

AGENDA

Monday, March 2, 2015

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

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

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

February 16, 2015

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2015-09 Use Variance to allow a Cell Tower - West of Tanglewood Trace Lane - West side of Grape Rd North of Edison Rd

Appeal No. 2015-11 Use Variance to allow Automotive Use - 403 South Main St

Appeal No. 2015-12 Use Variance to allow a Drop-Off Donation Center - Corner of 1231 LWW and Logan St

Petition No. 2015-05 Rezone from C-1 General Commercial to R-1 Single Family - 502 West 6th St

Petition No. 2015-06 Amend PUD for Signage - Northwest corner of Jefferson Blvd and Byrkit Ave

Petition No. 2015-07 Amend PUD to allow for Childcare Services - 235 W University Dr

Petition No. 2015-08 Amend PUD to allow for a Hotel - Toscana Park (Gumwood Rd)

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2015-05 Honoring MHS State Champion Wrestler Tommy Forte

R2015-06 Honoring MHS Student Tanner Bradley in 3 Sports

9. Ordinances on Second Reading

P.O. NO. 2015-02 Vacation of Public Right of Way - South of State Rd 23 and West of Cleveland Rd (Access Drive) (Assigned to Land Use Planning Committee)

P.O. NO. 2015-03 Annex and Zone I-2 Heavy Industrial - South of the Conrail RR adjacent to 226 S. Elder **(NO VOTE)**

10. Privilege of the Floor – Non-Agenda Items
11. Unfinished Business
12. New Business
13. Adjournment

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



REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
February 16, 2015

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday February 16, 2015, at 7:00 p.m. The meeting was called to order by Council President Emmons and all were asked to stand for the Pledge of Allegiance.

President Emmons introduced Hutton Cochran 12 years old a Cub Scout who was working on his Merit Badge for Citizenship in the community. He asked Hutton to lead the people in the Pledge of Allegiance.



Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.

The minutes from the February 2, 2015 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals Recommendations from their February 10, 2015 Public Hearing.

APPEAL 2015-07 An appeal submitted by Hack Properties, LLC, requesting a Use Variance for **3635 North Home Street** to allow a soccer instruction facility on I-1 Light Industrial zoned property.

The Board, with a vote of 4-0, recommended approval subject to the following conditions:

1. Use Variance shall be limited to indoors.
2. A site plan shall be submitted to the Department of City Planning showing proposed parking layout in regards to providing parking space per use.
3. Temporary signage is prohibited.

Clerk Block read a letter from the Plan Commission Recommendations from their February 10, 2015 Public Hearing.

PETITION 2015-03 A petition submitted by LCS Realty LLC requesting to vacate public right-of-way, more specifically a portion of Cleveland Road in front of **227 East Cleveland Road, Granger.**

The Commission, with a vote of 6-0, recommended approval.

PETITION 2015-04 A petition submitted by Marc V. Campbell requesting to annex and zone property located to the **south of 226 South Elder Road** to I-2 Heavy Industrial District.

The Commission, with a vote of 6-0, recommended approval.

Clerk Block said there was the matter of outstanding and unpaid checks for a period of two years to be voided; this needed to be presented to the Council no further action needs to be taken.

Clerk Block Read **VACATION-2015-1** regarding Cleveland Road in front of **227 East Cleveland Road, Granger** opening it for public hearing.

Terry Lang, Lang Feeney & Associates, Inc. 715 South Michigan Street, South Bend said he represents the petitioner in this case and have met with the Mishawaka Engineering and Planning staff in regards to vacating a part of Cleveland Road basically between the Phillip 66 Gas Station and the old Cleveland Road, located in front of Belmont Beverage. He said that stretch of Cleveland Road has been used for the last 30 years or so as an access drive from old Cleveland Road to the Belmont Beverage and the Phillip 66 Gas Station located immediately to the east of that. Mr. Lang said over the years that stretch of Cleveland Road has not been maintained and it was in very bad disrepair. He said Belmont Liquor Store has done some remodeling and would like to acquire more parking and he and they have contacted the City and the County to see whose jurisdiction it was and found it to be in the Mishawaka City Limits. Mr. Lang stated they would like to vacate that portion of street, improve it and add additional parking and still provide a corridor between the two rows of parking for access from Cleveland Road, the Gas Station as well as to the University Commons Business Park located to the south.

Mr. Lang said it was a very dangerous spot trying to pull out onto State Road 23 so they are going to leave that open and maintain the appropriate easement or access in and out as well as providing the appropriate utilities that are there with the guidelines of the City of Mishawaka's Engineering standards for the parking and required retention.

Ms. Voelker asked if this road would maintain open on both sides. Mr. Lang said yes, they were just going to improve it and make it a little wider and provide parking on each side.

Mr. Banicki asked what the plans were for making people safe while people fly through that connector, in an average parking lot you would not have that problem. Mr. Lang explained people were taking shortcuts through the Belmont existing parking lot as it was to avoid the chuck holes so a problem currently exists there and that was what they were trying to remedy. Mr. Banicki asked if this was being paid for with TIF money. Mr. Prince stated that TIF was not used for repairs and by not using TIF money they could add speed bumps if they choose to.

Clerk Block Read PROPOSED ORDINANCE NO. 2015-02 opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-02

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.

**Vacation of public right of way – South of State Road 23 and West of Cleveland Road
(Access Drive)**

(Assigned to Land Use Planning Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2015-03** opening it for public hearing

PROPOSED ORDINANCE NO. 2015-03

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY
OF MISHAWAKA, INDIANA, AND PROVIDING ZONING
CLASSIFICATION THEREFORE
(Annex and Zone I-2) Heavy Industrial – South of The Central RR
adjacent to 226 S. Elder)
(Assigned to Land Use Planning Committee)

Clerk Block read **RESOLUTION NO. 2015-02** opening it for public hearing.

RESOLUTION NO. 2015-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF MISHAWAKA, APPROVING OF THE ISSUANCE OF
CITY OF MISHAWAKA, INDIANA, REDEVELOPMENT DISTRICT TAX
INCREMENT REVENUE BONDS, SERIES 2015 TO THE
MISHAWAKA LOCAL PUBLIC IMPROVEMENT BOND BANK
(Approving the Sale of Bonds to the bond Bank)

Ken Prince, City Planner said he was speaking in favor of this Resolution No. 2015-02 specifically for the issuance of Redevelopment District Tax Incremental Revenue Bonds here in a situation where very simply put there was a need to do this Bond Issue to insure their ability to do Capital Improvements in the long term. He said last year when they looked to amend the Tax increment financing districts they identified a series of projects and those projects totaled over 600 million dollars. He said the revenue projected in the time period through 2033 was expected to be a little over 300 million dollars so the projects they have for potential need in the books they would only have half the revenue to complete those. Mr. Prince said following the amendment of the Tax Increment Financing of our district last year the State Legislature passed the amendment to state law that provided what was called a Sun Set Law which was previously referred to as Legacy TIF that did not have an expiration date. He said they projected that revenue over a period of time and they did not count on the Legislature passing a law that would essentially reduce their funding over that period of time.

Mr. Prince explained the way the law was written says the Legacy TIF would expire in 2025 or expire in the period of time where there was no longer a debt servicing coming from that area. He said so essentially what they were trying to do at this point was to propose a small Bond Issue to meet the terms established by the State Legislature in order to extend the Legacy TIF. Mr. Prince said what would happen was the proposed Bond Issue has a payback period of the time permitted by law, which was 25 years, this would extend the TIF and not expire until 2040, instead of 2025. He said he feels this Bond Issue has the ability to allow essentially in the neighborhood of 100 million dollars of infrastructure improvements that would be possible with the Bond Amendment that would expire in 2025 so that in short was the reason for this Bond Issue, the second part of this was the project itself which was the Battell Community Center.

Mr. Prince said he has had conversations with the administration and the Mayor and reviewed the projects on that list, and the Mayor very specifically felt the Battell Center was the epitome of what would be a good project for these funds, it was the community center, and very visible. He went on to say there was the issue of the amount it would cost and they choose 1 million dollars, because they were trying to meet the intent of State Law and be forth right in that, because what they have been trying to do with TIF Districts was to pay cash and not pay financing fees, that was why they chose an amount they felt was substantial or would hinder where they borrow the money from which was the Mishawaka Bond Bank. Mr. Prince said the Bond Bank was used to fund Fire Station #4 improvements, Fire Truck purchases, leases to purchase and now they can do that financing through the Bond Bank saving the city money in the long term. He said the million dollars was only a portion of what they envision happening at the Battell Community Center.

Mr. Prince gave the Council and Clerk a handout of a synopsis from Troyer Group of an estimated cost of Battell Centers Renovation along with a detailed list of improvements to be made on file with the resolution in the Clerk's Office.

Mr. Compton asked what the time frame was for this project. Mr. Prince said approximately 3 months to prepare the documents for bidding, another month for bidding and then the construction itself and it depends on what they get into but he would anticipate at least 6 months for the build out so that is essentially a year, so they would be looking well into 2016 before the space could be occupied for its intended purpose.

Question was called for at 7:24 p.m. on **RESOLUTION NO. 2015-02** with the  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.**

Clerk Block read **RESOLUTION NO. 2015-03** opening it for public hearing.

RESOLUTION NO. 2015-03

A RESOLUTION APPROVING APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF MISHAWAKA, INDIANA (Historic Preservation Commission Changes)

Mayor Wood asked the Council for their support of his appointments to the Mishawaka Historic Preservation Commission Through December 31, 2016 the two new voting members were Doug Merritt who now owns the old Fire Station 4 on Lincolnway East and Faye Sullivan who purchased the Wing and a Prayer Store on the corner of Race and 3rd Street to renovate back into a home.

Question was called for at 7:27 on **RESOLUTION NO. 2015-03** the  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.**

Clerk Block read **RESOLUTION NO. 2015-04** opening it for public hearing.

RESOLUTION NO. 2015-04

**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:
3635 North Home Street, Mishawaka, Indiana
(Use Variance to allow a Soccer Instruction Facility – 3635 N Home Street)**

Doug Merritt said he was pleased to be a member of Mishawaka Historic Preservation. He introduced Steve Dregits who is the owner/operator and franchise owner of Soccer Shots, which is a new business that would have a physical footprint at 3635 North Home Street in Mishawaka, seeking a use variance for hosting youth soccer activities at this address.

Mr. Mammolenti asked how many students would be receiving instruction at one time. Mr. Dregits said they have a max of 12 children per session, which is ½ hour. Mr. Mammolenti asked if they would be on going session all day long. Mr. Dregits said they primarily function at preschools and day cares so the facility would be used as an evening location for community programs between 5:00 and 7:00 p.m.

Mr. Compton asked how many parking spots were available. Mr. Dregits said there were 14 parking spots available and one handicap accessible spot. He said they have submitted a site plan to the Building Department and the Planning Department having received approval from each.

