

AGENDA

Monday, May 18, 2015

**Presentation from Activate Health Clinic
6:15PM**

**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**

May 06, 2015

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their May 12, 2015 meeting.

A letter from the City Plan Commission regarding recommendations from their May 12, 2015 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2015-09 Amend the S-2 PUD to construct two (2) Multi-tenant Buildings - 512 W. Cleveland Rd

8. Resolutions

R2015-18 Authorizing the Investments of Public Funds Outside the Political Subdivision

R2015-19 Use Variance to allow for a Daycare Center/Pre-School/Community Center - 1026 Dodge Avenue

9. Ordinances on Second Reading

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

Appointment to Transpo

13. Adjournment

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

Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
May 6, 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 May 6, 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.

The minutes from the April 20, 2015 meeting were approved as received from the Clerk's Office.

Others present; Council Attorney Mike Trippel.

Clerk Block presented the following Appeal to the Council, who referred it to the Board of Zoning Commission for their recommendation.

Appeal No. 2015-19 Use Variance to allow for a Daycare Center/Pre-School/community Center 1026 Dodge Avenue.

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

Petition No. 2015-13 Amend the S-2 PUD to construct two (2) Multi-tenant Buildings – 512 W. Cleveland Road.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-08** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-08

**AN ORDINANCE AMENDING CHAPTER 91 OF THE MUNICIPAL
CODE OF THE CITY OF MISHAWAKA, INDIANA,
REGARDING ANIMAL CONTROL**

(Animal Control Ordinance)
Assigned to Public Health and Safety committee

Mr. Compton moved to amend **PROPOSED ORDINANCE NO. 2015-08**, by deleting it in its entirety and replacing it with the new proposal that they had received, with seconded by Mr. Reisdorf, the motion carried. Clerk Block explained the need for the amendment stating that Corporate Counsel Geoff Spies had prepared the proposal by using the 2005 Animal Control Ordinance. She said that the Municipal Code had been recodified and a new numbering system was used. Clerk Block stated the new proposed ordinance uses the new numbering system, the amendment only addresses the numbering system and no wording had been used.

Motion carried by a voice vote.

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

Mr. Compton stated the request to continue would allow the Public Health and Safety Committee to hold a public hearing on May 27th to receive public input regarding the proposed Animal Control Ordinance. He stated the Committee would then share this information with the entire Council and Proposed Ordinance Number 2015-08 would come back to the Council at the June 1st meeting. The Committee Meeting would take place on May 27th at 7:00 pm in the Council Chambers.

Mr. Roggeman moved to continue Proposed Ordinance Number 2015-08 until June 1, 2015, upon a second by Mr. Mammolenti the motion carried.

PRIVILEGE OF THE FLOOR

Mishawaka Police Officer Richard Freeman, President of the Mishawaka FOP invited the Council and public to attend the Fallen Officers Memorial, Wednesday, May 13th at 11:00 am. He stated this memorial renders honors to our Fallen Officers and those across the Nation, including surviving Family and Friends.

NEW BUSINESS

Mr. Mammolenti stated there would be a Neighborhood Watch Meeting in Twin Branch at Twin Branch School on Wednesday, May 20th at 7:00 pm, speaker to be announced.

Mr. Emmons reported that there would be a Neighborhood Meeting at St. Bavo's on May 21st at 7:00 p.m. the speaker will be Dr. Deb Fleming, St. Joseph County Commissioner.

Adjournment at 7:11 p.m.

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

Woody Emmons
Woody Emmons, President
Presiding Officer



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 13, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 13 2015

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Board of Zoning Appeals Recommendation
May 12, 2015, Public Hearing

Honorable Members:

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

APPEAL #15-19 An appeal submitted by Vanessa Jackson requesting a Use Variance for **1026 Dodge Avenue** to permit a daycare center/pre-school/community center on R-2 Two Family Residential zoned property.

