.

Dan Gebo

Assistant Chief of Police of Mishawaka

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014- 03

MISHAWAKA BOARD OF WORKS AND PUBLIC SAFETY

A RESOLUTION APPROVING AMENDMENTS TO THE BUSINESS REGULATIONS ORDINANCE RELATING TO PAWNBROKERS, PRECIOUS METAL DEALERS, AND SECONDHAND STORES TO ACCOMMODATE THE ACQUISITION AND USE OF NEW PROPERTY TRACKING TECHNOLOGY.

WHEREAS, the Mishawaka Police Department makes best efforts to recover stolen property for victims of crime whenever possible; and

WHEREAS, electronic reporting services are now available to law enforcement to improve and enhance efforts to that end; and

WHEREAS, the Mishawaka Police Department has identified LeadsOnline as the best electronic reporting service available; and

WHEREAS, more than 3,000 police departments throughout Indiana and the United States have successfully used LeadsOnline, and adopting the use of LeadsOnline will facilitate coordination with those departments for the successful recovery of stolen property; and

WHEREAS, LeadsOnline is compatible with the National Crime Information Center, which is a computerized index of criminal justice information available to federal, state, and local law enforcement agencies; and

WHEREAS, it is in the best interests of the residents of the City of Mishawaka to adopt and implement LeadsOnline; and

WHEREAS, certain amendments to the Business Regulations of the Mishawaka Code of Ordinances are necessary to implement the use of LeadsOnline.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City of Mishawaka that:

Section 1. Chapter 18, of the Municipal Code of the City of Mishawaka, commonly known as the "Business Regulations Ordinance," be, and the same is, hereby amended as follows:

Repeal Section 18-67 (b) in its entirety and replace with the following:

The person licensed shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police

Department using the Records Management System used by the Police Department for the preceding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required.

Repeal Section 18-157 (a) in its entirety and replace with the following:

Every dealer shall maintain and preserve data on or through an electronic or computer data system database on a daily basis for the preceding 24-hr period of all purchases of any precious metal items. Such information shall be sent via electronic forms of transmission to the Police Department using the Records Management System used by the Police Department for the preceding 24-hour period on a daily basis. The reports must contain the seller's name, address, social security number, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks and the manufacturer (where known), and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the seller's photograph, and the account number from one additional piece of recognized identification. The form shall also bear a clear, inked impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required by paragraph (2) below.

In Section 18-159, replace "seven" with "ten."

In Section 18-162, replace "seven" with "ten."

Repeal Section 18-614 (c) (6) in its entirety and replace with the following:

Full name, date of birth, and address of the seller.

Repeal Section 18-614 (c) (7) in its entirety and replace with the following:

Driver's license number or social security number of the seller.

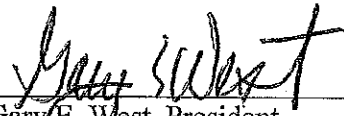
In Section 18-614 (g), add the following:

The dealer may maintain the information required by this subsection in a computer program compatible with a program maintained by the Police Department or pre-approved by the Police Department.

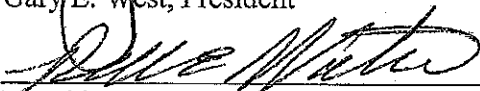
In Section 18-616, replace "seven" with "ten."

Section 2. This Resolution shall be forwarded to the Mishawaka Common Council for its review and final action.

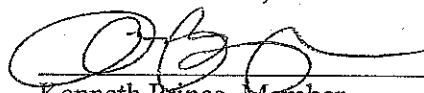
ADOPTED by the Board of Public Works and Safety of the City of Mishawaka, on this 13th day of May, 2014.



Gary E. West, President



Ronald E. Watson, Vice President



Kenneth Prince, Member

ATTEST:



Kari Myers, Clerk of the Board

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-07

ORDINANCE NO. _____

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

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

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

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

A PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH,
RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE
SOUTH 00°33'26" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF
SAID SECTION 23, 2,072.14 FEET TO THE POINT OF BEGINNING; THENCE NORTH
89°55'23" EAST, 20.00 FEET; THENCE NORTH 47°22'53" EAST, 88.98 FEET TO THE
SOUTHERLY RIGHT OF WAY OF CAPITAL AVENUE; THENCE SOUTH 42°35'06" EAST
ALONG SAID SOUTHERLY RIGHT OF WAY, 149.05 FEET; THENCE SOUTH 03°13'40"
WEST, 41.74 FEET; THENCE SOUTH 48°15'13" WEST, 243.30 FEET TO SAID WEST
LINE; THENCE NORTH 00°33'26" WEST ALONG SAID WEST LINE, 253.15 FEET TO
THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.79 ACRES,
MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF
WAY OF RECORD.

which real estate is now classified as S-2 Planned Unit Development District shall
hereafter be amended to allow for a drive-thru restaurant facility subject to the
following conditions of approval:

1. Required off-street parking for the proposed drive thru-facility lot shall be a
ratio of (10) parking spaces per 1000 sf of gross building floor area.
2. Required building setback along the northwest lot line along Capital Avenue
shall be a minimum of 25-ft for the proposed drive-thru facility lot.
3. Required pavement setback along the northwest lot line along Capital Avenue
shall be a minimum of 5-ft for the proposed drive-thru facility lot.

ORDINANCE NO. _____

PROP. ORD. NO. 14-07

4. The proposed access drive may be utilized on a temporary basis up until the time the adjacent parcel is developed. At that time, the temporary access drive shall be removed and a common access drive for both lots shall be provided. Appropriate easements shall be created at that time.

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

1. The subject parcel is located within a commercial planned unit development.
2. The area is currently vacant land. However, because the property is located within a commercial PUD, the character of the buildings within the surrounding area will be commercial.
3. Because of the parcels' location and the proposed future commercial development in the area, the highest and best use for the property is commercial in nature.
4. The proposed zoning will not be injurious to property values in the surrounding neighborhood, because vast majority of adjacent property remains undeveloped. The proposed extension of City infrastructure will actually add value to adjacent properties.
5. This specific property was guided as commercial in the joint Comprehensive Plan Amendment prepared jointly by both St. Joseph County and the City of Mishawaka, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are commensurate to the City's status as a regional area of commerce. The substantial residential growth that occurred in the unincorporated County (the unincorporated area of Granger) also contributes to the need/demand for services.

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 _____, 2014, at o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

ORDINANCE NO. _____

PROP. ORD. NO. 14-07

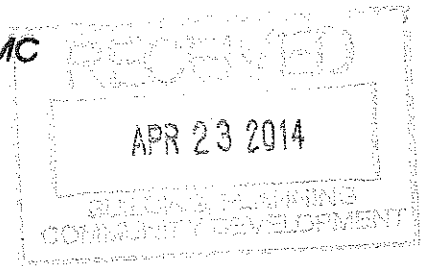
APPROVED by me this _____ day of _____, 2014, at
o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN



DATE: April 23, 2014

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**

Walker PUD

(West Side of Capital Avenue, North Side of Grande Vista Parkway)

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

A PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, 2,072.14 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°55'23" EAST, 20.00 FEET; THENCE NORTH 47°22'53" EAST, 88.98 FEET TO THE SOUTHERLY RIGHT OF WAY OF CAPITAL AVENUE; THENCE SOUTH 42°35'06" EAST ALONG SAID SOUTHERLY RIGHT OF WAY, 149.05 FEET; THENCE SOUTH 03°13'40" WEST, 41.74 FEET; THENCE SOUTH 48°15'13" WEST, 243.30 FEET TO SAID WEST LINE; THENCE NORTH 00°33'26" WEST ALONG SAID WEST LINE, 253.15 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.79 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

The above legal description is per Instrument Number 1317726 recorded in the Office of the Recorder of St. Joseph County, Indiana.

Common Address: West side of Capital Avenue and the north side of Grande Vista Parkway, Mishawaka, Indiana.

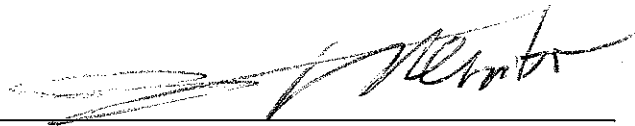
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development (PUD) specifically for a mixed use commercial development including all C-1 General Commercial uses.

The purpose of this petition is to revise the approved preliminary site plan and its associated conditions to allow for an additional use on the property. Petitioner desires said real estate to be amended as follows:

1. To allow for drive-thru facilities.
2. To allow for the off-street parking ratio to be 10 spaces per 1,000 square feet of gross building floor area.

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 showing the above-described parcel of real estate, preliminary site plan showing the additional use, and supporting documentation.



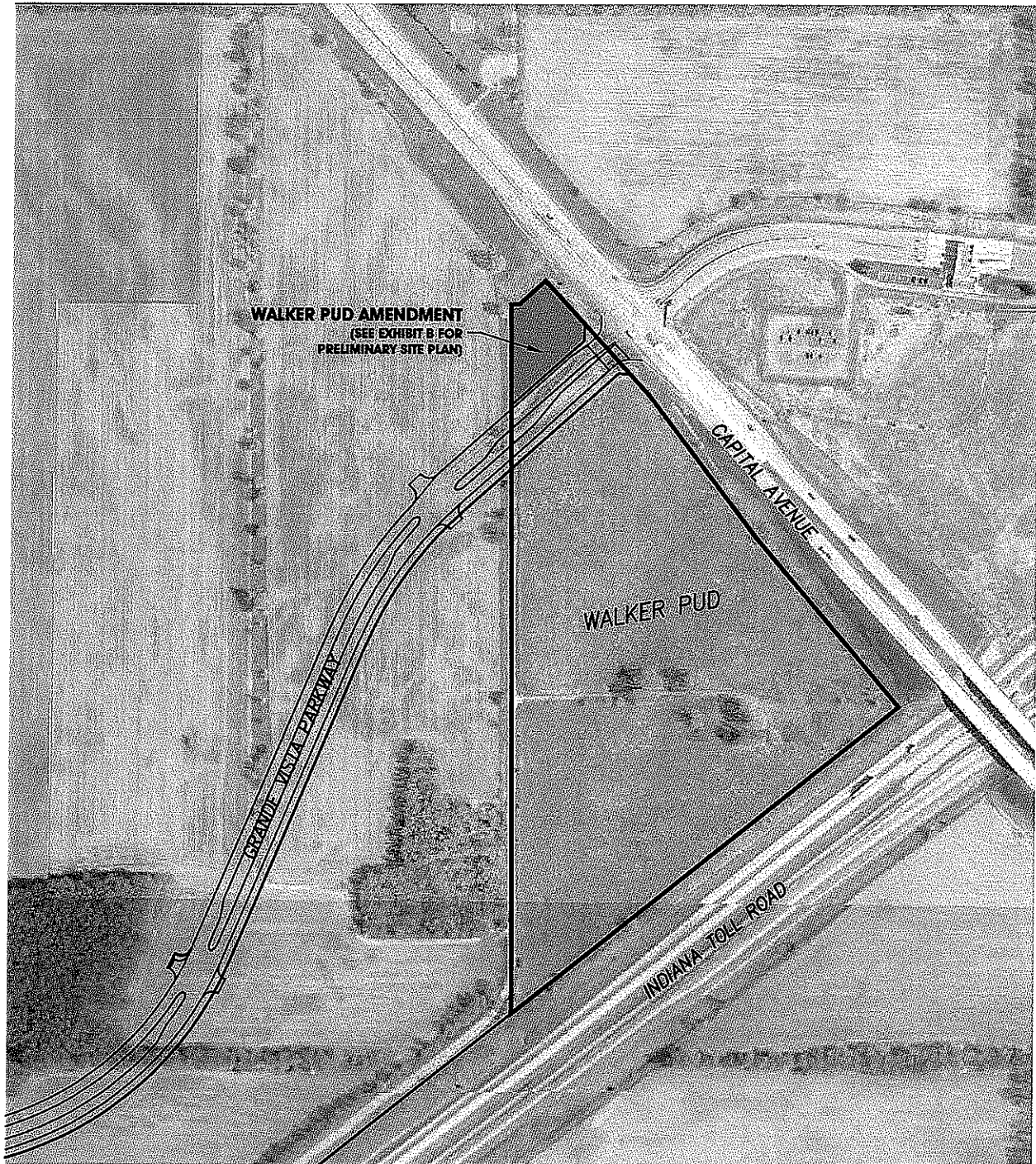
John Becker, Member

Capital Avenue Properties, LLC
2400 Miracle Lane
Mishawaka, IN 46545

CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com

EXHIBIT A



0 200 400
SCALE : 1" = 400'

WALKER PUD AMENDMENT

EAST HALF OF SECTION 23, TOWNSHIP 38 NORTH,
RANGE 3 EAST, HARRIS TOWNSHIP,
ST. JOSEPH COUNTY, INDIANA



DATE: 4-23-14 ACI JOB #: 14-0183 SHT: 1 of 2
COPYRIGHT 2014 - ABONMARCHE CONSULTANTS, INC.

EXHIBIT B

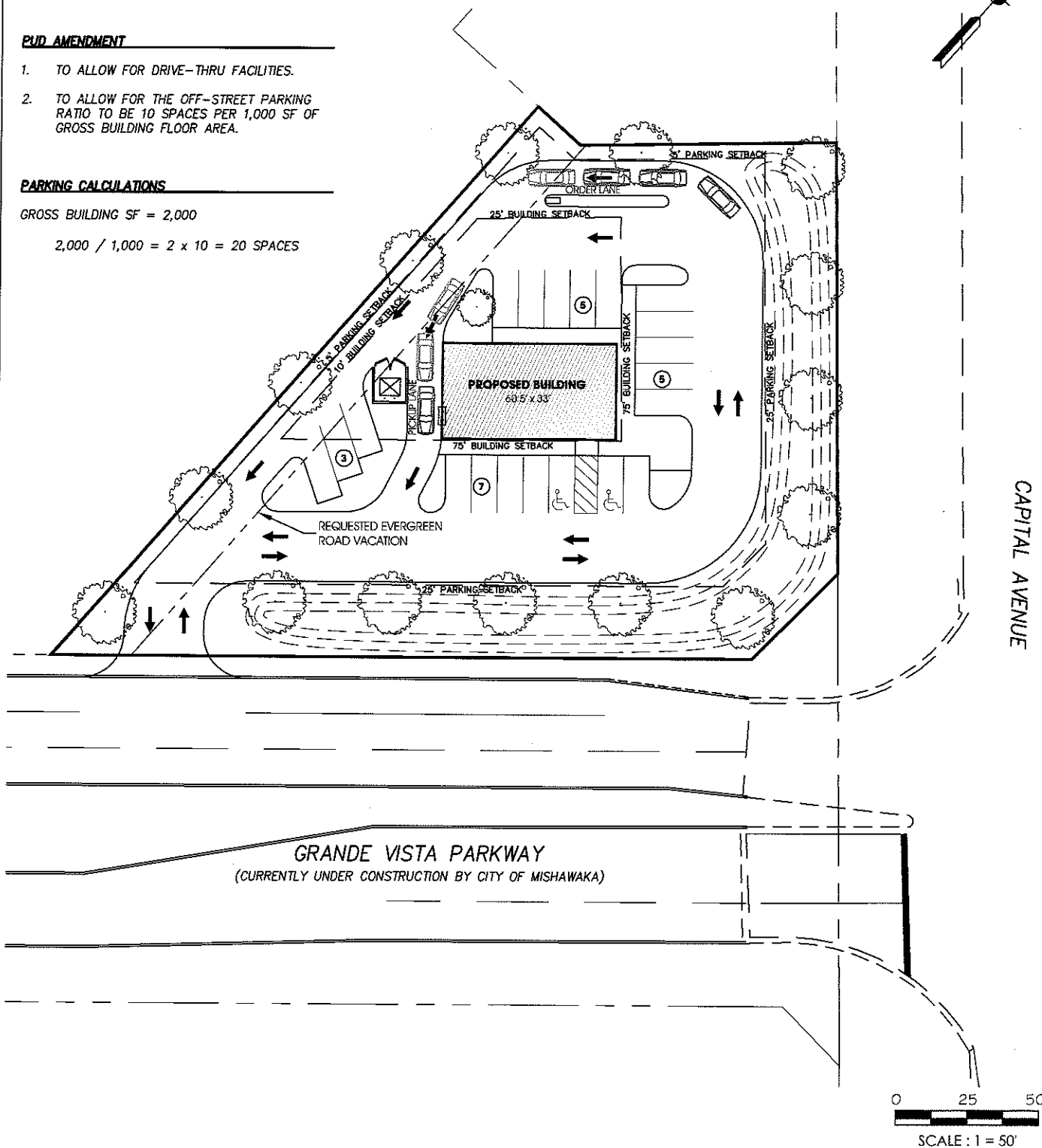
PUD AMENDMENT

1. TO ALLOW FOR DRIVE-THRU FACILITIES.
2. TO ALLOW FOR THE OFF-STREET PARKING RATIO TO BE 10 SPACES PER 1,000 SF OF GROSS BUILDING FLOOR AREA.

