

AGENDA

August 03, 2020

AS ORDERED BY GOVERNOR HOLCOMB'S

EXECUTIVE ORDER 20-37 FACEMASK ARE REQUIRED !

Meetings of Standing Committees
Council Conference Room
6:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00PM

WebEx Telephone Number: 1-408-418-9388

WebEx Access Code: 129 929 4394

Meeting password: mgEH4ipsi73

Livestream #1: <https://www.facebook.com/cityofmishawaka/>

Livestream #2: @MichianaAccessTV on Facebook

Livestream #3: Michiana Access TV
(Comcast and AT&T U-Verse Channel 99)

To connect on-line join using Microsoft Lync or Microsoft Skype for Business

Dial [1299294394@mishawaka.webex.com](tel:1299294394)

Members of the public will be asked to place their microphone on mute during the Meeting, with the exception of any public hearing. At the appropriate point in the public hearing, the Council President will invite the public to unmute their microphone for purposes of submitting such comments, one person at a time. All persons wishing to make public comments will be asked to first state their name and address for the record. After completing his/her public comments, members of the public will once again be asked to place their microphone on mute. Thank you for your cooperation.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of July 20, 2020
5. Petitions, Communications, Remonstrance and Memorials

APPEAL NO. 2020-35	Use Variance to allow Automobile Repair in I-1 Light Industrial - 1035 E. McKinley
APPEAL NO. 2020-38	Use Variance for 6-Unit Senior Care Facility - 3025 Grape Rd.
APPEAL NO. 2020-39	Use Variance for a 4-Unit Apartment in R-1 Single Family Residential - 539 W. Sixth St.
PETITION NO. 2020-13	Rezone from R-1 Single Family Residential to C-3 City Center Commercial - 619 Lincoln way East
PETITION NO. 2020-14	Rezone from R-1 Single Family Residential to R-2 Two Family Residential - 613 W. Third St.
PETITION NO. 2020-15	PUD Amendment to allow Assisted Living Facility - North west corner or Deer Run Dr. and Fir Rd.
PETITION NO. 2020-16	Annex adjacent property to be included in subdivision - South & East of 1141 & 1241 E. Twelfth St.
PETITION NO. 2020-17	Grandview PUD Amendment to allow dumpster enclosers in the 25' front setback only if gate is not visible from Gumwood or S.R. 23/Cleveland Rd.

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

9. Ordinances on Second Reading

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

Reconsideration of Proposed Ordinance No. 2020-17, Ordinance No. 5697 for republication.

P.O. No. 2020-17	Transfer of Funds and Additional Appropriation Motor Vehicle Highway Restricted Fund \$427,150.00 TO: Local Bridge and Road Matching Grant fund
	Additional Appropriation of Funds to: Local Bridge and Road Matching Grant Fund \$854,300.00

12. New Business

Mayor Wood COVID-19 Update

13. Adjournment - This meeting will be aired Wednesday at 9:00AM on the Public Access Channel

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

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

Note: The Mishawaka Common Council has instituted changes in the way in which its meetings will be conducted during the current public health emergency. These changes are consistent with the terms of multiple Executive Orders issued by Governor Holcomb, as well as related legal guidance. It is anticipated that the Council's normal meeting procedures will be reinstituted at the conclusion of the public health emergency. In the meantime, physical attendance at Council meetings will continue to be restricted in accordance with relevant guidance related to limitations on public gatherings and social distancing. During the public health emergency, Council members, as well as members of the public and media, will continue to be afforded the opportunity to remotely access Council meetings. Recordings of Council meetings (if applicable) and the minutes of the meetings will also be made available to the public and the media as soon as is possible.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 20, 2020

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, July 20, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance, followed by a moment of silence to remember the lives lost due to COVID-19.



Roll Call.

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

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

RESOLUTION R2020-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION ADOPTING A WRITTEN FISCAL PLAN IN A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT: 16813 DOUGLAS ROAD

Ken Prince, City Planner, spoke in favor of **RESOLUTION R2020-14**. Mr. Prince stated in the fiscal plan, the area was 50 percent contiguous to the city currently and by state law it would have to be 12.5 percent. He said the plan was reviewed by all applicable departments and they indicated that it could be served under the existing city budget. Mr. Prince concluded stating he sent an email to the property director behind the plan regarding an issue with methane and the EPA was looking to change the status of the landfill.

Question was called for at 7:04PM for **RESOLUTION R-2020-14**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

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

PROPOSED ORDINANCE NO. 2020-22

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA PROVIDING ZONING CLASSIFICATION THEREFORE Annex & Zone to C-1 General Commercial for Future Medical Office – 16183 Douglas Road VOTE ONLY

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

Question was called for at 7:06PM for **PROPOSED ORDINANCE NO. 2020-22**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Thus, it becomes **Ordinance No. 5703**

PROPOSED ORDINANCE 2020-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO INDIANA CODE 5-13-9-5

Investment of Public Funds Outside the Mishawaka City Limits

Mrs. Voelker reported the Committee of Budget & Finance recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mr. Banicki motion carried.

Clerk Block read the correspondence letter from Rebecca Miller, City Controller. The letter stated Ms. Miller was requesting first reading on an investment of a public funds ordinance that has an annual renewal and was necessary for investment into financial institutions outside of the Mishawaka city limits. Ms. Miller also stated in the letter she worked with Baker Tilly who request bids and recommend the most advantageous interest rate and maturity date.

Ken Prince, City Planner, spoke on behalf of the administration. Mr. Prince explained they had reviewed and approved this request through the Board of Public Works. Mr. Prince also stated he would answer any questions on behalf of Ms. Miller, because of technical difficulties .

Ms. Miller joined the meeting soon after by phone and Mr. Compton asked what was being done with the proposed ordinance, assuming it passes. Ms. Miller explained this ordinance would give the city more exposure and more chances to bid for the best rates and the best value for the city.

Question was called for at 7:13PM for **PROPOSED ORDINANCE 2020-23**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. Thus, it becomes **Ordinance No. 5704**

UNFINISHED BUISNESS

The matter of Ordinance No. 5699 – PUD Amendment to allow Quick Service Oil Changes as a use and Reduction of Parking Spaces, Setbacks and Landscaping – 317 W. Indian Ridge Blvd. (Vetoed by Mayor Wood)

Mr. Compton made a motion to override Mayor Wood's veto on Ordinance No. 5699 upon a second by Mr. Banicki. Question was called for at 7:14PM  **Vote: Motion failed (summary: Yes = 5, No = 4, Abstain = 0).**

Yes: Mr. Banicki, Mr. Mammolenti, Mr. Emmons, Mr. Compton, Mr. Hixenbaugh.
No: Mrs. DeMaegd, Mr. Hazen, Mr. Bellovich, Mrs. Voelker.

Mr. Hixenbaugh wanted the record to reflect that the council received an email with correspondence from the petitioner's legal counsel.

NEW BUSINESS

Mayor Wood gave a COVID-19 update. Mayor Wood began stating they are seeing an uptick in the number of cases in St. Joseph County, but are not necessarily seeing that carry over to the hospital. Mayor Wood also stated that Mishawaka is well equipped and they are ready to handle the circumstances of the virus.

Mr. Emmons asked Mayor Wood if there was any change in his philosophy regarding wearing masks in City Hall with the uptick of cases. Mayor Wood stated they are following the recommendations of the CDC and the local health department and were compliant with that. Mayor Wood also stated they have not seen any cases in City Hall that would require them to go beyond the recommendations at this time.

Mr. Compton asked if any other city employees had been diagnosed with COVID-19 since the ones discussed in the prior council meeting. Mayor Wood stated one Utilities employee tested positive along with members of their family and they are currently recovering in quarantine. Mr. Compton also asked if the St. Joseph County health officer recommended face masks for all businesses. Mayor Wood stated their order includes grocery stores and businesses of that nature and they are reviewing changes in that order before they send it through the County Council and County Commissioners. Mr. Compton also stated there was discussion of a county ordinance that would put fines on businesses for not mandating employees and asked if that would cover Mishawaka as well. Mayor Wood stated he had not had a chance to review what was proposed and stated it would be too premature to comment.

Mr. Hazen stated he read the ordinance and it did not include government vacancies at this point.