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

1. A site plan shall be submitted to the Department of City Planning showing proposed parking layout in regards provided parking space per use.
2. Temporary signage is limited to flush mounted to wall.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Vanessa Jackson

STAFF REPORT

Location: 1026 Dodge

Date: May 12, 2015

Appeal: 15 19

Prepared By: CH

GENERAL INFORMATION

Applicant: Vanessa Jackson dba Young Minds Development Center

Status: Property Owner

Request: Use Variance for daycare/pre-school/community center in R-2 Two-Family Residential

Zoning Classification: R-2 Two-Family Residential

Lot Size: 0.77 acres

Applicable Regulations: Section 137-42 (4) Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: R-2 Two-Family Residential
South: R-3 Mult-Family Residential
East: R-2 Two-Family Residential
West: I-1 Light Industrial

Thoroughfare: Dodge Street and Twelfth Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: Available and existing

Comprehensive Plan: Medium Density Residential

ANALYSIS

The appellant is requesting a use variance to allow for a daycare/pre-school/community center. The property is zoned R-2 Two-Family Residential and was previously the Salvation Army. This type of commercial use is not a permitted use in R-2 District and would need any Commercial zoning, except C-2 or C-6.

The request is for the proposed use variance, instead of a rezoning to C-1 General Commercial or some other Commercial zoning. The use variance would allow them to use the property for daycare/pre-school/community center without the possibility of other commercial uses.

The property is located along at the northeast corner of Dodge Street and Twelfth Street, identified as a medium density residential area. While there are residential properties to the north, east and south, there is an industrial business across Dodge Street.

The existing 5,025 square feet building was not constructed as a residential building. There is also an existing parking area with room for 16-20 parking spaces, when properly striped. Parking will need to be provided at a rate of 4 per 1,000 square feet.

All pertinent City Departments have reviewed this request and approved offering the following comments: Building Department requires a building occupancy permit.

RECOMMENDATION

The Staff recommends in favor of Appeal 15-19, a use variance for daycare/pre-school/community center at 1026 Dodge Street, subject to the following conditions:

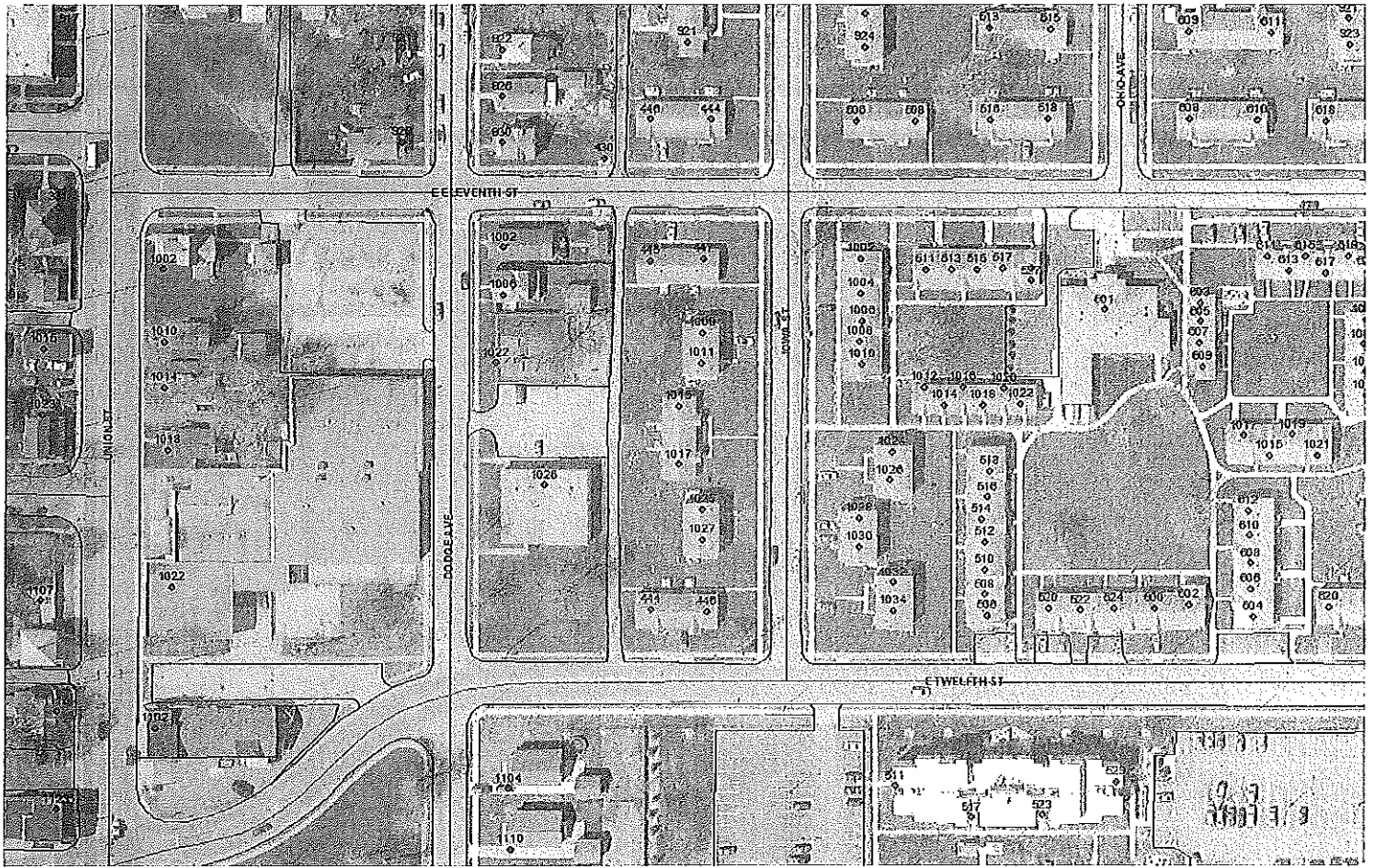
1. A site plan shall be submitted to the Department of City Planning showing proposed parking layout in regards provided parking space per use;
2. Temporary signage is limited to flush mounted to wall.