PARKING CALCULATIONS

GROSS BUILDING SF = 2,000

$$2,000 / 1,000 = 2 \times 10 = 20 \text{ SPACES}$$



WALKER PUD AMENDMENT

WEST SIDE OF CAPITAL AVENUE AND
THE NORTH SIDE OF GRANDE VISTA
PARKWAY, MISHAWAKA, INDIANA



DATE: 4-23-14 ACI JOB #: 14-0183
COPYRIGHT 2014 - ABONMARCHÉ CONSULTANTS, INC.

SHT: 2 of 2

MAY 15 2014

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-06
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2014-08
ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

A PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE EAST LINE OF SCHUMACHER DRIVE WHICH IS NORTH 00°00'00" EAST A DISTANCE OF 373.30 FEET MORE OR LESS FROM THE INTERSECTION OF THE EAST LINE OF SCHUMACHER DRIVE WITH THE NORTH LINE OF MCKINLEY AVENUE, THENCE NORTH 00°00'00" EAST ALONG SAID EAST LINE A DISTANCE OF 356.80 FEET MORE OR LESS, THENCE NORTH 90°00'00" EAST A DISTANCE OF 407.63 FEET MORE OR LESS TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, THENCE SOUTHEASTERLY ALONG SAID EAST LINE A DISTANCE OF 373.30 FEET MORE OR LESS, THENCE SOUTH 90°00'00" WEST A DISTANCE OF 412.00 FEET MORE OR LESS TO THE PLACE OF BEGINNING. CONTAINING 3.34 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: 2340 Schumacher Drive

which real estate is now classified as I-1 Light Industrial District shall hereafter be within and a part of that District known as C-9 Automotive Sales Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

Proposed Ordinance No: 14-08

Ordinance No: _____

1. Given the property's close proximity to industrial and commercially zoned property the C-9 zoning would be compatible with the surrounding commercial properties and the existing automotive sales use located to the south.
2. 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 an industrial project, staff feels that the most desirable use for this property is the C-9 Automotive Sales zoning.
3. Because the parcel is located adjacent to commercial properties and adjacent to existing auto sales uses, the C-9 zoning classification would be compatible and is a desirable use for this property;
4. The C-9 zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.
5. The proposed C-9 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

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

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 14-08

Ordinance No: _____

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

David A. Wood, Mayor

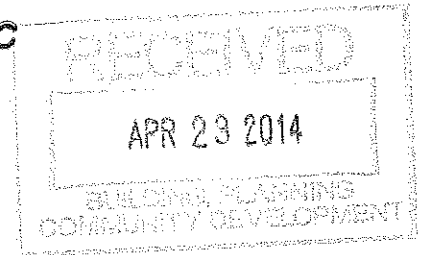
RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN

Date: April 16, 2014

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



RE: Lawrence & Susanne Silverman and Diane Gaughan,
Petition for Rezoning at 2340 Schumacher Drive,
Mishawaka, Indiana:

The undersigned, respectfully show that they are the owners of
the following described real estate located in the City of
Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH,
RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY,
INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE EAST
LINE OF SCHUMACHER DRIVE WHICH IS NORTH 00°00'00" EAST A DISTANCE
OF 373.30 FEET MORE OR LESS FROM THE INTERSECTION OF THE EAST LINE
OF SCHUMACHER DRIVE WITH THE NORTH LINE OF MC KINLEY AVENUE,
THENCE NORTH 00°00'00" EAST ALONG SAID EAST LINE A DISTANCE OF
356.80 FEET MORE OR LESS, THENCE NORTH 90°00'00" EAST A DISTANCE
OF 407.63 FEET MORE OR LESS TO THE EAST LINE OF THE WEST HALF OF
SAID SOUTHEAST QUARTER, THENCE SOUTHEASTERLY ALONG SAID EAST LINE
A DISTANCE OF 373.30 FEET MORE OR LESS, THENCE SOUTH 90°00'00"
WEST A DISTANCE OF 412.00 FEET MORE OR LESS TO THE PLACE OF
BEGINNING.

CONTAINING 3.34 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND
RESTRICTIONS OF RECORD.

Also commonly known as 2340 Schumacher Drive, Mishawaka, Indiana
46545.

The above described parcel of land is presently zoned "I-1"
Industrial District.

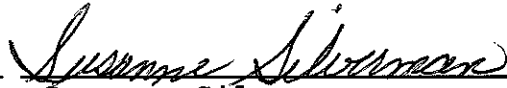
The Petitioners desire said real estate, to be Rezoned to the
"C-9" Commercial District classification. The purpose for the
Rezoning is to allow for the real estate to be purchased by an
interested party who desires to renovate the existing building
into an Automotive Detailing facility on the site.

Wherefore, the Petitioners pray and respectfully request that
the Common Council of the City of Mishawaka refer this matter to

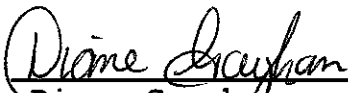
the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of real estate located in the City of Mishawaka.



Lawrence Silverman
51605 Buckingham Court
Granger, Indiana 46530



Susanne Silverman
51605 Buckingham Court
Granger, Indiana 46530



Diane Gaughan
51605 Buckingham Court
Granger, Indiana 46530

Contact person:

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

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

To The: Honorable Members of the
City of Mishawaka, Indiana,
Plan Commission

April 16, 2014

RE: Lawrence & Susanne Silverman and Diane Gaughan,
Petition for Rezoning at 2340 Schumacher Drive,
Mishawaka, Indiana:

Dear Council & Plan Commission Members,

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

If you have any questions concerning this matter, please feel free to give me (us) a call at 574-272-9084.

Sincerely,


Lawrence Silverman


Susanne Silverman


Diane Gaughan

MAY 15 2014

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-07

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2014-09

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, Beacon Health Systems, Inc., Memorial Health Systems Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust, and Golata Charitable Remainder Unitrust have filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioners own 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:

INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROPOSED ORDINANCE NO. 14-09

ORDINANCE NO.

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, 2,072.20 FEET TO THE POINT OF BEGINNING AND A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE; THENCE NORTH 89°55'23" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY, 20.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE SOUTH 00°33'26" EAST ALONG SAID EASTERLY RIGHT-OF-WAY, 235.48 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 53.15 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00°33'26" WEST ALONG SAID WESTERLY RIGHT-OF-WAY, 270.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE, THENCE NORTH 89°26'36" EAST, 20.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.23 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

ALSO CONTAINING:

A PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, 2,484.81 FEET TO THE POINT OF BEGINNING AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE NORTH 48°15'13" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, 26.58 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE SOUTH 00°33'26" EAST ALONG SAID EASTERLY RIGHT-OF-WAY, 169.65 FEET; THENCE SOUTH 00°25'21" EAST CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY, 1,073.97 FEET TO A POINT ON THE NORTH LINE OF THE EVERGREEN ROAD RIGHT-OF-WAY EASEMENT AS RECORDED IN DEED RECORD BOOK 542, PAGE 607, IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89°34'33" WEST ALONG SAID NORTH LINE, 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00°25'21" WEST ALONG SAID WESTERLY RIGHT-OF-WAY, 1,073.97 FEET; THENCE NORTH 00°33'26" WEST CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, 134.55 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE NORTH 48°15'13" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, 26.58 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 1.13 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

COMMONLY KNOWN AS: Portion of Evergreen Road – Northwest of Capital Avenue and Indiana Toll Road

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 for improved growth and orderly development of the neighborhood.

PROPOSED ORDINANCE NO. 14-09

ORDINANCE NO. __

- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley 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 _____, 2014.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

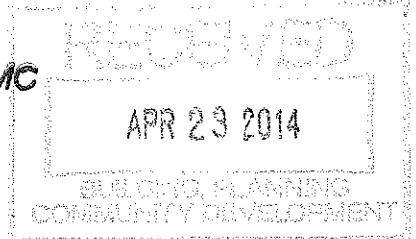
APPROVED by me this ____ day of _____, 2014, at ____ o'clock ____ .M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN



Pet 14-07

DATE: April 23, 2014

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
AND UNDERLYING UTILITY EASEMENT RIGHTS**

**Evergreen Road
(Between I-80/90 Toll Road and Capital Avenue)**

The undersigned Beacon Health Systems, Inc., Memorial Health Systems, Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust, and Golata Charitable Remainder Unitrust 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:

A PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, 2,072.20 FEET TO THE POINT OF BEGINNING AND A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE; THENCE NORTH 89°55'23" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY, 20.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE SOUTH 00°33'26" EAST ALONG SAID EASTERLY RIGHT-OF-WAY, 235.48 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 53.15 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00°33'26" WEST ALONG SAID WESTERLY RIGHT-OF-WAY, 270.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE; THENCE NORTH 89°26'36" EAST, 20.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.23 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

ALSO CONTAINING:

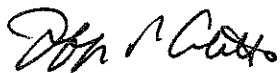
A PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, 2,484.81 FEET TO THE POINT OF BEGINNING AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE NORTH 48°15'13" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, 26.58 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE SOUTH 00°33'26" EAST ALONG SAID EASTERLY RIGHT-OF-WAY, 169.65 FEET; THENCE SOUTH 00°25'21" EAST CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY, 1,073.97 FEET TO A POINT ON THE NORTH LINE OF THE EVERGREEN ROAD RIGHT-OF-WAY EASEMENT AS RECORDED IN DEED RECORD BOOK 542, PAGE 607 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89°34'33" WEST ALONG SAID NORTH LINE, 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00°25'21" WEST ALONG SAID WESTERLY RIGHT-OF-WAY, 1,073.97 FEET; THENCE NORTH 00°33'26" WEST CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, 134.55 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE NORTH 48°15'13" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, 26.58 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 1.13 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

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

Accompanying this petition is a drawing, to scale, showing the above-described right of way and underlying utility easement rights to be vacated.



Jeffrey P. Costello, CPA,
Vice-President and Chief Financial Officer
Beacon Health Systems, Inc.



Jeffrey P. Costello, CPA,
Vice-President and Chief Financial Officer
Memorial Health Systems, Inc.



John Becker, Member
Capital Avenue Properties, LLC

CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com

Mary A. Golata

*Signed
copy to
follow.*

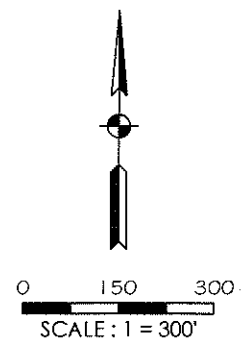
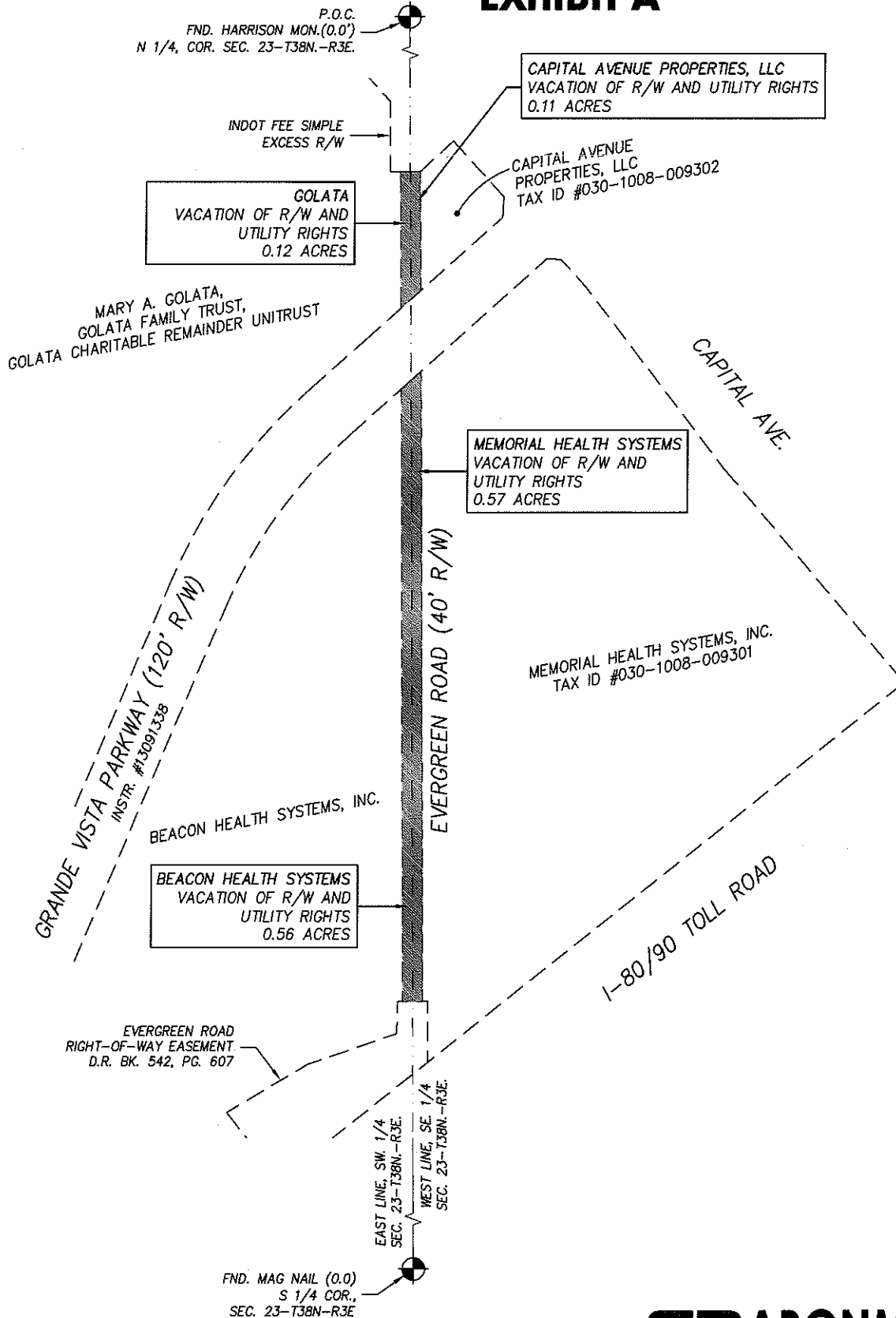
Raymond L. Golata, Trustee
Golata Family Trust

Raymond L. Golata, Trustee
Golata Charitable Remainder Unitrust

CONTACT PERSON:

Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com

EXHIBIT A



EVERGREEN ROAD VACATION OF RIGHT-OF-WAY AND UTILITY EASEMENT RIGHTS

(BETWEEN I-80/90 TOLL ROAD AND CAPITAL AVENUE)



DATE: 04-23-14 ACI JOB #: 14-0127
COPYRIGHT 2013 - ABONMARCHÉ CONSULTANTS, INC.