Mr. Roggeman said it was interesting to note that the athletes are the ages of 2 through 8 years old. Mr. Dregits said they start at 3 and go to 8 but are authorized to start at age 2, but as of yet they have not branched into that age group just yet. Mr. Roggeman asked if Soccer Shops was a national franchise. Mr. Dregits said yes this was his 3rd year but he has done it remotely this would be the start of them having their own indoor facility. Mr. Roggeman said this would be indoor only. Mr. Dregits said yes.

Mr. Mammolenti asked how many of these franchises were there in the U.S. currently. Mr. Dregits said 103 across the country and Canada.

Question was called for at 7:33 on **RESOLUTION NO. 2015-04** the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons.

NEW BUSINESS

Mr. Mammolenti said Twin Branch would be holding their neighborhood monthly meeting at 7:00 p.m. on February 18th at Twin Branch School, speaker was yet to be determined.

Mr. Emmons said he would like to invite everyone on the Thursday the 19th to St. Bavo's for a neighborhood meeting at 7:00 p.m. the guest speaker would be Ken Cotter, the new Prosecuting Attorney.

Clerk Block said there was the matter of changing the April 6th meeting.

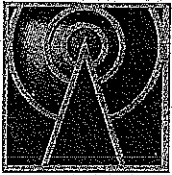
Mr. Roggeman said he would like to make a motion to change the April 6th meeting to March 30th 2015, with a second by Mr. Reisdorf the motion carried.

President Emmons said there would be a 10 minute recess before the Mayor's State of the City. Council recessed at 7:38 p.m.

President Emmons reconvened the meeting at 7:50 p.m. for the Mayor's State of the City.

MAYOR WOOD'S STATE OF THE CITY

Adjournment 8:43 p.m.



CHARLES S HAYES

814 MARIETTA STREET
SOUTH BEND, IN 46601

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RECEIVED
DEBORAH S. BLOCK, MMC

03/11/2015

FEB 25 2015

Board of Zoning Appeals
600 E. Third Street
City of Mishawaka, Indiana 46544

CITY CLERK
MISHAWAKA, IN

The undersigned appellant respectfully shows the Board:

1. I, Charles S. Hayes Inc. am the purchaser, of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

Lot 5 Health Quest Grape Rd Minor New Replat Tr 7-10-03 5934 Wd, Parcel has no common address at this time.
2. The above-described real estate presently has a zoning classification of R-3 Multi-Family District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant proposes to occupy the above-described property in the following manner:

Charles S. Hayes Inc. proposes to occupy above-described property with a 190' high (195' overall) monopole type radio communications tower, various equipment shelters, equipment platforms, generators and related equipment.
4. Appellant desires to obtain a use variance to build a telecommunication tower in an area that is currently zoned R-3 Multi-Family.
5. The Zoning Ordinance of the City of Mishawaka requires a conditional use for industrial zoned properties.
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
Without the use variance, no cell phone communication towers could be built in this area.

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

No. The proposed use will not be injurious to the public health, safety, morals or general welfare because the compound will be securely fenced and no dangerous materials will be used at the site.

(2) *Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*

No. The proposed project will be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

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

The property is uniquely qualified for a cell phone communication tower because it is located off a main thoroughfare but near many cell phone users.

(4) *Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which variance is sought?*

There is a high cell phone use in the area and this proposed cell phone tower will provide better service to the businesses and residents of the area.

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

No. The proposed use will not interfere with the Mishawaka 2000 Comprehensive Plan because it will not place demands on public services and facilities in excess of current capacity because no sewer or water or other public services are required at the site, no additional traffic will be generated, and adequate electric service is available. The facilities are necessary to further develop the existing and new wireless.

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

Anne F. Hayes

CONTACT PERSON:

Anne Hayes
814 Marietta St
South Bend, IN 46601
574-233-1296
ahayes@telecompark.com

Board of Zoning Appeals
City of Mishawaka, Indiana
600 E Third Street
Mishawaka, IN 46544

Re: Petition for Variance – For the construction of a monopole type communications tower.

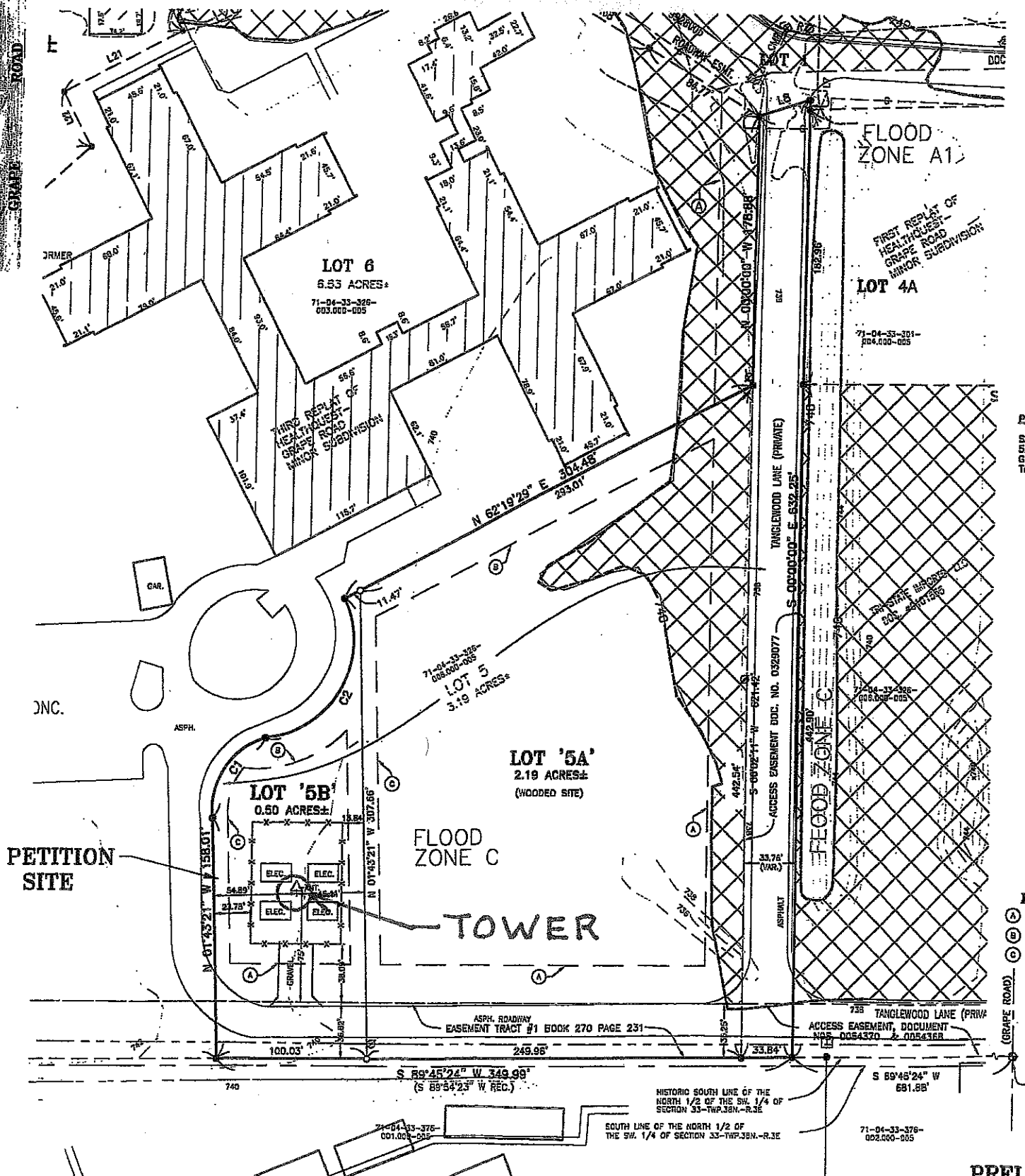
To: The Honorable Board,

Please be advised that Charles S. Hayes Inc., has been directed to represent my interest at the public hearing of the Board of Zoning Appeals of Mishawaka, Indiana at which this petition is to be considered.



Diocese of Fort Wayne-South Bend, Inc./Saint Pius X Catholic Church

**A PART OF THE SW. 1/4 OF SECTION 33, T. 38 N., R. 3 E.,
CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA
(BEING A REPLAT OF LOT NO. 5 OF HEALTHQUEST-GRAPE ROAD MINOR SUBDIVISION)**