This recommendation is based on the following reasons:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will occupy a previously vacant site.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because of the construction and past use of this building as a community center.
3. The need for a variance arises from the history of the site, a former Salvation Army. A use variance would allow those types of uses to take place, without while still protecting the surrounding residential from more commercial uses.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current R-2 Two-Family zoning would not allow for the proposed daycare/pre-school/community center.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies other surrounding areas as residential and the property will remain zoned residential. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, VARIANCE REQUEST & LOCATION MAP





City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 13, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 13 2015

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
May 12, 2015, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

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

PETITION #15-13 A request submitted by Sorce USA Realty, Inc., to amend the University Marketplace Planned Unit Development (512 West Cleveland Road, Granger) to permit the construction of two (2) multi-tenant buildings containing a variety of retail uses, offices, and small restaurant shops.

The Commission, with a vote of 5-0, recommended approval subject to the following conditions:

USES:

1. Uses shall be limited to those identified within the C-2 Shopping Center Commercial District.

BUILDING SETBACKS:

1. Minimum 50 ft front-yard building setback along Cleveland Rd.
2. Minimum 25-ft side-yard & rear-yard building setbacks.

DUMPSTER ENCLOSURE:

1. Minimum 5 ft. setback from any property line.
2. Enclosure must be located behind the buildings.
3. A 25-ft sight triangle shall be provided at internal drive and road/ingress-egress easement intersection.

PARKING SETBACKS:

1. Minimum 16 ft. front-yard setback along Cleveland Rd as indicated on the PUD preliminary site plan.
2. Minimum 5 ft. side-yard setback along east property line.
3. Minimum 10 ft. side-yard setback along west property line.
4. 0 ft. along north property line with spaces having direct access to existing ingress-egress easement paved aisleway.

LANDSCAPE/SCREENING:

1. Landscaping shall comply with the Commercial C-1 General Commercial Landscape Ordinance.
2. Required landscaping may be eliminated along the north property line to provide for parking areas off of the ingress/egress easement. However, landscaping shall be installed as shown on the PUD preliminary site plan.

GREASE INTERCEPTOR:

1. A grease interceptor shall be installed per the City Department of Engineering.

SIGNAGE:

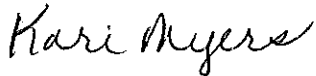
1. Signage shall comply with the C-2 Shopping Center Commercial signage requirements/standards.

OTHER:

1. All other developmental standards not identified shall comply with the C-2 Shopping Center Commercial standards.

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

Respectfully,



Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Jeff Ballard

STAFF REPORT

Location: 512 West Cleveland Rd

Date: May 12, 2015

Petition: 15 13

Prepared By: GGS

GENERAL INFORMATION

Applicant: Sorce USA Realty

Status: Property Owner

Request: Amend PUD to allow multi-tenant buildings

Zoning Classification: S-2 Planned Unit Developments

Lot Size: Approximately 2.25 acres

Applicable Regulations: Section 137-671 to 137-679 S-2 Planned Unit Development District
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: C-1 General Commercial
East: C-1 General Commercial
West: Unincorporated St. Joseph County

Thoroughfare: West Cleveland Rd

School District: South Bend Community School Corporation

Township: Clay

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The petitioner is requesting to amend the University Market Place PUD to allow for a multi-tenant shopping center. The PUD is located just northwest of Grape Road and Cleveland Road. The portion of the PUD to be amended is the approximate 2.25 acre parcel located just northeast of the Cleveland Rd and the State Rd 23 intersection. This parcel currently consists of the Kowloon Bay restaurant, formerly King's Buffet and Chi-Chis.