SHT: 1 of 1

* * * Communication Result Report (May. 8. 2014 9:16AM) * * *

1) Mishawaka City Clerk
2)

Date/Time: May. 8. 2014 9:15AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
2825 Memory TX	92566207	P. 2	OK	

Reason for error

M. 1) Hang up or line fail
M. 3) No answer
M. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection

RECEIVED
DEBORAH'S BLOCK, MMC

APR 23 2014

APR 23 2014

DATE: April 23, 2014

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

CITY CLERK
MISHAWAKA, IN

Pet 14-07

RE: PETITION FOR VACATION OF PUBLIC RIGHT OF WAY
AND UNDERLYING UTILITY EASEMENT RIGHTS

Evergreen Road
(Between I-80/90 Toll Road and Capital Avenue)

The undersigned Beacon Health Systems, Inc., Memorial Health Systems, Inc., Capital Avenue Properties, LLC, Mary A. Golata, Golata Family Trust, and Golata Charitable Remainder Unitrust 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:

A PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, 2,072.20 FEET TO THE POINT OF BEGINNING AND A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE; THENCE NORTH 89°55'23" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY, 20.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE SOUTH 00°33'26" EAST ALONG SAID EASTERLY RIGHT-OF-WAY, 235.48 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF GRANDE VISTA PARKWAY; THENCE SOUTH 48°15'13" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 53.15 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 00°33'26" WEST ALONG SAID WESTERLY RIGHT-OF-WAY, 270.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE; THENCE NORTH 89°26'36" EAST, 20.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.23 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

ALSO CONTAINING:

* * * Communication Result Report (May. 8. 2014 9:16AM) * * *

1) Mishawaka City Clerk
2)

Date/Time: May. 8. 2014 9:15AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
2824	Memory TX	92566207	P. 2	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



RECEIVED
DEBORAH S. BLOCK, MMC

APR 28 2014

CITY CLERK
MISHAWAKA, IN

Date: April 4, 2014

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
Main Street Underpass at Grand Trunk Western Railroad
City of Mishawaka, Indiana, Project No. ENT-07-020

The undersigned authorized representatives of the City of Mishawaka, Indiana, respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described non-navigable public right of way being a part of the excess land acquired by the completion of the above referenced project, as the located in the City of Mishawaka, St. Joseph County, Indiana:

(A) A part of Main Street lying within the Northeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

Beginning at the intersection of the west line of Main Street (30 foot half right of way) with the north line of Jefferson Boulevard (20 foot half right of way), as both existed July 19, 2001; thence North 0 degrees 09 minutes 39 seconds East 825.09 feet along said west line, also being the east line of the Mishawaka Fairview Cemetery Association to the North line of the Mishawaka Fairview Cemetery Association; thence North 89 degrees 47 minutes 12 seconds East 0.80 feet along said North line prolonged to a point between the East extents of the fence Columns and the West back of walk on the West side of Main Street as both existed March 01, 2014; thence along the following lines between the East extents of the fence Columns and the West back of walk (typical separation less than 0.2 feet) the next 8 calls; (1) South 0 degrees 01 minute 56 seconds East 21.89 feet; (2) South 0 degrees 07 minutes 58 seconds West 28.43 feet; (3) South 0 degrees 15 minutes 11 seconds West 32.57 feet; (4) South 0 degrees 15 minutes 55 seconds West 57.75 feet; (5) South 0 degrees 08 minutes 15 seconds East 34.58 feet; (6) South 0 degrees 16 minutes 31 seconds West 58.84 feet; (7) South 0 degrees 07 minutes 18 seconds West 56.51 feet; (8) South 0 degrees 41 minutes 38 seconds East 58.89 feet; thence leaving the lines between the East extents of the fence Columns and the West back of walk (typical separation less than 0.2 feet) South 0 degrees 09 minutes 31 seconds West 57.75 feet; thence South 0 degrees 08 minutes 56 seconds West 57.56 feet; thence South 10 degrees 52 minutes 42 seconds East 50.04 feet; thence South 11 degrees 07 minutes 58 seconds East 57.74 feet; thence South 11 degrees 08 minutes 17 seconds East 28.12 feet; thence South 10 degrees 45 minutes 46 seconds East 65.19 feet; thence South 6 degrees 42 minutes 50 seconds East 57.89 feet; thence South 1 degree 49 minutes 00 seconds East 59.91 feet; thence South 41 degrees 29 minutes 58 seconds West 18.57 feet; thence South 27 degrees 35 minutes 14 seconds West 26.92 feet; thence South 72 degrees 38 minutes 39 seconds West 26.01 feet to the point of beginning and containing 0.265 acres, more or less.

Pet 14-09

* * * Communication Result Report (May. 12. 2014 10:02AM) * * *

1) Mishawaka City Clerk
2)

Date/Time: May. 12. 2014 10:01AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
2833 Memory TX	92566207	P. 7	OK	

Reason for error
 mm. 1) Hang up or line fail
 mm. 3) No answer
 mm. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection

RECEIVED
 DEBORAH S. BLOCK, MMC

APR 23 2014

APR 23 2014

DATE: April 23, 2014

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

CITY CLERK
 MISHAWAKA, IN

Pet 14-07

RE: PETITION FOR VACATION OF PUBLIC RIGHT OF WAY
 AND UNDERLYING UTILITY EASEMENT RIGHTS

Evergreen Road
 (Between I-80/90 Toll Road and Capital Avenue)

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ALSO CONTAINING:

els County Parcels

Re c	PARCELID	NAME_1	MAILINGAD D	MAILINGCIT	MAILI NGST	MAILIN GZIP	PROP_ADD R	PROP_CITY	PRO P_ST	PROP_ ZIP
1	006-1008-010001	MICHIANA COVENANT CHURCH INC	14567 Cleveland Rd	Granger	IN	46530	14567 CLEVELAND RD	Granger	IN	46530
2	006-1011-013204	WRIGHT LANE A & DORA PAULINE THE WRIGHT FAMILY REVOCABLE LIVING TRUST REVS L/E DURING NATURAL LIFE	14272 Cleveland Rd	Granger	IN	46530	N SIDE CLEVELAND W/ BYPASS S OF	Granger	IN	46530
3	006-1008-0093	WALKER GEORGE AUGUST WALKER JEROME FRANCIS MCCAY ROSALIE ANN BULKIN CAROLYN LEE DEFREEUW VIRGINIA MAY	52200 Snowberry Road	New Carlisle	IN	46552	52590 EVERGREEN RD	Granger	IN	46530
4	030-1008-009301	MEMORIAL HEALTH SYSTEM INC	615 N Michigan St	South Bend	IN	46601	EVERGREEN RD	Granger	IN	46530
5	030-1008-0100	BEACON HEALTH SYSTEMS INCORPORATED	615 N Michigan St	South Bend	IN	46601	52641 EVERGREEN RD	Granger	IN	46530
6	006-1008-0093	WALKER GEORGE AUGUST WALKER JEROME FRANCIS MCCAY ROSALIE ANN BULKIN CAROLYN LEE DEFREEUW VIRGINIA MAY	52200 Snowberry Road	New Carlisle	IN	46552	52590 EVERGREEN RD	Granger	IN	46530
7	030-1008-0100	BEACON HEALTH SYSTEMS INCORPORATED	615 N Michigan St	South Bend	IN	46601	52641 EVERGREEN RD	Granger	IN	46530
8	030-1008-009302	CAPITAL AVENUE PROPERTIES LLC	2400 Miracle lane	Mishawaka	IN	46545	EVERGREEN RD	Granger	IN	46530

Lane Wright 272-2081 or 298-0532

these records

MAY 15 2014

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-08
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2014-10
ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

80' X 398.3' beginning center of Elder Road, 730' north to center of Jefferson, Section 11 37 3e Lot 26, Citizens Homes Co.

COMMON ADDRESS: 1709 Elder Road

which real estate is now classified as I-2 Heavy Industrial 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. There are some industrial zonings in the neighborhood, but the neighborhood surrounding the property to the north, south, and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;
2. 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 an industrial project, staff feels that the most desirable use for this property is its historical single-family use;

Proposed Ordinance No: 2014-10

Ordinance No: _____

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property 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,
5. The City's Comprehensive Plan calls for industrial use, however, the Plan calls for low density residential immediately to the south and to the east, and its historic use as a single family home is compatible and consistent with the historic residential uses in the area.

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

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

PAGE 1

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

April 24, 2014

CITY CLERK
MISHAWAKA, IN

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 MARKESKI, binski

Respectfully Show he is the owner
of the following described Realstate
LOCATED in the City of Mishawaka,
County of St Joseph, State of Indiana,
to wit;

Parcel # 27-1001-0325

Commonly Known AS 1709 Elder Rd.

Records Read 80' x 398.3' Beginning Center
of Elder Rd 730' North to Center
of Jefferson Section 11 37 3e Lot 26
Citizens Homes Co Jefferson Rd Pro.

Tax & Investment
#5207428

FHA #203151-8980672

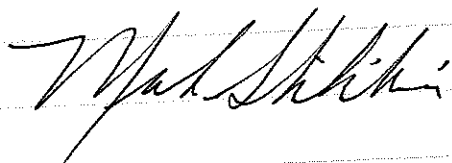
Pet 14-08

Petitioner owns 100% percent of the described parcel of land which carries a zoning classification of Commercial district said property is home owner occupied.

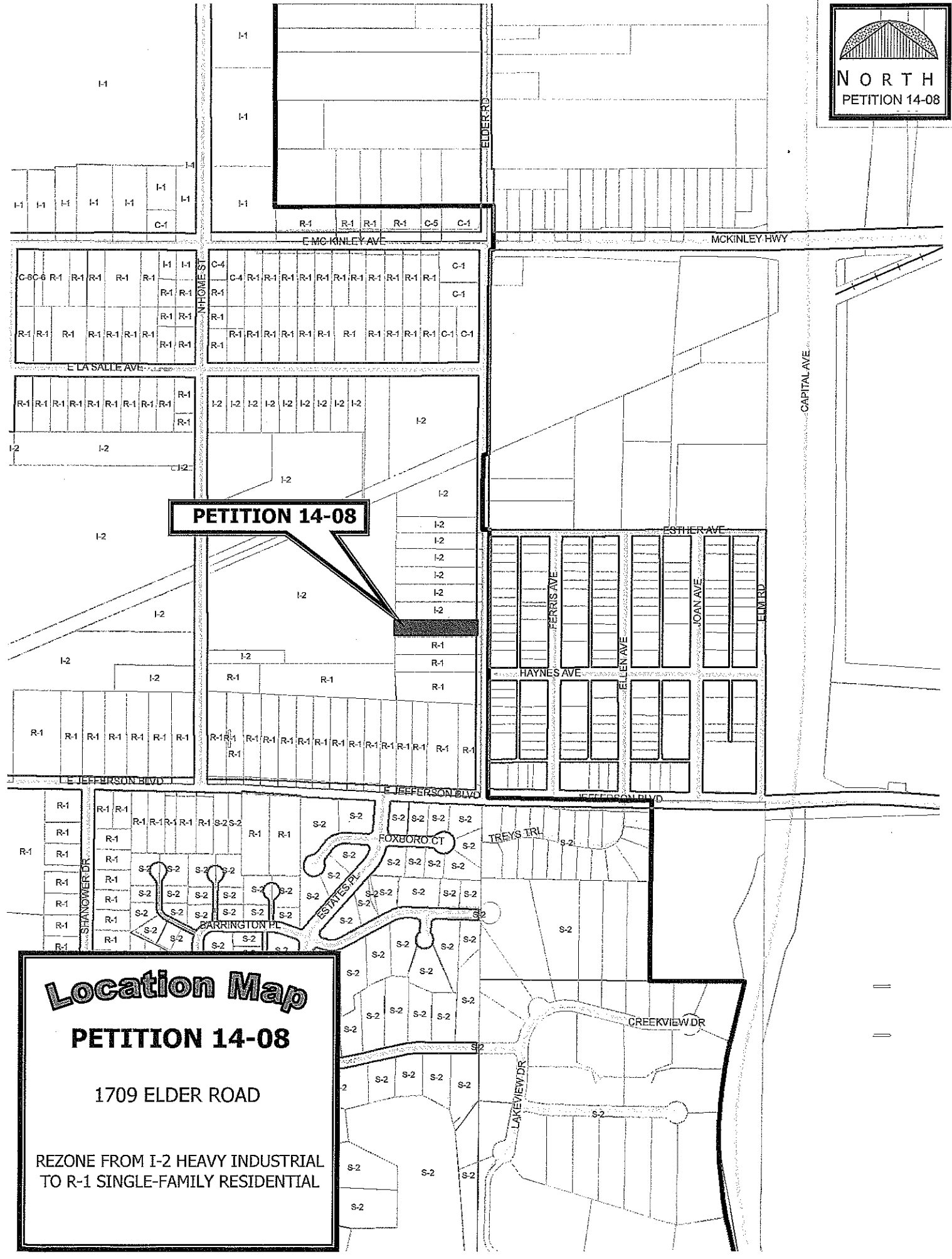
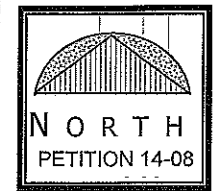
Petitioner desires said Realstate to be rezoned to Residential district

Petitioner further states that he intends to utilize said land for Storage garage.

Wherefore the Petitioner pray and respectfully request that the Common Council of 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 City of Mishawaka.



CONTACT Person
MARK SKIBINSKI
1709 Elder Rd Mish, IN.
MARK SKIBINSKI (574) 360-8725



Location Map

PETITION 14-08

1709 ELDER ROAD

REZONE FROM I-2 HEAVY INDUSTRIAL
TO R-1 SINGLE-FAMILY RESIDENTIAL

MAY 15 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 5-19-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-11

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 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 part of Main Street lying within the Northeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

PROPOSED ORDINANCE NO. 14-11

ORDINANCE NO.

Beginning at the intersection of the west line of Main Street (30 foot half right of way) with the north line of Jefferson Boulevard (20 foot half right of way), as both existed July 19, 2001; thence North 0 degrees 09 minutes 39 seconds East 825.09 feet along said west line, also being the east line of the Mishawaka Fairview Cemetery Association to the North line of the Mishawaka Fairview Cemetery Association; thence North 89 degrees 47 minutes 12 seconds East 0.80 feet along said North line prolonged to a point between the East extents of the fence Columns and the West back of walk on the West side of Main Street as both existed March 01, 2014; thence along the following lines between the East extents of the fence Columns and the West back of walk (typical separation less than 0.2 feet) the next 8 calls; (1) South 0 degrees 01 minute 56 seconds East 21.89 feet; (2) South 0 degrees 07 minutes 58 seconds West 28.43 feet; (3) South 0 degrees 15 minutes 11 seconds West 32.57 feet; (4) South 0 degrees 15 minutes 55 seconds West 57.75 feet; (5) South 0 degrees 08 minutes 15 seconds East 34.58 feet; (6) South 0 degrees 16 minutes 31 seconds West 58.84 feet; (7) South 0 degrees 07 minutes 18 seconds West 56.51 feet; (8) South 0 degrees 41 minutes 38 seconds East 58.89 feet; thence leaving the lines between the East extents of the fence Columns and the West back of walk (typical separation less than 0.2 feet) South 0 degrees 09 minutes 31 seconds West 57.75 feet; thence South 0 degrees 08 minutes 56 seconds West 57.56 feet; thence South 10 degrees 52 minutes 42 seconds East 50.04 feet; thence South 11 degrees 07 minutes 58 seconds East 57.74 feet; thence South 11 degrees 08 minutes 17 seconds East 28.12 feet; thence South 10 degrees 45 minutes 46 seconds East 65.19 feet; thence South 6 degrees 42 minutes 50 seconds East 57.89 feet; thence South 1 degree 49 minutes 00 seconds East 59.91 feet; thence South 41 degrees 29 minutes 58 seconds West 18.57 feet; thence South 27 degrees 35 minutes 14 seconds West 26.92 feet; thence South 72 degrees 38 minutes 39 seconds West 26.01 feet to the point of beginning and containing 0.265 acres, more or less.

COMMONLY KNOWN AS: A Portion of Main Street between Jefferson Boulevard and Edgar Avenue

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 for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The right-of-way to be vacated 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.

PROPOSED ORDINANCE NO. 14-11

ORDINANCE NO. __

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 _____, 2014.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN

Date: April 4, 2014

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
Main Street Underpass at Grand Trunk Western Railroad
City of Mishawaka, Indiana, Project No. ENT-07-020

The undersigned authorized representatives of the City of Mishawaka, Indiana, respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described non-navigable public right of way being a part of the excess land acquired by the completion of the above referenced project, as the located in the City of Mishawaka, St. Joseph County, Indiana:

- (A) A part of Main Street lying within the Northeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

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Pet 14-09

Petition for Vacation of Public Right of Way
Main Street Underpass at Grand Trunk Western Railroad
City of Mishawaka, Indiana, Project No. ENT-07-020

The above described tract is shown as Parcel 48 on the attached Exhibit 'B'

Easements for Existing Utilities retained on Vacation Parcel.

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.