Mr. Emmons stated, after listening to the Governor, he had indicated people should wear masks whether they are entering in a business or any facility to protect themselves and the others within the facility. Mr. Emmons also asked why in Mishawaka we don't comply with those recommendations to show citizens in the community they are taking precautions to protect them, especially when the Governor and his officials follow the recommendations. Mayor Wood stated they are taking all kinds of precautions to protect people entering in City Hall as well as the employees. Mayor Wood also stated they have spent resources to make sure employees have a

safe working environment; things such as installing screens and purchasing masks. Mayor Wood also stated the Governor has made the recommendations and it is up to the citizens to heed them or not. Mayor Wood concluded stating these measures have been effective and he did not see a reason to go beyond the recommendations at this point.

Ken Prince, City Planner, stated Mayor Wood directed every department to come up with a plan specific to their department. For example, in the Planning Community Development Department, anytime someone came in for service at the counter the employee servicing them has to put on a mask before approaching the counter. Mr. Prince also stated they have masks available at the counter, but not all individuals are wearing masks when coming in the office. Mr. Prince also stated they have implemented the plexiglass Mayor Wood made reference to regarding separating the public to the employee. Mr. Prince concluded stating they have done great measures to keep 6 feet apart in the offices, which includes the Council Chambers and are appropriately social distancing.

Mr. Emmons commended the city administration for what they are doing to protect themselves along with others entering City Hall and his point was a clarification regarding the Governor's orders with masks; not a criticism.

Mayor Wood thanked Mr. Emmons and stated Mr. Prince did a good job of explaining how it has impacted interactions between departments, employees, and the citizens of Mishawaka. Mayor Wood also explained a lot of citizen interaction occurs at the Parks Department and outdoor facilities holding events, such as small concerts, are providing masks, having people work the front gates, and are enforcing limited capacity to comply with all regulations. Mayor Wood stated they have taken all the precautions that are required and are following the recommendations.

Mr. Mammolenti asked if tests are still being administered at the clinic. Mayor Wood answered yes they are. Mr. Mammolenti also asked if the inventory was safe and healthy. Mayor Wood stated they have good supplies all around whether it was within Public Safety agencies or at the clinic. He said invited Dr. Megliori to the staff meetings every week and she has reported they have been in good shape as far as testing and receiving results as expeditiously as possible. Mr. Mammolenti asked how long it took to receive results on average. Mayor Wood stated there have been a lot more tests around the community lately with a limited amount of facilities that can handle them, they have been pushed back to about 3 days because of the volume countywide.

Mr. Hixenbaugh stated the council will be holding an informational session with Public Services regarding the Trash and Recycling contract on August 10th at 6PM with remote access available to the public. Mr. Hixenbaugh also thanked Lou Ann Hazen for forwarding a video in honor of Mayor Beutter to the council and stated it was very well done.

ADJOURNMENT 7:28PM

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

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

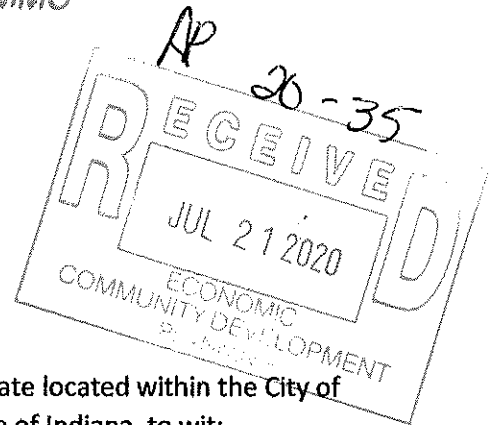
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DEBORAH S. BLOCK, MMC

JUL 24 2020

CITY CLERK
MISHAWAKA, IN

July 20, 2020

Board of Zoning Appeals
City of Mishawaka, Indiana



The undersigned appellant respectfully shows the Board:

1. JADET LLC is the owner of the following described real estate located within the City of Mishawaka, Mish Penn Township, St. Joseph County, State of Indiana, to wit:

Lots 9 & 10 Tohulka & Reynolds Add
1035 E. McKinley Hwy, Mishawaka, IN 46545
71-09-10-129-001.000-023
2. The above described real estate presently has a zoning classification of I-1 Light Industrial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant proposes to occupy the above described property in the following manner: sales of wheels and tires and automotive mechanical work.
4. Appellant desires to perform automotive mechanical work and sale and installation of wheels and tires.
5. The Zoning Ordinance for Classification I-1 of the City of Mishawaka does not allow any uses for any automotive mechanical work and sales and installation of wheels and tires, (Sec 137-586).
6. The automotive mechanical service work and sales/installation of wheels and tires is necessary to operate this successful business enterprise. The present Zoning Classification does not allow such and impedes an opportunity for a merchant to create a profitable and successful business.
7. There have been at least two instances of unauthorized discarding of sofas on this property in the past year. By placing an active business on this property would also eliminate this situation.
8. Use variance questions:
 - (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?
No, The property will remain in compliance with any rules and regulations set forth by the City of Mishawaka.
 - (2) Will the use and value of the area adjacent to the property included in the variance be
 - (3) affected in a substantially adverse manner?
No, The only adjacent property is a warehouse to the South that is separated by a fence. A RR is to the West, McKinley Hwy to the North, and Merrifield Ave. to the East.

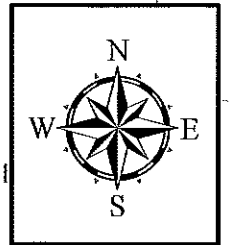
- (3) Does the need for the variance arise from some condition peculiar to the property involved?
No, The property and buildings will not be changed.
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?
Yes, The wheel and tire business cannot be successful without a variance.
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
No, the approval will enhance the Plan by allowing and creating a new business for the community.

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

JADET LLC
by Jerry DeTurk
Authorized member

JADET LLC by Jerry DeTurk, authorized member

Contact Person: Jerry DeTurk
294 E 350 N, Warsaw, IN 46582-7707
(574) 267-7642
Mrzippp6@gmail.com



FILBERT RD

E MCKINLEY AVE

AP 20-35

N MERRIFIELD AVE

Location Map

AP 20-35

OWNER: JADET LLC

1035 E MCKINLEY

USE VARIANCE TO ALLOW
AUTOMOBILE REPAIR IN
I-1 LIGHT INDUSTRIAL

R-1 R-1



Engineering • Architecture • Land Surveying

FROM: Mike Huber
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, IN 46601
(574) 347-4610
mhuber@abonmarche.com

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 24 2020

CITY CLERK
MISHAWAKA, IN

TO: Board of Zoning Appeals
City of Mishawaka

RE: Variances for 3025 Grape Road

The undersigned appellant respectfully shows the Board:

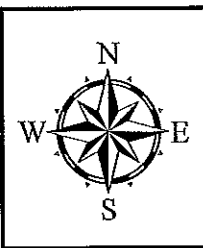
1. I, Eric Thomas member of A&E Management LLC, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:
Lot 103 Liberty Gardens & 1/2 Vacated Charlotte Street more commonly known as 3025 Grape Road.
2. The above-described real estate presently has a zoning classification of C-6 Linear Office Commercial District under the Zoning Ordinance of Mishawaka.
3. Appellant presently occupies the above-described property as an office.
4. Appellant proposes to continue the office use and locate a 6-unit senior care facility to the west of the current use requiring a use variance. The appellant desires to reduce the required parking of 16 spaces to 2 spaces.
5. The Zoning Ordinance does not allow the proposed use in the C-6 District. The Zoning Ordinance requires 16 spaces.
6. The strict application of this Ordinance would not allow the use to be located on the proposed site. The site is too small to provide the required parking spaces. Being a senior care facility and the residents not having vehicles, the required parking is unnecessary to meet the demands of this use.
7. **USE VARIANCE**
 - (a) The proposed use will not be injurious to the public health, safety, morals or general welfare of the community. The use will be located on a lot that already features a commercial use along a major corridor of Mishawaka.
 - (b) Meeting the requirements of the Zoning Ordinance will ensure that the use and value of adjacent property will not be adversely affected. Reducing the parking will not have an impact on neighboring properties because the residents will not have vehicles and employees working in the facility can park in the proposed garage or in the existing parking lot.
 - (c) The use variance is being requested so the senior care facility can be located adjacent to the existing offices.