The petitioner desires to demolished the existing building on the site and construct (2) new multi-tenant retail buildings. The first building will be approximately 12,600 sf in area with the second building being approximately 7,800 sf in area. The (2) multi-tenant buildings will consist of retail uses, office uses, and small restaurant shops. The development will not include any drive-thru restaurant uses. At this time, no specific users have been identified.

A total of (113) parking spaces are proposed. Required spaces for shopping center developments are based on a ratio of (5) parking spaces per 1000 sf of building area. For this development, a total of 102 spaces would be required for the total 20,400 sf building area. (85) parking spaces are proposed in front

of the two buildings with the remaining parking located in the rear of the building and along the existing ingress/egress easement along the north property line. Primary access to the development will be via the access drive located to west of the site at the light intersection of State Rd 23 and Cleveland Rd. Additional access will be from the north of property off of the access drive and the parking area associated with the JCPenny's Home Store. The City has requested that a cross-access easement be provided to this property from the adjacent bank property to the east.

RECOMMENDATION

Staff recommends in favor of amending University Marketplace PUD to allow for a multi-tenant development with the following amended PUD developmental stands/conditions:

USES:

1. Uses shall be limited to those identified within the C-2 Shopping Center Commercial District.

BUILDING SETBACKS:

1. Minimum 50 ft front-yard building setback along Cleveland Rd.
2. Minimum 25-ft side-yard & rear-yard building setbacks.

DUMPSTER ENCLOSURE:

1. Minimum 5 ft. setback from any property line.
2. Enclosure must be located behind the buildings.
3. A 25-ft sight triangle shall be provided at internal drive and road/ingress-egress easement intersection.

PARKING SETBACKS:

1. Minimum 16 ft. front-yard setback along Cleveland Rd as indicated on the PUD preliminary site plan.
2. Minimum 5 ft. side-yard setback along east property line.
3. Minimum 10 ft. side-yard setback along west property line.
4. 0 ft. along north property line with spaces having direct access to existing ingress-egress easement paved aisleway.

LANDSCAPE/SCREENING:

1. Landscaping shall comply with the Commercial C-1 General Commercial Landscape Ordinance.
2. Required landscaping may be eliminated along the north property line to provide for parking areas off of the ingress/egress easement. However, landscaping shall be installed as shown on the PUD preliminary site plan.

GREASE INTERCEPTOR:

1. A grease interceptor shall be installed per the City Department of Engineering.

SIGNAGE:

1. Signage shall comply with the C-2 Shopping Center Commercial signage requirements/standards.

OTHER:

1. All other developmental standards not identified shall comply with the C-2 Shopping Center Commercial standards.

This recommendation is based upon the following findings of fact:

1. Existing Conditions- The proposal is in keeping with the existing area by maintaining commercial uses.
2. Character of Buildings in Area- The character of the buildings located in the area is commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use- Due to the presence of the commercial activity in the surrounding area, the most desirable/highest use is the proposed commercial use.

4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the proposed use is compatible with the surrounding commercial area.
5. Comprehensive Plan- This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area.

ATTACHMENTS

Photographs, Petition, Plan, Location Map



View looking onto existing building on site

MAY 13 2015

1st Reading 5-18-15
2nd Reading
Passed
Failed
Continued To

PETITION 15-13

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2015-09

ORDINANCE NO. _____

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

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

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

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

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

A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, City of Mishawaka, St. Joseph County, Indiana, which is described as: Commencing at a point on the south line of said Southwest Quarter a distance of 327.00 feet west of the Southeast corner thereof: thence N. 89°-44'-40" W. along said South line and centerline of Cleveland Road a distance of 281.25 feet more or less; thence N. 00°-10'-32" E. a distance of 389.00 feet more or less; thence S. 89°-44'-40" E. a distance of 280.06 feet more or less; thence S. 00°-00'-00" W. a distance of 389.00 feet more or less to the point of beginning, excepting therefrom the South 40 feet thereof for highway purposes. Containing 2.25 acres more or less. Subject to all legal highways, easements and restrictions of record.