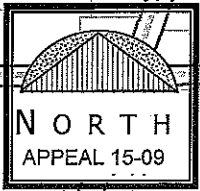


LEGEND

- DENOTES AREA IN 100 YEAR FLOOD PLAIN, ZONED "A-1"
- 25' FRONTYARD SETBACK LINE
- 5' NON ACCESS EASEMENT

PREL

DATE
2/12/15
SCALE
1"=40'
FILE #
150115.5



APPEAL 15-09

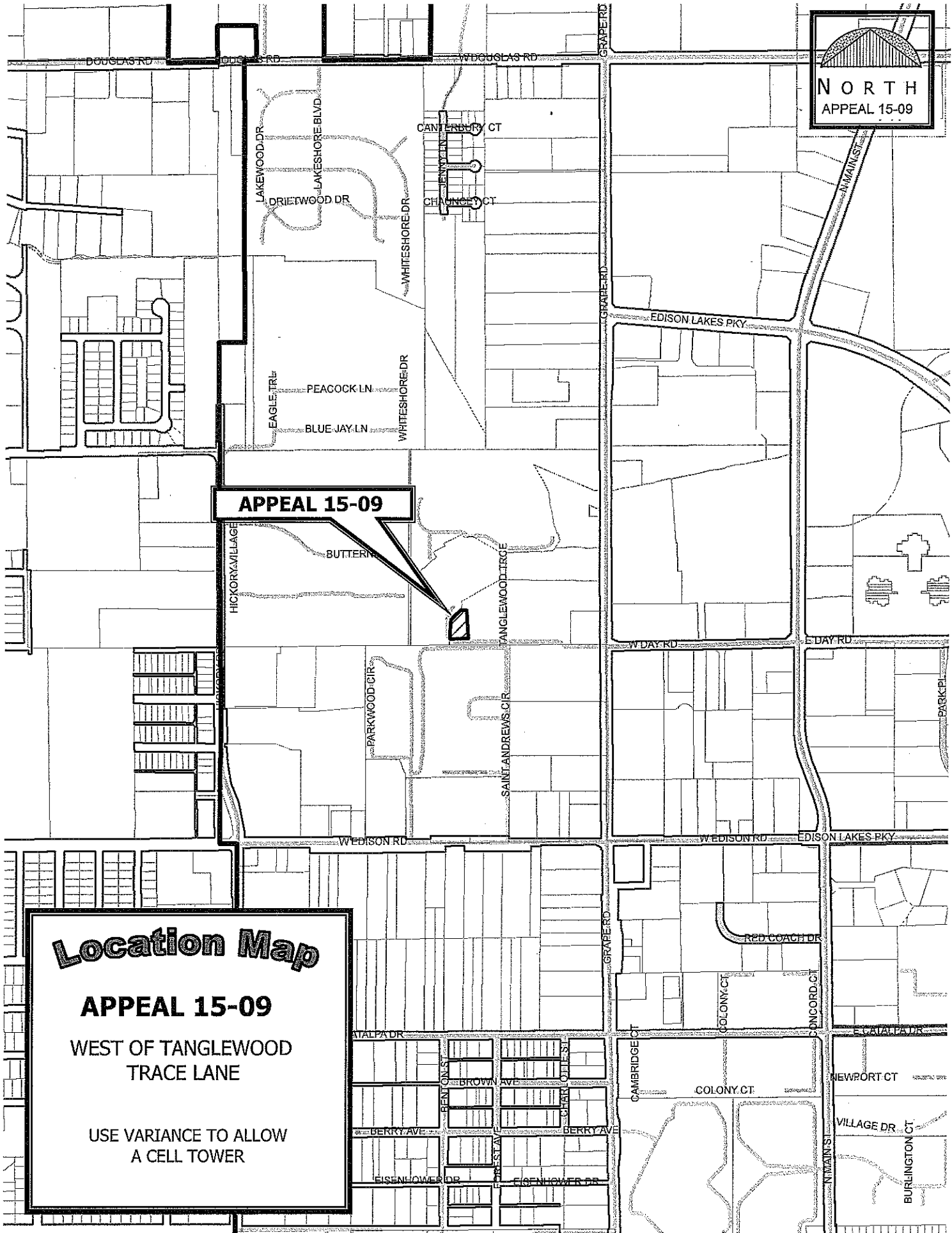


Location Map

APPEAL 15-09

WEST OF TANGLEWOOD
TRACE LANE

USE VARIANCE TO ALLOW
A CELL TOWER



February 18, 2015

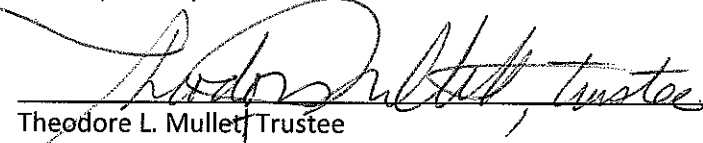
FEB 18 2015

BOARD OF ZONING APPEALS
City of Mishawaka, Indiana

AP 15-11

I am the Trustee for the Thomas W. Mittler Family Trust and I am authorized to execute agreements on behalf of the Trust. On February 16th, 2015 I entered into a Purchase Agreement with Maurice Bokhart on behalf of the Trust for the property identified below. We understand that even though Mr. Bokhart's desired use is nearly identical to the way the building has been used in the past, in order to be absolutely sure that the zoning is appropriate – we support his efforts to go before the Board of Zoning Appeals in order to obtain formal approval.

Thank you for your consideration.


Theodore L. Mullet, Trustee

3625 Park Place West, Suite 300
Mishawaka, IN 46545

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

CITY CLERK
MISHAWAKA, IN

The undersigned appellants respectfully show the Board:

1. I, Maurice Bokhart have entered into a Binding Purchase Contract for the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana, to-wit: Parcel 1: 1.18 AC TR M OR L BEG 217.75'N OF LN WEST ST & E SPRING ST SE 1-4 SEC 16-37-3E FILED W/R E PERKINS ADD in the Office of the Recorder of St. Joseph County, Indiana. Common Address 403 S. Main Street, Mishawaka, Indiana, 46544.
2. The above described real estate presently has a zoning classification of Industrial I-1 District under the Zoning Ordinance of the City of Mishawaka.
3. The previous owner, Mr. Thomas Mittler has passed away, and this property is being sold in order to settle the estate. Mr. Mittler occupied the above described property in the following manner: Indoor storage and showroom for automobiles with an indoor wash bay for cleaning the autos. Appellant desires to occupy the building for the warehousing, resale, detailing and rental of high-end, luxury automobiles. Auto sales will be both internet driven and on-site. All vehicles will be housed indoors, and no painting or mechanical work (oil changes, etc.) will take place at this location. Hours of operation are expected to be from 8 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 2:00 p.m. on Saturday. Signage will be in compliance with the requirements established by the State of Indiana Dealer Licensing Department.
4. Appellant desires for you to allow the warehousing, resale, detailing and rental of high-end, luxury

automobiles.

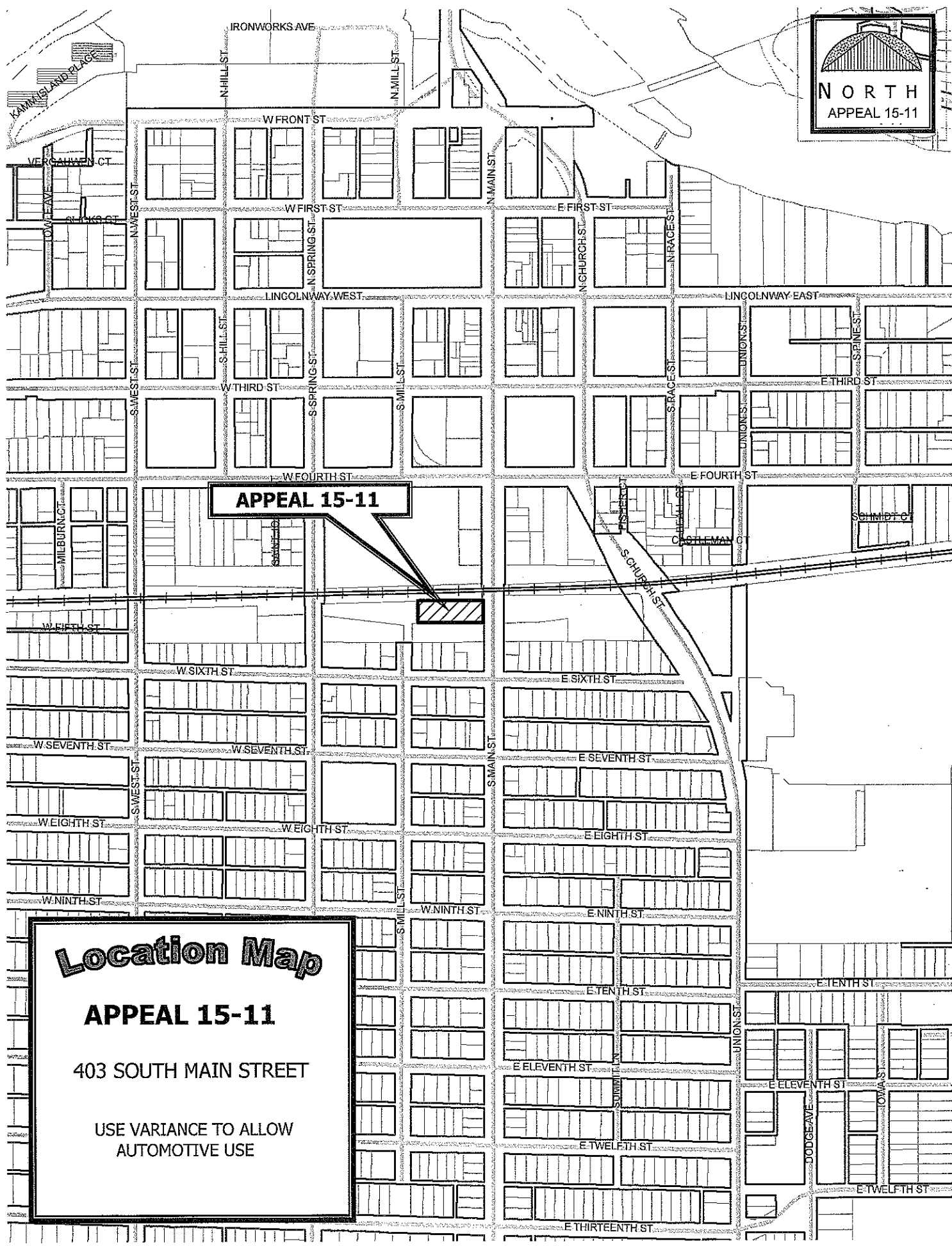
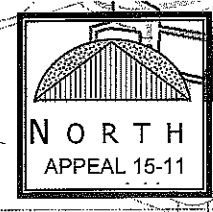
5. The Zoning Ordinance of the City of Mishawaka requires: it is our understanding that any automotive use will require a variance from existing zoning.
6. Without the Variance allowing for the warehousing, resale, detailing and rental of high-end, luxury automobiles, the executed purchase agreement between Maurice Bokhart and the Mittler Family Trust will be null and void – due to the inability to obtain appropriate zoning.
7.
 - A. This variance will not in any way be injurious to the public health, safety, morals or general welfare of the community.
 - B. It should have no adverse affect to any adjoining properties as the intended use will not in any significant way change the character of the building.
 - C. The need for the variance does not arise from some condition peculiar to the property.
 - D. It is our belief that strict adherence severely restricts our ability to utilize the space for the intended purposes, and the requested variance will allow for the vacant space to be utilized.
 - E. We do not believe that approval of the Variance will substantially interfere with the Mishawaka 2000 Comprehensive Plan. There will be minimal change in the nature and character of the internal or external building and minimal impact on traffic or visual aesthetics of the building.

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



By: Maurice E. Bokhart

16400 Kern Road
Mishawaka, IN 46544
(574) 254-0497
mebokhart@gmail.com



APPEAL 15-11

Location Map

APPEAL 15-11

403 SOUTH MAIN STREET

USE VARIANCE TO ALLOW
AUTOMOTIVE USE

RECEIVED
DEBORAH S. BLOCK, MMC

February 16, 2015

FEB 25 2015

Board of Zoning Appeals
City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

CITY CLERK
MISHAWAKA, IN

FEB 18 2015

RE: Planet Aid Building and Site Developmental Variance
1231 Lincolnway West, Mishawaka, IN 46544

Dear Members of the Mishawaka Board of Zoning Appeals,

~~PL~~ 15-02
APL

1. I, Kai Nielsen, am the leaseholder of the project on the following described real estate located in the City of Mishawaka, Penn Township, St Joseph County, State of Indiana, to-wit:

Legal Description: Lots 110 111 Ex N Pt For St Adam S Bakers 1st 03-04
Split To State For St Per Tr 11790 1-6-03

Common Address: 1231 Lincoln Way West, Mishawaka, IN 46544

2. The above-described real estate presently has a zoning classification of C-1 General Commercial under the Zoning Ordinance of the City of Mishawaka.

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

Site:

Attached is an existing and proposed site plan for the Planet Aid project. The Appellant proposes that the site be approved with minimal changes. The existing building was originally a service station and most recently occupied as a pizza carry out restaurant. The present building has been vacant for about 8 to 10 years. The use as proposed is a drop off collection center for donated clothing. Two exterior bins are proposed at the west part of the site, set against the building. Each bin is 4' wide x 4' long x 6.5' tall. Parking for patron drop-off is provided as noted on the site plan for short duration. The building is not planned to be an occupied facility, just a cold storage collection/distribution center for the Mishawaka regional area. No office or restroom is planned.