AP 20-38

BERRY AVE

BERRY AVE

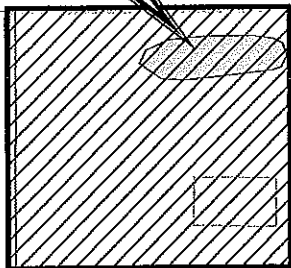
RUNAWAY



GRAPE RD

AP 20-38

EISENHOWER DR



Location Map

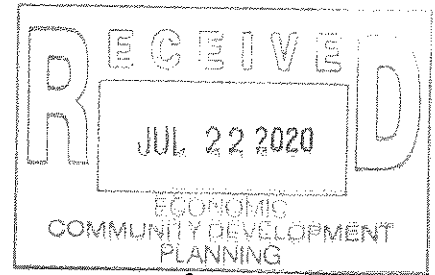
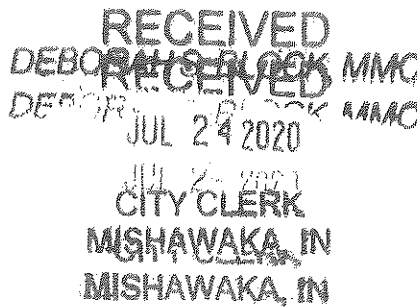
AP 20-38

OWNER:
A & E MANAGEMENT LLC

3025 GRAPE ROAD

USE VARIANCE FOR
6 UNIT SENIOR CARE FACILITY

UGAR PINE DR



AP 20-39

Date: July 22, 2020

To: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Kenneth Estes, am the Manager of the Manager of the Owner of the following described real estate located within the City of Mishawaka, IN Township, St. Joseph County, State of Indiana, to-wit:

Lot 7 Krillenbergers Add

539 W. 6th

2. The above-described real estate presently has a zoning classification of R1 Single Family Residential District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner: 4 unit rental (four one bedroom apartments)
4. Appellant desires to grandfather the property in to a legal non-conforming use or a fully legal use zoning a 4 unit.
5. The Zoning Ordinance of the City of Mishawaka requires
 - Sec. 137-68. - Continuation of nonconforming structures, uses, and lots.
 - Any lawful building or other structure, or any lawful use of a building or other structure or land, existing on the effective date of the ordinance from which this chapter is derived, which does not conform with the provisions of this chapter, shall be considered a lawful nonconforming building, structure, or use, and may be continued, except as otherwise herein provided.

(Code 1985, § 159.260; Ord. No. 2988, 12-15-1986)
 - Sec. 137-69. - Change of nonconforming use.
 - A nonconforming use shall not be changed to any other use or expanded in size, area, volume or scope, unless the proposed use conforms to the zoning requirements of the applicable zoning district.

(Code 1985, § 159.261; Ord. No. 2988, 12-15-1986; Ord. No. 3698, 6-21-1993)
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. We are currently in the process of selling the property and in order to

complete the sale, the property must be classified as legal non-conforming use or a fully legal use zoning a 4 unit.

7. Answer the following necessary questions for a USE VARIANCE:

1. Will approval be injurious to the public health, safety, morals or general welfare of the community? **No I do not feel as if the approval of this multi-unit will affect the overall health and safety of the public nor affect the general welfare of the community. Since it has been used as a multi-unit since our purchase in 2011, we have not received any complaints from the various residents or other neighbors in the area.**
2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? **No because there are many rental properties with multi-units on 6th street and in the surrounding area.**
3. Does the need for the variance arise from some condition peculiar to the property involved? **No the only reason we are requesting this variance is because we are in the process of selling the multi-unit to a new owner who will continue using the rental home located at 539 W. 6th street as a multi-unit property with rentals.**
4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? **Yes, the application of the terms of this chapter would constitute an unnecessary hardship if applied to the property since we are unable to complete its sale without a change in its classification.**
5. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? **I do not believe that the approval will interfere with the Mishawaka 2000 Comprehensive Plan since there hasn't been any issues since we purchased the property. We have and will continue to enforce high standards for our rental home.**

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



Kenneth Estes
Manager of Pear Tree Management LLC,
The Manager of South Bend Real Estate 3 LLC

CONTACT PERSON:

Name: Suzanne Plugis

Address: 2917 Mishawaka Avenue South Bend, IN 46615

Day Phone Number: 574-232-2313

Fax Number: 1-866-748-5005

Email: suzy@peartreeproperty.com or kenny@peartreeproperty.com

Pear Tree Management, LLC

2917 Mishawaka Ave. South Bend, IN 46615 Phone 574-232-2313

July 22, 2020

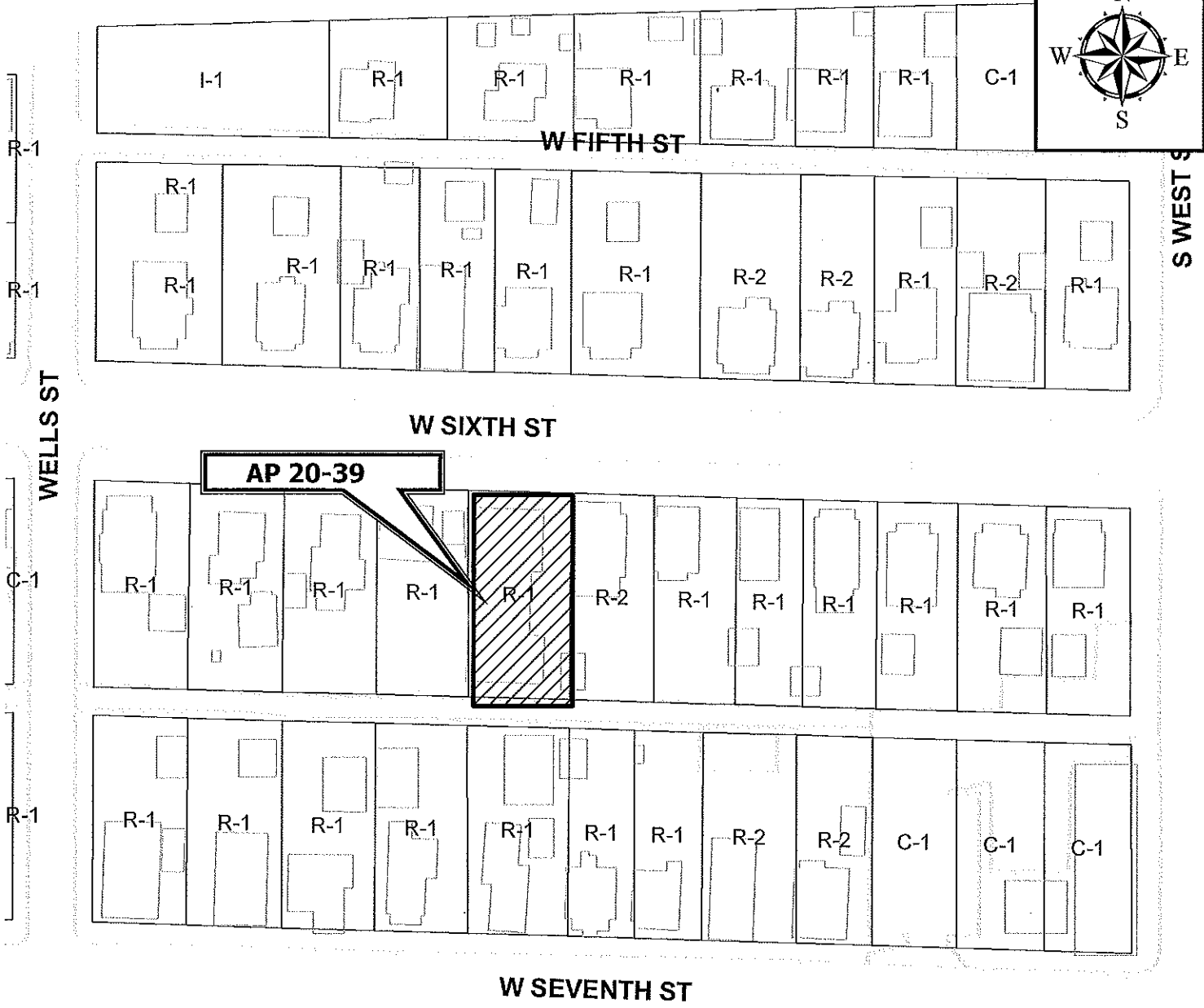
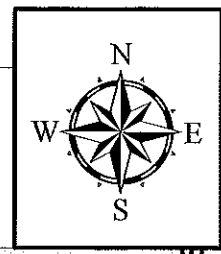
To Whom It May Concern;

I, Kenneth Estes, Manager of the Manager of South Bend Real Estate 3 LLC, and LLC confirm Suzanne Plugis' position as President and an authorized signer in place of myself. Furthermore, I give her full authority to sign any legal documents.