Commonly known as: 512 West Cleveland Road, Granger, Indiana

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow the construction of two (2) multi-tenant buildings containing a variety of retail uses, offices, and small restaurant shops subject to the following:

USES:

1. Uses shall be limited to those identified within the C-2 Shopping Center Commercial District.

BUILDING SETBACKS:

1. Minimum 50 ft front-yard building setback along Cleveland Rd.

Proposed Ordinance No: 2015-09

Ordinance No: _____

2. Minimum 25-ft side-yard & rear-yard building setbacks.

DUMPSTER ENCLOSURE:

1. Minimum 5 ft. setback from any property line.
2. Enclosure must be located behind the buildings.
3. A 25-ft sight triangle shall be provided at internal drive and road/ingress-egress easement intersection.

PARKING SETBACKS:

1. Minimum 16 ft. front-yard setback along Cleveland Rd as indicated on the PUD preliminary site plan.
2. Minimum 5 ft. side-yard setback along east property line.
3. Minimum 10 ft. side-yard setback along west property line.
4. 0 ft. along north property line with spaces having direct access to existing ingress-egress easement paved aisleway.

LANDSCAPE/SCREENING:

1. Landscaping shall comply with the Commercial C-1 General Commercial Landscape Ordinance.
2. Required landscaping may be eliminated along the north property line to provide for parking areas off of the ingress/egress easement. However, landscaping shall be installed as shown on the PUD preliminary site plan.

GREASE INTERCEPTOR:

1. A grease interceptor shall be installed per the City Department of Engineering.

SIGNAGE:

1. Signage shall comply with the C-2 Shopping Center Commercial signage requirements/standards.

OTHER:

1. All other developmental standards not identified shall comply with the C-2 Shopping Center Commercial standards.

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

1. Existing Conditions - The proposal is in keeping with the existing area by maintaining commercial uses.
2. Character of Buildings in Area - The character of the buildings located in the area is commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use - Due to the presence of the commercial activity in the surrounding area, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the proposed use is compatible with the surrounding commercial area.

Proposed Ordinance No: 2015-09

Ordinance No: _____

5. Comprehensive Plan - This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area.

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

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

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

David A. Wood, Mayor

APR 30 2015

Date: April 9, 2015

CITY CLERK
MISHAWAKA, IN

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

RE: Sorce USA Realty, Inc. Petition for an Amended PUD:

The undersigned, Wei Zheng, for Sorce USA Realty, Inc., the Petitioners, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, St. Joseph County, Indiana:

A part of the Southwest Quarter of Section 21, Township 38 North, Range 3 East, Clay Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Commencing at a point on the South line of said Southwest Quarter a distance of 327.00 feet west of the Southeast corner thereof: thence N. 89°-44'-40" W. along said South line and Centerline of Cleveland Road a distance of 281.25 feet more or less; thence N. 00°-10'-32" E. a distance of 389.00 feet more or less; thence S. 89°-44'-40" E. a distance of 280.06 feet more or less; thence S. 00°-00'-00" W. a distance of 389.00 feet more or less to the point of beginning, Excepting therefrom the South 40 feet thereof for highway purposes.

Containing 2.25 acres more or less.

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

Also commonly known as 512 West Cleveland Road, Granger, Indiana 46530.

The above described parcel of land is presently zoned "S-2" Planned Unit Development District under the City of Mishawaka zoning development codes.

The Petitioners desire to amend the existing Planned Unit Development for said real estate, to be allowed to construct two (2) multi-tenant buildings containing a variety of retail uses, office uses and small restaurant shops. The guidelines for the proposed development are shown on the attached preliminary site plan.