The present curb cuts on Lincoln Way West and Logan are proposed to remain without any changes. The existing concrete drive/parking areas north and west of the building is proposed to remain without any changes. Three new trees are proposed on the south west portion of the landscaped area of the site. The proposed patron traffic anticipated will entail short term parking while dropping off donating clothing and depositing the goods in the collection bins and collection slot throughout the day. Staff will regularly visit the building two times a day for pick-up and monitor the condition of the site and building. There will be no commercial truck parked at the property, other than short term pick-up or delivery. No goods are allowed to be dropped off other than clothing to be deposited in the drop-off slot on the north side or the bins on the west side. No drop-offs are allowed outside the building.

The present storm drainage will not change. The roof drains to the south at a gutter line and a single downspout to a splash block onto the grass lawn. The scrub vegetation at the south side will be removed. The lawn area will be improved and the grass will be mowed and maintain in an attractive manner.

Building:

The existing exterior finishes are painted concrete block, some infill painted vertical wood siding, glass and aluminum window frames, steel columns, metal soffit. The proposed

upgrades will entail repair of broken glass at the windows, repair of the canopy overhang, tuck-pointing the concrete block wall as needed and repainting the entire exterior of each side of the building. The interior will be cleaned up, damaged materials replaced, but given the fact that the use is non-occupied cold storage distribution center, no offices or restrooms are planned to be part of the improvements. The building will have power, interior lighting and emergency lighting, but no heating or plumbing.

The proposed exterior finishes are planned with the Planet Aid corporate blue and yellow paint for 30% of the exterior finish. The remaining 70% is proposed as a compatible tan color. Attached are the exterior colored elevations which show the materials along with their location and proposed color.

4. Appellant desires to retain the existing building as is with basic repair and upgrades to maintain the building exterior finish as outlined above. No additions are proposed and the present drive, curb cut and drainage is proposed to remain without change.
5. **USE VARIANCE:** The Appellant requests approval of the Use Variance as a Drop-off Collection/Distribution center within a C-1 General Commercial Zoning district (Section 137-300).

DEVELOPMENTAL VARIANCE: In addition, the Appellant requests the following Developmental Variances for the project;

1. Landscape variance from that required in Article VII, Section 105 to that provided on the Site Plan.
 2. Parking: Existing concrete drive, curb cuts, parking and drainage to remain as is. The Ordinance requires 4.25 or 5 parking spaces, but we request a variance to provide 3 parking spaces as proposed on the Site Plan.
 3. Setbacks, Side Yard: The existing building encroaches into the existing East side yard 5' setback. Provide a variance to allow for the existing setback of approximately 4'.
 4. Setbacks, Front Yard: 0-ft pavement setback for the area that encroaches into the ROW at the corner.
6. The strict adherence to the Ordinance requirements would create an unusual hardship as follows;
 - a. Given the encroachment into the sideyard setback would require a tear-down and re-build of the structure toward the east part of the lot which is impractical.
 7. In compliance with the requirements for filing this appeal for a Use Variance and Developmental Variances, the following points are noted:
 - A. The approval will not be injurious to the public health, safety, morals or general welfare of the community because this use of the building as a donation drop-off collection center will provide for a much needed service to the community. The size of lot and building size is a good fit for the re-use and the original use as a gas station is impractical as it is too small of a site. The present vacant building would be brought back to functional use and would clean-up a building that is been in need of repair and has been vacant for 10 years. The location of the facility is ideal in serving the larger community and the traffic patterns would be low volume, dispersed throughout the day and safe.
 - B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner in that the building will be repaired and properly maintained. Even though the building will not be an occupied building, Planet Aid staff will visit the building and site regularly to keep things in order.
 - C. Strict application of the terms of this chapter of the Ordinance will result in practical difficulties in the use of the property in that the setbacks and present curb cuts if compliant with the ordinance requirements would require demolition and rebuilding of the entire site in a different geometry. Granting this variance will allow economical reuse of this one-story masonry building on a corner lot.

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



Signature of Leaseholder

Kai Nielsen RM pland P-1

Printed name of Leaseholder

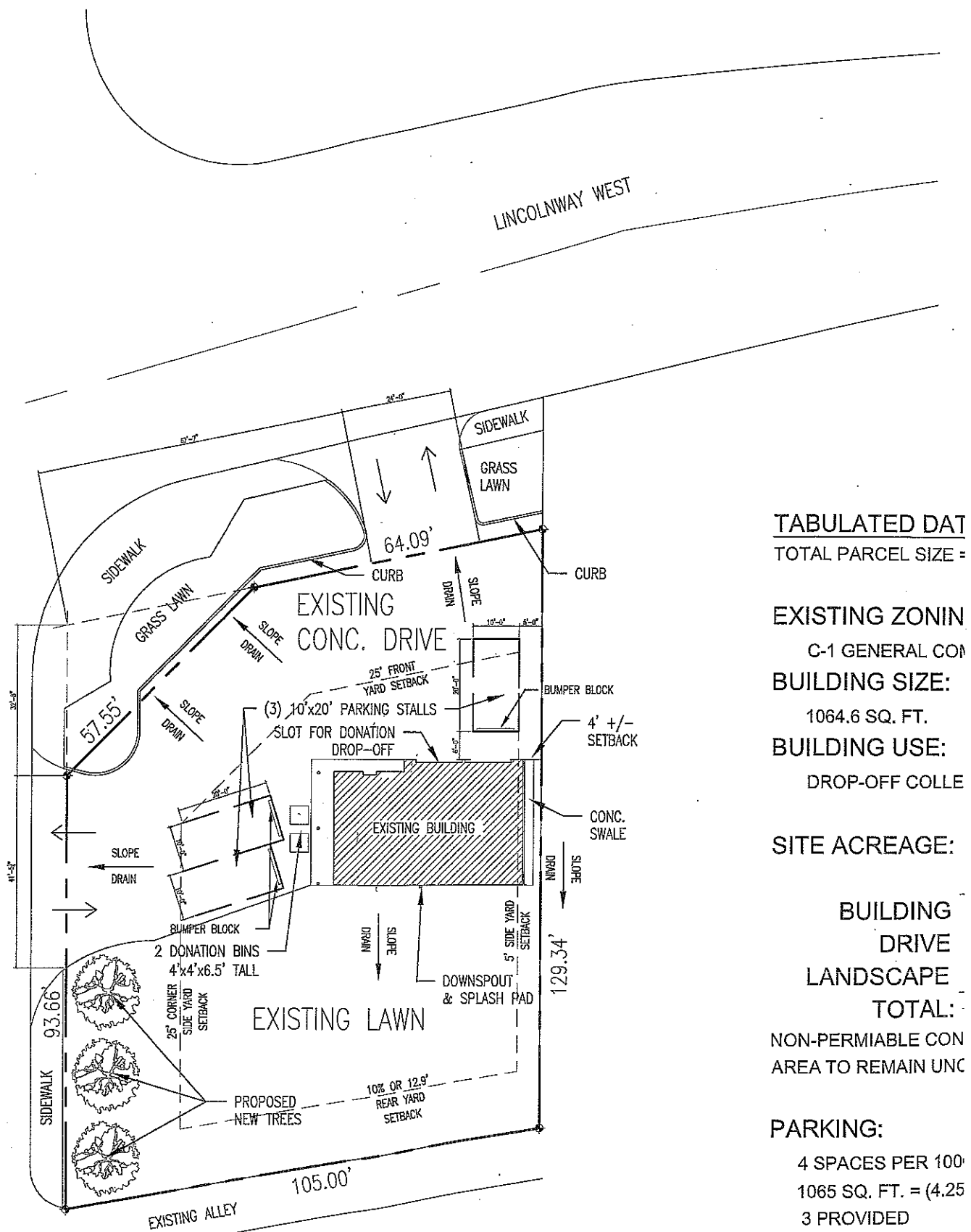
Signature of Property/Title Owner

Printed name of Property/Title Owner



Contact Person: Gregory A. Kil, NCARB, AIA Architect

Kil Architecture/Planning
1126 Lincolnway East
South Bend IN 46601
(574) 288-2654 office phone
(574) 288-2420 office fax
gkil@kilarchitecture.com





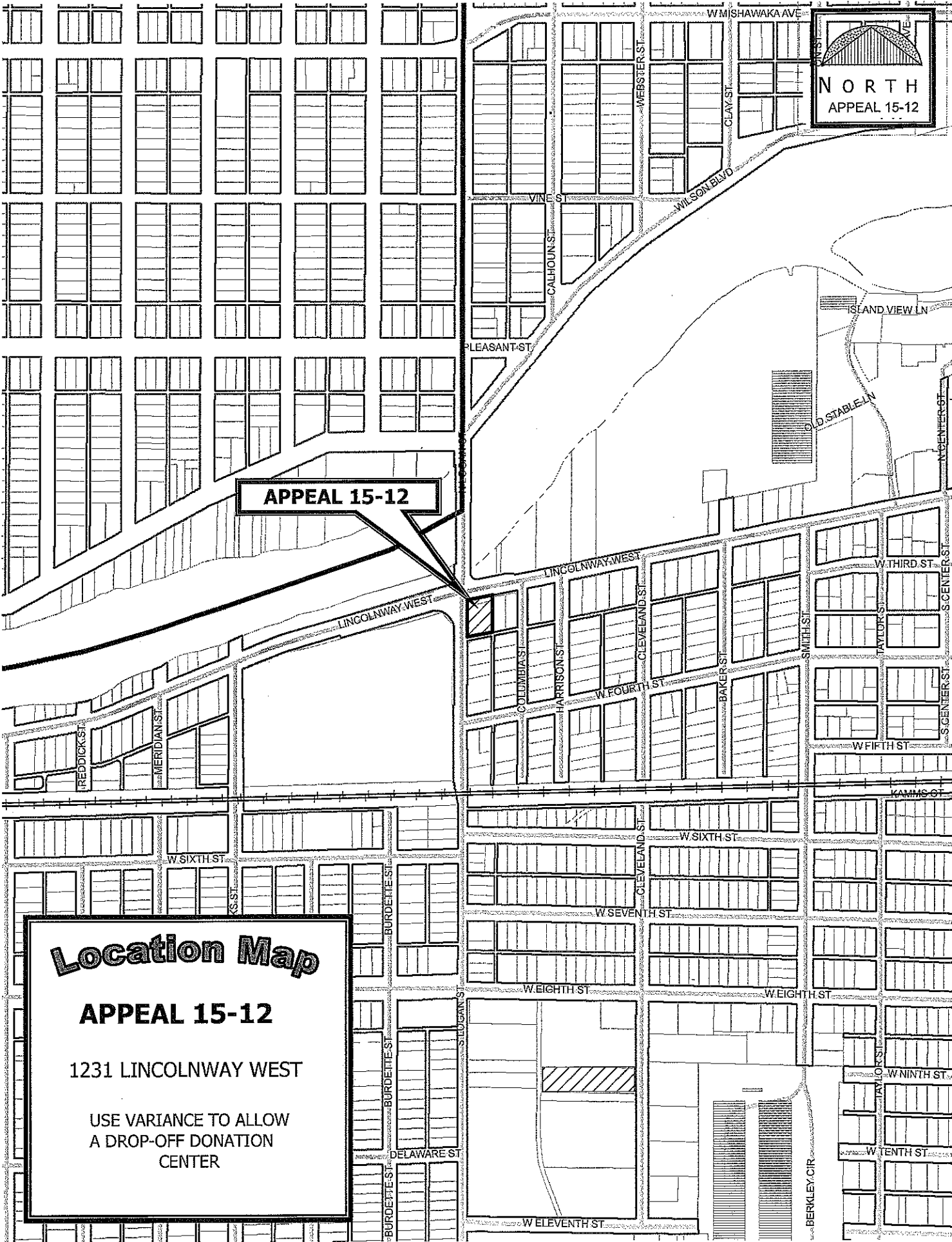
APPEAL 15-12

Location Map

APPEAL 15-12

1231 LINCOLNWAY WEST

USE VARIANCE TO ALLOW
A DROP-OFF DONATION
CENTER





CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

February 18, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

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 City of Mishawaka Redevelopment Commission 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 22 Tallieus 1st Subdivision, City of Mishawaka, Indiana, recorded in the Office of the Recorder of St. Joseph County, Indiana.

