

AGENDA

Monday, January 18, 2016

Elected Officials Pictures at 6:00PM

**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**

January 4, 2016

5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their January 12, 2016 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2016-01 Authorizing the Purchase of Blanket Bonds Covering Officials and Employees of the City

P.O. NO. 2016-02 Rezone from C-1 Commercial to R-1 Residential - 516 E. Mishawaka Ave

P.O. NO. 2016-03 Rezone property from C-1 Commercial to S-2PUD for Residential Use - North of 124 Cedar Rd

8. Resolutions

R2016-01 Historic Preservation Commission Changes

9. Ordinances on Second Reading

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
January 4, 2016

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 January 4, 2016, at 7:00 p.m. The meeting was called to order by City Clerk Deborah Block all were asked to stand for the Pledge of Allegiance.

Chief Deputy Mary Ellen Hazen's roll call showed the following, **Roll Call.**

Present: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Roggeman, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.

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

Clerk Block opened the floor for nominations for President of the Council. Mr. Compton said he would like to nominate Mr. Banicki with a second by Mr. Mammolenti the motion carried.

Mr. Deal made a motion, to close the nominations with a second by Mr. Canarecci, the motion carried

Chief Deputy Mary Ellen Hazen polled the Council on the motion to elect Mr. Banicki President **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Roggeman, Mrs. Voelker.

Clerk Block turned the meeting over to President Ron Banicki who opened the floor for nominations for Vice President of the Council. Mr. Emmons nominated Mr. Deal with a second by Mr. Mammolenti the motion carried.

President Banicki made a motion to close nominations; with a second by Mr. Mammolenti nominations were closed.

Chief Deputy Mary Ellen Hazen polled the Council on the motion to elect Mr. Deal Vice President of the Council **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Roggeman, Mrs. Voelker.

The minutes from the December 21, 2015 meeting were approved as received from the City Clerk's Office.

Clerk Block read **PETITION NO. 2016-03** for rezoning from C-1 Commercial to S2 PUD for residential use north of 124 Cedar Road.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-43** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-43

**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
THE CITY OF MISHAWAKA, INDIANA**

**(Amen the PUD Toscana Park Development for a Comprehensive Sign Program and Tenant
Sign Toscana Park Shopping Center)**

Mr. Roggeman reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Deal motion carried.

Gary Potts said he was the owner of Professional Permits with offices at 58171 Dragoonfly Court, Osceola 46561 said he was representing Toscana Park, Burkhart, and Greatlakes Development. Mr. Banicki asked what they were proposing. Mr. Potts said they want to amend the PUD as was discussed to update the overall site sign plan. He said the basis for the master sign plan and approval this evening would provide a consistent design throughout the 30 plus acre multi use tenant development. Mr. Potts stated they were looking to bring continuity throughout the development, which includes retail, residential, office and restaurant uses and currently only the site and residences along the northern portion of the lot are identified to motorists traveling the Gumwood, Main Street Corridor.

Question was called for at 7:09 p.m. on **PROPOSED ORDINANCE NO. 2015-43** Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Roggeman, Mrs. Voelker. **THUS IT BECOMES ORDINANCE NO. 5520**

Clerk Block read **PROPOSED ORDINANCE NO. 2015-44** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-44

**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**

(Rezone from R-1 Single Family to R-2 Two Family Residential – 128 S. Home Street)

Mrs. Voelker reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Deal motion carried.

Linda Smith, Cressy & Everett 332 N. Ironwood, South Bend said she represents the seller Robert Leiz. She said this dwelling has always been used as two family dwelling and cannot be financed until this rezoning takes place; her client has this property sold based on this rezoning.

Mr. Canarecci asked if this property was owner occupied and one of the two families living there wants to buy it. Ms. Smith said that was correct.

Mr. Emmons asked if there were two separate entrances. Ms. Smith said yes and there were two separate garages also.

Question was called for at 7:12 p.m. on **PROPOSED ORDINANCE NO. 2015-44** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Roggeman, Mrs. Voelker. Thus it becomes **ORDINANCE NO. 5521**.

Clerk Block read **PROPOSED ORDINANCE NO. 2015-45** opening it for public hearing.

PROPOSED ORDINANCE NO. 2015-45

**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 Right of Way of a 20’x 20’ area adjacent to 1217 East 7th Street)**

Mr. Deal reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Mammolenti motion carried.

Peter Giczewski, President of Janco Products, 1217 East 7th Street, said a 20 X 20 area of the manufacturing facility they bought was actually on 8th Street so it needs to be vacated.

Ms. Voelker asked when this building was built. Mr. Giczewski said it was built in four phases back in the 1960s, this 20’ X 20’ area looks like it was built in the mid 70’s. He said when purchasing the property they had to do a survey and that was when this piece showed to actually be on 8th Street.

Question was called for at 7:16 p.m. on **PROPOSED ORDINANCE NO. 2015-45** **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 9). **Yes:** Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Roggeman, Mrs. Voelker. Thus it becomes **ORDINANCE NO. 5522**

NEW BUSINESS

Clerk Block read the list of new committees.

**President: Ronald S. Banicki
Vice-President: Ross Deal**

BUDGET & FINANCE COMMITTEE

Mike Compton, Chairman
Joe Canarecci
Mike Bellovich

LAND USE PLANNING COMMITTEE

Ross Deal, Chairman
Kate Voelker
John Roggeman

PUBLIC HEALTH & SAFETY/LONG RANGE PLANNING COMMITTEE

John Roggeman, Chairman
Matt Mammolenti
Kate Voelker

PUBLIC IMPROVEMENTS COMMITTEE

Woody Emmons, Chairman
Mike Compton
Mike Bellovich

PERSONNEL COMMITTEE

Matt Mammolenti, Chairman
John Roggeman
Mike Bellovich

SUB-STANDARD HOUSING COMMITTEE

Joe Canarecci, Chairman
Woody Emmons
Kate Voelker

Mr. Banicki asked for a motion for Council Attorney. Mr. Roggeman said he would like to make a motion to reappoint Mike Trippel as **Staff Attorney** he has done a very nice job, always accessible, knowledgeable and great guy, with a second by Mr. Mammolenti the motion carried.

Clerk Block read the following appointments to various boards:

PLAN COMMISSION – Woody Emmons

TRAFFIC COMMISSION – Ron Banicki

MBA – Mike Compton

SOLID WASTE – Woody Emmons

MACOG – Joe Canarecci

INSURANCE COMMITTEE – Ross Deal

President Banicki asked for a motion to accept these appointments, with motion by Mr. Mammolenti to accept the appointments as read by the Clerk, with a second by Mr. Roggeman motion carried.

Clerk Block asked for a motion for appointments for the **REDEVELOPMENT COMMISSION**, Mr. Deal a motion to appoint Kris Ermeti and Bryan Tanner as members of the Redevelopment Committee, with a second by Mr. Canarecci the motion carried

Clerk Block stated **FIRE DEPT PLATOON STUDY COMMITTEE** – Woody Emmons **BOARD OF ZONING APPEALS** – Chuck Trippel could also be included in the previous motion, Mr. Trippel stated that would be fine.

Clerk Block read the conflict of Interest forms for 2016 have been filled out and signed by Woody Emmons, Mike Compton, Mike Bellovich, Matt Mammolenti and John Roggeman asked for a motion to accept the conflict reports. Mr. Mammolenti made a motion to accept with a second by Mr. Compton the motion carried.

Mr. Mammolenti said he would be having his neighborhood watch meeting at Twin Branch School at 7:00 p.m., January 21, 2016, speaker has not yet been determined

Mr. Emmons said his neighborhood meeting would be no meetings in January or February 2016 due to the fact he would be out for surgery.