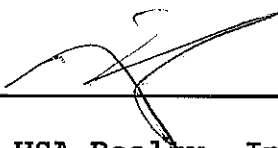
Wherefore, the Petitioners prays and respectfully request that the Common Council of the City of Mishawaka refer this matter to the

Pet 15-13

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

Contact person:

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



Wei Zheng
for Sorce USA Realty, Inc.
512 West Cleveland Road
Granger, Indiana 46530
(574) 303-8636

Property Owners
Within 300 Feet

Michiana Developers LTD
PO Box 73
LaPorte, IN. 46350
Tax Key # 002 2018 037412

Loyd & Christine Weldy
16657 Cleveland Rd
Granger, IN. 46530
Tax Key # 002 2017 036307

Loyd & Christine Weldy
16657 Cleveland Rd
Granger, IN. 46530
Tax Key # 002 2017 036308

Carl & Ardena Barbieri
16675 Cleveland Rd
Granger, IN. 46530
Tax Key # 002 2017 036309

Baugo Creek Realty LLC
3501 E Edison Rd
South Bend, IN. 46615
Tax Key # 029 1003 0202

University Park Mall
PO Box 6120
Indianapolis, IN. 46206
Tax Key # 029 1002 0100

1st Source Bank
PO Box 1602
South Bend, IN. 46634
Tax Key # 029 1002 010001

Cole HC Mishawaka IN LLC
9701 W Higgins Rd
Ste. 270
Rosemont, IL. 60018
Tax Key # 029 1002 0102

St. Joseph Bank & Trust Co
PO Box 560807
Dallas, TX. 75356
Tax Key # 029 1002 0101

Indiana Keller Building LLC
814 Port Street
Saint Joseph, MI. 49085
Tax Key # 002 2018 037416

Indiana Keller Building LLC
814 Port Street
Saint Joseph, MI. 49085
Tax Key # 002 2018 037416

Mish Federal Savings and Loan Assoc
110 E Charles St
Muncie, IN. 47305
Tax Key # 029 1003 0203

Sorce USA Realty Inc
512 W Cleveland Rd
Granger, IN. 46530
Tax Key # 029 1003 020001

Rodney & Lynn Waters
52930 Timberland Dr
Granger, IN. 46530
Tax Key # 002 2017 036317

Richard Kirk Smith
52900 Timberland Dr
Granger, IN. 46530
Tax Key # 002 2017 036316

Grape Road BMC Partners LP
227 S Main St
Ste. 300
South Bend, IN. 46601
Tax Key # 029 1003 0200

Triple J LLC
2351 Filbert Road
Mishawaka, IN. 46545
Tax Key # 029 1003 020002

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

April 9, 2015

RE: Sorce USA Realty, Inc.
Amended PUD Request:

Dear Council Members,

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

If you have any questions concerning this matter, please feel free to give me a call at 574-303-8636.

Sincerely,



Wei Zheng
for Sorce USA Realty, Inc.
512 West Cleveland Road
Granger, Indiana 46530

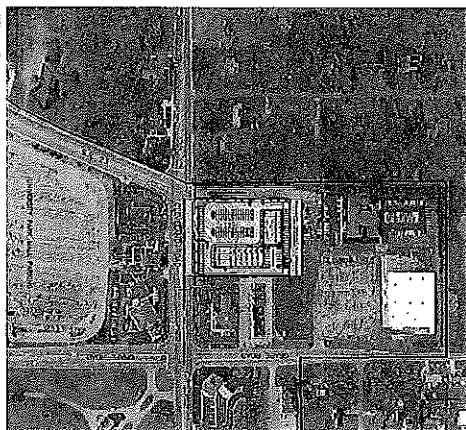
File No. 150147 "C" Md.