Commonly known as property located at 502 West 6th Street

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General Commercial District and desires said real estate to be rezoned to R-1 Single-Family Residential

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

Kenneth B. Prince, ASLA, AICP
City Planner

CONTACT PERSON:

Name: Greg Shearon
Address: 600 East Third Street
Day Phone Number: 258-1625
Fax Number: 968-6999
Email: gshearon@mishawaka.in.gov

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

Building Phone: (574) 258-1607 Fax: (574) 968-6999

Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999

Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

Ret 15-05



PETITION 15-05

Location Map

PETITION 15-05

502 WEST 6TH STREET

REZONE FROM C-1 GENERAL
COMMERCIAL TO R-1 SINGLE-FAMILY
RESIDENTIAL

2-17-15

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

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

CITY CLERK
MISHAWAKA, IN

Re: Petition for PUD Amendment

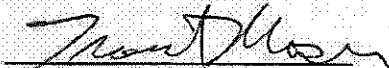
The undersigned Black Gold LLC respectfully show they are owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana to wit:

See attached Legal

Petitioner owns 100% of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a convenience store and fuel dispensing.

Petitioner desires said real estate to be amended to allow the combination of the overall development sign (80sf sign and 12'ht) together with the individual project sign (60sf sign and 8'ht) into a single sign (135sf and 12'ht) with a masonry base (3'ht) and an architectural surround (13'-6"ht). Requested sign to include: name of the development, name/logo of the fuel brand, LED price sign, and (5) additional business signs.

See attached sign schematic.

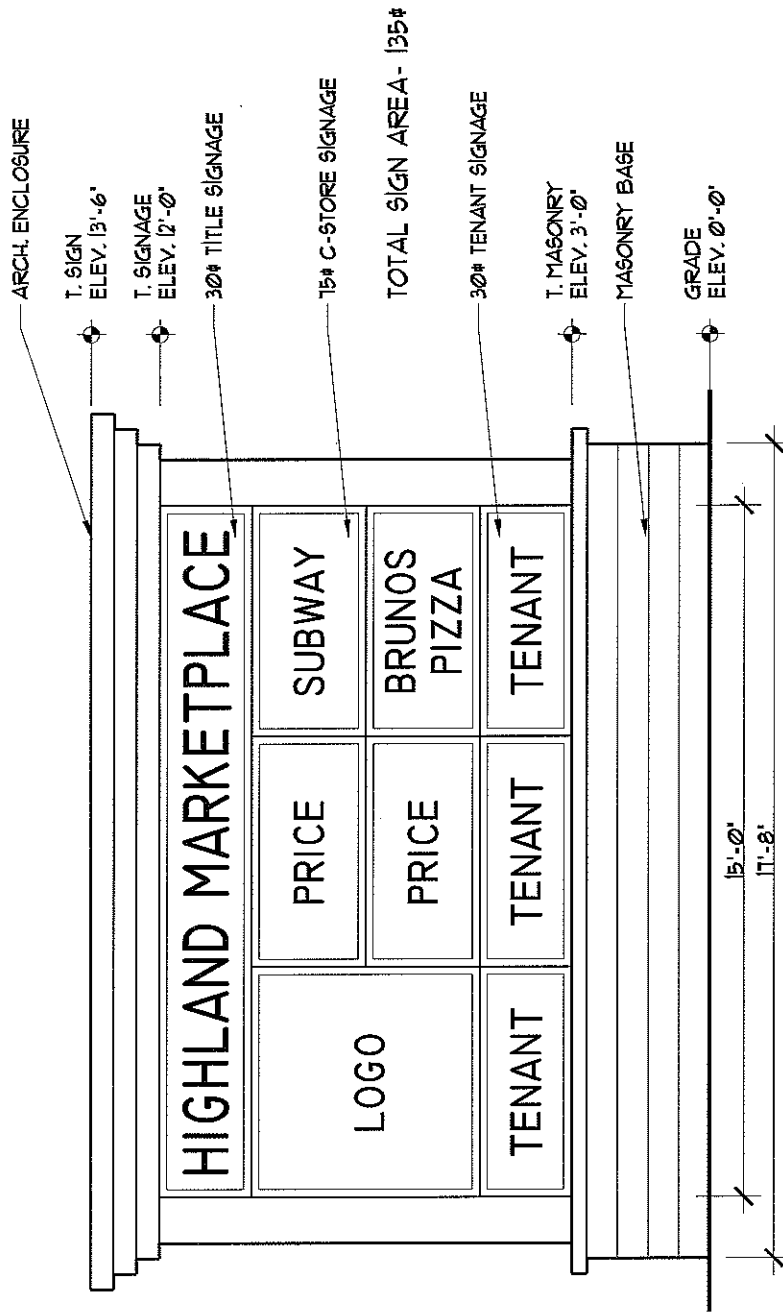

Signature of property owner

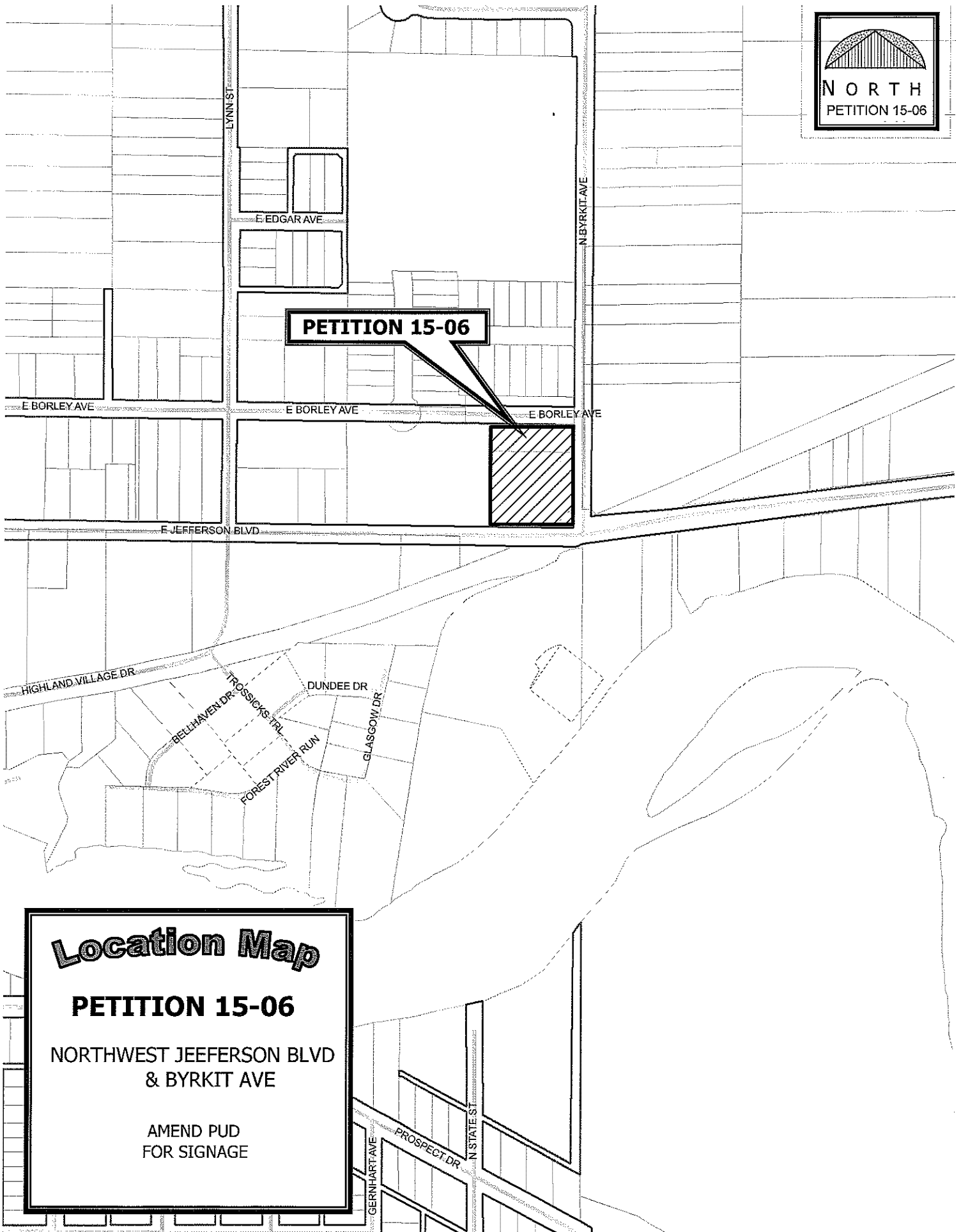
Trout Moser
Black Gold LLC

Contact Person:

Phillip A Troyer Architect
1510 W Ludwig Rd, Fort Wayne IN 46825
260-489-2810

Let 15-06





Location Map

PETITION 15-06

NORTHWEST JEEFERSON BLVD
& BYRKIT AVE

AMEND PUD
FOR SIGNAGE

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

February 13, 2015

To: ~~Board of Zoning Appeals~~
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

Plan Commission

The undersigned Owner on behalf of Appellant, Denise Cunningham dba Free Time Kids Playcare, Inc respectfully shows the Board:

1. I, DF Properties, LLP, am the Owner of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

BEG 915.81' N & 450.86' W FROM SE COR E ½ NE ¼ SEC 28-38-3E 523.83' W 91.89' N 246.36' NE
105.76' NE 228.57' NE 332.5' 10 POB 2 60 AC M OR L