Sincerely,

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

Kenneth Estes
Manager of Pear Tree Management LLC,
the Manager of South Bend Real Estate 3 LLC

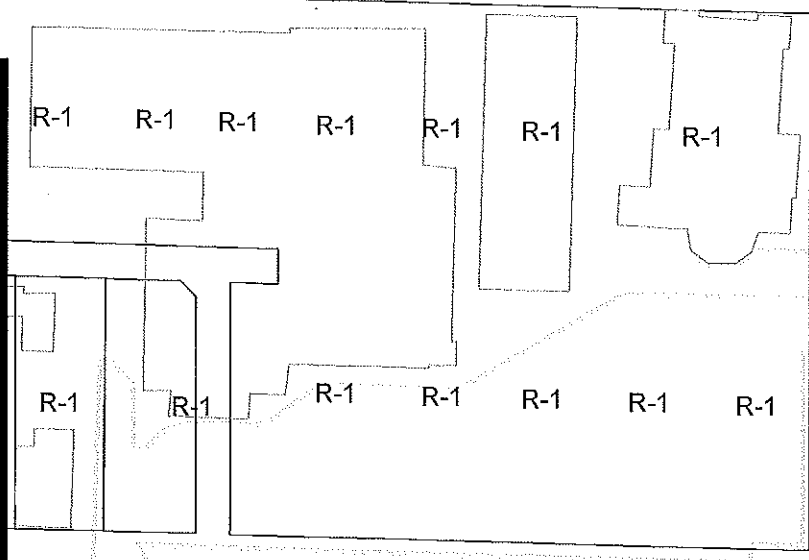


Location Map

AP 20-39

OWNER:
PEAR TREE MANAGEMENT
539 W SIXTH

USE VARIANCE FOR A
4 UNIT APARTMENT
IN R-1 SINGLE FAMILY
RESIDENTIAL

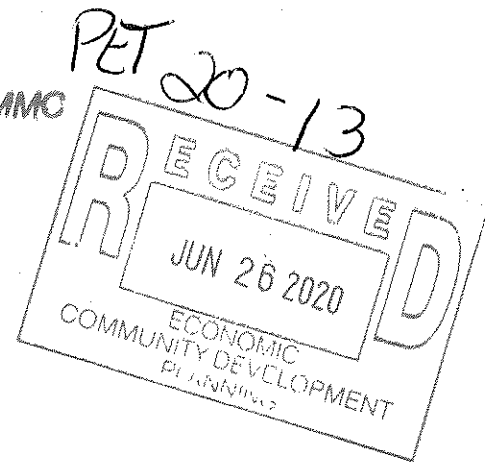


Michael R. Portolese
Executor for the Estate of Antonio D Portolese
434 Calhoun St.
Mishawaka IN 46545

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 24 2020

CITY CLERK
MISHAWAKA, IN



June 26, 2020

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

Re: Petition to Rezone 619 Lincolnway East, Mishawaka IN

In my capacity as Personal Representative/Executor of the estate of Antonio D Portolese (deceased) hereby certify that the estate is the legal and rightful owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana to-wit:

Parcel ID: 71-09-15-154-004.000-023

Tax ID: 016-1026-1043

Legal Description: Lot 26 BARBEES Sub

Common Address: 619 Lincolnway East, Mishawaka IN 46544

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 Single Family Residential District. Said property is a five-unit rental property.

Petitioner desires said real estate to be rezoned to C-3 Commercial District. Petitioner further states that they intend to utilize said land for multi-family residential use.

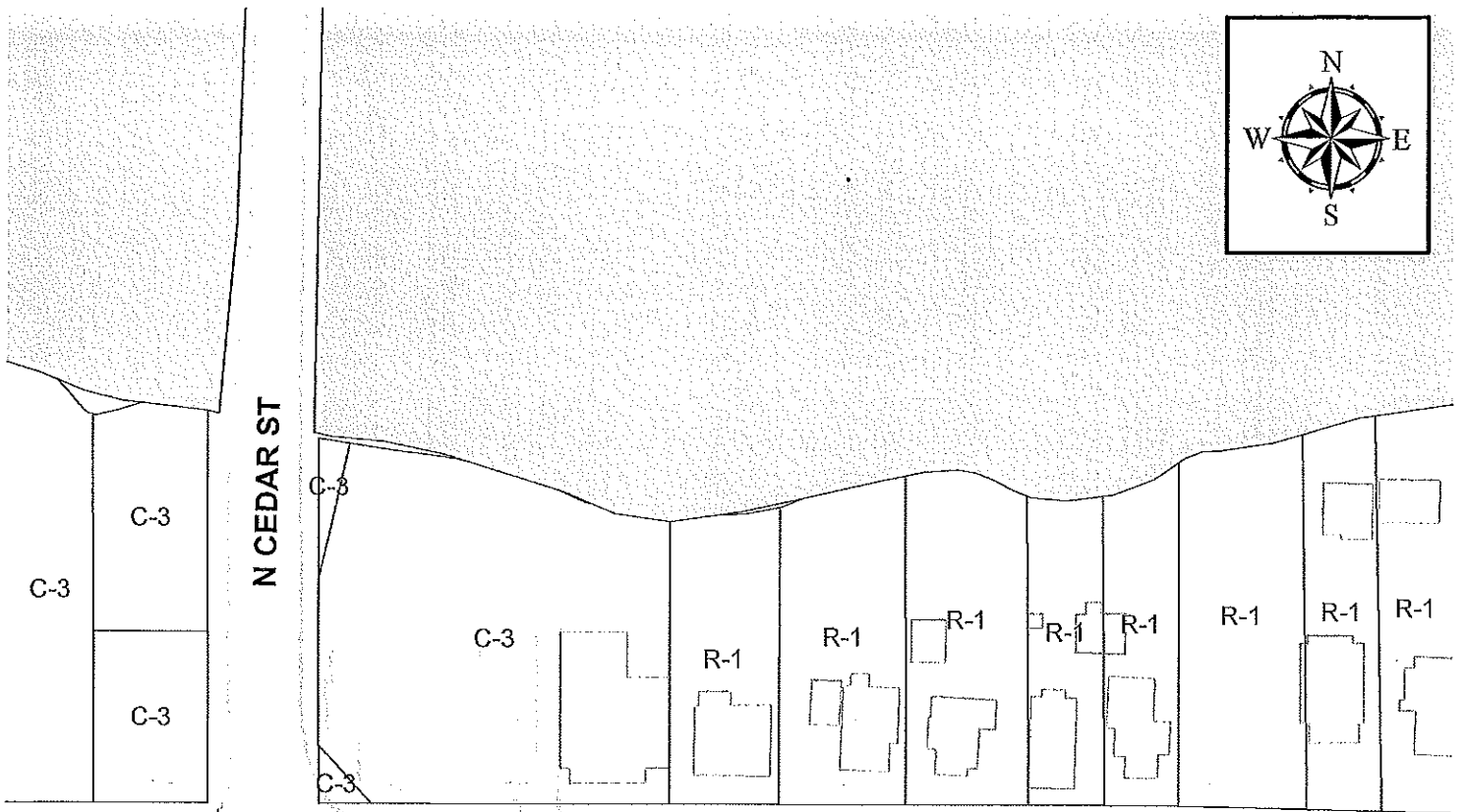
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

A handwritten signature in dark ink, appearing to read 'Michael R. Portolese', written over a horizontal line.