APR 22 2015

Pet 15-13

AMENDED P.U.D. SITE PLAN - SORCE USA REALTY, INC. PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

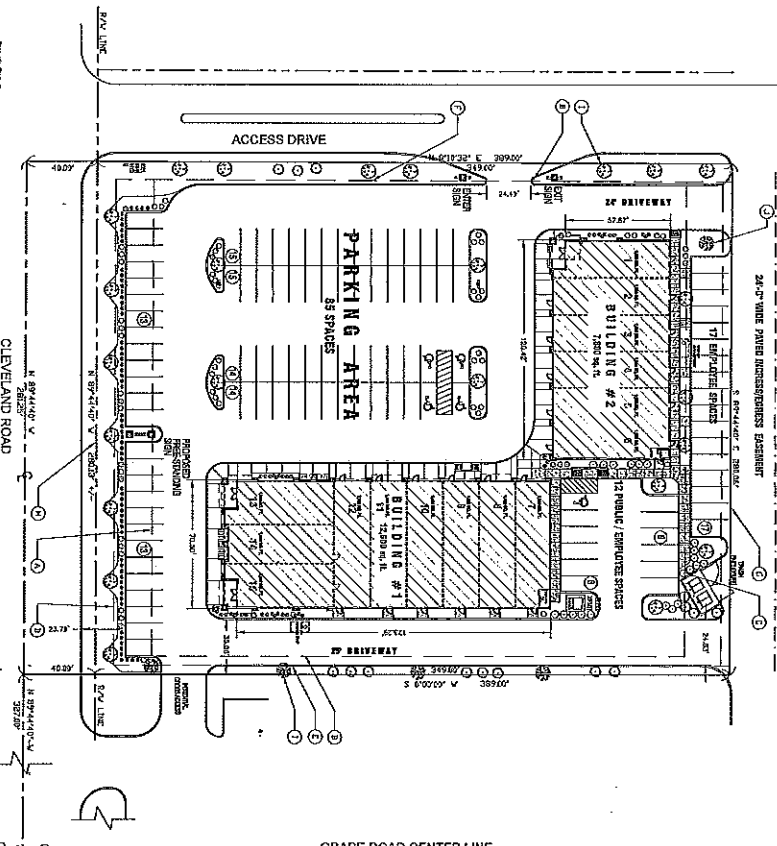
1. ALL DISTANCES ARE TO THE CENTER LINE OF THE ADJACENT PROPERTY.
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10. ALL DISTANCES ARE TO THE CENTER LINE OF THE ADJACENT PROPERTY.



AIRIAL PHOTO
SCALE 1" = 500'

EXISTING LEGEND

SYMBOL	DESCRIPTION
(Symbol)	1. EXISTING BUILDING
(Symbol)	2. EXISTING DRIVE
(Symbol)	3. EXISTING LOT
(Symbol)	4. EXISTING FENCE
(Symbol)	5. EXISTING UTILITY
(Symbol)	6. EXISTING TREE
(Symbol)	7. EXISTING POLE
(Symbol)	8. EXISTING SIGN
(Symbol)	9. EXISTING WALL
(Symbol)	10. EXISTING CURB
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PROPOSED LEGEND

SYMBOL	DESCRIPTION
(Symbol)	1. PROPOSED BUILDING
(Symbol)	2. PROPOSED DRIVE
(Symbol)	3. PROPOSED LOT
(Symbol)	4. PROPOSED FENCE
(Symbol)	5. PROPOSED UTILITY
(Symbol)	6. PROPOSED TREE
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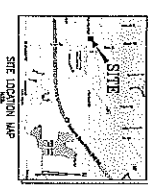
APR 22 2015

PRELIMINARY SITE PLAN

SCALE 1" = 30'

1 OF 1

Ditch, Hargner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners



MAY 11 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2015-18

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS
PURSUANT TO IC 5-13-9-5**

Whereas, the City of Mishawaka (the "City") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on public funds certificates of deposit for the purpose of investing its operating and utility funds;

Now, therefore, pursuant to IC 5-13-9-5, the Common Council of the City of Mishawaka hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have not been designated by the local board of finance but have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires two (2) years after the adoption date.

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

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

David A. Wood, Mayor

MAY 13 2015

APPEAL #15-19

RESOLUTION NO. 2015-19

CITY CLERK
MISHAWAKA, IN

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

1026 Dodge Avenue, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **1026 Dodge Avenue, Mishawaka, Indiana**, more particularly known and described as follows:

Lots 3, 4, 5, 6, 7, 8, and 9, Towle's 1st Addition, Block 9a, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance will allow a daycare center/pre-school/community center on R-2 Two Family Residential zoned property subject to the following conditions:

1. A site plan shall be submitted to the Department of City Planning showing proposed parking layout in regards provided parking space per use.
2. Temporary signage is limited to flush mounted to wall.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will occupy a previously vacant site.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because of the construction and past use of this building as a community center.
3. The need for a variance arises from the history of the site, a former Salvation Army. A use variance would allow those types of uses to take place, without while still protecting the surrounding residential from more commercial uses.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current R-2 Two-Family zoning would not allow for the proposed daycare/pre-school/community center.
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies other surrounding areas as residential and the property will remain zoned residential. The approval is consistent with the goals and objectives of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2015, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2015-19
1026 Dodge Avenue
Page 3 of 3

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

DATE: April 17, 2015

RECEIVED
DEBORAH S. BLOCK, MMC

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

APR 30 2015

CITY CLERK
MISHAWAKA, IN

The undersigned appellant respectfully shows the Board:

1. I, **Vanessa Jackson**, 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: 1026 Dodge Avenue Mishawaka, In 46544. The Salvation Army has agreed for me to speak on behalf of the property.