UNIVERSITY DRIVE (TIMES SQUARE)
235 W. UNIVERSITY DR.
MISHAWAKA, IN 46545

2. The above-described real estate presently has a zoning classification of S-2 Planned Unit Development under the Zoning Ordinance of the City of Mishawaka. The S-2 Planned Unit Development, basically means that conditions are written specifically for a property. As such, the only uses currently permitted at Times Square are C-2 Shopping Center uses, (permitted uses outlined under municipal code, chapter 137, zoning). The C-2 District does not permit Childcare or day care operations by right.
3. Appellant proposes to occupy the above-described property in the following manner: as an hourly, drop-in childcare facility.
4. The Zoning Ordinance of the City of Mishawaka requires that commercial C-2 shopping center district has been established to "promote the grouping of contiguous buildings, stores, offices and other uses on a lot in a manner which constitutes an organized, architecturally harmonious, efficient, and convenient shopping center, and to provide a means for permitting the establishment of such centers as part of the development of the city". Section 137-325 - Intent
5. Strict adherence to the Ordinance requirements for C-2 District would create an unusual hardship due to the manner of services which the hourly, drop-in childcare would provide. This service does not fall in the grouping details listed in #4 above.
6.
 - 1) Will approval be injurious to the public health, safety, morals or general welfare of the community? NO
 - 2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? NO
 - 3) Does the need for the variance arise from some condition peculiar to the property involved?
No

FEB 18 2015

Per 15-07

- 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? NO
5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? NO

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

Signature of Property Owner



Print Name Here

Aaron Slagel

CONTACT PERSON:

Name: Aaron Slagel

Address: 1336 E. 510 S. Lafayette, IN 47909

Day Phone Number: 765-412-4272 / 765-427-2415

Fax Number:

Email: aaron.slagel@msn.com

Name: Denise Cunningham

Address: 5180 Bridlewood Cir
Granger, IN 46530

Phone: 219-771-0771 (cell)

Email: freetimekidsplaycare@aol.com

February 13, 2015

Department of Building – Community Development – Planning
City Hall
600 E Third St., Room 201
Mishawaka, IN 46544

RE: Proposed Use Variance – Times Square

To whom it may concern,

Please accept this letter on behalf of I, Aaron Slagel/Gary Standiford, authorized members of DF Properties, LLP, Owner of University Drive - Time Square Shopping Center located at 235 University Dr., Mishawaka, IN 46545. We permit Denise Cunningham, dba Free Time Kids Playcare, Inc, Proposed Tenant to act as our authorized agent ONLY WITH RESPECT TO THE ZONING USE VARIANCE required specific to her business as an hourly, drop-in childcare facility. Such use is not currently specifically permitted under the S-2 zoning classification. We permit her to appear on our behalf to at the following meetings only, BZA Hearing Date, Tuesday, March 10, 2015 and at the Common Council Hearing, Monday, March 16th only.

Thank you.

Sincerely,
DF Properties, LLP

AR Slagel
Its authorized agent

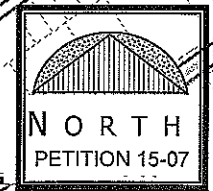
Aaron Slagel
Print Name Here

Address: 1336 E. SIO S
Laf., IN 47909

Day Phone Number: 765-412-4272

Email: aaron.slagel@msn.com

FEB 18 2015



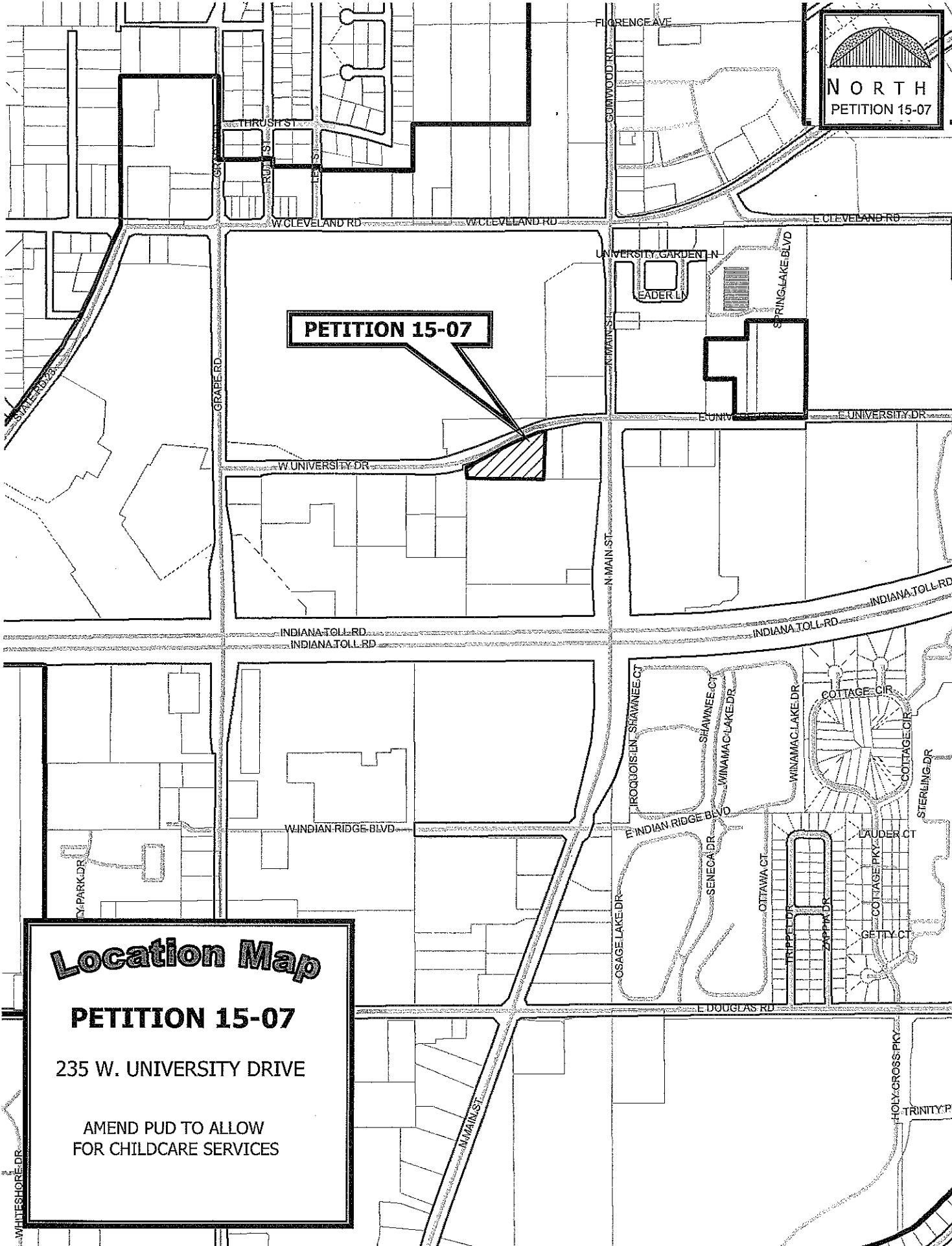
PETITION 15-07

Location Map

PETITION 15-07

235 W. UNIVERSITY DRIVE

**AMEND PUD TO ALLOW
FOR CHILDCARE SERVICES**



RECEIVED
DEBORAH S. BLOCK, MMC

FEB 25 2015

CITY CLERK
MISHAWAKA, IN

DATE: February 18, 2015

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

FEB 18 2015

RE: **PETITION FOR PUD AMENDMENT**
Lot 23A Toscana Park PUD, Phase III

Pet 15-08

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

LOT 23A, AS SHOWN ON THE PLAT OF TOSCANA PARK P.U.D. PHASE III, RECORDED NOVEMBER 15, 2012 AS INSTRUMENT #1236793 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

The above described parcel of land contains the following property:

Lot 23A Toscana Park PUD, Phase III on
Gumwood Road, Granger, IN 46530

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 a mixed use commercial development allowing 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 a hotel use. Accompanying this petition is a drawing showing the boundary of the above-described parcel of real estate, preliminary site plan showing the proposed use, and supporting documentation.

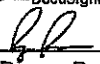
Petitioner desires said real estate to be amended as follows:

1. To allow for hotel use
2. To allow for a maximum building height of 59 feet
3. To allow for a blended parking requirement of 4 parking spaces per 1,000 sq. ft. of building area for the current lot 23A
4. To allow for an additional freestanding monument sign located along Gumwood Road

Petition for PUD Amendment
Toscana Park PUD Phase III
February 18, 2015
Page 2 of 2

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

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

DocuSigned by:

Ryan Rans

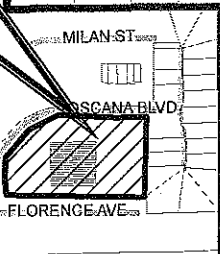
Toscana Realty, LLC
P.O. Box 540
South Bend, IN 46624

CONTACT PERSON:

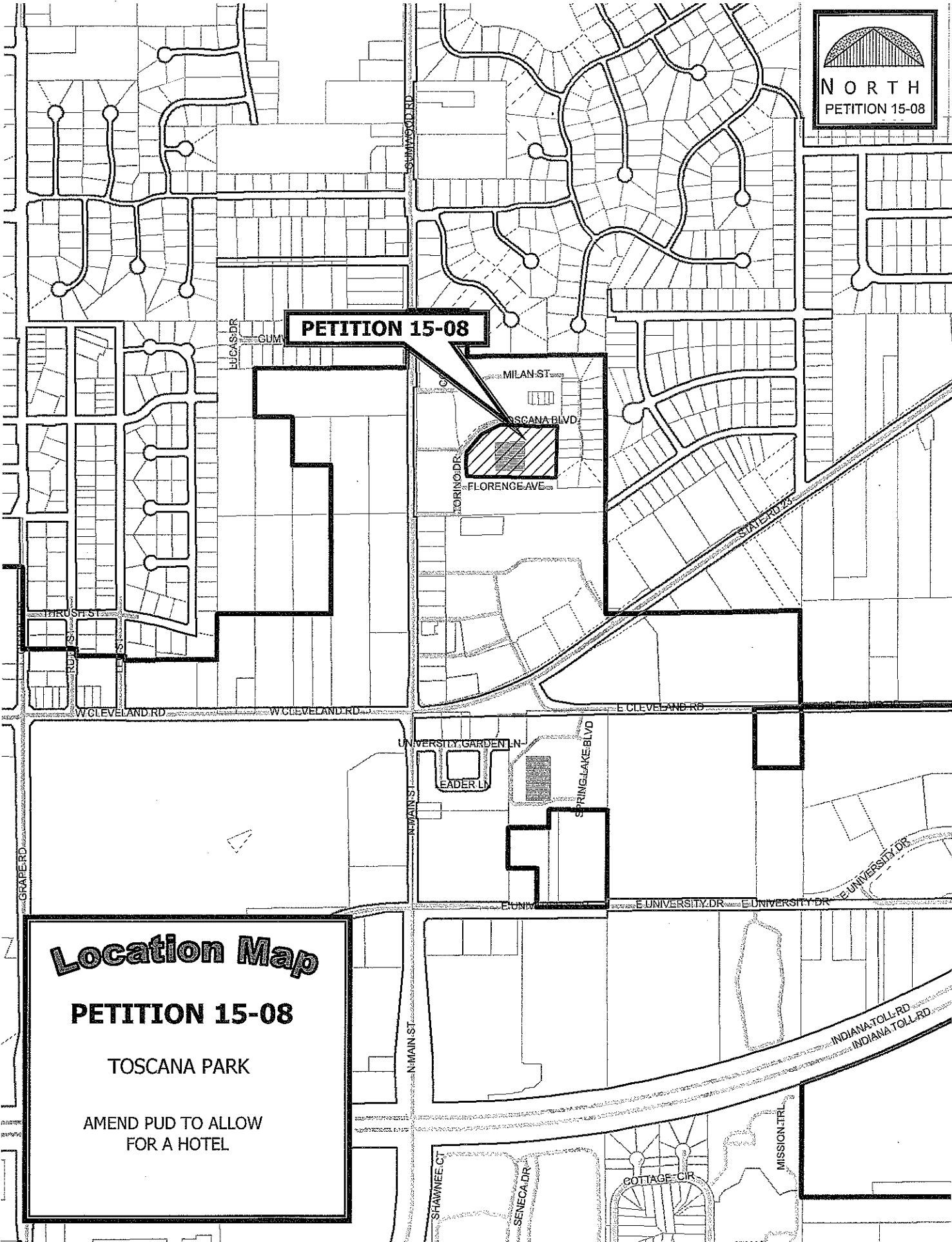
Daryl S. Knip, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
dknip@abonmarche.com