There being no further business to come before the Council, President Banicki adjourned the meeting at 7:22 p.m.

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

Woody Emmons
Woody Emmons, Presiding Officer



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

January 13, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

Honorable Members of the Common Council
City of Mishawaka, Indiana

JAN 13 2016

RE: Plan Commission Recommendation
January 12, 2016, Public Hearing
Certification of Proposed Ordinances

CITY CLERK
MISHAWAKA, IN

Honorable Members:

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

PETITION #15-39 A petition submitted by Mark Hughes requesting to rezone 516 East Mishawaka Avenue from C-1 General Commercial District to R-1 Single Family Residential District.

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

PETITION #16-03 A request submitted by John Ward requesting to rezone property north of 124 Cedar Road from C-1 General Commercial District to S-2 Planned Unit Development District for use as duplex residential units.

The Commission, with a vote of 6-0, recommended approval subject to the following developmental standards and conditions of approval:

Uses:

1. Uses shall be limited to two-family residential (duplexes) as identified in the petition for rezoning.

Sanitary Sewer:

1. The developer shall connect to City of Mishawaka sanitary sewer as directed by applicable codes and the City Director of Engineering. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.

Right-of-Way Dedication / Private Access Drive:

1. A 40' half right-of-way must be dedicated from the centerline of Cedar Road.
2. The private access drive (cul-de-sac) shall be designed as directed by applicable codes and the City Director of Engineering.

Parking:

1. Each driveway shall be a minimum of 25' in length from the edge of pavement to the façade of each garage.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the east side of Cedar Road within the dedicated right-of-way to provide a pedestrian connection from the development extending southerly to the gas station/convenience store at the northeast corner of Cedar Road and Lincolnway East.

Other:

1. All other developmental standards not identified shall comply with the R-2 Two-Family Residential standards.

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

Respectfully,



Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Mark Hughes
Terry Lang

STAFF REPORT

JAN 12, '16

Location: 516 E. Mishawaka Ave.

Date: ~~December 8, 2015~~

Petition: 15 39

Prepared By: DJS

GENERAL INFORMATION

Applicant: Mark Hughes

Status: Property Owner

Request: Rezone from C-1 General Commercial District to R-1 Single Family Residential District

Zoning Classification: C-1 General Commercial District

Lot Size: Approximately 0.25 acres (66' x 132')

Applicable Regulations: Sec. 137-164 Residential R-1 District, Sec. 137-40 Plan Commission, & Section 137-41 Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential / Residential Use
South: C-5 Neighborhood Commercial / Residential & Vacant Commercial Use
East: C-1 General Commercial / Vacant Lot & Commercial Use (NAPA Auto Parts)
West: C-1 General Commercial / Commercial Use (Sonitrol Security Alarms)

Thoroughfare: E. Mishawaka Avenue

School District: School City of Mishawaka

Township: Penn

Public Utilities: All available

Comprehensive Plan: Low Density Residential (Single Family Homes)

ANALYSIS

The Petitioner is requesting to rezone a single family dwelling at 516 E. Mishawaka Avenue from C-1 General Commercial District to R-1 Single Family Residential District.

In the request for rezoning, the Petitioner indicates their intent to rezone the property for continued use as a single family residence. According to tax records available from the County Auditor's office, the dwelling was purchased by the Petitioner in April 2003. No specific reason for the rezoning request was identified in the petition. However, it is believed that the rezoning was requested due to the Petitioner's desire to refinance the home, or due to some other type of financial transaction, as is often the circumstances when properties are downzoned from commercial to residential.

The subject parcel is located within a mixed-used area that contains single family and two family residences together with small commercial uses along Mishawaka Avenue. To the north are single and two family residential uses zoned R-1 Single Family. To the south are single family residential uses and a vacant commercial property zoned C-5 Neighborhood Commercial. To the east is a vacant lot and a NAPA Auto Parts Store (east of Chestnut Avenue) both zoned C-1 General Commercial. To the west across the adjacent alley is Sonitrol Security Alarms zoned C-1 General Commercial.

Tax records indicate that the dwelling was constructed in 1906 as a private residence. Historically, the home has remained residential in its use. Prior to the 1980s residential uses were permitted in the commercial districts. Around 1986, the commercial districts were amended to prohibit residential uses. Several commercially zoned properties with residential uses exist along both the north and south sides of Mishawaka Avenue.

All departments have reviewed the proposed rezoning and recommend approval.

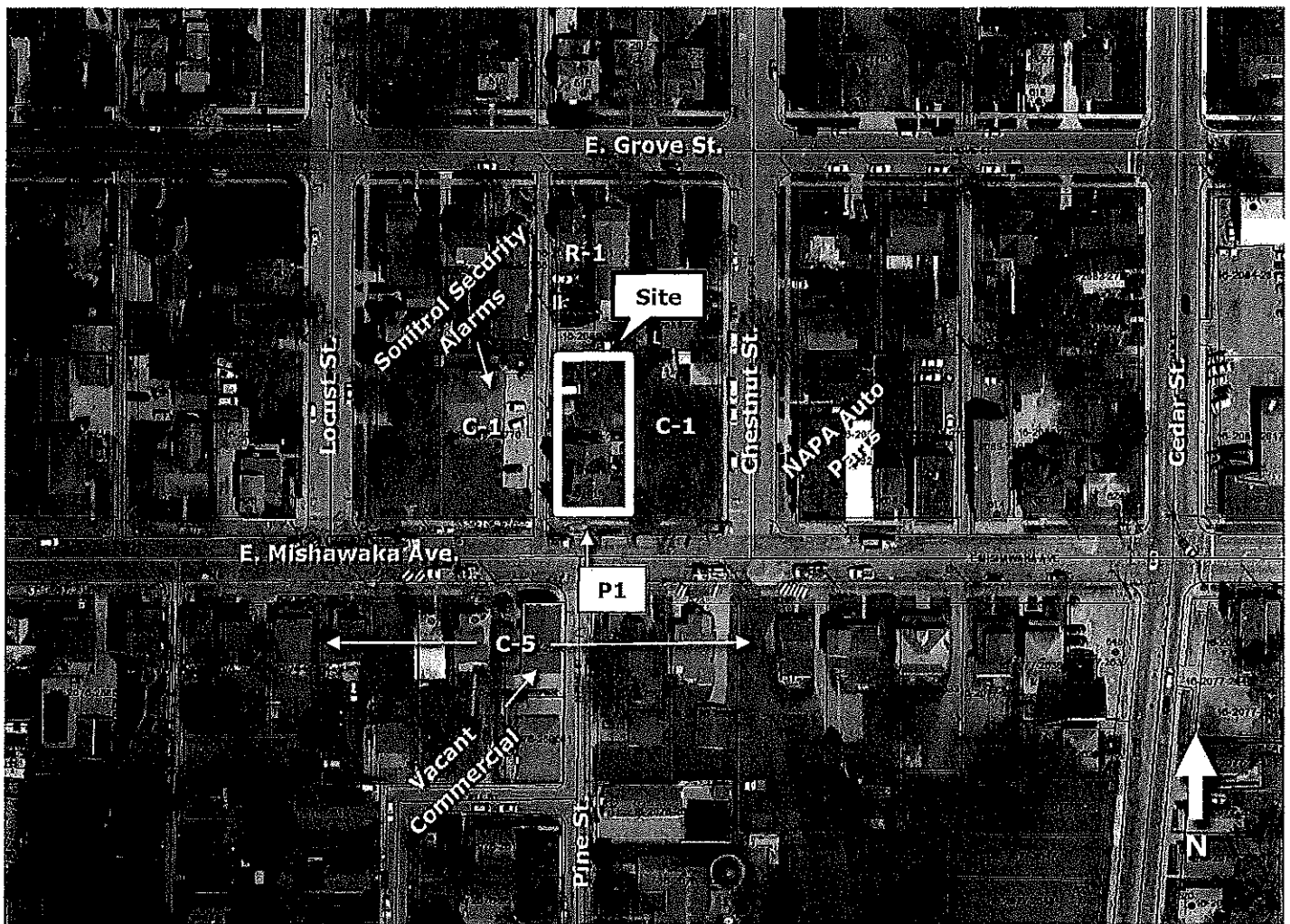
RECOMMENDATION

The Planning Department recommends **approval** of Petition 15-39 to rezone 516 E. Mishawaka Avenue from the C-1 General Commercial District to the R-1 Single Family Residential District. This recommendation is based upon the following Findings of Fact:

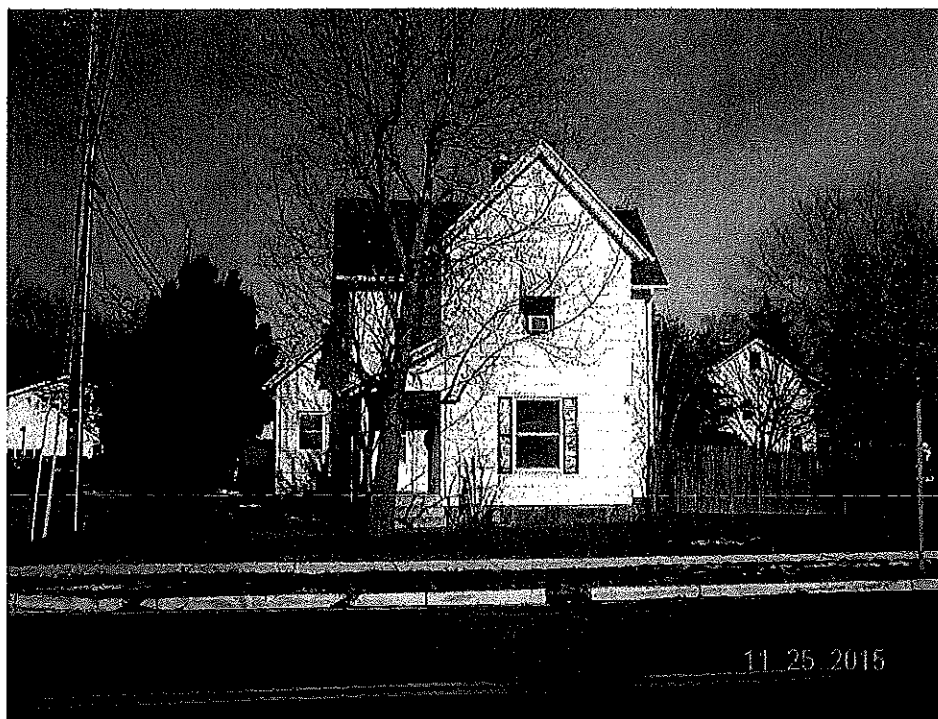
1. While properties adjacent to the subject parcel fronting Mishawaka Avenue are zoned commercial, a majority of the existing structures along the Mishawaka Avenue corridor are currently used for residential purposes. Additionally, the properties to the north along Grove Street are occupied as single or two family residences. Therefore, the continued use of the site as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the history as a single family residence, staff feels that the most desirable use for this property is its continued single family use;
3. Because the parcel is located in an area of primarily residential uses, the rezoning to R-1 Single Family Residential is a desirable use for this property;
4. As opposed to the types of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood and will allow the property owner to continue to use the property as a single family residence; and,
5. The Comprehensive Plan for the City of Mishawaka indicates Low Density Residential (Single Family Homes) for this part of Mishawaka Avenue. Many of the properties along Mishawaka Avenue are, and in all likelihood will continue to be, predominantly residential in their use.

ATTACHMENTS

Aerial Photograph, Photos, Petition, Location Map



Aerial Photograph
516 E. Mishawaka Avenue



516 E. Mishawaka Avenue
P1. Looking northerly from south of the subject parcel.

November 6th 2015

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

NOV 03 2015

Pet 15-39

RE: PETITION TO REZONE

The undersigned Mark Hughes respectfully shows they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Address: 516 East Mishawaka Avenue, Mishawaka Indiana

Legal Description: Lot 7 G W R Fowlers 1st Add

Parcel Number: 71-09-10-360-011.000-023

Tax Id: 016-2082-2771

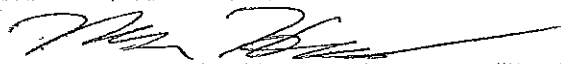
Taxing District: 023 Mishawaka-Penn

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Said Property is a Single Family Residence.

Petitioner desires said real estate to be rezoned to R-1 District. Petitioner further states that they intend to utilize said land for a Single Family Residence.

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

Signature(s) of Property Owner(s)



Mark Hughes

CONTACT PERSON:

Mark Hughes

516 East Mishawaka Avenue



LAWRENCE E. LAWRENCE ST.

LOCUST ST.

CHESTNUT ST.

GROVE E. GROVE ST.

PETITION 15-39

CHESTNUT ST.

MISHAWAKA E. MISHAWAKA AVE.

CONNER ST.

N. PINE ST.

W. CEDAR ST.

Location Map

PETITION 15-39

516 E. Mishawaka Ave.

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

STAFF REPORT

Location: 57000 block Cedar Road (North of 124 Cedar Road)

Date: January 12, 2016

Petition: 16 03

Prepared By: DJS

GENERAL INFORMATION

Applicant: John Ward

Status: Property Owner

Request: Rezone from C-1 General Commercial District to the S-2 Planning Unit Development District to allow for two-family residential (duplex units) to be developed on a private cul-de-sac

Zoning Classification: C-1 General Commercial District

Lot Size: Approximately 2.7 acres

Applicable Regulations: Section 137-671 thru 137-679 Planned Unit Development S-2 District, Section 137-40 Plan Commission, and Section 137-41 Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County – R Single Family Residential (Residential Use)
South: C-4 Automobile Oriented Commercial District (Car Wash) and C-1 General Commercial District (Restaurant & Medical Office)
East: Unincorporated St. Joseph County – R Single Family Residential (Residential Use)
West: S-2 Planned Unit Development (Medical and Agricultural Use)

Thoroughfare: Cedar Road north of Lincolnway East

School District: Penn-Harris-Madison School Corporation

Township: Penn

Public Utilities: All public utilities are available and/or will be extended to the site at the owner/developer's expense.

Comprehensive Plan: Not applicable since property was recently annexed.

ANALYSIS

The Petitioner is requesting to rezone property located immediately north of 124 Cedar Road from C-1 General Commercial to S-2 Planned Unit Development to allow for two-family residential. The PUD shall be known as the Fiera Vista Villas PUD.

The 2.7 acre parcel was annexed into the City of Mishawaka and rezoned to the C-1 General Commercial District in October 2014 (Petition 14-21). At the time of this petition, the owner desired to utilize the property for the construction of a commercial center to be occupied by small upstart office/retail

businesses that required minimal space. Due to limited demand for such a use, the petitioner now desires to develop the property for residential use. The new development proposal includes 10 two-family duplex units to be accessed via a private cul-de-sac.

The property is surrounded by residential uses to the north and east (unincorporated St. Joseph County), commercial to the south, and a medical office and agricultural land to the west. Although the Comprehensive Plan does not specifically identify a recommended land use for this site since it was recently annexed, the prospective use as two-family residential is appropriate due to mixed uses in the area. Higher density residential will act as a buffer between the adjacent commercial uses to the south and the single family residential areas to the north and east.