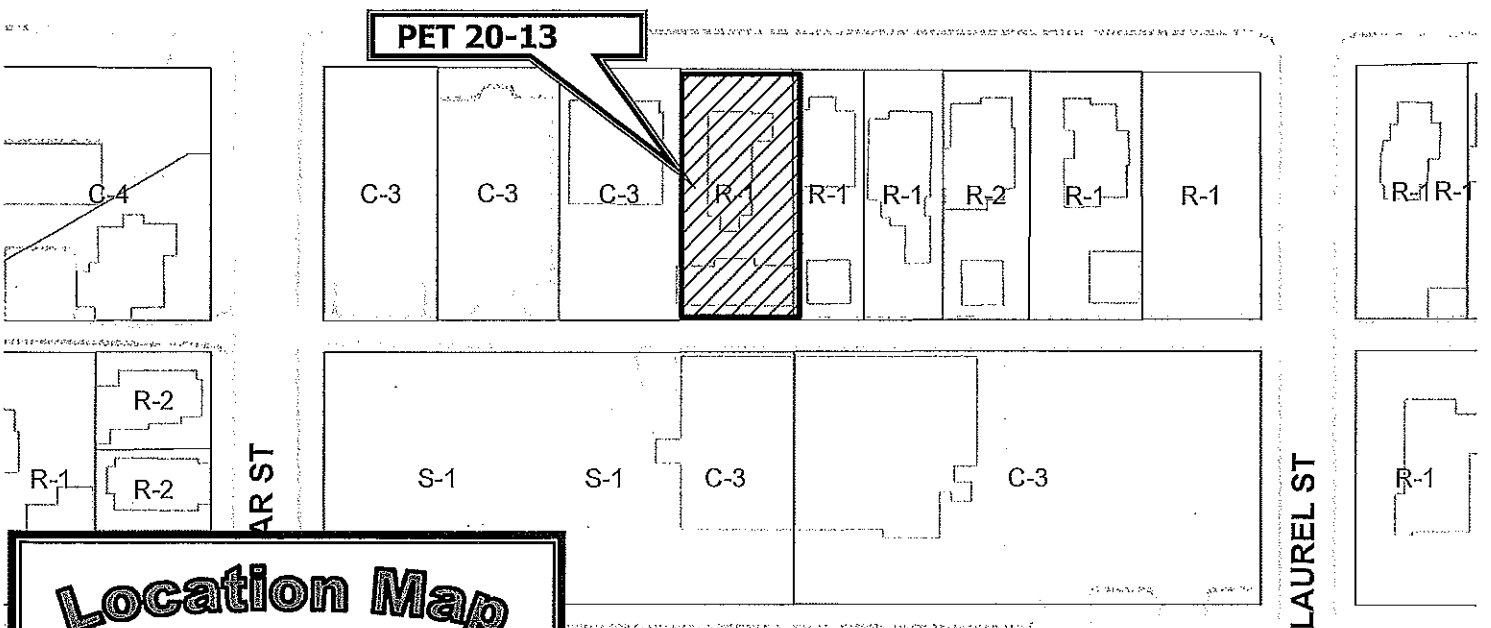
Michael R Portolese, Personal Representative
For the estate of Antonio D Portolese (deceased)

Cell Phone: (574) 532-5965

Email: mike@rci-products.com



PET 20-13



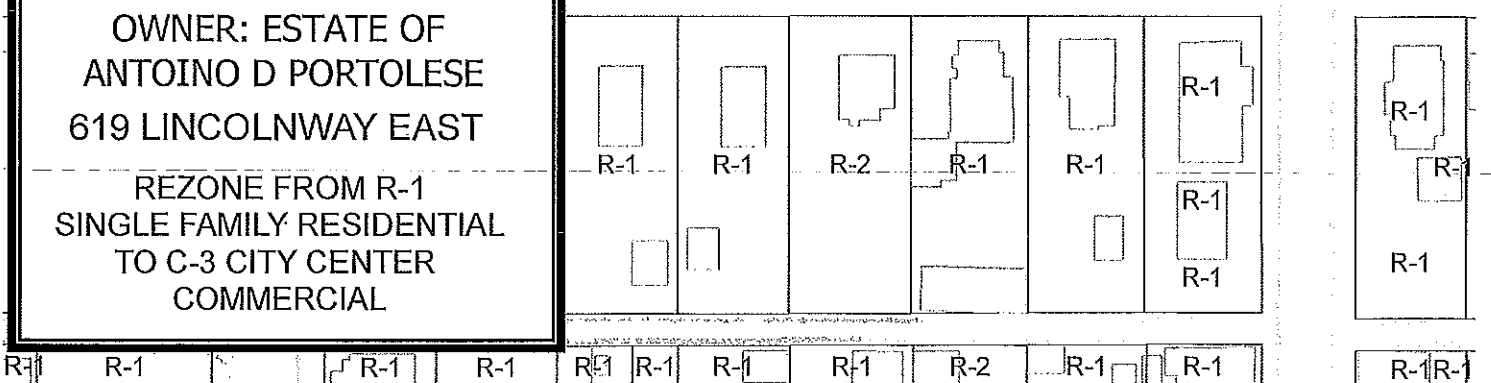
Location Map

PET 20-13

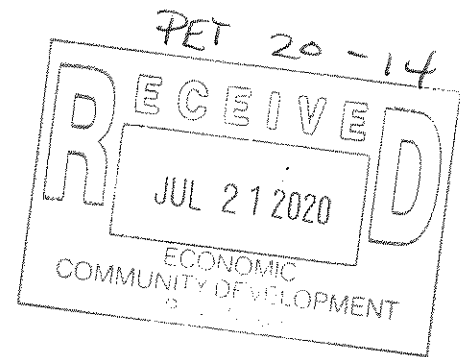
OWNER: ESTATE OF
ANTOINO D PORTOLESE
619 LINCOLNWAY EAST

REZONE FROM R-1
SINGLE FAMILY RESIDENTIAL
TO C-3 CITY CENTER
COMMERCIAL

E THIRD ST



Michael R. Portolese
Executor for the Estate of Antonio D Portolese
434 Calhoun St.
Mishawaka IN 46545



July 20, 2020

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

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 24 2020

CITY CLERK
MISHAWAKA, IN

Re: Petition to Rezone 613 W. 3rd St, Mishawaka IN

In my capacity as Personal Representative/Executor of the estate of Antonio D Portolese (deceased), I hereby certify that the estate is the legal and rightful owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana to-wit:

Parcel ID: 71-09-16-185-002.000-023

Tax ID: 016-1017-0706

Legal Description: Lot 15 TAYLORS ADD TO ST JOS IRON WORKS

Common Address: 613 W. 3rd St., Mishawaka IN

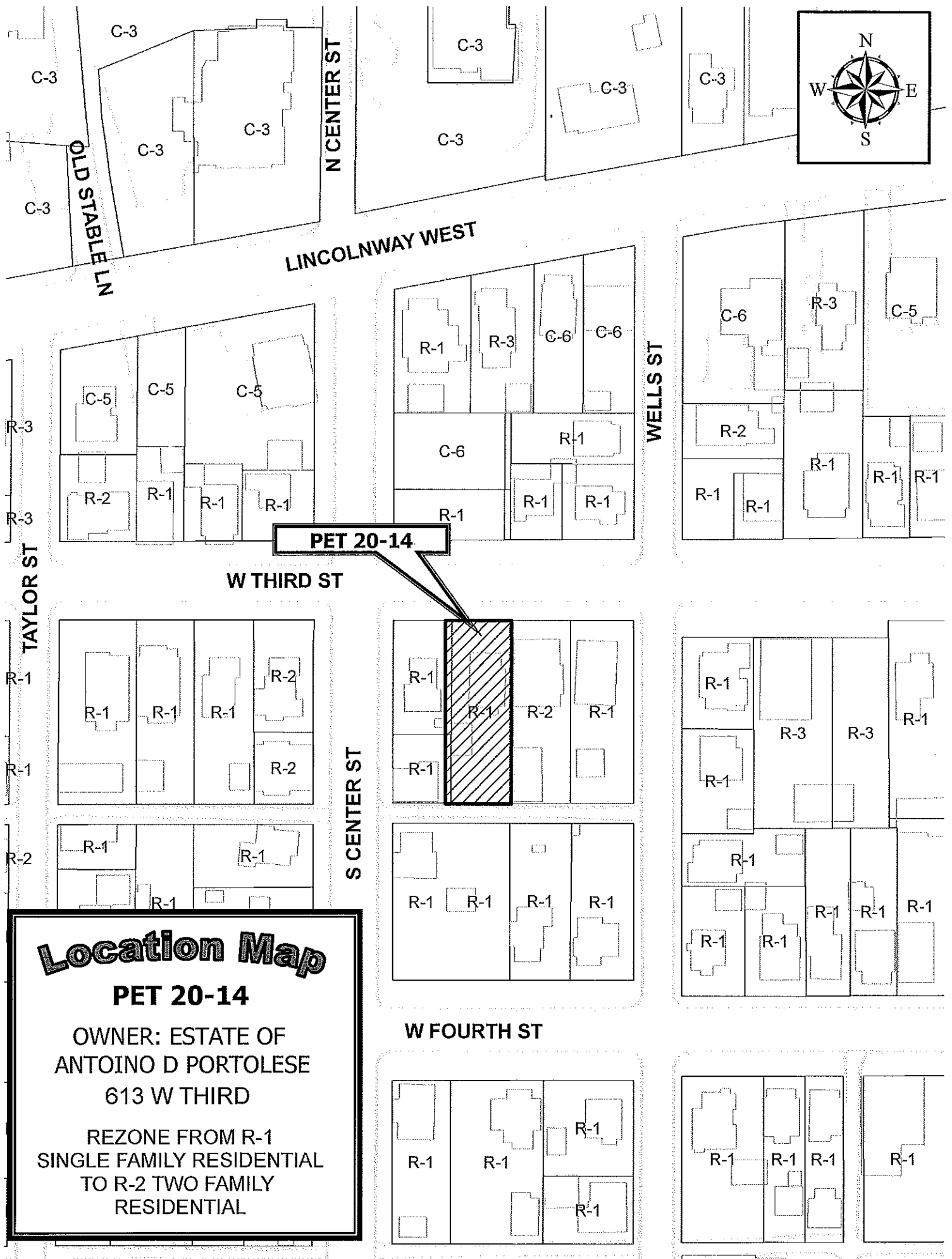
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 Single Family Residential District. Said property is a duplex rental property.

Petitioner desires said real estate to be rezoned to R-2 Two Family Residential. Petitioner further states that they intend to continue to utilize said land for two-family residential use.

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

Michael R Portolese, Personal Representative
for the estate of Antonio D Portolese (deceased)

Cell Phone: (574) 532-5965
Email: mike@rci-products.com



PET 20-15

July 22, 2020

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

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 24 2020

CITY CLERK
MISHAWAKA, IN

Re: PETITION FOR PUD AMENDMENT

The Undersigned, Richard LaFree respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

A parcel of land being a part of the Northeast Quarter Section 3, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as Lot 7 and Lot 8 as shown on the recorded plat of Deer Run Subdivision, Section Three in the Office of the Recorder of St. Joseph County, Indiana as Instrument No. 1105126.

Vacant land located in the 1400 block of Deer Run Drive, Mishawaka, Indiana 46545 area.

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

Petitioner desire said real estate to be amended to allow for an assisted living facility. This facility shall have 24 rooms. The developmental regulations for R-3 Multi Family Residential District shall be used except for the parking requirement. The parking requirements shall be based on 1 space per 6 residential unit (rooms), plus 1 space per employee at peak employment level, and 15-20 spaces for visitors.

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

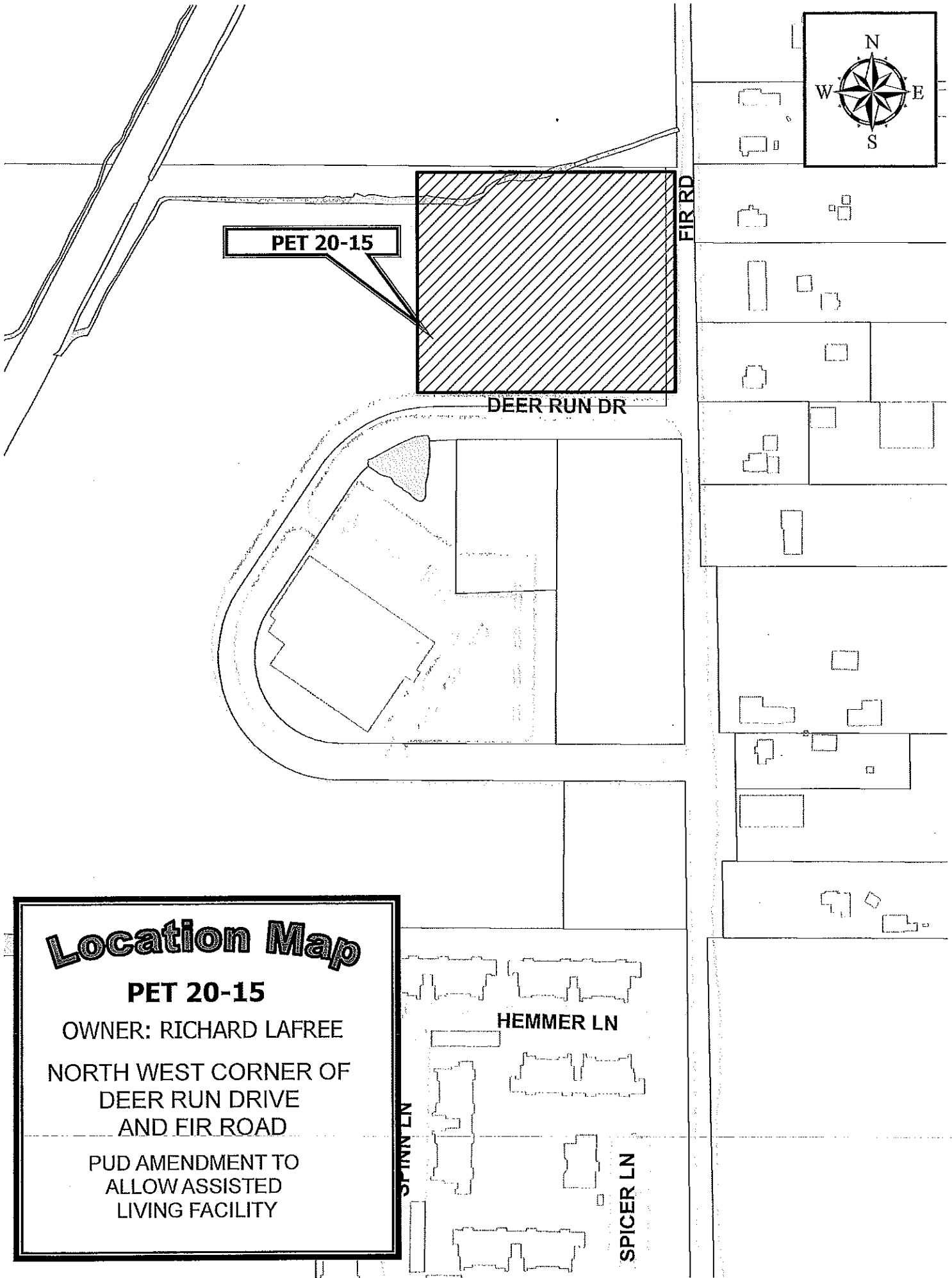
DocuSigned by:

Bonnie LaFree Suttor

Richard LaFree

By: Bonnie LaFree Suttor POA for Richard C. LaFree

Contact Person
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 S. Michigan Street
South Bend, Indiana 46601
Phone: 574-233-1841
Terry@LangFeeney.com



Location Map

PET 20-15

OWNER: RICHARD LAFREE

NORTH WEST CORNER OF
DEER RUN DRIVE
AND FIR ROAD

PUD AMENDMENT TO
ALLOW ASSISTED
LIVING FACILITY

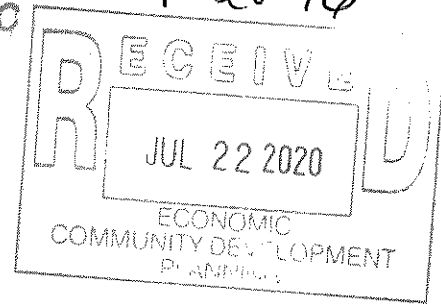
July 22, 2020

RECEIVED
DEBORAH S. BLOCK, MMC

Pet 20-14

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

JUL 24 2020
CITY CLERK
MISHAWAKA, IN



RE: Petition for Annexation and Zoning Classification

The undersigned AWT, Inc. respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

Parcels of land being a part of the Northeast Quarter of Section 22, Township 37 North, Range 3 East, Penn Township St. Joseph County, Indian and being more particularly described as follows:

Parcel 1: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 330.00 feet to the point of beginning; thence continuing South 89°58'40" West, a distance of 165.65 feet; thence North 00°00'00" West, a distance of 263.87 feet; thence North 89°58'40" East, a distance of 165.65 feet; thence South 00°00'00" East, a distance of 263.87 feet to the point of beginning. Containing 1.00 acre.