Dave Wood, Mayor
City of Mishawaka, Indiana
Owner Adjacent to Parcel (A)

Merrill Crull, President
Mishawaka Fairview Cemetery Association
Owner Adjacent to Parcel (A)

Contact Person:
James Lietzan
DLZ Indiana, LLC
2211 E. Jefferson Boulevard
South Bend, Indiana 46615
Phone (574) 245-1660
Fax (574) 236-4471

cel County Parcels

Rec	PARCELID	NAME_1	MAILINGAD D	MAILINGCIT	MAILI NGS	MAILI NGZIP	PROP_CITY	PRO P_ST	PROP ZIP
<u>1</u>	016-2046-158601	CITY OF MI SHAWAKA	1625 N Post Rd	Indianapolis	IN	46219	Mishawaka	IN	46545
<u>2</u>	016-2041-140801	CITY OF MI SHAWAKA MISC/TRAN S NOTES	Dept of Publi c Works	Mishawaka	IN	46544	Mishawaka	IN	46545
<u>3</u>	016-2046-1582	FAIRVIEW CEMETERY	1415 N Main St	Mishawaka	IN	46544	Mishawaka	IN	46545

MAY 12 2014

RESOLUTION NO. R 2014- 10

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

CITY CLERK
MISHAWAKA, IN

Dearborn Crane and Engineering

CONFIRMING RESOLUTION

WHEREAS, the Common Council of the City of Mishawaka, Indiana, did pursuant to the “Deduction for Rehabilitation or Redevelopment of Real Property in Economic Development Revitalization Areas Act” (Indiana Code 6-1.1-12.1-1 et. seq.) as amended and hereinafter referred to as the “Act”, declare that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an “Economic Revitalization Area”:

A lot or parcels of land described as follows:

Tax Key #16-1125-4936; also legally described as:

Parts of lots 28 and 29 as shown on Stokes survey of farm lots, in the southeast quarter of section 15, Township 37 North, Range 3 East, Mishawaka Indiana, Described as follows:

Beginning on the West line of the Northeast Quarter of the Southeast Quarter of Section 15, Township 37 North, Range 3 East, 66 Feet South of the North Line of the Southeast Quarter of said Section 15, which point is the intersection of the south right-of-way line of 5th Street and the West line of Lot 28 of Stokes survey of farm lots; thence easterly on the south right of way of 5th Street , a distance of 440.4 feet to the east line of said Lot 28; thence southerly on the east line of said Lot 28, a distance of 252.01 feet; thence westerly parallel to and 252.00 feet (by perpendicular measurement) south of the south right-of-way line of 5th Street, a distance of 649.76 feet (624.82’ measured) to a point that is 50 feet (by perpendicular measurement) (75’ measured) east of the West line of Lot 29 of Stokes survey farm lots. Thence northerly parallel to and 50.00 feet (by perpendicular measurement) (75 feet measured) East of the West line of said Lot 29, a distance of 252.00 Feet to the South right-of-way of 5th Street; Thence easterly on said South right-of-way line, a distance of 207.78 (182.78’ calculated) feet to the point of beginning.

More commonly known as 1133 East 5th Street

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

WHEREAS, this declaration was effected by Resolution No. R 2014-09 adopted by the Common Council of the City of Mishawaka on May 7th, 2014; and

WHEREAS, under the provisions of said “Act” a copy of said Resolution No. R 2014-09 was filed for public inspection at the office of the St. Joseph County Assessor’s Office; and

WHEREAS, pursuant to Indiana Code (I.C. 5-3-1), public notice of the adoption and substance of Resolution No. R 2014-09 was given; as well as setting forth that a public hearing would be held on May 19th, 2014 to receive and hear all remonstrance’s and objections from interested persons. and

WHEREAS, pursuant to said “Act”, a copy of said public notice along with a copy of the applicant’s “Statement of Benefits” was filed with each taxing unit in whose jurisdiction the property described in the above legal description is located.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka, Indiana:

1. That upon conclusion of said public hearing and consideration of evidence presented, it is now determined that the area described meets the qualifications for an Economic Revitalization Area; and
2. That Resolution No. R 2014-09 is hereby modified and confirmed as follows:

- a) That the above described area shall be designated as an Economic Revitalization Area for a period beginning with the date of this resolution and ending on December 31, 2017; and
- b) That the property tax deduction to which the property owner is entitled shall apply to personal property pursuant to Indiana Code (I.C. 6-1.1-12.1-3); and
- c) That this deduction applicable for real property tax abatement and is limited to the following schedule:

<u>Tax Year</u>	<u>Tax Abatement Percentage</u>
2014 Pay 2015-	100%
2015 Pay 2016-	66.67%
2016 Pay 2017-	33.34%

- d) That the estimate of the value of the redevelopment is reasonable for projects of this nature; and
- e) That the description of the proposed redevelopment meets applicable standards for such development; and
- f) That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- g) That the deduction will not be allowed unless the facility is constructed or rehabilitated to meet local code standards; and

- h) That the totality of benefits is sufficient to justify the granting of this requested deduction.
- 3. That the "Statement of Benefits" submitted by Dearborn Crane and Engineering, is hereby approved, and the President of the Mishawaka Common Council is hereby authorized to execute said "Statement" on behalf of the Common Council; and
- 4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code (I.C. 6-1.1-12.1-2-5, subsections (d) and (e) of the "Act.")

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited the date of the adoption of this Confirming Resolution by the Common Council to December 31, 2017.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 19th day of May, 2014.

Matt Mammolenti, President

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of _____, 2014.

Deborah S. Block, City Clerk

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

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

May 14, 2014

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. John Reisdorf, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Dan Bilancio, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. John Roggeman, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 12 2014

CITY CLERK
MISHAWAKA, IN

Re: Confirming Tax Abatement Resolution 2014-10- Dearborn Crane and Engineering

Dear Council Members and Clerk:

Enclosed you will find staff prepared draft Confirming Resolution 2014-10 for consideration at your Monday May 19th meeting. As previously identified, the request is for Dearborn Crane and Engineering which is proposing to demolish small portions of the existing building, add a 7,200 square foot addition, and perform significant paving and drainage improvements to the site totaling an estimated \$750,000. The manufacturing facility is located at 1133 East 5th Street, in the City of Mishawaka, and is adjacent to the 5th Street Recycling Facility. Dearborn has indicated that as part of the proposed improvements they would be retaining their existing 24 employees and would be adding 3 additional positions. Although they indicated to staff that hiring may in fact exceed 3, staff indicated a preference to have a conservative estimate. In working with staff, Dearborn is requesting a standard three-year abatement on the real estate improvements. A copy of their application and relevant materials has been re-attached for your review and information with the staff prepared resolution. The application and materials have had no changes since they were distributed as part of the Declaratory Resolution process.

The Declaratory Resolution for this abatement was approved at the Council's May 7th meeting which allowed the Clerk's office to proceed with the special advertising requirements, including notification to other taxing units that would potentially be impacted by an abatement. To date, no correspondence has been received from other taxing units regarding the request.

As you are aware from other recent abatements, it is always a challenge to try and accurately predict values and taxes given the variables involved. H.J. Umbaugh & Associates recommended that we use the DLGF website: (<https://gateway.ifionline.org/CalculatorsDLGF/TaxCalculator.aspx>) to obtain the estimated taxes paid based on the most current certified tax rate (2013 in the case of St. Joseph County) with the circuit breaker.

This site has a calculator where you simply put in the location, assessed valuation, and class of property, and it outputs the estimated tax for the property. This is the calculator that we used for each of the three previous tax abatement requests acted on by the Council.

In this case, the applicant has identified the proposed investment at \$750,000. This however does not correlate directly into assessed valuation. In researching the current site, the current assessed valuation for the real estate improvements is \$330,000. In this case, there is no history of recent investment to judge or compare how the proposed investment might impact the assessed valuation. To make an estimate, staff has just relied on a common sense approach to the improvements rather than directly

assuming a dollar to dollar ratio on the investment itself. For the purpose of projecting an assessed valuation increase based on a small demolition, adding small building additions, and significant drainage and parking improvements, staff hypothesizes that the proposed improvements would not equate to more than a 50% increase over the existing assessed valuation, or \$165,000. Although this is only a \$165,000 increase on a \$750,000 improvement, staff felt that this was reasonable for abatement evaluation purposes.

We have done this only as an attempt to provide an educated guess on what the resulting assessment will be. For an actual dollar to dollar scenario, you would simply multiply the values listed below by 4.5, which would result in close to \$29,000 a year in additional taxes. Again, staff felt that this was unrealistic given that the subsequent total assessed valuation would be more than three times the current value.

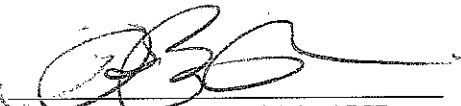
Proposed 3 Year Abatement

<u>Tax Year</u>	<u>Percentage</u>	<u>Total Tax</u>	<u>Taxes Paid</u>	<u>Taxes Abated</u>
2014 Pay 2015	100%	\$6,408	\$0	\$6,408
2015 Pay 2016	66.67%	\$6,408	\$2,136	\$4,272
2016 Pay 2017	33.34%	\$6,408	\$4,272	\$2,136
<i>Total-</i>	<i>200%</i>	<i>\$19,224</i>	<i>\$6,408</i>	<i>\$12,816</i>

Regarding a recommendation, the Administration completely supports the request as submitted. The vast majority of Dearborn Crane and Engineering's business is from outside the region, providing an influx of monies to the community. Knowing that local economies grow primarily by existing business expansion, we feel that the approval of the abatement will demonstrate support for this expansion as well as future investment. The proposed 3 year abatement is appropriate given the City's past history on tax abatement.

As always, please contact me if you have any questions, desire additional projections, or if you would like me to prepare an alternative confirming resolution for the Council's use at the meeting. I unfortunately have another conflict for this meeting. Dave Thomas, our Community Development Director, will be presenting on behalf of the Administration.

Sincerely,



Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor
Dave Thomas, Community Development Director



City of Mishawaka Building – Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A non-refundable application fee of \$300.00 is required when making an application for Economic Revitalization Area designation and is payable to the City of Mishawaka at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:

City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov

1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

Dearborn Crane and Engineering

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: Simon Addicott, President

Address: 1133 E Fifth Street Mishawaka, IN 46544

Telephone: 574/303-6571

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated, so the contact should be made aware of the survey's importance.

Name and Title: Joan Mansfield, VP/GM

Address: 1133 E Fifth Street Mishawaka, IN 46544

Telephone: 574/208-6851

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

a) Street Address: 1133 E Fifth Street

b) Township: Penn

c) Taxing District Number: 023

d) Council District Number: 2

e) Tax Parcel Number(s): 71-09-15-426-001.000-023/016-1125-4936

f) Current Zoning of the Property: I2 Heavy Industrial

g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: _____

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):

Land: 50,000
Improvements: 330,000
Inventory: n/a
Equipment: 94,610

6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? X Yes No
7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location? Yes, Since 1954

a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. 333923

b) Please list any special certifications/designations.
Union Shop- Shopmen's Local 292S

8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.
No

9. What is the size of the real estate that will be developed? (in acres) 3.6

10. What is the estimated construction or rehabilitation cost? \$750,000

11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application before obtaining permits) Yes X No

12. What is the anticipated date for construction to begin? May 1, 2014

13. What is the anticipated date for project completion? August 2014

14. Profile of Company that will occupy the property for which tax abatement is being requested:

a) Are your employees represented by a union? If so, by whom? Yes, 292 Shopmen's-Ironworkers.

b) Number of current full time permanent hourly employees by skill level (include average hourly wage rate excluding benefits and overtime)

Skilled	<u>13</u>	Average hourly wage rate for skilled positions	<u>\$20</u>
Semi-skilled	<u>-</u>	Average hourly wage rate for upskilled positions	<u> </u>
Clerical	<u>2</u>	Average hourly wage rate for clerical positions	<u>\$11.75</u>
Salaried	<u>9</u>	Average salary (per hour) for salaried positions	<u>\$28.12</u>

TOTAL NUMBER OF EXISTING EMPLOYEES (permanent and full-time) 24

- c) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.)
Sick time, vacation, health insurance, 401K

- d) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional \$3.00 per hour, etc.) \$6.00
- e) What is the total dollar amount spent on retained salaries? 2013=\$1,353,211
- f) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate excluding benefits and overtime)

Skilled	<u>2</u>	Average hourly wage rate for skilled positions	<u>\$20</u>
Semi-skilled	<u> </u>	Average hourly wage rate for unskilled positions	<u> </u>
Clerical	<u> </u>	Average hourly wage rate for clerical positions	<u> </u>
Salaried	<u>1</u>	Average salary (per hour) for salaried positions	<u>\$21</u>

*It is our hope that this is the minimum number of employees we would add.

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time)

- g) What is the total dollar amount to be spent on new salaries? \$126,000
- h) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees	<u>\$24.30</u>
Retained hourly employees	<u>\$24.30</u>
New hourly employees	<u>\$20.50</u>

- h) (if applicable) What is the usual market for goods or services produced by the company? List the percentage of the company's product or service that reaches:

Inside St. Joseph County:	<u>1</u> %
Outside St. Joseph County, but inside Indiana:	<u>14</u> %
Outside Indiana, but within 500 miles	<u>21</u> %
Outside of 500 miles	<u>63.4</u> %
Outside of the United States:	<u>.6</u> %

i) (if applicable) List the name and location (City and State) of your five largest vendors or suppliers:

1. <u>R&M</u>	<u>Pittsburgh, PA</u>
2. <u>Gorbel</u>	<u>Fishers, NY</u>
3. <u>Contractors Steel</u>	<u>Chicago IL</u>
4. <u>Harrington</u>	<u>Manheim, PA</u>
5. <u>CW Leasing Transport</u>	<u>South Bend, IN</u>

17. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.

Dearborn is planning to undertake a two part improvement. Part 1 consists of regarding and paving the site and improving drainage around the site. Included in this work is connecting the facility to the city sewer system. Part 2 of the improvement is to pace an 85 foot by 90 foot addition to the building. Included in this renovation will be some other equipment in the interior of the building such as new overhead cranes. While Dearborn will be replacing approximately 3200 square feet of existing with the new 7200 square foot addition it will make the entire 7200 square feet more usual and provide better fabrication area.

This new area will be utilized 100 percent by Dearborn in its production and service departments.

18. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

Dearborn design, builds, installs modernizes and services overhead electric traveling bridge cranes.

We also sell and service jib cranes and gantry cranes.

19. What evidence can be provided to show the positive impact the abatement will have on the project property and surrounding area?

The site improvements will improve drainage around the entire site and facilitate some of the drainage from 5th street as well as clean up the access to the property from 5th street. Parking will be improved and the curb appeal for the building will be better. Also the building will be improved on the interior to make it a more functional facility from east to west through the building.

20. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

If the new project is not undertaken then the ability to grow the business at its present location will be hindered and Dearborn will have to look at other avenues to increase production possibly at other facilities outside of the Mishawaka area. The new ownership is pushing to increase sales and production at this facility and this expansion and site improvements are needed to facilitate this increased production. Attached I have also included the exhibits that you will need.

21. Will you require any additional assistance from the City of Mishawaka?

No

22. Have you applied for any assistance from the State of Indiana?

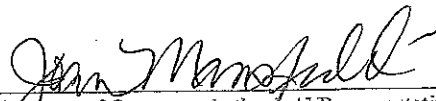
No

23. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.


Signature of Owner or Authorized Representative

Vice President
Title

April 4, 2014
Date



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51787 (R5 / 12-13)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Cha Cha Properties LLC and Dearborn Crane and Engineering					
Address of taxpayer (number and street, city, state, and ZIP code) 1133 E Fifth Street Mishawaka, IN 46544					
Name of contact person Yatish J Joshi		Telephone number (574) 208-6851		E-mail address yjoshi@gtacontainers.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body Mishawaka City Council		Resolution number			
Location of property		County St. Joseph		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Improving the property drainage and paving the site, connecting to city sewer system and adding 80x85 ft. addition to the building. The building will be equipped with overhead cranes resulting in more usable space to provide a more efficient fabricating area.				Estimated start date (month, day, year) 05/19/2014	
				Estimated completion date (month, day, year) 09/30/2014	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
24.00	\$1,353,211.00	24.00	\$1,353,211.00	3.00	\$126,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		150,000.00		380,000.00	
Plus estimated values of proposed project		750,000.00			
Less values of any property being replaced		0.00			
Net estimated values upon completion of project		900,000.00			
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits We will be improving drainage along Fifth Street, improving our access points to our property, we will abandon our septic system and being using municipal sewer system.					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 04/08/2014	
Printed name of authorized representative Joan D Mansfield				Title Vice President/ General Manager	

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:

1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to \$ _____.

D. Other limitations or conditions (specify) _____

E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?

☐ Yes ☐ No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4-1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Yatish J. Joshi
215 S. Hawthorne Drive
South Bend, IN 46617
574-288-3459
yjoshi@gtacontainers.com

April 4, 2014

City of Mishawaka
Department of Planning

RE: Dearborn Crane & Engineering Company

Dear Reader,

I have lived in this area for over 25 years and own GTA Containers, Inc., a manufacturer located in South Bend. I became interested in Dearborn Crane & Engineering in 2012 and subsequently purchased the real estate and operating assets of the business in early 2013. One of the things that attracted me to Dearborn Crane was the deep roots it has established in the community. Several employees have been with Dearborn for over 20 years and several families have worked there for multiple generations.