The preliminary site plan submitted with the petition shows that 20 individual lots will be platted (subdivided) having a common zero (setback) side yard setback for each duplex. Each of the 20 lots/duplex units are proposed to be privately owned. The lots will have access to Cedar Road via a 28' wide private road ending in a cul-de-sac. Tabulated data on the site plan indicates that buildings will occupy 23.5% of the site, while hard surface/asphalt and open space will total 16.9% and 59.6%, respectively.

Planning staff recommends that a sidewalk be installed along Cedar Road within the 40' half right-of-way in order to provide for pedestrian access from the development to the commercial area to the south. While it is understood that a sidewalk is not currently present on the property immediately adjacent to the south, there is adequate space within the dedicated right-of-way to install a sidewalk.

The Engineering Department provided the following comments:

1. Connection to sanitary sewer will require a lift station and force main to serve the development.
2. Cul-de-sac radius must be increased to 50' to accommodate fire truck access.
3. A culvert must be provided under the private access drive along Cedar Road.
4. A 40' half right-of-way must be dedicated from the centerline of Cedar Road.

Additionally, the Building, Fire, Electric, and Water Departments have reviewed and approved the request providing no comments.

Prior to the development of the site, the Petitioners will need to submit for final PUD site plan approval. A subdivision will also be required in order establish the proposed 20 individual lots.

RECOMMENDATION

Staff recommends **approval** of Petition #16-03 to rezone approximately 2.7 acres located in the 57000 block of Cedar Road (north of 124 Cedar Road) from C-1 General Commercial to S-2 Planned Unit Development with the following PUD development standards/conditions:

Uses:

1. Uses shall be limited to two-family residential (duplexes) as identified in the petition for rezoning.

Sanitary Sewer:

1. The developer shall connect to City of Mishawaka sanitary sewer as directed by applicable codes and the City Director of Engineering. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.

Right-of-Way Dedication / Private Access Drive:

1. A 40' half right-of-way must be dedicated from the centerline of Cedar Road.
2. The private access drive (cul-de-sac) shall be designed as directed by applicable codes and the City Director of Engineering.

Parking:

1. Each driveway shall be a minimum of 25' in length from the edge of pavement to the façade of each garage.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the east side of Cedar Road within the dedicated right-of-way to provide a pedestrian connection from the development extending southerly to the gas station/convenience store at the northeast corner of Cedar Road and Lincolnway East.

Other:

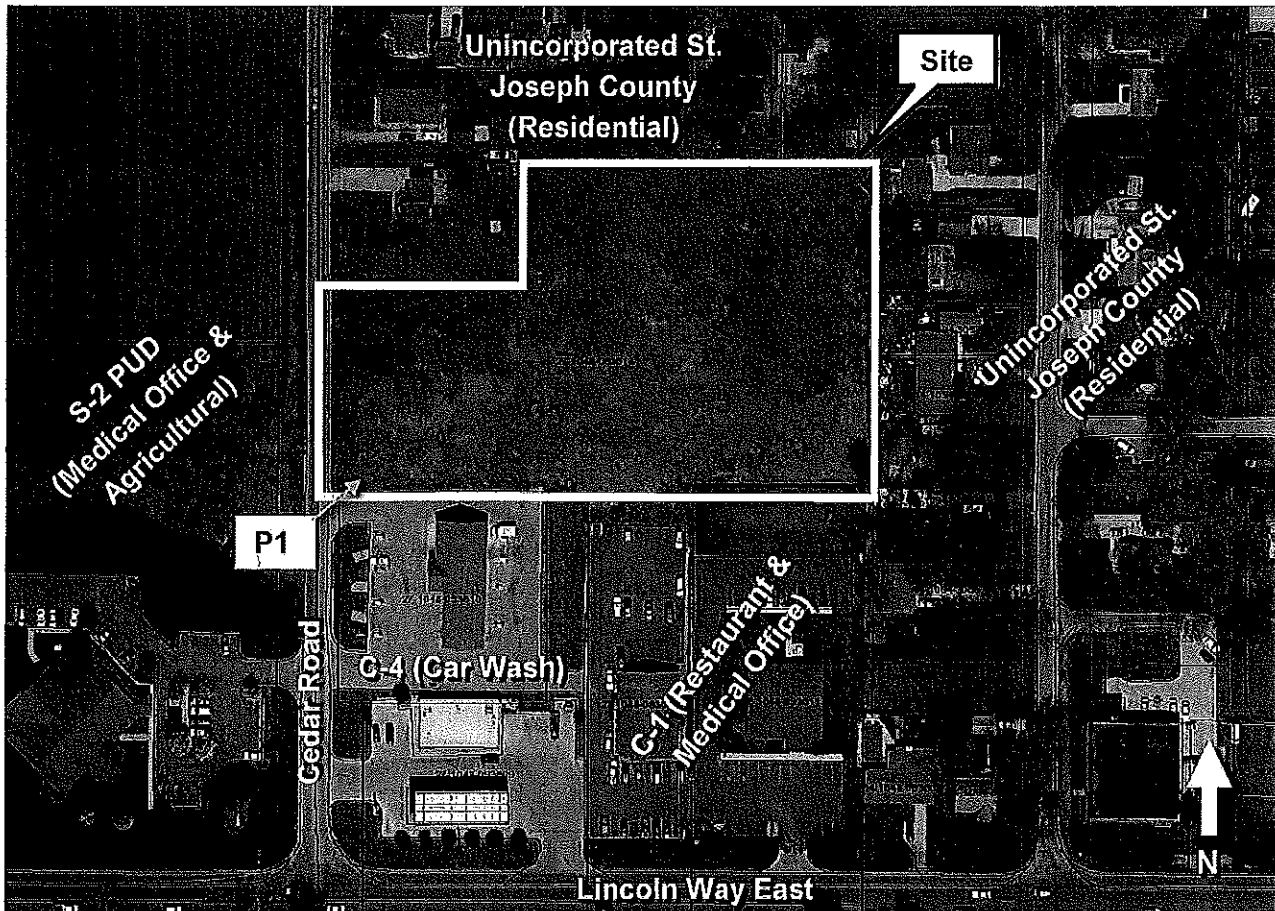
1. All other developmental standards not identified shall comply with the R-2 Two-Family Residential standards.

This recommendation is based on the following findings of fact:

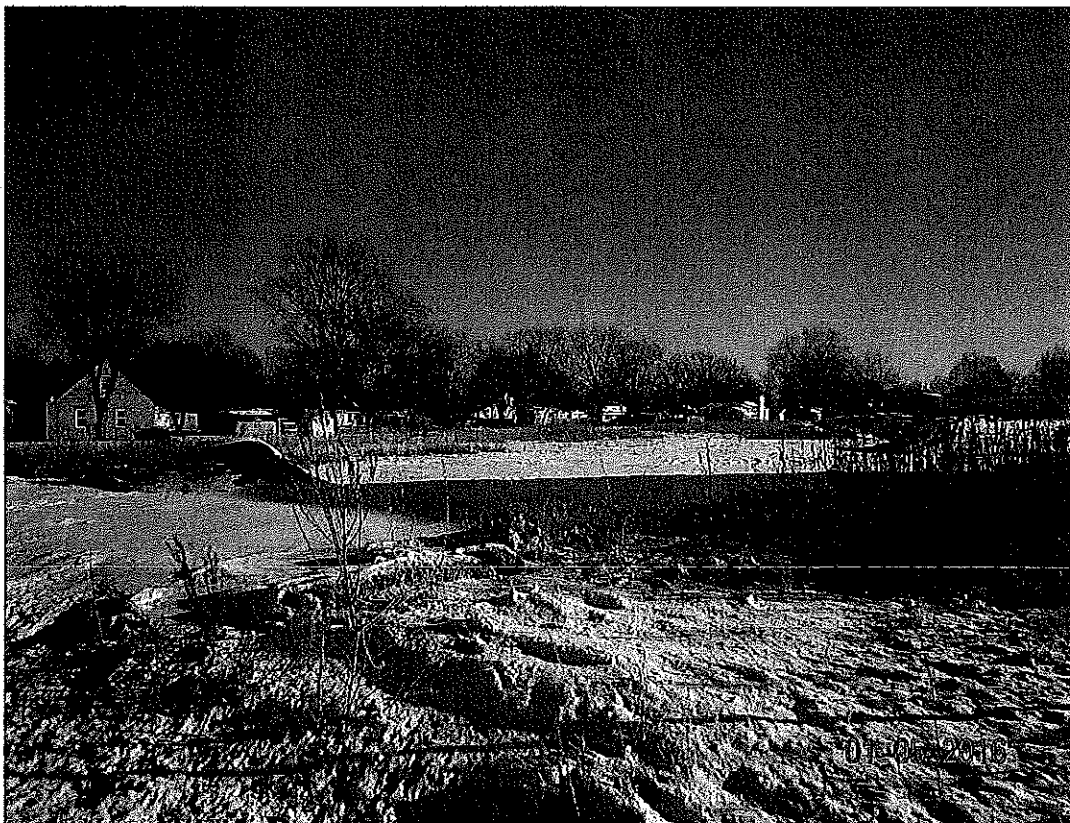
1. Existing Conditions- The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.
2. Character of Buildings – The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).
3. The most desirable/highest and best use – Because of the parcel's proximity to both single-family residential uses to the north and east and commercial and office uses to the south and west, the most desirable use for the property is a higher density residential use. Such a use will act as a buffer between the adjacent commercial/office and residential uses.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because two-family residential is consistent and compatible with the adjacent land uses.
5. Comprehensive Plan - This specific property was not identified in the City of Mishawaka Comprehensive Plan as it was recently annexed. However, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Aerial, Photograph(s), Petition, Preliminary Site Plan



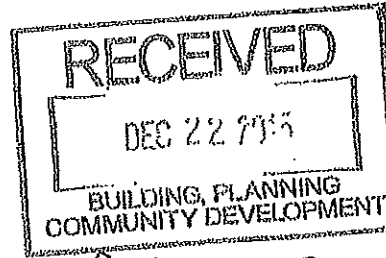
Aerial Photograph
57000 Block of Cedar Road (North of 124 Cedar)



P1. Looking northeastern from Cedar Road into the site to be rezoned.

December 23, 2015

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



Pet 16-03

Re: Petition for Rezoning

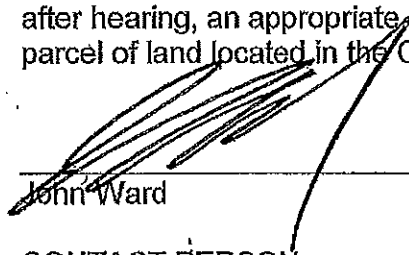
The undersigned, John Ward respectfully show they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, Indiana:

Part of the Northwest Quarter of Section 17, Township, 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at point on the West line of said Section 17, 603.75 feet South of the Northwest corner thereof; thence running east 168 feet; thence North 102 feet; thence East 266 Feet; thence South 286 feet; thence West 464 feet to the West line of said Section 17; thence North on said West line 183.45 feet, more or less to the place of beginning. Together with the West $\frac{1}{2}$ of the vacated alley lying East of and adjacent to the above described real estate.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 Commercial District. Said property is currently vacant.

Petitioner desires said real estate to be rezoned to S-2 Planned Unit District. Petitioner further states that they intend to utilize said land for residential use. Said property shall have a private cul-de-sac with 10 duplex residential units.

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 land located in the City of Mishawaka.



John Ward

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
Phone: 574-233-1841

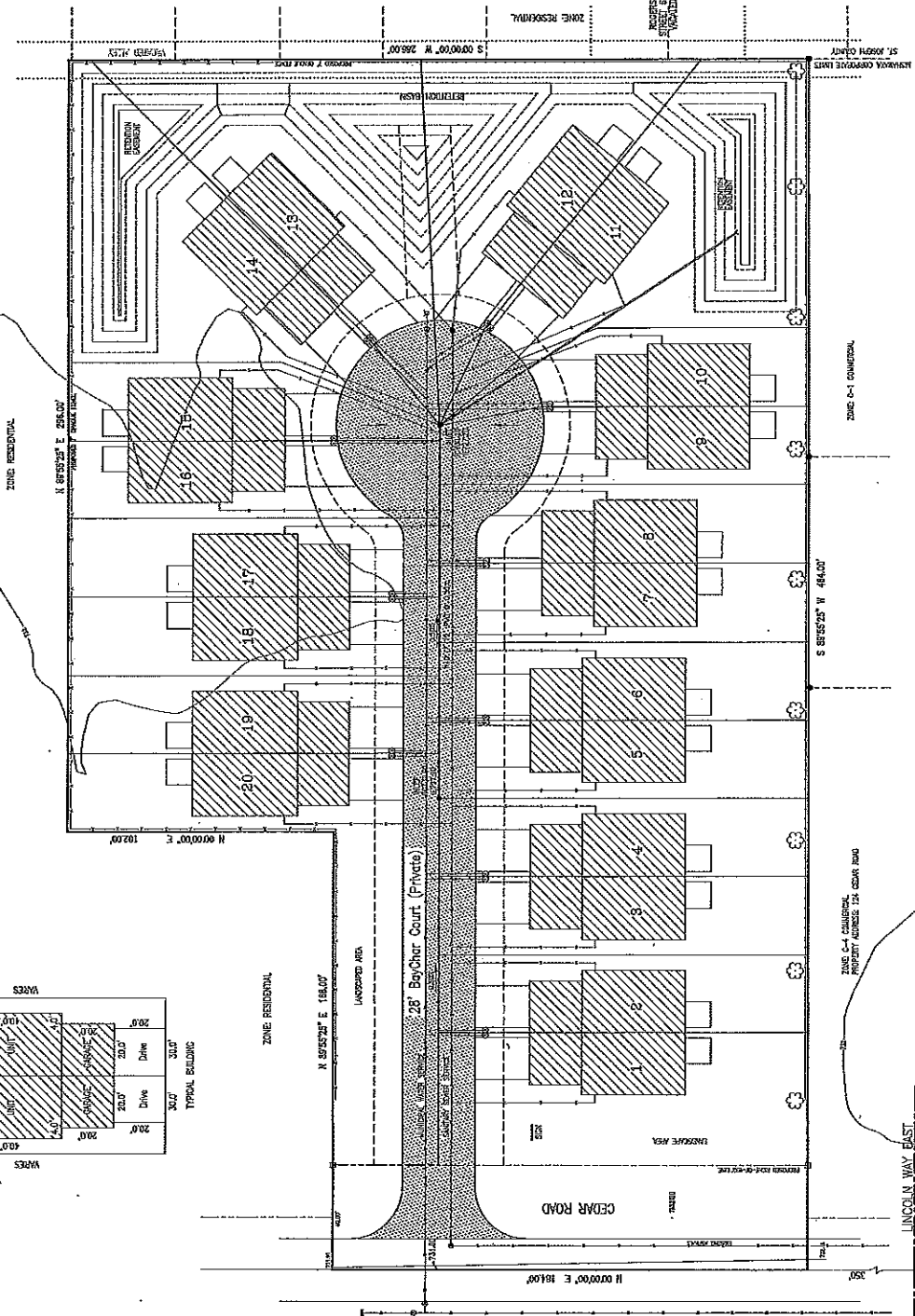
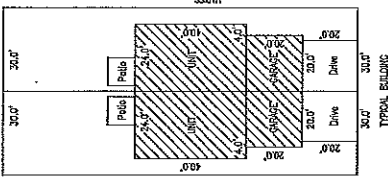
FIERA VISTA VILLAS

PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH,
RANGE 4 EAST, CITY OF MISHAWAKA, PENN. TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

OWNER:
JOHN WARD

REZONING SITE PLAN

THIS DRAWING IS FOR REZONING CONCEPT AND PLANNING ONLY.