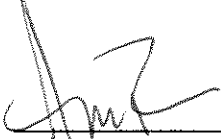
Parcel 2: Commencing at the northeast corner of said Northeast Quarter, thence South 00°00'00" West along the east line of said quarter, a distance of 759.00 feet; thence South 89°58'40" West, a distance of 1047.66 feet to the point of beginning; thence continuing South 89°58'16" West, a distance of 405.58 feet; thence North 00°00'19" West, a distance of 264.00 feet; thence North 89°58'40" East, a distance of 405.62 feet; thence South 00°00'12" West, a distance of 263.95 feet to the point of beginning. Containing 2.46 acres more or less.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located adjacent to the rear of the property at 1141 and 1241 East 12th Street and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a I-1 Industrial District. Petitioners further state they intend to utilize said land for continued use of the adjacent, existing manufacturing site and it's expansion.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

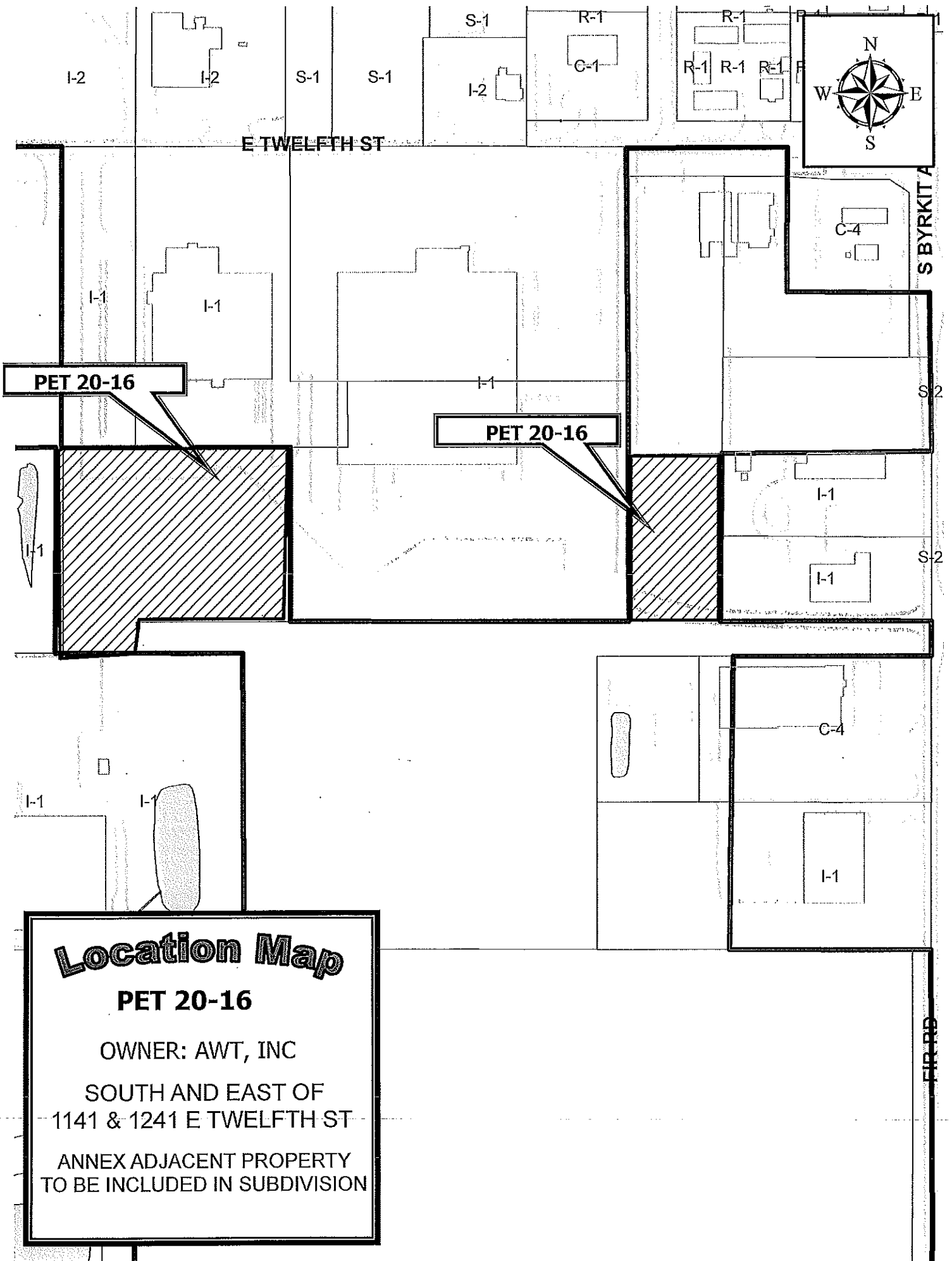
Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with a I-1 Industrial District.


AWT, Inc.

By: ABBY THOMAS

Contact Person:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 S. Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com



Pet 20-17



Engineering • Architecture • Land Surveying

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 24 2020

CITY CLERK
MISHAWAKA, IN

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

RE: Grandview Phase II PUD Amendment

The undersigned, Ryan C. Rans, Member of Great Lakes Capital Management, LLC, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

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

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

COMMON ADDRESS: Northwest Corner of Gumwood Road and Cleveland Road

Petitioner owns one-hundred percent (100%) of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for multifamily uses and commercial uses within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Dumpsters shall be located away from roads behind principal buildings.

Petitioner desires said real estate to be amended as follows:

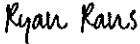
1. Proposed Uses:

1. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principal building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives. Dumpster enclosures may be located between a principal building and street only if the gate is not visible from Gumwood or S.R. 23 / Cleveland Road.

2. Building / Parking Setbacks:

1. A minimum 50' building setback shall be provided along Gumwood Road and S.R. 23 / Cleveland Road. A dumpster enclosure may be located a minimum 25' setback from Gumwood Road and S.R. 23 / Cleveland Road.

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

DocuSigned by:

7529A3DF4916416...