PETITION 15-08



Location Map
PETITION 15-08
TOSCANA PARK
AMEND PUD TO ALLOW
FOR A HOTEL



City of Mishawaka

Resolution No. 2015-5

Whereas, Tommy Forte is a Senior at Mishawaka High School and his personal dedication, sacrifice, discipline and iron will have enabled him to win numerous awards and honors as an outstanding wrestler; and

Whereas, Tommy Forte's State and National Rankings are Number 1 Senior in Indiana by Indianamat, Number 1 at 152 pounds in the State of Indiana by Indianamat, and ranked in the top 20 Seniors Nationally by Internat, as well as ranking 8th Nationally at the 152 pound weight class by Internat; and

Whereas, Tommy Forte a Senior at Mishawaka High School was undefeated, named Champion of the 152 lb Weight Class for his second IHSA State Wrestling Championship, having placed in the top 3 in State in his weight class all four years; and

Whereas, Tommy Forte is a 4 time Al Smith Invitational Champion, 3 time Mishawaka High School Most Valuable Wrestler, 3 time NIC Conference Champion and a 4 time Indiana State Sectional Champion, 3 time Indiana State Regional Champion, and 4 time Indiana State Semi-State Champion, 5 time Indiana State Champion 2 Time Runner up, 5 Time USAW Central Regional Champion 1 time 3rd Place, USA Wrestling Nationals, 2 time Champion 2 time runner up.

Whereas, Tommy Forte has committed to State University of New York At Buffalo.

Whereas, Tommy Forte's accomplishments have brought honor and distinction to himself, his family, his coaches, Mishawaka High School and our community; and

Whereas, such outstanding achievement deserves recognition and commendation by the proud City in which he resides;

NOW, THEREFORE, BE IT RESOLVED by the City of Mishawaka Common Council, Mayor and Clerk March 2, 2015 is hereby proclaimed

Tommy Forte Day

In the City of Mishawaka, and we call upon all of our citizens to join us in congratulation and saluting this talented and truly remarkable young man.

WE DO FURTHER RESOLVE that Mishawaka High School Wrestling Head Coach Charlie Cornett coached this fine young man along with Corey Sinkovics and Patrick Day.

<u>Dale "Woody" Emmons, President</u>	<u>Ron Banicki</u>
<u>Mike Bellovich</u>	<u>Dan Bilancio</u>
<u>John Reisdorf</u>	<u>Matt Mammolenti</u>
<u>Kate Voelker</u>	<u>John Roggeman</u>
<u>S Michael Compton</u>	
<u>Deborah S. Block, IAMC, MMC, City Clerk</u>	<u>David A. Wood, Mayor</u>

City of Mishawaka

Resolution No. 2015-6

Whereas, Tanner Bradley a Senior at Mishawaka High School is the First Athlete in Mishawaka High School history to compete in 3 different IHSA State Championships in 3 different sports in 3 different years. Football State Finals in Fall of 2012, Track and Field State Finals in Spring 2014 in Pole Vault and Wrestled State Finals in Winter of 2014-15 in the 195 pound weight class; and

Whereas, Tanner Bradley is the 1st Caveman to rush for over 2,000 plus yards in school history, rushed for over 3,100 plus yards and didn't carry the football until half way through his Junior season, rushed for at least 100 plus yards in every game he played except 2, and 500 carries (rushing attempts) and had only one carry that did not net in positive yardage; and

Whereas, Tanner Bradley's Senior year of Wrestling record was 26-5, he was 1st Team All-Conference, Sectional Champion, Regional Champion, and Semi-state Runner-up; and

Whereas, Tanner Bradley at the end of this year's Track & Field season will be a 4 year letter winner. He is a conference and sectional champ in pole vault, as well as Team Captain. The MHS Track Team was Conference Champs for the first time in 30 years; and

Whereas, Tanner Bradley carries a 3.5 grade point average earned a Scholarship in Football and Track to Division II Lenoir-Rhyne University in Hickory, North Carolina; and will graduate with 11 Varsity Letters; and

Whereas, Tanner Bradley with his personal dedication, sacrifice, discipline and iron will have enabled him to win numerous awards and honors as an outstanding all-around athlete; and

Whereas, such outstanding achievement deserves recognition and commendation by the proud City in which he resides;

NOW, THEREFORE, BE IT RESOLVED by the City of Mishawaka Common Council, Mayor and Clerk March 2, 2015 is hereby proclaimed

Tanner Bradley Day

In the City of Mishawaka, and we call upon all of our citizens to join us in congratulating and saluting this talented and truly remarkable young man.

WE DO FURTHER RESOLVE that Mishawaka High School Football Coach Bart Curtis, Wrestling Coach Charlie Cornett and Track Coach Kyle Shaw coached this fine young man.

<u>Dale "Woody" Emmons President</u>	<u>Ron Banicki</u>
<u>Mike Bellovich</u>	<u>Dan Bilancio</u>
<u>John Reisdorf</u>	<u>Matt Mammolenti</u>
<u>Kate Voelker</u>	<u>John Roggeman</u>
<u>S Michael Compton</u>	
<u>Deborah S. Block, IAMC, MMC, City Clerk</u>	<u>David A. Wood, Mayor</u>

1st Reading 2-16-15
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 11 2015

CITY CLERK
MISHAWAKA, IN

PETITION #15-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-02

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 parcel of land being a part of the Northwest Quarter of Section 27 and part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows:

PROPOSED ORDINANCE NO. 15-02

ORDINANCE NO. __

Beginning at the Northwest corner of Lot 2 in B & R Oil Cleveland Road Minor Subdivision as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°24'04" East along the North line of said Lot 2 and its projection East, a distance of 293.34 feet to the Southwesterly right-of-way line of Cleveland Road; thence North 38°44'53" West along said Southwesterly right-of-way line of Cleveland Road, a distance of 52.82 feet; thence South 89°24'04" West parallel with said North line of said Lot 2, a distance of 260.71 feet; thence South 0°35'56" East, a distance of 40.00 feet to the place of beginning.

COMMONLY KNOWN AS: A Portion of Cleveland Road South of 227 East Cleveland Road, Granger, Indiana and South of State Road 23.

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. Adjacent proprietries have access off of State Road 23 and a cross access easement will be provided within the portion of vacated right-of-way.
- 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.

Section 3. An access easement and utility easement shall be reserved across the entire length and width of the portion of right-of-way to be vacated.

Section 4. 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 _____, 2015.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PROPOSED ORDINANCE NO. 15-02

ORDINANCE NO. __

PRESENTED by me to the Mayor this __ day of _____, 2015,
at _ o'clock __.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this __ day of _____, 2015, at ____
o'clock __.M.

David A. Wood, Mayor

January 5, 2015

RECEIVED
DEBORAH S. BLOCK MMC

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

JAN 28 2015

CITY CLERK
MISHAWAKA, IN

Re: Petition for Vacation of Public Right of Way

The undersigned, LCS Realty LLC, respectfully request the Mishawaka City Plan Commission and the Mishawaka Common Council to vacate the following described Public Right Of Way located in the City of Mishawaka, St. Joseph County, Indiana:

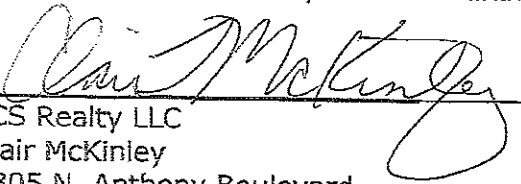
DESCRIPTION:

A parcel of land being a part of the Northwest Quarter of Section 27 and part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows:

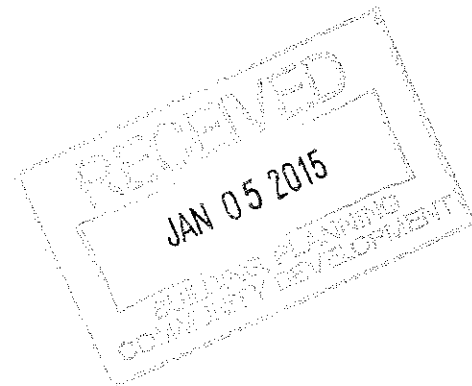
Beginning at the Northwest corner of Lot 2 in B & R Oil Cleveland Road Minor Subdivision as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°-24'-04" East along the North line of said Lot 2 and it's projection East, a distance of 293.34 feet to the Southwesterly right-of-way line of Cleveland Road; thence North 38°-44'-53" West along said Southwesterly right-of-way line of Cleveland Road, a distance of 52.82 feet; thence South 89°-24'-04" West parallel with said North line of said Lot 2, a distance of 260.71 feet; thence South 0°-35'-56" East, a distance of 40.00 feet to the place of beginning.