- NOTES
1. TOTAL AREA: 2.15 ACRES
 2. CURRENT ZONING: C-1 COMMERCIAL
 3. PROPOSED ZONING: R-1 RESIDENTIAL
 4. PROPOSED USE: 10 RESIDENTIAL, DUPLEX UNITS
 5. SERVED BY MUNICIPAL WATER AND SANITARY SEWER.

TABULATED DATA

ITEM	AREA	PERCENT	PERCENT
BUILDING	27,200	12.6	12.6
PARKING	10,000	4.6	4.6
LANDSCAPE	10,000	4.6	4.6
TOTAL	47,200	21.8	21.8

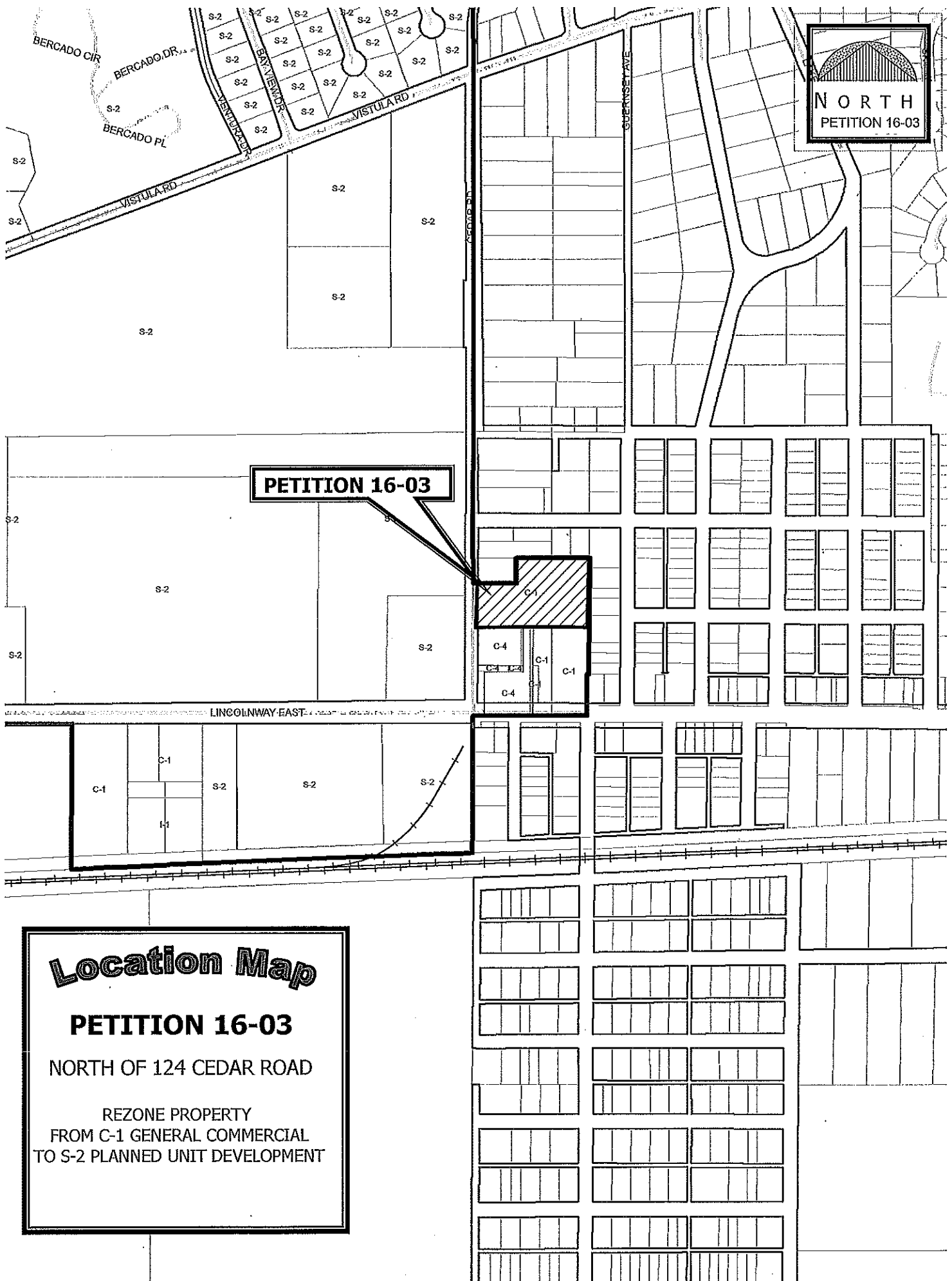


James D. Long
Terrance D. Long, P.E. No. 5-0323



LFA
Lutz, Fennell & Associates, Inc.
715 S. Madison Street
Mishawaka, IN 46520-1401
(219) 932-1401
Fax: (219) 932-1401
Email: info@lfa.com
Web: www.lfa.com





Location Map

PETITION 16-03

NORTH OF 124 CEDAR ROAD

REZONE PROPERTY
FROM C-1 GENERAL COMMERCIAL
TO S-2 PLANNED UNIT DEVELOPMENT

1st Reading 1-18-16
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 17 2016

PROPOSED ORDINANCE NO. 2016-01

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE AUTHORIZING THE MISHAWAKA CITY CONTROLLER TO
PURCHASE BLANKET BONDS COVERING OFFICIALS AND EMPLOYEES OF
THE CITY OF MISHAWAKA

WHEREAS, Indiana Code 5-4-1-18 provides that bonds are required for individuals (A) who are employees or contractors of a city and (B) whose official duties include receiving, processing, depositing, disbursing or otherwise having access to funds that belong to a political subdivision; and

WHEREAS, the Indiana State Board of Accounts will not take audit exception to the statutory minimum amount of \$5,000.00 per covered individual and will not take audit exception to an annual bond as long as the minimum amount of coverage is provided each year; and

WHEREAS, Indiana Code 36-7-14-7(c) provides that a bond is required for each commissioner of a redevelopment commission in the penal sum of fifteen thousand dollars (\$15,000.00); and

WHEREAS, Indiana Code 5-4-1-18 further provides that the fiscal body of a city may by ordinance authorize the purchase of a blanket bond that is endorsed to include faithful performance to cover the faithful performance of; and includes aggregate coverage sufficient to provide coverage amounts specified for; all employees, commission members, and persons acting on behalf of the local government unit, including the officers, employees and contractors who are required by Indiana Code to file a bond; and

WHEREAS, the Mishawaka City Common Council is the fiscal body of the City of Mishawaka and is authorized to take the action stated herein; and

WHEREAS, the Common Council desires to authorize the City Controller to purchase blanket bonds pursuant to Indiana Code 5-4-1-18; and

WHEREAS, the Common Council desires to authorize the coverage amounts for each individual covered by the blanket bond at the amount of

\$5,000.00 as provided for by Indiana Code 5-4-1-18(e)(2); and

WHEREAS, the Common Council desires to authorize the coverage amounts for each Commissioner of the Redevelopment Commission at the amount of \$15,000.00 as provided for by Indiana Code 36-7-14-7(c).