My goal is to make Dearborn the top crane manufacturer and service provider in the nation and a company that will continue to provide skilled employment opportunities and benefits to its people. In the year that I have owned the business, Dearborn has added 3 jobs and has developed a business plan to expand sales and service revenues.

An extensive facility renovation will be necessary for this business plan to be implemented. Multi-year real estate and property tax abatements on the improvements will be needed. I trust you value Dearborn Crane as a long term Mishawaka resident and will approve our abatement request so that Dearborn can stay at its location on 5th Street.

Very truly yours,

Yatish J. Joshi
Chairman
Dearborn Crane & Engineering Company

1270.53'(R₁) 1270.35'(M)

75'(R₁)
50'(R₂)

N00°0'

END IRON PIPE
(HELD) (-0.2')

GRS.

WEST LINE OF NE 1/4 OF SE 1/4 OF SEC 15

N89°33.06'W 624.82'(M) 624.76'(R₁) 649.78'(R₂)

CIVIL CITY OF MISHAWAKA
INSTRUMENT #8429307

GATE

GRVL.

GRVL.

GRS.

4.5' VACATED ALLE

INSTRUMENT
#6011204

SEE DETAIL

END IRON PIPE
(HELD)

227.48'(M)
227.99'(R)

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 11, CHAPTER 12, OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS RESULT OF:

- AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS.
 - OCCUPATION OR POSSESSION LINES.
 - CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION USED AND OF ADJACENT DESCRIPTIONS.
 - THE RELATIONSHIP OF THE LINES OF THE SUBJECT TRACT WITH ADJACENT LINES.
 - THE RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS.
- CLIENT NAME: DEARBORN OVERHEAD CRANE
OWNERS OF RECORD: CHA CHA PROPERTIES, LLC
TYPE OF SURVEY AND PURPOSE: RETRACEMENT SURVEY FOR PROPOSED IMPROVEMENTS
THOUGHT TO BE ORIGINAL MONUMENTS.

- CHAIN-LINK FENCES ALONG THE WEST, SOUTH AND EAST LINES AS SHOWN.
- AMBIGUITY OF RECORD DESCRIPTIONS: THERE IS A 25' OVERLAP ON THE WEST SIDE OF THE SURVEYED TRACT PER DOCUMENT #302387. TALKING TO THE TITLE COMPANY AND PREPARED THE DESCRIPTION, THEY ADVISED THAT PROBLEMS MAY EXIST. MONUMENTS AND FENCES FOUND IN THE FIELD VERIFY THAT THE OVERLAP APPEARS TO BE AN ERROR WITH THE DEED. DOCUMENT #8429307 IS THE SENIOR DEED. IF AN OVERLAP DOES EXIST.
- THE CLASSIFICATION OF THIS SURVEY IS A SUBURBAN SURVEY: 0.14 FEET (40 MILLIMETERS) PLUS 100 PARTS PER MILLION.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY ARE AS FOLLOWS:

DUE TO VARIANCES IN REFERENCE MONUMENTS: 0.7'
DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: 25'
DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: 4'-8'

NOTES:
PLATS AND NOTES USED.

- AGONAMARCHE RECORDS
- COUNTY GIS
- ADJOINING DEEDS
- SURVEY BY FISHER FOR THE CITY OF MISHAWAKA, RECYCLING CENTER.

GPS WAS USED TO COLLECT THE DATA FOR THE PROJECT.

THE FIELD WORK FOR THIS PROJECT WAS PERFORMED ON 11/7/13.

NO TITLE WORK WAS PROVIDED AT THE TIME OF SURVEY.

BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM

DEED DESCRIPTION

PARTS OF LOTS 28 AND 29 AS SHOWN ON STOKES SURVEY OF FARM LOTS, IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, MISHAWAKA, INDIANA, DESCRIBED AS FOLLOWS:

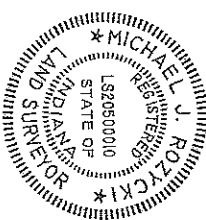
BEGINNING ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, 65 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, WHICH POINT IS THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 5TH STREET AND THE WEST LINE OF LOT 28 OF STOKES SURVEY OF FARM LOTS; THENCE EASTERLY ON THE SOUTH RIGHT-OF-WAY OF 5TH STREET, A DISTANCE OF 440.4 FEET TO THE EAST LINE OF SAID LOT 28; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 28, A DISTANCE OF 282.01 FEET; THENCE WESTERLY PARALLEL TO AND 282.00 FEET (BY PERPENDICULAR MEASUREMENT) SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 5TH STREET, A DISTANCE OF 649.76 FEET (624.82' MEASURED) TO A POINT THAT IS 50.00 FEET (BY PERPENDICULAR MEASUREMENT) 175 FEET MEASURED EAST OF THE WEST LINE OF LOT 29 OF STOKES SURVEY OF FARM LOTS; THENCE NORTHERLY PARALLEL TO AND 50.00 FEET (BY PERPENDICULAR MEASUREMENT) 175 FEET MEASURED EAST OF THE WEST LINE OF SAID LOT 29, A DISTANCE OF 282.00 FEET TO THE SOUTH RIGHT-OF-WAY OF 5TH STREET; THENCE EASTERLY ON SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 207.78 (182.78' CALCULATED) FEET TO THE POINT OF BEGINNING.

LAND SURVEYOR'S CERTIFICATE:

I, MICHAEL J. ROZYCKI, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, AND THAT THIS SURVEY WAS PERFORMED WHOLLY OR UNDER MY DIRECTION ON NOVEMBER 1, 2013, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, WAS EXECUTED ACCORDING TO THE SURVEY REQUIREMENTS IN TITLE 865, ARTICLE 11, CHAPTER 12, SECTIONS 1 THROUGH 29 OF THE INDIANA ADMINISTRATIVE CODE (IAC).

I AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Michael J. Rozycki
MICHAEL J. ROZYCKI, P.L.S.
PROFESSIONAL LAND SURVEYOR #LS20500010
STATE OF INDIANA
DATE



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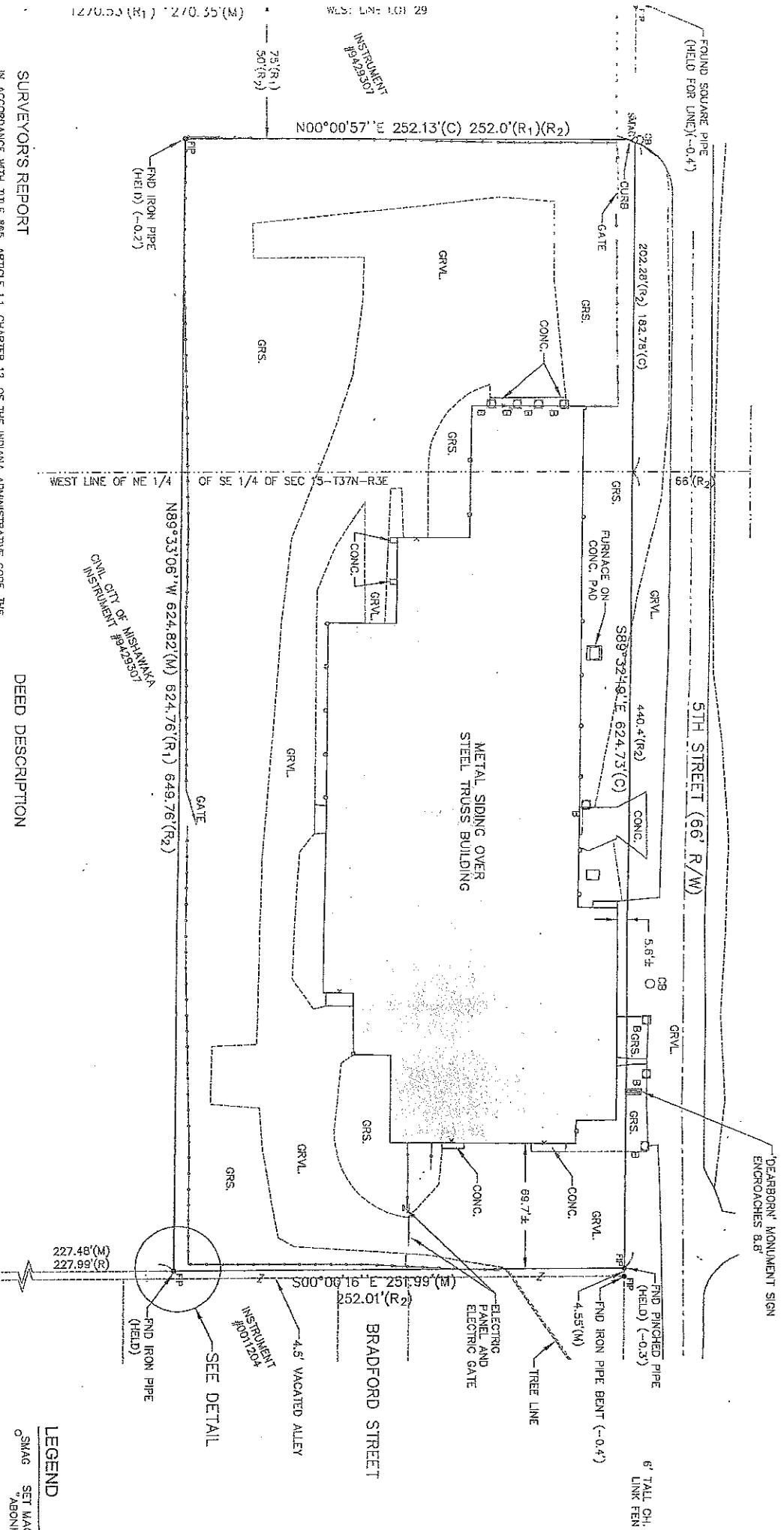
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GRV

PLAT OF SURVEY
SE. 1/4, SEC. 15, T37N, R3E, CITY OF MISHAWAKA,
PENN TWP., ST. JOSEPH COUNTY, INDIANA



SURVEYOR'S REPORT

DEED DESCRIPTION

LEGEND

SMAG SET MAG
ABONM

IN ACCORDANCE WITH THE 885, ARTICLE 11 CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE THE

Pavement Sections

1. 1.5" H&C Surface
3" H&C Base
6" Aggregate Base

Note: Estimated 49,400 SF

- 1a. 6" Asphalt Cure

Note: 160 LF

2. 1.5" H&C Surface
3" H&C Base
6" Aggregate Base

Note: Estimated 1,400 SF

3. 1.5" H&C Surface
Existing Pavement

Note: Estimated 2,500 SF

Concrete Section

4. 6" Reinforced Concrete
6" Aggregate Base

Concrete Slab Sizes

- 4a - 8' x 22'
- 4b - 8' x 24'
- 4c - 8' x 46'
- 4d - 8' x 25'
- 4e - 10' x 35'
- 4f - 8' x 20'
- 4g - 23' x 23'

Note: Estimated 2,400 SF

Pipe Details

All piping to be Henschel SURE-LOK
Or Equivalent

- 5a - 140 If 8" Diameter with 3 Downspout Connections
- 5b - 145 If 8" Diameter with 6 Downspout Connections
- 5c - 45 If 10" Diameter with Metal End Section at Outlet
- 5d - 40 If 8" Diameter with 2 Downspout Connections
- 5e - 40 If 8" Diameter with 2 Downspout Connections
- 5f - 40 If 8" Diameter with 2 Downspout Connections
- 5g - 40 If 8" Diameter with 2 Downspout Connections
- 5h - 40 If 8" Diameter with Metal End Section at Outlet
- 5i - 40 If 8" Diameter with Metal End Section at Outlet
- 5j - 40 If 8" Diameter with Metal End Section at Outlet
- 5k - 40 If 8" Diameter with Metal End Section at Outlet
- 5l - 40 If 8" Diameter with Metal End Section at Outlet
- 5m - 40 If 8" Diameter with Metal End Section at Outlet
- 5n - 40 If 8" Diameter with Metal End Section at Outlet
- 5o - 40 If 8" Diameter with Metal End Section at Outlet
- 5p - 40 If 8" Diameter with Metal End Section at Outlet
- 5q - 40 If 8" Diameter with Metal End Section at Outlet
- 5r - 40 If 8" Diameter with Metal End Section at Outlet
- 5s - 40 If 8" Diameter with Metal End Section at Outlet
- 5t - 40 If 8" Diameter with Metal End Section at Outlet
- 5u - 40 If 8" Diameter with Metal End Section at Outlet
- 5v - 40 If 8" Diameter with Metal End Section at Outlet
- 5w - 40 If 8" Diameter with Metal End Section at Outlet
- 5x - 40 If 8" Diameter with Metal End Section at Outlet
- 5y - 40 If 8" Diameter with Metal End Section at Outlet
- 5z - 40 If 8" Diameter with Metal End Section at Outlet

Drainage Structures

Concrete Structures
Or Equivalent

- 9 - Existing Structure To Be Repaired
Casting To Be Adjusted To Grade
- 10 - 800 Gallon Drywell with Casting and Open Grate

Sanitary Structures

- 11 - Existing Sanitary Manhole
To Be Modified To Accept New Sanitary Pipe
- 12 - 350 LF of 8" Diameter SD335 Pipe
- 13 - New Concrete Manhole Structures With Casting and Lid
- 14 - 50 LF of 8" Diameter SD335 Pipe To Tie Into
Existing 4" Building Pipe - Provide Cleanout To Grade

Miscellaneous Items

- 15 - Removal and Relocation of Gate and Power for Gate
- 16 - Relocation of Existing Gate and Power
As Needed for Entrance and Grading

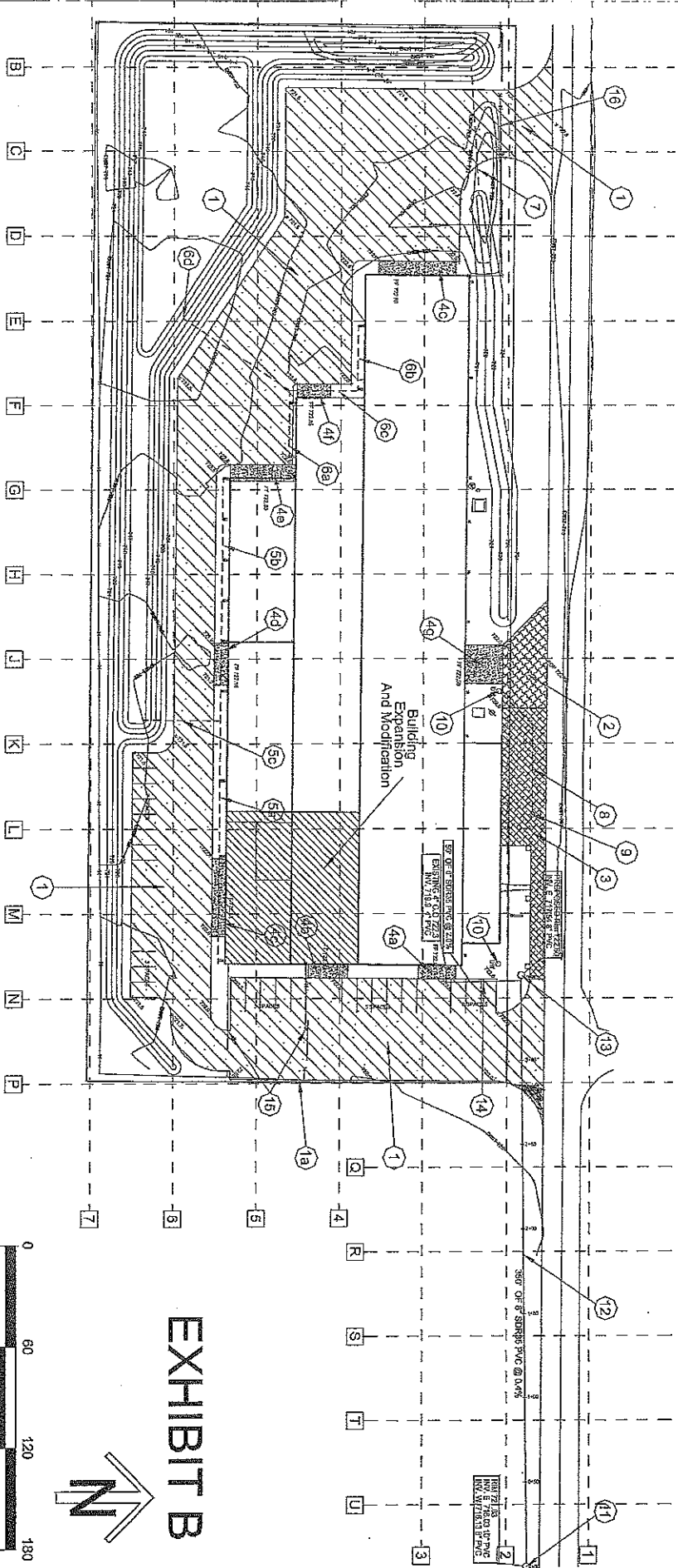


EXHIBIT B



SCALE 1"=60'