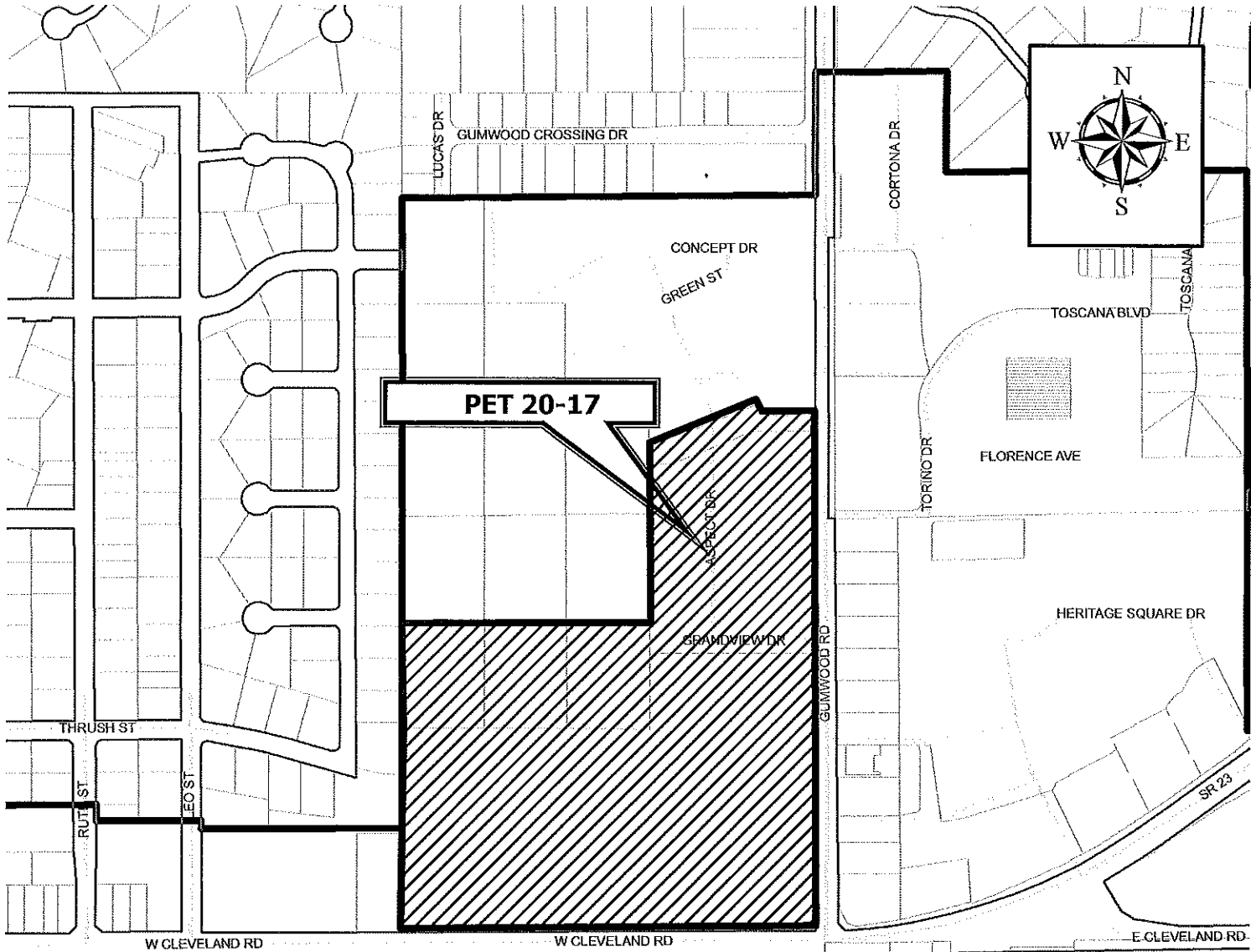
DS
KS

Ryan C. Rans, Member
Great Lakes Capital Management, LLC
(a/k/a Grandview Flats II, LLC)

CONTACT PERSON

Mike Huber
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, IN 46601
(574) 347-4610
mhuber@abonmarche.com





Location Map

PET 20-17

GRANDVIEW PUD AMENDMENT

TO ALLOW DUMPSTER ENCLOSURES
IN THE 25' FRONT SETBACK
ONLY IF THE GATE IS NOT VISIBLE
FROM GUMWOOD OR
S.R. 23/CLEVELAND ROAD

MAY 26 2020

CITY CLERK
MISHAWAKA, IN

1st Reading 6-1-20
2nd Reading 6-15-20
Passed 6-15-20
Failed
Continued To

PROPOSED ORDINANCE NO. 2020-17

ORDINANCE NO. 5697

Reconsideration 7-6-20

AN ORDINANCE TRANSFERRING FUNDS FROM THE
MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE
CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE
MATCHING GRANT FUND OF THE CITY OF MISHAWAKA
FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2020
AND AN ORDINANCE APPROPRIATING ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

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

Section 1. There is hereby transferred from the Motor Vehicle Highway Restricted
(MVHR) Fund of the City of Mishawaka to the Local Road & Bridge Matching Grant Fund of
the City of Mishawaka the sum of \$427,150.00 as required for the Community Crossing
Grant.

Motor Vehicle Highway Restricted Fund (MVHR)

From:

Capital Outlays

203-50-442-01

Street Repair

\$427,150.00

Total

\$427,150.00

Local Bridge and Road Matching Grant Fund

To:

Other Services and Charges

244-50-436-03

Street Repair

\$427,150.00

Total

\$427,150.00

Section 2. Which requires the appropriation of additional funds for the fiscal year
ending December 31, 2020 in addition to that set out in detail in the published budget.

Section 3. There is hereby appropriated from the Local Bridge and Road
Matching Grant Fund of the City of Mishawaka the sum of \$854,300.00 for assignment as
follows:

Local Road & Bridge Matching Grant Fund

Other Services and Charges

244-50-436-03

Street Repair

\$854,300.00

Total

\$854,300.00

Section 4. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this _____ day of _____, 2020 at _____ o'clock, _____. M.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____ 2020 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____ 2020 at

_____ o'clock, _____. M.

David A. Wood, Mayor

Governmental Unit

CITY OF MISHAWAKA

.....County, Indiana

South Bend Tribune

506 W. South St., Suite 210

South Bend, Indiana 46601

Tax ID# 83-2810977

PUBLISHER'S CLAIM

LINE COUNT

Ad # 864123

Display Master (Must not exceed two actual lines, neither of which shall
total more than four solid lines of the type in which the body of the
advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

68**COMPUTATION OF CHARGES**

68 lines, 1 column(s) wide equals 68 equivalent lines at 0.3923 cents per line

Additional charges for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication
(\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$26.68**DATA FOR COMPUTING COST**

Width of single column in picas 9.4 ems

Size of type 8 point.

Number of insertions

1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is
just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same
has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size,
which was duly published in said paper 1 time(s). The dates of publication being as follows: South Bend Tribune: 07/23/20.

CHERYL JUNE MOREY
Notary Public - Seal
St Joseph County - State of Indiana
Commission Number 693302
My Commission Expires Dec 21, 2024

Shelley Chakan

Shelley Chakan
Vice President of Advertising
Market Lead, South Bend, IN
574.235.6558

Cheryl June Morey

Cheryl June Morey, Notary Public
Resident of St. Joseph County - State of Indiana
Commission Number: 693302
My Commission expires December 21, 2024

South Bend Tribune
506 W. South St., Ste. 210
South Bend, IN 46601

That it is duly authenticated as required by law.
That it is based upon statutory authority.

ON ACCOUNT OF APPROPRIATION FOR
\$26.68
Appropriation No. Tax ID # 83-2810977

That it is apparently
correct
incorrect

ALLOWED _____
IN THE SUM OF \$26.68

I certify that the within claim is true and correct; that the serv-
ices there in itemized and for which charge is made were ordered
by me and were necessary to the public business.

Attest

**NOTICE TO TAXPAYERS OF
PROPOSED ADDITIONAL
APPROPRIATION**

Notice is hereby given the taxpayers of Mishawaka, St. Joseph County, Indiana, that the Common Council will meet in City Hall, 600 East Third Street at 7:00 p.m. on the 3rd day of August 2020 and will consider the following additional appropriations in excess of the budget for the current year.

**PROPOSED ORDINANCE
2020-17**

Ordinance No. 5697

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2020 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

Local Road & Bridge

Matching Grant Fund

Other Services and Charges

244-50-436-03

Street Repair \$854,300.00

Total \$854,300.00

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board shall issue a written determination within 15 days of receipt of the proposal.

Deborah S. Block, IAMC, MMC,
City Clerk

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

Hspaxlp 1x 7:23

NOTICE TO TAXPAYERS OF
PROPOSED ADDITIONAL APPROPRIATION
Notice is hereby given the taxpayers of Mishawaka, St. Joseph County, Indiana, that the Common Council will meet in City Hall, 600 East Third Street at 7:00 p.m. on the 3rd day of August 2020 and will consider the following additional appropriations in excess of the budget for the current year.
PROPOSED ORDINANCE 2020-17
Ordinance No. 5697

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR
VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF
MISHAWAKA TO THE LOCAL ROAD & BRIDGE MATCHING GRANT
FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR
ENDING DECEMBER 31, 2020 AND AN ORDINANCE APPROPRIATING
ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

Local Road & Bridge Matching Grant Fund

Other Services and Charges
244-50-436-03 Street Repair \$834,300.00
Total \$834,300.00

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board shall issue a written determination within 15 days of receipt of the proposal.

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

State of Indiana St. Joseph County
Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the MISHAWAKA ENTERPRISE, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the Mishawaka Enterprise for:

XX One TWO THREE

times successively to-wit:

On the 23rd day of July, 2020, and
On the ___ day of ___, 2020, and
On the ___ day of ___, 2020

Subscribed & Sworn To Before Me
This 23rd day of July, 2020

Jennifer Nick



CHARGES: \$ 36.73