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

Section 1. The City Controller is authorized to purchase a blanket bond as provided for by Indiana Code 5-4-1-18 with coverage in the following amounts established by Indiana Code:

<u>POSITION</u>	<u>AMOUNT</u>	<u>AUTHORITY</u>
Each individual under the Blanket Bond	\$5,000.00	Indiana Code 5-4-1-18(e)(2)

Section 2. The City Controller is authorized to purchase a blanket bond as provided for by Indiana Code 5-4-1-18 with coverage in the following amounts established by Indiana Code 36-7-14-7(c):

<u>POSITION</u>	<u>AMOUNT</u>	<u>AUTHORITY</u>
Each Commissioner of the Redevelopment Commission	\$15,000.00	Indiana Code 36-7-14-7(c)

Section 3. Each blanket bond shall be endorsed to include faithful performance to cover the faithful performance of; and shall include aggregate coverage sufficient to provide coverage amounts specified for; all employees, commission members, and persons acting on behalf of the City of Mishawaka, including the officers, employees and contractors who are required by Indiana Code to file a bond.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2016 at _____ o'clock, P.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,
2016, at _____ o'clock ____ M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2016 at
_____ o'clock ____ M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

Date: January 11, 2016
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Blanket Bond Ordinance**

Spearheaded by the State Board of Accounts, numerous changes have been made to laws and policies governing bonds, materiality thresholds, and internal control to deter fraud and theft at the municipal level.

Among other requirements, an ordinance is necessary to obtain blanket bonds for certain covered individuals who handle money (IC 5-4-1-18) and the Redevelopment Commission (IC 36-7-14-7(c)).

I request approval of the attached ordinance to authorize the purchase of these two blanket bonds.

The City Clerk, Controller, and General Manager of the Utilities all have had and will continue to have individual bonds. An ordinance is not required.

Please contact me with any questions.

c: David A. Wood

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 11 2016

CITY CLERK
MISHAWAKA, IN

JAN 13 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 1-18-16
2nd Reading
Passed
Failed
Continued To

PETITION 15-39

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-02

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

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

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

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

Lot 7, GWR Fowler's, 1st Addition

COMMON ADDRESS: 516 East Mishawaka Avenue

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

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

1. While properties adjacent to the subject parcel fronting Mishawaka Avenue are zoned commercial, a majority of the existing structures along the Mishawaka Avenue corridor are currently used for residential purposes. Additionally, the properties to the north along Grove Street are occupied as single or two family residences. Therefore, the continued use of the site as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the history as a single family residence, staff feels that the most desirable use for this property is its continued single family use;

Proposed Ordinance No: 16-02

Ordinance No: _____

3. Because the parcel is located in an area of primarily residential uses, the rezoning to R-1 Single Family Residential is a desirable use for this property;
4. As opposed to the types of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood and will allow the property owner to continue to use the property as a single family residence; and,
5. The Comprehensive Plan for the City of Mishawaka indicates Low Density Residential (Single Family Homes) for this part of Mishawaka Avenue. Many of the properties along Mishawaka Avenue are, and in all likelihood will continue to be, predominantly residential in their use.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2016, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2016, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2016, at _____ o'clock ____M.

David A. Wood, Mayor

no show plan com

November 6th 2015

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 02 2015

NOV 09 2015

CITY CLERK
MISHAWAKA, IN

Pet 15-39

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 Mark Hughes respectfully shows they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Address: 516 East Mishawaka Avenue, Mishawaka Indiana

Legal Description: Lot 7 G W R Fowlers 1st Add

Parcel Number: 71-09-10-360-011.000-023

Tax Id: 016-2082-2771

Taxing District: 023 Mishawaka-Penn

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Said Property is a Single Family Residence.

Petitioner desires said real estate to be rezoned to R-1 District. Petitioner further states that they intend to utilize said land for a Single Family Residence.

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

Signature(s) of Property Owner(s)



Mark Hughes

CONTACT PERSON:

Mark Hughes

516 East Mishawaka Avenue



LAWRENCE E LAWRENCE ST

LOCUST LOCUST ST

CHESTNUT ST

GROVE

E GROVE ST

PETITION 15-39

LOCUST LOCUST ST

CHESTNUT

MISHAWAKA E MISHAWAKA AVE

CEDAR

N CEDAR ST

PINE N PINE ST

Location Map

PETITION 15-39

516 E. Mishawaka Ave.

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

JAN 13 2016

PETITION 16-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-03

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

1st Reading 1-18-16
2nd Reading
Passed
Failed
Continued To

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

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

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

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

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

Part of the Northwest Quarter of Section 17, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at point on the West line of said Section 17, 603.75 feet South of the Northwest corner thereof; thence running east 168 feet; thence North 102 feet; thence East 266 feet; thence South 286 feet; thence West 464 feet to the West line of said Section 17; thence North on said West line 183.45 feet, more or less to the place of beginning. Together with the West ½ of the vacated alley lying East of and adjacent to the above described real estate.

COMMON ADDRESS: North of 124 Cedar Road

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as S-2 Planned Unit Development designated in "The Zoning Ordinance of 1966" subject to the following developmental standards and conditions of approval:

Uses:

1. Uses shall be limited to two-family residential (duplexes) as identified in the petition for rezoning.

Sanitary Sewer:

1. The developer shall connect to City of Mishawaka sanitary sewer as directed by applicable codes and the City Director of Engineering. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.

Proposed Ordinance No: 2016-03

Ordinance No: _____

Right-of-Way Dedication / Private Access Drive:

1. A 40' half right-of-way must be dedicated from the centerline of Cedar Road.
2. The private access drive (cul-de-sac) shall be designed as directed by applicable codes and the City Director of Engineering.

Parking:

1. Each driveway shall be a minimum of 25' in length from the edge of pavement to the façade of each garage.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the east side of Cedar Road within the dedicated right-of-way to provide a pedestrian connection from the development extending southerly to the gas station/convenience store at the northeast corner of Cedar Road and Lincolnway East.

Other:

1. All other developmental standards not identified shall comply with the R-2 Two-Family Residential standards.

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

1. Existing Conditions - The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.
2. Character of Buildings - The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).
3. The most desirable/highest and best use - Because of the parcel's proximity to both single-family residential uses to the north and east and commercial and office uses to the south and west, the most desirable use for the property is a higher density residential use. Such a use will act as a buffer between the adjacent commercial/office and residential uses.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because two-family residential is consistent and compatible with the adjacent land uses.
5. Comprehensive Plan - This specific property was not identified in the City of Mishawaka Comprehensive Plan as it was recently annexed. However, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan.

Proposed Ordinance No: _____

Ordinance No: _____

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2016, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2016, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2016, at _____ o'clock ____M.

David A. Wood, Mayor

December 23, 2015

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



Re: Petition for Rezoning

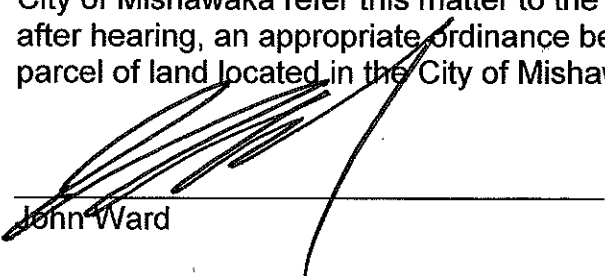
The undersigned, John Ward respectfully show they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, Indiana:

Part of the Northwest Quarter of Section 17, Township, 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at point on the West line of said Section 17, 603.75 feet South of the Northwest corner thereof; thence running east 168 feet; thence North 102 feet; thence East 266 Feet; thence South 286 feet; thence West 464 feet to the West line of said Section 17; thence North on said West line 183.45 feet, more or less to the place of beginning. Together with the West $\frac{1}{2}$ of the vacated alley lying East of and adjacent to the above described real estate.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 Commercial District. Said property is currently vacant.