CLIENT: Dearborn Overhead Crane LOCATION: Mishawaka, IN		DATE: 11/9/13 SCALE: 1"=60' DRAWN BY: SP1 CHECKED BY: SP1 DESIGNED BY: SP1 SHEET NO.: SP1		REVISION NO. 1. 11/9/13 2. 11/9/13 3. 11/9/13 4. 11/9/13		SHEET DESCRIPTION: Overall Site Plan	
THIS DESIGN AND PRINT ARE THE PROPERTY OF DEARBORN OVERHEAD CRANE 1133 E 5th STREET MISHAWAKA, IN 46544 1-800-399-8712 www.DearbornCrane.com							



Since 1947

**Dearborn
Crane
& Engineering**

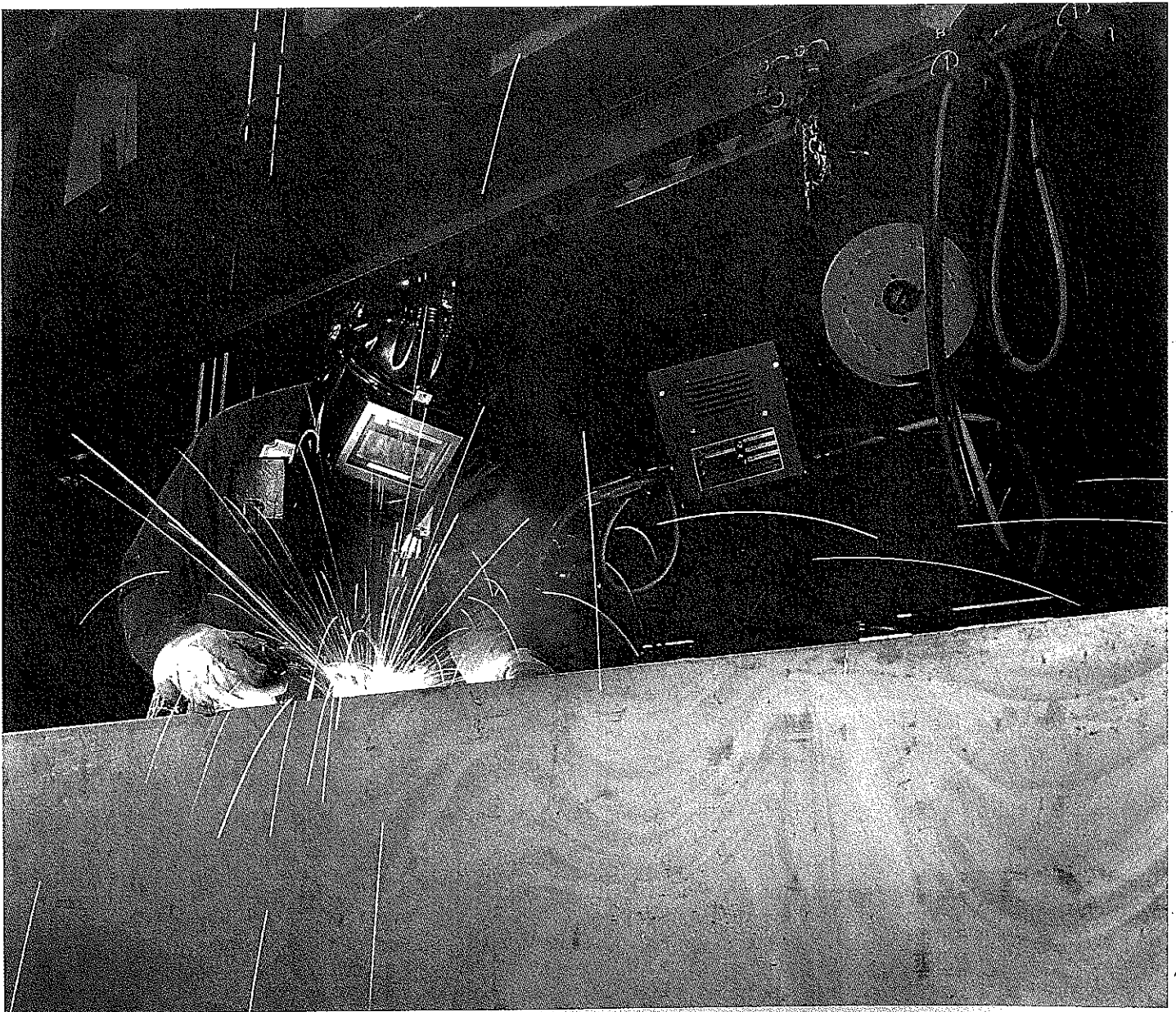
Pre-Engineered Cranes



We build a better crane, because we're building a better company.

Founded in 1947, Dearborn Fabricating & Engineering Co. was a general material handling manufacturer. In 1993, we changed our name to **Dearborn Crane & Engineering**. This name change represented our goal to build on our experience and success as a crane manufacturer and we began our journey to change the status quo in the marketplace. The result of our focused efforts and resources is a superior product called the **Dearborn Pre-Engineered Crane**.

We live and breathe Continuous Improvement.



The welders at Dearborn Crane and Engineering wear air-purifying helmets with light-activated lenses. Thanks to this safety innovation, our welders can concentrate on their work in partially-assembled crane beams.

The benefits of a pre-engineered crane.

Others promise a customized crane. Dearborn Crane & Engineering takes the opposite view. Utilizing the computer, Dearborn has standardized the design and manufacture of overhead cranes. This means our customers never get a prototype, they always get a proven piece of technology.

- **HIGHER QUALITY** is the result when a standardized product is made by a process that can be analyzed and improved. This process yields:
 - Improved documentation
 - Standardized engineering
 - Responsive customer service
- **BETTER RESPONSE TIME** is possible with automated processes and modular concepts. This results in:
 - Accurate loadings data
 - Reliable engineering
 - Efficient manufacturing procedures
- **BETTER VALUE** is gained from a crane produced with controlled costs and increased dependability.

The staff at Dearborn Crane & Engineering is continually evaluating and implementing ways to improve our products and services.

The Dearborn Pre-Engineered Crane is a good example of forward-thinking in engineering and manufacturing. It's a radical concept that works. It's cost-competitive and built to a superior standard.

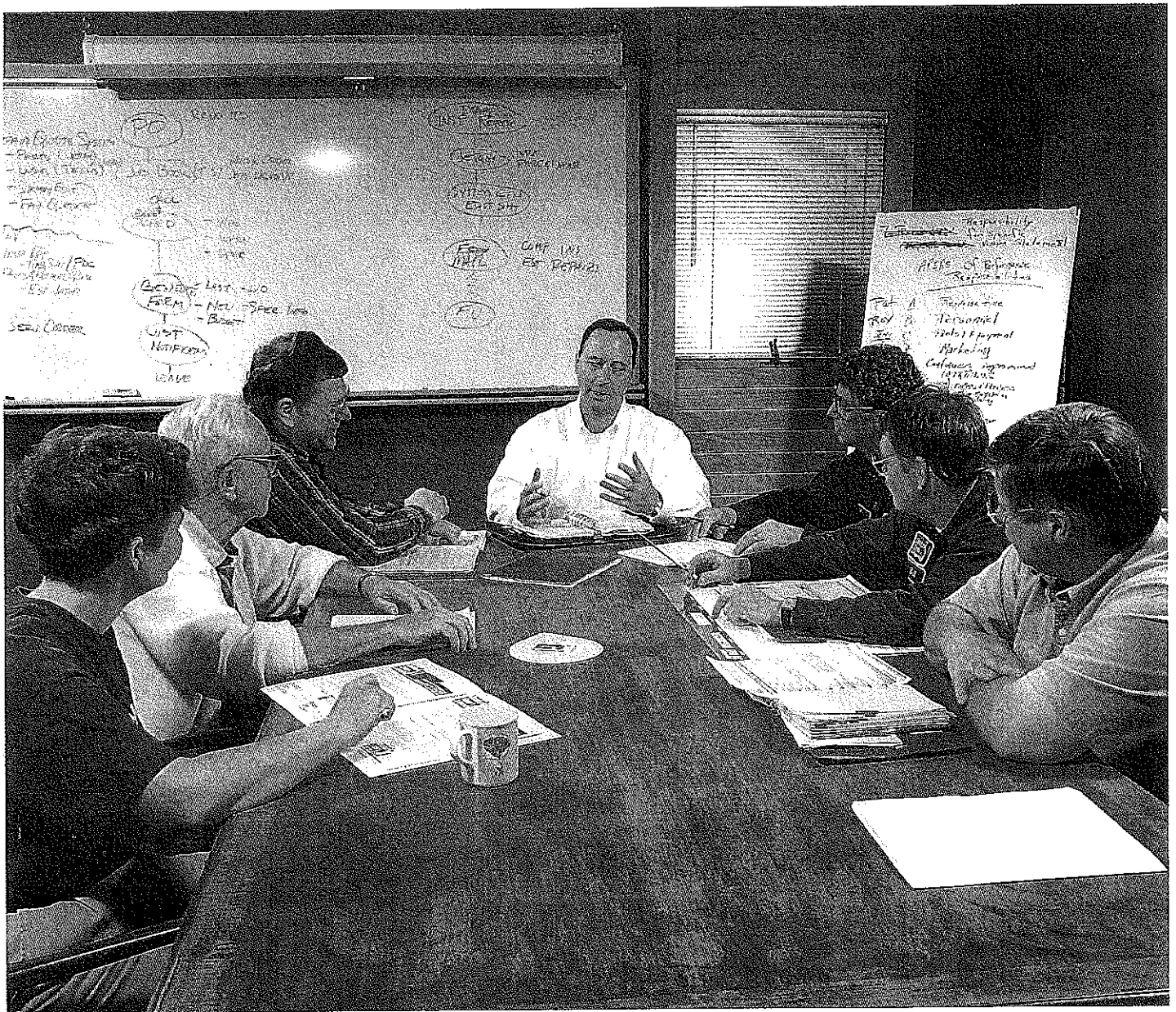
We have computerized every aspect of our business that benefits from faster turnaround and absolute accuracy. Accurate loadings by computer provide timely and cost effective information for builders. Our database allows us to determine the exact crane for each customer's application.



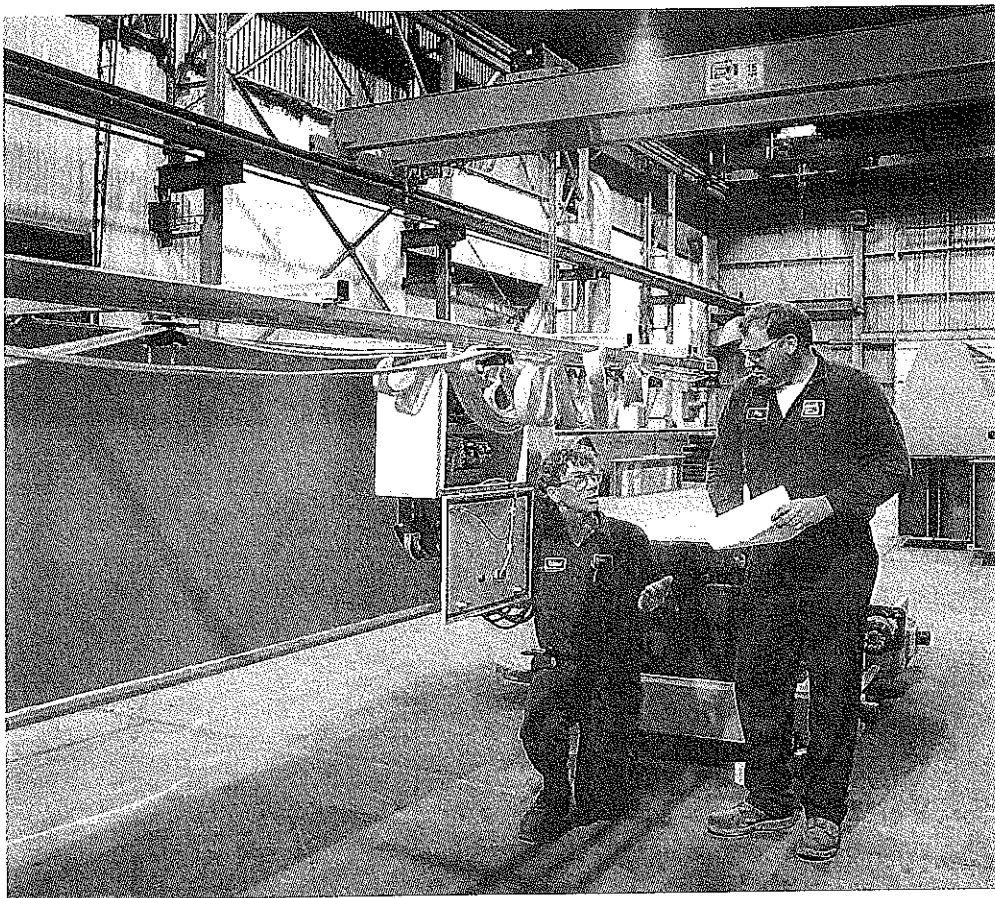
This 20-ton Dearborn Pre-Engineered Crane is one of several cranes installed for Stripco Sales, Inc. We also supply cranes nationwide to architectural, engineering, and contracting customers; government and municipal customers; manufacturing customers and many Japanese projects based in the United States.

We provide 24-hour emergency service. Because of our standardization process, we have the parts stocked and the procedures in place to repair your crane quickly and minimize downtime.

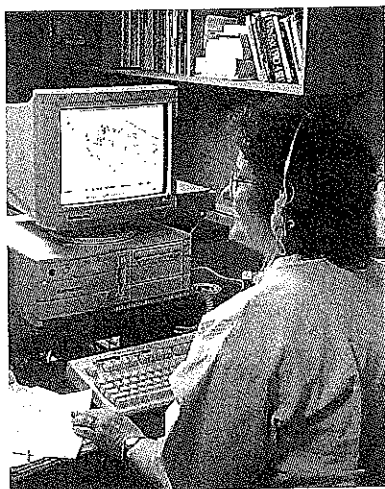
A spirit of cooperation and dedication.



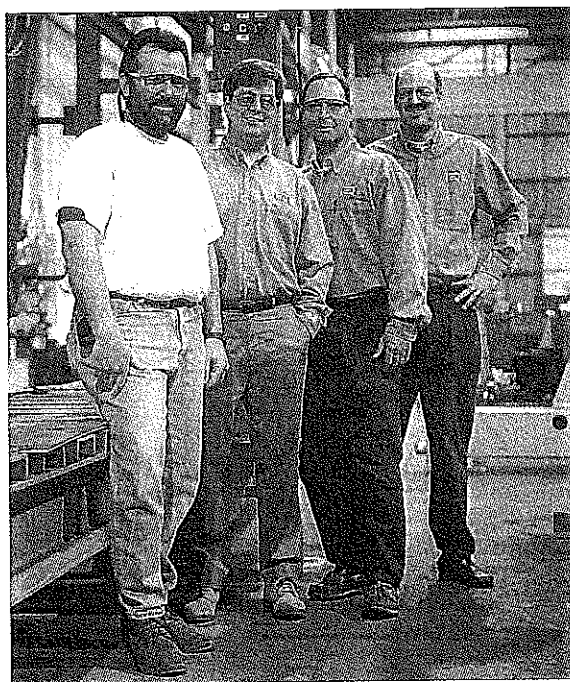
With innovative training programs and a spirit of teamwork, we're building a workplace that all of our employees can appreciate. We have an average shop employment longevity of 10 years and an average office employment longevity of 12 years.



A clean work environment, improved safety programs, documented work processes and revised product flow all contribute to the positive attitude and focused work habits of the Dearborn staff.