* The legal description of the property is Lots 3 4 5 6 7 8 and 9 Towles's 1st Addition, Block 9a.
2. The above-described real estate presently has a zoning classification of R2 District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (*or proposes to occupy*) the above-described property in the following manner:
Daycare Center/Pre-School/ Community Center

Young Minds Development Center (YMDC) aims to prepare its students to excel as young leaders of tomorrow by implementing a curriculum tailored specifically for children. We pride ourselves in first class preschool and childcare services. Our center will host a daycare, preschool, and before and after school care. These services will be utilized for kids between the ages 2 ½ to 12 year olds. Along with our preschool and childcare services, we will be offering several programs that include; mentoring, parenting classes, support groups, writing and reading workshops. Our mission is to bring education and its resources into a developing community so that it may flourish. We believe that there is a need for some educational and developmental support in the area.

Vanessa Jackson will be the Director of Young Minds Development Center. Her advanced degree in Education has led her to become the driving force behind designing a program that enhances student learning and community development. She will be supported in daily operations by her support staff whom are dedicated to educating our future leaders.

AP 15-19

YMDC understands that the typical American family now requires dual or supplemental incomes. The trend has created a need for quality child care services as well as the other programs in which we will offer. Our center will offer competitive prices, high-quality child care services, and leading-edge educational programs with trained instructors. We are committed to maintaining an excellent reputation with parents and the community we serve.

4. Appellant desires to *(Explain what is proposed that violates the Ordinance.)*

- *We would like to start a daycare, preschool and community center. The Salvation Army was previously leasing the building to a church. The church was used as a outsource to the community as well. They held community picnics and social gatherings for the surrounding neighborhoods.*

Young Minds Development center would like to do some of the same things. In addition to the daycare/preschool, we would like to become more involved and bring more resources to the area. Some of these additions were mentioned above. We will be hosting and holding health and wellness seminar ,job training and resume building support. Young Minds Development Center will provide community picnics, education classes, sports, and language acquisition classes.

5. The Zoning Ordinance of the City of Mishawaka requires *(Explain ordinance requirements and note Section Number of the Ordinance.)*

• **Sec. 137-300. - Intent.**

The purpose of this general commercial district is to provide convenient retail and service establishments for the day-to-day needs of a large area with minimum impact on surrounding residential areas. This district is designed to provide for freestanding commercial uses which require limited comparison shopping. Customers usually arrive by automobile, making a separate stop for each errand.

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

- Yes, the property was not built as residential and /or has a history of being used for other things that are not residential.

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? *YES OR NO and explain your reason why.*

- *No, we believe that the community would flourish from having more resources. They would be able to have an affordable daycare center for their children. We believe that the community would accept the help and resources with open arms. The community would benefit from our services.*

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR NO and explain your reason why?*

- *No, the area that is adjacent to the property will not be affected because we have our own parking lot and enough space where the other area will not be affected nor disturbed.*

(3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*

- *Due to the buildings placement in a residential area, from my understanding the concern is the amount of parking and interference with the community. The property has plenty of parking and space for the learning center. The community will not be affecting negatively. The impact of the community center will be positive. There will be resources available to the neighboring residents.*

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *YES OR NO and explain your reason why.*

- *No, due to the nature of the Day Care Center, the positive affect will not create unnecessary hardships to the community. We believe that this will create positive effects on the neighboring residents.*

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
YES OR NO and explain your reason why.

*No, the approval will not interfere with the Mishawaka 2000
Comprehensive Plan.*

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

Vanessa Jackson

Print Name Here

CONTACT PERSON:

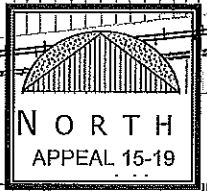
Name: Vanessa Jackson

Address: 1026 Dodge Avenue, Mishawaka In 46544

Day Phone Number: 574-386-7550

Fax Number: 574-542-9214

Email: youngmindsindevelopment@gmail.com



APPEAL 15-19

Location Map

APPEAL 15-19

1026 DODGE AVENUE

USE VARIANCE TO ALLOW FOR
A DAYCARE CENTER/PRE-SCHOOL/
COMMUNITY CENTER