Petitioner desires said real estate to be rezoned to S-2 Planned Unit District. Petitioner further states that they intend to utilize said land for residential use. Said property shall have a private cul-de-sac with 10 duplex residential units.

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 land located in the City of Mishawaka.


John Ward

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
Phone: 574-233-1841

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 30 2015

CITY CLERK
MISHAWAKA, IN

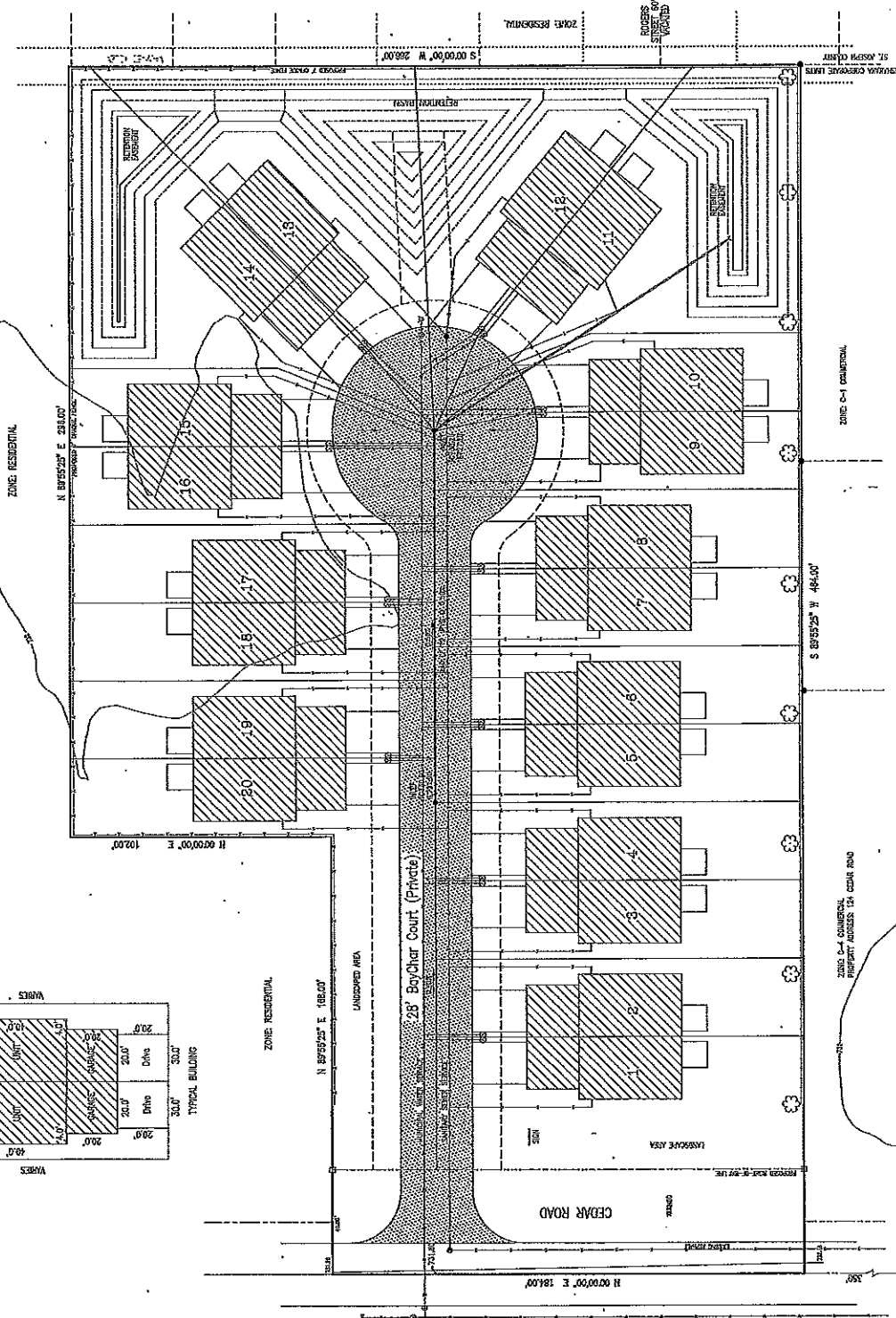
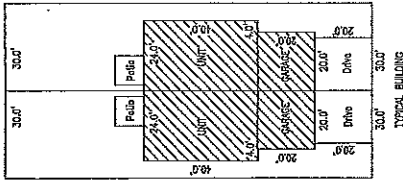
PIERA VISTA VILLAS

PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH,
RANGE 4 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

CORNER
CORN WARD

REZONING SITE PLAN

THE DRAWING IS FOR REZONING CONCEPT AND PLANNING ONLY.

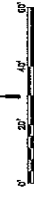


- NOTES
1. TOTAL AREA 5.58 ACRES
 2. TOTAL AREA 2.38 ACRES COLLECTOR
 3. CURRENT USE: RESIDENTIAL
 4. PROPOSED USE: TO RESIDENTIAL COMPLEX UNITS
 5. SERVED BY MUNICIPAL WATER AND SEWAGE TREATMENT.

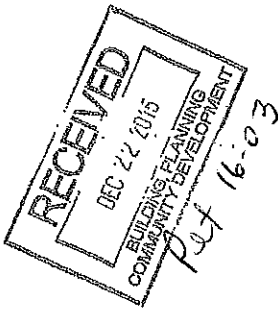
TABLED DATA	SF	ACRES
BUILDING	27,200	0.62
PAVING	12,500	0.28
LAND	13,800	0.31
TOTAL	53,500	1.21



Terence D. Lang
TERENCE D. LANG, ILS NO. 5-4553



LFA
Lang, Feeney & Associates, Inc.
715 S. Michigan Street
Suite 200
Mishawaka, IN 46520-1461
Phone: (219) 823-1461
Fax: (219) 823-1461
Email: info@lfa.com
Web: www.lfa.com



RESOLUTION NO. R 2016-01

**A RESOLUTION APPROVING APPOINTMENTS
TO THE HISTORIC PRESERVATION COMMISSION
OF THE CITY OF MISHAWAKA, INDIANA**

WHEREAS, Indiana statute permits the Common Council of a city to establish a Historic Preservation Commission; and

WHEREAS, the Mishawaka Common Council adopted Ordinance No. 3444 on November 19, 1990 creating a nine-member Historic Preservation Commission with a five-member Advisory Board; and

WHEREAS, Ordinance No. 3444 provides that eight voting members of the Historic Preservation Commission shall be appointed by the mayor subject to Common Council approval; and

WHEREAS, subject to Council approval, the Mayor has re-appointed two advisory members; Cliff Zenor and Shirley McAlister and has appointed two new advisory members; Jason Stoller and Thomas Morris to serve three-year terms through December 31, December 31, 2018; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka that it hereby approves the Mayoral Appointment of the above advisory members of the Mishawaka Historic Preservation Commission.

Presiding Officer, Ronald S. Banicki

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of _____ at _____ o'clock _____.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED AND SIGNED by me on the _____ day of _____ at _____ o'clock _____.m.

David A. Wood, Mayor