Computers are only tools to serve our customers better. While we continually look for ways to process information faster and with more accuracy, we never lose sight of the importance of a helpful, knowledgeable support staff.



The diversity and experience of the Dearborn Crane & Engineering management team have been tremendous assets in the development of a better crane... and a better company. From left to right are Ray Lyvers, Production Manager; Larry Dunville, President; John Brickley, Engineering; and John Miller, Controller.

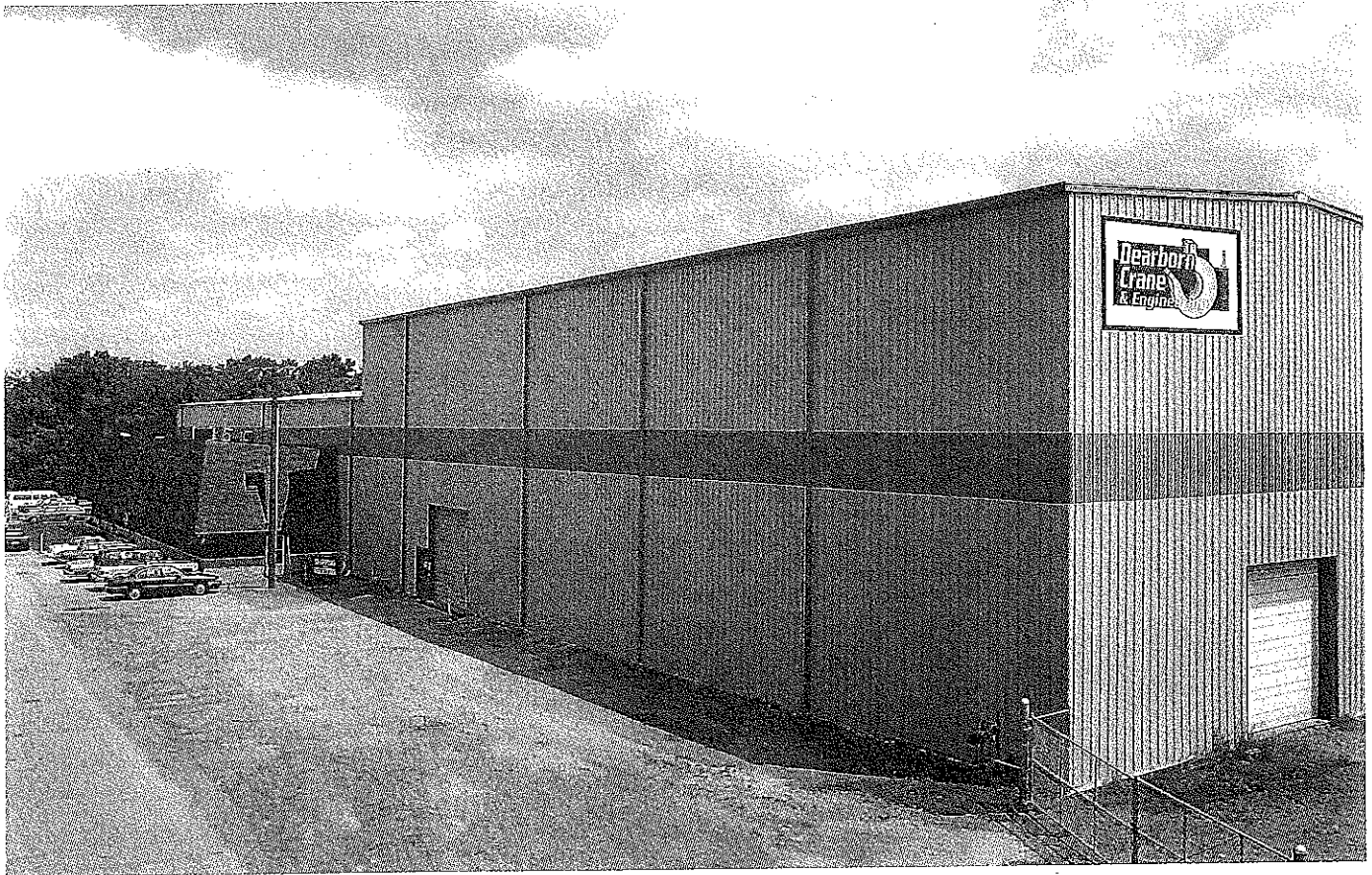
In 1994, we implemented Open-book Management. Through continuous in-house training, each employee understands the finances, management, computer operations and production concerns of our company. Every employee is empowered to contribute to the success of Dearborn Crane & Engineering.

How do our internal operations benefit our customers? It's simple: Superior performance in all areas of the company mean a higher quality product with attentive support service.

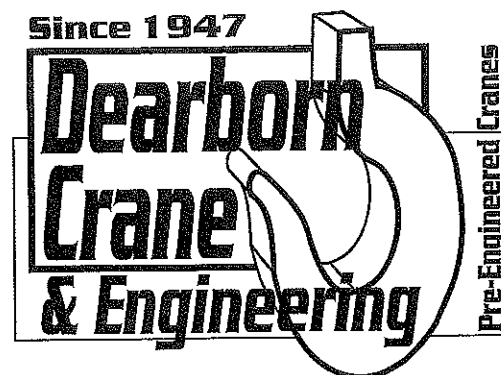
We encourage our customers (and potential customers) to visit our plant and meet our staff. Please call us if you would like to make arrangements for a plant tour, attend the next crane seminar, or if you would like more information on our cranes and crane support services. We look forward to hearing from you.

Telephone:
1-800-Crane-58
1-888-DC-CanDo
(219)259-2444

Fax:
(219)256-6612



In our northern Indiana facility, we manufacture and assemble cranes up to 80 tons with a span of 120'. Our crane support services include: 24-hour emergency service, parts, OSHA periodic inspections/preventive maintenance, operator training, maintenance manuals and crane seminars.



1133 East Fifth Street
Mishawaka, Indiana 46544

Telephone: 1-800-272-6358 or (219)259-2444
Fax: (219)256-6612



Chevron



ConocoPhillips



BRIDGESTONE

TOYOTA

CHRYSLER

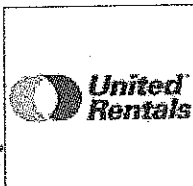
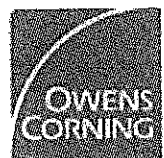


DELPHI



Honeywell

Kellogg's



WEIL-McLAIN



Cornell University



HUMMER



BOSCH



The Kennedy Center
THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS



AVERY DENNISON



Burkhart



	Name	Common Council	No. of Years	No. of Years	No. of	No. of	No. of	No. of	Date of latest	Capital	Abated	Pay	Attainment
		Approval Date	Real Estate	Machinery	Retained Jobs (Proposed)	New Jobs (Proposed)	Retained Jobs (Actual)	New Jobs (Actual)	CFT Found	Investment	Through Collect CFTs		Complete
1	Patrick Industries	October 20, 1986	10 Years			52			(-)	\$ 8,622,845.00	1997	1998	YES
	2 Former Baby Place	June 7, 1988	6 Years	0		38.5			(-)	\$ 2,000,000.00	1995	1996	YES
	3 Wheelabrator Area	December 19, 1988	10 Years		338	246			(-)	\$ 2,500,000.00	1999	2000	YES
	4 National - Standard	February 21, 1989	6 Years	5 Years	15	180			(-)	\$ 10,100,000.00	1995	1996	YES
	5 Thermoplastics Phase I	November 20, 1989	6 Years	5 Years	151	13			(-)	\$ 2,500,000.00	1995	1996	YES
	6 Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	\$ 3,200,000.00	1993	1994	YES
	7 Comtech Division I	July 2, 1990	6 Years			75			(-)	\$ 10,962,463.00	1996	1997	YES
	8 Hill Steel	September 13, 1990	0	5 Years	n/a	14			(-)	\$ 578,000.00	1996	1997	YES
	9 Penz Products Inc.	September 24, 1990	3	0	76	10			(-)	\$ 475,000.00	1994	1996	YES
	10 Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	\$ 1,050,000.00	1996	1997	YES
11 Janco Products, Inc.	May 6, 1991	0	5 Years	10	20			(-)	\$ 220,000.00	1996	1997	YES	
12 Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19	51			Feb-93	\$ 2,750,000.00	1996	1997	YES
13 National Steel Corporation	December 15, 1991	10 Years		250		32			Mar-01	\$ 10,346,394.00	2002	2003	YES
14 Maron Products, Inc.	February 3, 1992	0	5 Years	38	10	11			Feb-95	\$ 610,794.00	1998	1999	YES
15 Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+		300+			Mar-96	\$ 3,000,000.00	1998	1999	YES
16 Thermoplastic Phase IV	October 19, 1992	6 Years		210	50	210	148		Mar-98	\$ 6,812,832.00	1999	2000	YES
17 Contech Division II	April 19, 1993		5 Years	10		15	108		Mar-99	\$ 1,206,461.00	1999	2000	YES
18 Dana/Reliance Corp./Standard Motor Prod	January 3, 1994	10 Years		80	60	42	88		Mar-05	\$ 6,067,253.00	2004	2005	YES
19 United Limo	September 6, 1994	6 Years		77	8	77	8		Jan-01	\$ 1,262,200.00	2001	2002	YES
20 Dearborn Crane	December 5, 1994	10 Years	5 Years	26	4	26	7		May-99	\$ 612,841.00	2005	2006	YES
21 Scott/Brass	December 18, 1995	10 Years		73	31	73	13		Mar-06, Apr-01	\$ 11,934,000.00	2006	2007	YES
22 Federal Window (Fedor)	December 18, 1995	6 Years	5 Years	8	8	8	26		Apr-02, Mar-01	\$ 1,018,181.00	2002	2003	YES
23 Maron Products, Inc. II	December 18, 1995	5 Years		6	4	2	8		Apr-01	\$ 250,000.00	2001	2002	YES
24 Quality Dining	April 15, 1996	10 Years		73	109	73	70		Mar-06	\$ 5,087,402.00	2006	2007	YES
25 Baycoke Metal Finishing	January 6, 1997	6 Years	5 Years	70	15	79	7		Jul-00	\$ 1,800,000.00	2003	2004	YES
26 Krizman International	January 6, 1997	6 Years		225	20	225	20		Jul-00	\$ 1,500,000.00	2003	2004	YES
27 Trover	March 3, 1997	3 Years		60	40		0		(-)	\$ 1,100,000.00	2001	2002	YES
28 Nyloncraft Incorporated	May 19, 1997	6 Years	5 Years	378	18	341	58		Feb-02	\$ 7,598,531.00	2004	2005	YES
29 Reliance Corporation	October 20, 1997	6 Years	5 Years	139	15	62	0		(-)	\$ 3,600,000.00	2004	2005	YES
30 DeWald Manufac. Inc./Power Gear/Enginee	October 20, 1997	6 Years	5 Years	62	15	62	40		Mar-05	\$ 1,842,833.00	2004	2005	YES
31 Tachison/Dodge	December 1, 1997	6 Years	5 Years	299	70	299	19		Mar-00	\$ 3,181,310.00	2003	2004	YES
32 Atchison/Dodge	December 1, 1999	5 Years		325	50	230			Mar-05	\$ 2,000,000.00	2006	2007	YES
33 Sampson Fiberglass	March 6, 2000	3 Years		15									

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26 Krizman International	January 6, 1997	6 Years		225	20	225	20		Jul-00	\$ 1,500,000.00	2003	2004	YES
27 Trover	March 3, 1997	3 Years		60	40		0		(-)	\$ 1,100,000.00	2001	2002	YES
28 Nyloncraft Incorporated	May 19, 1997	6 Years	5 Years	378	18	341	58		Feb-02	\$ 7,598,531.00	2004	2005	YES
29 Reliance Corporation	October 20, 1997	6 Years	5 Years	139	15	62	0		(-)	\$ 3,600,000.00	2004	2005	YES
30 DeWald Manufac. Inc./Power Gear/Enginee	October 20, 1997	6 Years	5 Years	62	15	62	40		Mar-05	\$ 1,842,833.00	2004	2005	YES
31 Tachison/Dodge	December 1, 1997	6 Years	5 Years	299	70	299	19		Mar-00	\$ 3,181,310.00	2003	2004	YES
32 Atchison/Dodge	December 1, 1999	5 Years		325	50	230			Mar-05	\$ 2,000,000.00	2006	2007	YES
33 Sampson Fiberglass	March 6, 2000	3 Years		15	20	15	5		Feb-01	\$ 375,000.00	2004	2005	YES
34 RMG Foundry LLC	March 6, 2000		5 Years						Feb-06	\$ 2,000,000.00	2006	2007	YES
35 WIF Associates (AARG Byrkt Facility)	November 19, 2001	10 Years		285	50	202	0		Apr-11	\$ 2,650,000.00	2011	2012	YES
36 Nyloncraft Incorporated	March 20, 2003		5 Years	396	16	320	9		May-09	\$ 1,168,064.00	2009	2010	YES
37 Nyloncraft Incorporated	November 6, 2003		3 Years	405	13	329	27		May-09	\$ 2,730,304.00	2009	2010	YES
38 Plastimatics Arts Corporation	August 18, 2004		3 Years	31	4	31	16		May-06	\$ 1,450,290.00	2007	2008	YES
39 Ironwood Enterprises, LLC	September 6, 2005	5 Years		14	49	27	34		May-09	\$ 6,000,000.00	2010	2011	YES
40 Damen Products Company	October 17, 2005		3 Years	95	6	82	23		Feb-07	\$ 1,118,980.00	2007	2008	YES
41 Culture Systems, Inc.	December 18, 2006	3 Years	3 Years	12	7	12	2		May-09	\$ 1,200,000.00	2009	2010	YES
42 Patrick Industries (Metals Div)	June 19, 2006	5 Years		172	26				Apr-10	\$ 4,600,000.00	2011	2012	YES
43 Jamil Packaging Corporation	August 21, 2006		3 Years	51	5	51	5		May-10	\$ 1,250,000.00	2010	2011	YES
44 Nyloncraft Incorporated	December 6, 2007		5 Years	340	50	291	12		Apr-13	\$ 2,185,000.00	2012	2013	NO
45 BD Mishiwa Development LLC	February 4, 2008	10 Years			370	0			Mar-13	\$ 46,000,000.00	2018	2019	NO
46 Jamil Packaging Corporation	May 1, 2008		3 Years		64	5	11		Apr-12	\$ 1,650,000.00	2011	2012	YES
47 Long Term Care Investments, LLC (Douglas	June 1, 2009	3 Years		0	120	0	67		4/12/2012	\$ 18,000,000.00	2014	2015	YES
48 Jamil Packaging Corporation	16-May-11		3 Years		0				Apr-13	\$ 900,000	2014	2015	NO
49 North American Composites (NAC)	5-Mar-12		3 Years		0.0	10.0	7.0	6	Apr-13	\$1,241,000	2016	2016	NO
50 Long Term Care Investments, LLC (Fir)	Oct-7-2013	4 Years		0	61		5.0		N/A	\$15,000,000	2017	2018	NO
51 Barak Group Mixed Use	Nov-6-2013	5 Years		0	5				N/A	\$17,000,000	2018	2019	NO
52 Wellpet LLC	January 8-2014		5 Years	91	6				N/A	\$2,000,000	2018	2019	NO

MAY 15 2014

APPEAL #14-06

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014- 11

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:

1110 South Ironwood Drive, 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 **1110 South Ironwood Drive, Mishawaka, Indiana**, more particularly known and described as follows:

That part of the Southwest Quarter of Section 17, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, being described as follows: Lots #67, 68 and 69 of the Plat of "Lafayette Place Addition to the City of Mishawaka" as recorded in Plat Book #10 on Page #140 in the Records of the St. Joseph County, Indiana Recorder's Office, excepting therefrom the right-of-way taken along the West and South sides of said property. Containing 0.25 acres more or less. Subject to all legal highways, easements and restrictions of record.

The Use Variance will allow an automotive sales lot on C-7 Automobile Oriented Restaurant Commercial zoned property.

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 state and local building codes will be 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 because the historical use of the property had been a gas station. A variety of commercial businesses have been developed on Ironwood drive south of Ewing in both the City of Mishawaka and the City of South Bend;
3. The need for the variance arises from some condition peculiar to the property involved because the zoning allows for an auto related commercial use such as a drive-through/ drive-in restaurant, but prohibits a auto sales lot;
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 because the zoning for the property permits auto oriented drive through restaurants but exempts auto sales; and
5. The approval is consistent with the recommendations of the Comprehensive Plan for Commercial development at the northeast corner of the intersection of Ironwood Drive and Ewing.