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

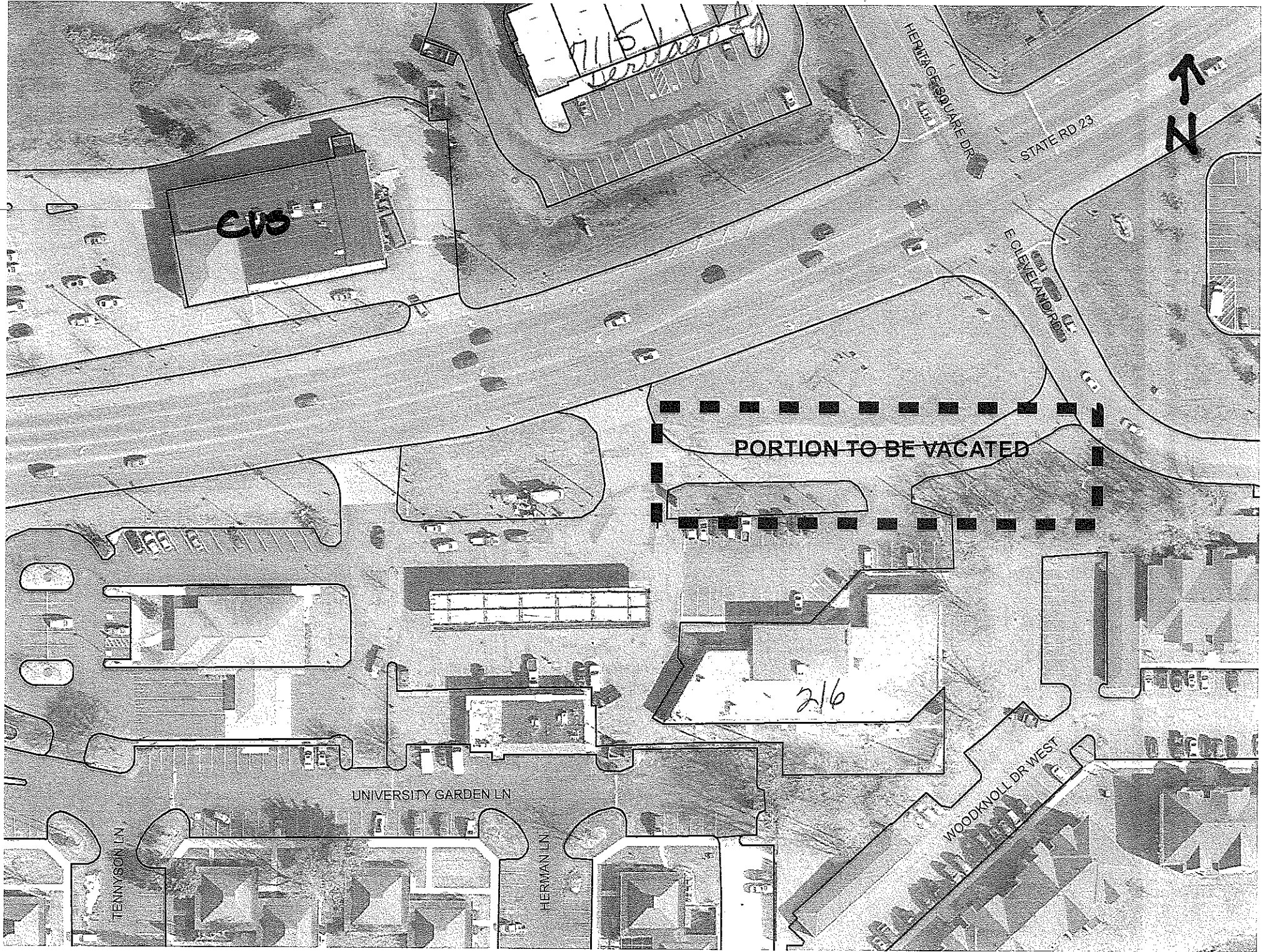
Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after Hearing, an appropriate ordinance be enacted rezoning the above described parcel of real estate located in the City of Mishawaka.


LCS Realty LLC
Clair McKinley
3305 N. Anthony Boulevard
Ft. Wayne, IN 46805

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574.233.1841 p.
574.674.0374 f.



Ref 15-03



NOTICE OF HEARING
Vacation No. 2015-01
Date of Hearing: February 16, 2015
Time of Hearing: 7:00 PM
PLEASE TAKE NOTICE:
Petitions have been filed by LCS Realty LLC for vacation of the following described public right of ways in the City of Mishawaka described as follows:
Vacation No. 2015-01 Petition No. 2015-03

more specifically a portion of Cleveland Road in front of 227 East Cleveland Road, Granger, Indiana. The parcel is legally described as: A parcel of land being a part of the Northwest Quarter of Section 27 and part of the Southwest Quarter of Section 22, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows:

Beginning at the Northwest corner of Lot 2 in B & R Oil Cleveland Road Minor Subdivision as shown on the recorded plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 89°24'04" East along the North line of said Lot 2 and its projection East, a distance of 293.34 feet to the Southwesterly right-of-way line of Cleveland Road; thence North 38°44'53" West along said Southwesterly right-of-way line of Cleveland Road, a distance of 52.82 feet; thence South 89°24'04" West parallel with said North line of said Lot 2, a distance of 260.71 feet; thence South 0°35'56" East, a distance of 40.00 feet to the place of beginning.

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

33-

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:

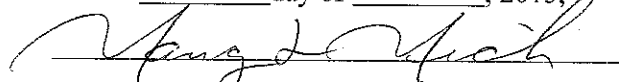
XX One TWO THREE

times successively to-wit:

On the 5th day of February, 2015, and

On the day of , 2015, and

On the day of , 2015,



Subscribed & Sworn To Before Me
This 5th day of February, 2015


William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: \$ 27.14

1st Reading 2-16-15
2nd Reading
Passed
Failed
Continued To

PETITION #15-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2015-03

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 11 2015

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana, better described as follows: Commencing at the center of said Section 18; thence South 89°50'16" West along the South line of said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88°17'35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0°26'15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88°17'35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0°26'15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning. Excepting therefrom that land previously annexed within the City limits of the City of Mishawaka, Indiana.

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of I-2 Heavy Industrial District.

Proposed Ordinance No. 15-03

Ordinance No. _____

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

1. Existing Conditions- The subject parcel is currently located adjacent to industrial zoned property and the area to be annexed.
2. Character of Buildings – The character of the buildings located adjacent is industrial and there is currently an industrial building located on the property to be annexed.
3. The most desirable/highest and best use – Because of the existing adjacent I-2 Heavy Industrial zoning to the north of the property to be annexed, the most desirable uses for the property is the continuation of the existing industrial use.
4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the industrial use is consistent with the adjacent industrial uses located to the north. Property located to the south of land to be annexed is vacant woodland.
5. Comprehensive Plan- The proposed annexation is consistent with The Comprehensive Plan, created in 1990, which indicated industrial uses within 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 _____, 2015, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____, 2015, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. 15-03

Ordinance No. _____

APPROVED by me this _____ day of _____, 2015, at
_____ o'clock _____ M.

David A. Wood, Mayor



LANG, FEENEY and ASSOCIATES, INC.

LAND SURVEYING – CONSTRUCTION ENGINEERING

715 SOUTH MICHIGAN STREET • SOUTH BEND, INDIANA 46601

TELEPHONE 574/233-1841 • FACSIMILE 574/674-0374

WILLIAM D. LANG, PRES.

JOHN B. FEENEY, L.S.

TERANCE D. LANG, L.S.

INDOT PREQUALIFIED:

5.4 ECOLOGICAL SURVEYS

5.5 WETLAND MITIGATION

6.1 TOPOGRAPHIC SURVEY DATA COLLECTION

SUB-DIVISIONS

BOUNDARY SURVEYS

CONSTRUCTION SURVEYS

PUBLIC WORKS PREQUALIFIED

January 15, 2015

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

Re: Petition for Annexation and Zoning Classification
Marc V. Campbell

The undersigned, Marc V. Campbell, respectfully shows that he is the owner of the following described real estate located in the City of Mishawaka, In and in St. Joseph County, Indiana to wit:

ANNEXATION DESCRIPTION:

Marc V. Campbell

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 18, Township 37 North, Range 4 East, St. Joseph County, Indiana better described as follows: Commencing at the center of said Section 18; thence South 89° 50' 16" West along the South line of the said Northwest Quarter of Section 18, 1325.16 feet (from previous survey) to the West line of the Southeast Quarter of the Northwest Quarter of Section 18; thence North 0° 26' 15" East along the said West line of the Southeast Quarter of the Northwest Quarter 588.76 feet to a PK nail for a place of beginning; thence North 88° 17' 35" East, parallel to the South R/W line of the Penn-Central Railroad, 456 feet to an iron pipe; thence South 0° 26' 15" West and parallel to the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to an iron pipe; thence South 88° 17' 35" West parallel to the said South R/W line of the Penn-Central Railroad 456 feet to a PK nail on the said West line of the Southeast Quarter of the Northwest Quarter; thence North 0° 26' 15" East along the said West line of the Southeast Quarter of the Northwest Quarter 150 feet to the place of beginning.

Excepting therefrom that land previously annexed within the city limits of the City of Mishawaka, Indiana.

The said hereinabove tract of land being the same as that parcel of land conveyed to Marc Campbell by Warranty Deed recorded as instrument number 9747060 in the office of the Recorder of St. Joseph County, Indiana.

RECEIVED
DEBORAH S. BLOCK MMC

JAN 28 2015

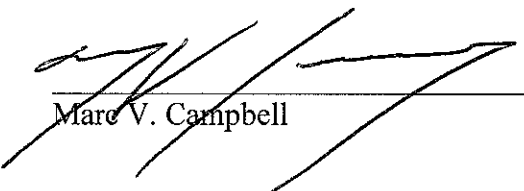
CITY CLERK
MISHAWAKA, IN

Petitioner owns One Hundred percent (100%) of the above described parcel of land which is located in the City of Mishawaka, Indiana as well as located in St. Joseph County, Indiana and petitioner desires the same to be annexed to the City of Mishawaka, Indiana with an I-2 (Heavy Industrial) Zoning District. Petitioner further States that he intends to utilize said land for industrial uses consistent with the growth of his business and with the rules and regulations of the City of Mishawaka.

~~Accompanying this petition is a drawing, to scale, showing the above described parcel of real estate, showing the size of the existing building and the size and location of any proposed buildings.~~

Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka Indiana and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka. The current City limits run through the interior of this parcel of land. By allowing this petition to proceed, the City has an opportunity to correct a minor discrepancy/error in the perimeter of the City Limits.

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 annexing the above described parcel of real estate to the City of Mishawaka with an I-2 Industrial zoning classification.



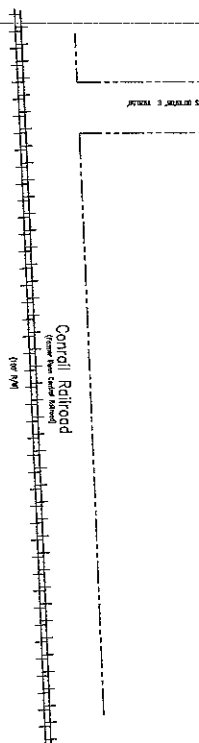
Marc V. Campbell

Contact Person:

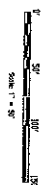
J. Bernard Feeney
Lang, Feeney & Associates, Inc.
715 S. Michigan St.
South Bend, In. 46601

Ph: 574-233-1841

CONCEPTUAL PLAN
 PART OF THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 22 NORTH,
 RANGE 4 NORTH, RANGE 10 WEST, JEFFERSON COUNTY, MINNESOTA
 JEFFERSON COUNTY
 228 SOUTH MAIN STREET
 MINNEAPOLIS, MN 55404



LEGEND
 These shaded symbols are
 to be used in the survey:
 (S) SURVEYED
 (D) DEDICATED
 (E) EASEMENT
 (R) ROAD
 (W) WATER



JAN 11 2015



MINNESOTA STATE BOARD OF SURVEYORS

LFA		Long, Faraway & Associates, Inc.	
Surveyors		228 South Main Street	
Minneapolis, MN 55404		Phone (612) 231-8411	
Jeffery A. Long		Surveyor No. 10000	
David A. Long		Surveyor No. 10001	
Date: 1/11/15		Project: 15-001	