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 _____, 2014, at _____ o'clock _____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

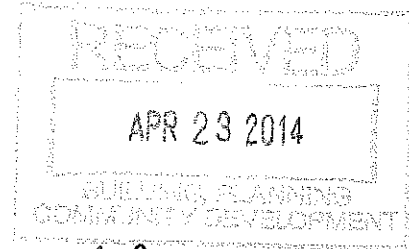
APPROVED by me this _____ day of _____, 2014, at
_____ o'clock ____m.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

APR 29 2014

CITY CLERK
MISHAWAKA, IN



Date: April 21, 2014

Mishawaka Board
of Zoning Appeals

RE: Land Use and Variance
Requests

FOR: Hameln III LLC and
Teachers Credit Union
110 S. Main Street
South Bend, Indiana 46601

Petition Address: 1110 South Ironwood Drive,
Mishawaka, Indiana 46544

The undersigned appellants respectfully show the Board:

- 1). That they are the owners of the below-described real estate
located in the City of Mishawaka, Indiana, to-wit:

That part of the Southwest Quarter of Section 17, Township 37
North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph
County, Indiana, being described as follows; Lots # 67, 68 and 69
of the Plat of "Lafayette Place Addition to the City of
Mishawaka" as recorded in Plat Book # 10 on Page # 140 in the
Records of the St. Joseph County, Indiana Recorder's Office,
excepting therefrom the right-of-way taken along the West and
South sides of said property.

Containing 0.25 acres more or less.

Subject to all legal highways, easements and restrictions of
record.

ALSO Commonly known as 1110 South Ironwood Drive, Mishawaka,
Indiana 46544.

- 2). The above described real estate presently has a Zoning
classification of "C-7" COMMERCIAL DISTRICT" under the Zoning
Ordinance of the City of Mishawaka.

- 3). The Appellants have been the owners of the property as shown in
the records of the County Auditor's Office. The existing buildings
have been used for an Automotive Sales Lot which was approved as a
Land Use Variance by the Mishawaka City Council on April 19th, 2010.
The Land use variance was approved for a period of three (3) years.
The Appellants have been approached by an interested party who
desires to acquire the property and to continue to use the property
for an Automotive Sales Lot as an approved Land Use Variance as
allowed under the "C-7" Commercial District classification. The
Appellants would desire to continue to use the property as approved
by the Mishawaka Board of Zoning Appeals and the Mishawaka Common
Council in 2010 as a permanent Land Use Variance and not limited to
a specific time period.

Based on discussions with the City's Planning staff and review of the City's Zoning Ordinance, an automotive sales facility requires a "C-4" Commercial District classification. As the previous Land Use Variance was limited to a three (3) period of time, the only options available to the owner and contingent purchaser would to either request a rezoning from the "C-7" Commercial District classification to the "C-4" Commercial District classification or request a Land Use Variance to allow for the continuance of an Automotive Sales facility under the existing "C-7" Commercial classification. The preference from discussions with the Planning Commission staff was to request a "Land Use" Variance. This would leave the property as Commercial which fits with the surrounding area and would allow the placement of any necessary restrictions on the proposed commercial use. The request for the "Land Use" variance also requires approval of a few Variances to operate the proposed Automotive Sales facility within the "C-4" Commercial District. The Variances relate to developmental standards required for "C-4" Commercial uses. The Variances are in regards to the location of pavement for display of vehicles, landscaping, location of an existing accessory building and screening requirements.

4). After discussions with the Mishawaka Planning Staff and as stated above, it was determined that in order to allow for continuance of the Automotive Sales facility, the best procedure would be to request approval of Land Use Variance in an "C-7" Commercial District. This process would help to maintain the existing Commercial character of the area and not introduce a more intense Zoning classification into the established commercial use area. The Automotive Sales facility would continue as previously approved, other than the Land Use Variance would be permanent. This would help maintain the existing character of the area.

5). The Appellants are also requesting a few Variances from Developmental standards for the "C-4" Commercial District classification for the operation of the Automotive Sales facility.

The first Variance request is from providing the required minimum perimeter trees at a spacing of 40 ft. on center along the West and South property lines for the Ironwood Drive and Dragoon Trail street frontages and perimeter trees at a spacing of 60 ft. on center along the North and East property lines to providing no additional trees and use existing trees. The trees shown on the site plan were required as part of the approval of the original Land Use Variance and the owners would desire to be allowed to continue to use these trees without any additional ones being required. The Appellants do not believe approval of this Variance would adversely affect any surrounding property.

The second Variance request is from providing plant screening along a minimum of 75% of the area shown for display of vehicles to existing shrubbery shown along Ironwood Drive and Dragoon Trail. The Appellants would state that the shrubs shown along the street frontages were also required as part of the original Land Use Variance approval and they would ask to be allowed to continue to said shrubbery screening for the site. The Appellants do not believe approval of this Variance would be detrimental to any surrounding property.

The third Variance request is from the minimum required 10 foot setback for pavement for display vehicles along Ironwood Drive and Dragoon Trail to a minimum of 0 foot and from the minimum required five foot pavement setback along the East property line to a minimum of 0 foot as shown for existing pavement. The existing pavement has been as shown for the past few decades and the Appellants would ask to allowed to continue to use the pavement as shown and not be required to remove it along said property lines. The Appellants do not believe approval of this Variance would adversely affect any surrounding property.

The fourth Variance request is to allow the existing accessory building located at the Northeast corner of the site to encroach into the side yard along the North property line to a minimum of 0.76 feet and the rear yard along the East property line to a minimum of 0 feet as shown. The accessory building shown is existing and has been for the past several decades. The Appellants would ask for approval to leave the building as shown. The Appellants do not believe approval of this Variance would adversely affect any surrounding property.

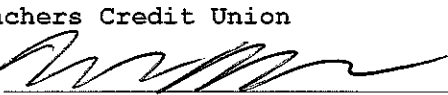
The last Variance request is from the requirement of providing a minimum 7 ft. high opaque screening fence along the East property line to no screening fence. This property was previously used for a gasoline service station and an Automotive Sales facility. The commercial uses for the site go back a few decades. There has been no fencing against the East property during this period of time. It does not appear that this use has had a negative impact on the adjacent property across the existing public alley. The Appellants do not believe approval of this Variance would have a detrimental impact on any adjacent property.

6). The Appellants and contingent purchasers would state that if the proposed Land Use Variance and Developmental standard Variances were approved, it would not adversely affect the adjacent properties or the surrounding neighborhood. The Appellants and contingent purchasers would hope that the Board Members would agree, that the allowing the proposed Automotive Sales facility, meets the intent of the requested Land Use Variance and Developmental standards within the "C-7" Commercial District.

For the above stated reasons, the Appellants and contingent purchasers would contend that approval of the Land Use Variance and Developmental standards Variances would not be injurious to the public health, safety, morals and general welfare of the Community. The use and value of the area adjacent to the property included in the above requests will not be affected in a substantially adverse manner. The need for the above requested Land Use Variance and Developmental standard Variances arises from a condition peculiar to the Appellant's property and that the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the Appellant's property. The Appellants and contingent purchasers would also state that approval of the requested Land Use Variance and Developmental standard Variances would not interfere substantially with the Comprehensive Plan for this entire area.

The Appellants and contingent purchasers therefore prays and respectfully requests a hearing on this appeal and that after such hearing the Board recommends approval of the Land Use Variance and approves the requested Developmental standard Variances.

Teachers Credit Union

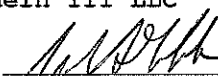
By: 

Mark Noeldner

574-274-8724

Vice President

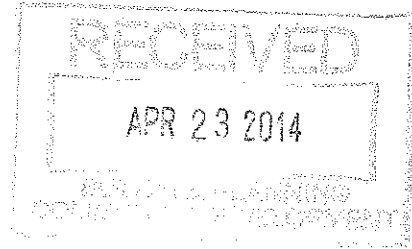
Hamel III LLC

By: 

Joseph S. Grabill Sr.

574-229-6791

Authorized Agent



Mishawaka Board of Zoning Appeals
Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

April 21, 2014

RE: Hameln III LLC, Teachers Credit Union
Land Use & Variance Requests for
1110 South Ironwood Drive, Mishawaka, In:

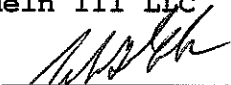
Dear Board Members and Council Members,

This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Board of Zoning Appeals meeting at which our Land Use Variance and Developmental Standard Variance Requests will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 574-274-8724.

Sincerely,

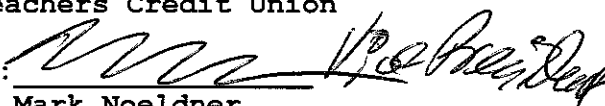
Hameln III LLC

By: 

Joseph S. Grabill Sr.
574-229-6791

AUTHORIZED AGENT

Teachers Credit Union

By: 

Mark Noeldner
574-274-8724

File No. 140120

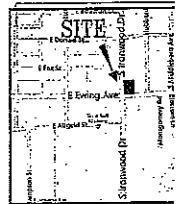
BZA SITE PLAN

THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS: LOTS # 67, 68 AND 69 OF THE PLAT OF "LAFAYETTE PLACE ADDITION TO THE CITY OF MISHAWAKA" AS RECORDED IN PLAT BOOK # 10 ON PAGE # 140 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, EXCEPTING THEREFROM THE RIGHT-OF-WAY TAKEN ALONG THE WEST AND SOUTH SIDES OF SAID PROPERTY, CONTAINING 0.25 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

ALSO COMMONLY KNOWN AS 1110 SOUTH IRONWOOD DRIVE, MISHAWAKA, INDIANA 46544.



SITE LOCATION MAP

TABULATED SITE DATA

- 1). ACREAGE OF SITE
- 2). PROPOSED LAND USE: AUTOMOTIVE SALES FACILITY.
- 3). PARKING RATIO REQUIRED BY ORDINANCE:
 - A. AUTOMOTIVE USES; 5.5 SPACES PER 1,000 SQ. FT. OF GROSS FLOOR AREA;
 - NUMBER OF SPACES REQUIRED FOR 530 SQ. FT. OF GROSS FLOOR AREA
 - NUMBER OF SPACES PROVIDED
- 4). PROPOSED LAND COVERAGE:

	SQUARE FEET
A. BUILDINGS	52
B. PARKING, WALKS AND DRIVES	9,41
C. OPEN SPACE	91
TOTAL	10,84
- 5). BUILDINGS SHOWN ARE 1 STORY.
- 6). FACILITY IS CONNECTED TO MISHAWAKA UTILITIES.
- 7). DRIVEWAY OPENINGS ARE EXISTING.

LAND USE VARIANCE REQUESTS:

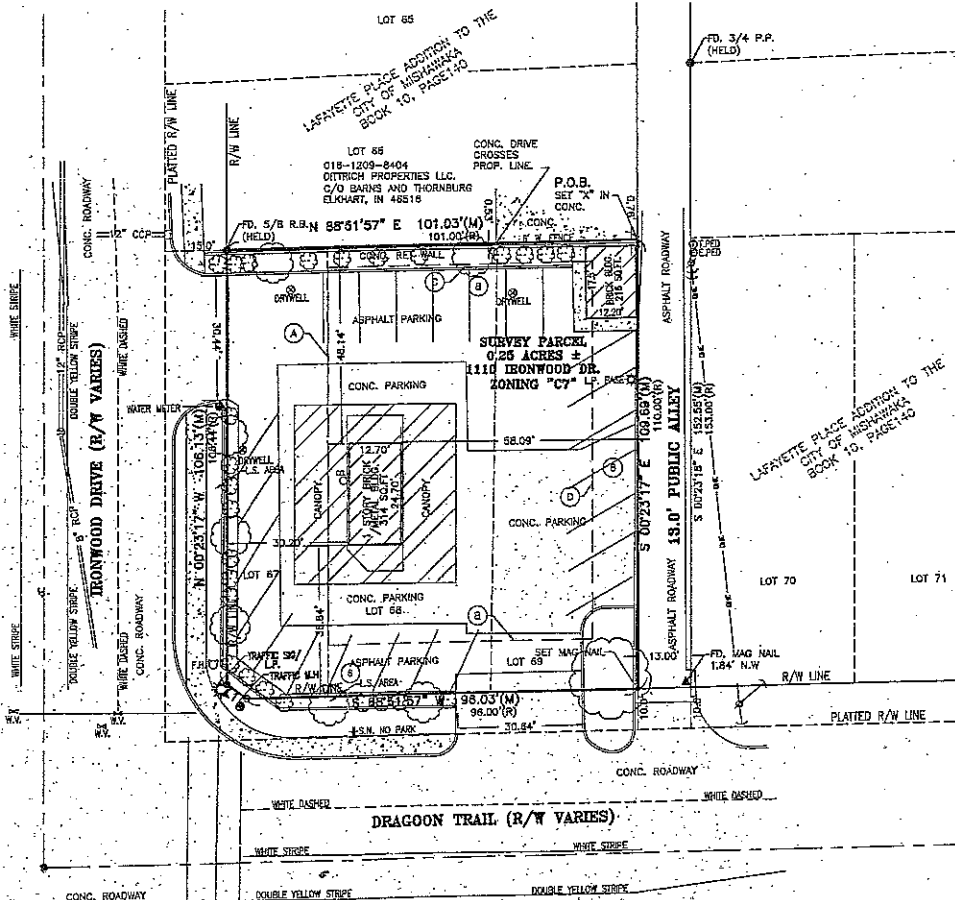
1. Approval of "Land Use Variance" to permit the operation of an Automotive Sales facility in a "C-7" Commercial District.

DEVELOPMENTAL STANDARD VARIANCE REQUESTS:

1. Variance from providing the required minimum perimeter spacing of 40 ft. on center along the West and South property lines for the Ironwood Drive and Dragon Trail street front and perimeter trees at a spacing of 60 ft. on center along North and East property lines to providing no additional and use existing trees.
2. Variance request is from providing plant screening along minimum of 75% of the area shown for display of vehicles existing shrubbery shown along Ironwood Drive and Dragon Trail.
3. Variance request is from the minimum required 10 foot setback for display vehicles along Ironwood Drive and Dragon Trail to a minimum of 0 foot and from the minimum required foot pavement setback along the East property line to a minimum of 0 foot as shown for existing pavement.
4. Variance request is to allow the existing accessory building located at the Northeast corner of the site to encroach side yard along the North property line to a minimum of 0 feet and the rear yard along the East property line to a minimum of 0 feet as shown.
5. Variance request is from the requirement of providing a 6 ft. high opaque screening fence along the East property line to no screening fence.

APPELLANTS:
Hameln III LLC and
Teachers Credit Union
110 S. Main Street
South Bend, Indiana 46601

LAND SURVEYOR:
Danch, Harner & Associa
1643 Commerce Drive
South Bend, Indiana 466
(574) 234-4003



EXISTING LEGEND

- FIN. IRON AT GROUND LEVEL
- SET PUSHER 5/8" CAPTIVE PUSHER IN REG. F-0044 ML REG. #22436
- BC BOTTOM/CURS
- W WATER
- G GAS
- UT UNDER GROUND TELEPHONE
- E ELECTRIC
- ONE OVERHEAD ELECTRIC
- EX EX. ELEVATION
- TC TOP/CURS
- WATER BOX
- CV CITY
- PEDESTAL
- PEDESTAL
- MAILBOX
- WATER COND.
- EXIST. CONTOUR
- EXIST. FENCE
- ELECTRIC
- PHONE
- GAS LINE
- CABLE TV
- WATER MAIN
- STORM PIPE
- SANITARY

BUILDING SETBACKS

- PER CITY OF MISHAWAKA
- A. 25.0' FRONT-YARD SETBACK LINE
 - B. 12.5' FRONT YARD SETBACK LINE
 - C. 5.0' SIDE-YARD SETBACK LINE
 - D. 11.0' REAR-YARD SETBACK LINE

LINE	BEARING	DISTANCE
L1 M	N 55°28'59" W	6.10'
L1 R	N 55°58'13" W	6.10'



0 20 40 60
SCALE 1" = 20'



Michael J. Danch
MICHAEL J. DANCH

SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES, INC.
1843 COMMERCE DRIVE
SOUTH BEND, IN. 46825
(574) 234-4003
ATTN: MICHAEL DANCH

DATE	DRAWN BY:	REVISIONS	
4/21/14	DBH	DATE	BY
SCALE	CHECKED BY:		
1" = 20'	MJD		
FILE #	PROJ. MANGR:		
140120	MDJ		