

AGENDA

Monday, March 7, 2016

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

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

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

February 15, 2016

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2016-05 Use Variance to allow for Outdoor Vehicle Sales Event for Three Consecutive Years 2016-2018 University Park Mall Lot North of J.C. Penney

Petition No. 2016-07 Rezone from I-2 to R-1 for Existing Home - 3236 York St.

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**

P.O. NO. 2016-04 Rezone from S-2PUD to C-1 for Additional Parking for Adjacent Hotel - Vacant Land East of 1220 E. Douglas Rd. (Land Use Planning Committee)

- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**

Conflict of Interest - Bryan Tanner

Appointment to the Redevelopment Commission

Mayor Wood's State of the City

13. Adjournment

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
February 15, 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 February 15, 2016, at 7:00 p.m. The meeting was called to order by President Ron Banicki all were asked to stand for the Pledge of Allegiance.

Roll Call.

Present: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci. **Absent/Excused:** Mr. Banicki.

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

Vice President Ross Deal welcomed Bryan Tanner, Councilman at large, replacing John Roggeman, who now is on staff as City Attorney. Mr. Deal said at the same time he wanted to recognize John Roggeman who has had the honor of serving with before, and he will be a hard one to replace, he has been a steady influence on the council with a voice of reason..

Bryon Tanner said he was very grateful to be elected to fill the very large shoes that John has left behind, he has left a great legacy and he was honored to agreed they are large shoes to fill and he would try to live up to his legacy.

Council members wished Mr. Roggeman well and thanked him for his service not only to the citizens but also to them as a whole and individually.

Mr. Roggeman thanked everyone for the accolades, as a Big Ten Football Official he was not use to all the kind comments. He said he enjoyed serving on the School Board and the City Council and knowing you were there because the Citizens of our city elected you to represent them and do what was right for the entire city. Mr. Roggeman said he was very excited to be working as the staff attorney and the great people he works with.

The minutes from the February 1, 2016 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Mishawaka Board of Zoning Appeals Recommendations from their February 9, 2016 meeting.

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 #16-03

An appeal submitted by Kenneth A. and Diana K Eby and Maurice Bokhart requesting a Use Variance for **411 South Main Street** to permit warehousing and display of high-end, luxury automobiles, and utilize existing commercial kitchen space.

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

1. Outdoor parking of vehicles may be allowed. However, vehicles shall be parked only in the existing on-site parking spaces and the required number of parking spaces for industrial use, (1) space per employees at maximum shift, shall be maintained. A site plan shall be submitted showing location of proposed parking and connection to adjacent property's site.
2. No auto-mechanical and/or auto-body work may be performed on the property.

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed Ordinance was considered: their Feb 9th meeting

PETITION #16-05 A petition submitted by BJ Hospitality LLC requesting to rezone 197' X 245' parcel east and **adjacent to 1220 East Douglas Road** from S-2 Planned Unit Development to C-1 General Commercial District.

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

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

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

PROPOSED ORDINANCE NO. 2016-04

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 S-2 PUD to C-1 for Additional Parking for Adjacent Hotel – Vacant Land East of
1220 E. Douglas Road)

Assigned to Land Use Planning committee

Clerk Block Read **RESOLUTION NO. 2016-03** Honoring Indiana Lego Champs (Beiger Bots)

RESOLUTION 2016-03

WHEREAS, the Beiger Bots were recently named the 2015 Indiana FIRST LEGO LEAGUE STATE CHAMPIONS. The team of 10 fourth-through sixth-graders won first place in the Indiana Championship Tournament at Indiana University-Purdue University Fort Wayne, and

WHEREAS, a group of LEGO League students at Beiger Elementary School were so dedicated to their team and its cause that they sifted through garbage in a landfill to conduct research for this year's project "Trash Trek", and

WHEREAS, Carol Dostal, director of outreach programs for IPFW's College of Engineering, Technology, & Computer Science invited the "Beiger Bots" to the FIRST LEGO League World Festival, which will take place in St. Louis in April, 2016, and

WHEREAS, the FIRST LEGO program was divided into three parts. One was a project centered on a theme, second was learning about and exercising core values, such as teamwork, and third was designing, building and programming a robot to compete in a game.

WHEREAS, while scouring the landfill for the project they decided to repurpose Styrofoam window cutouts thrown away by an RV manufacture and fashioned them into an array of trays, including a Lego tray and folding breakfast tray, and

WHEREAS, the Beiger Bots Lego Champion Team consists of Ben Pamchena, Lilly Wilson, Jonas Knorr, Elizabeth Ball, David Sharp, Ana DeVries, Jacob Stanton, Illiana Vanlue, Max Ford, Briella Buchmann; and

WHEREAS, this first time LEGO Championship brings honor to the students and their Coaches, Maria DeVries, Sarah Knorr, Bob Pamachena, and JoAnn Pamachena and the City of Mishawaka, their families and to our Community; and such efforts and achievements deserve recognition and commendation from the City of Mishawaka:

NOW THEREFORE, Let it be known and Resolved by the City of Mishawaka's Common Council, Mayor and Clerk, that February 15, 2016 is hereby proclaimed

"BEIGER BOTS DAY"

in our community and we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable team thanking them for their efforts on behalf of their school, the community and the citizens of Mishawaka, and the State of Indiana.

Dale "Woody" Emmons,
1st District

Ron Banicki, President,
6th District

Mike Bellovich, 2nd District

Matt Mammolenti At Large

Ross Deal, 3rd District, Vice
President

Joe Canarecci, At Large

Kate Voelker, 4th District

Bryan J. Tanner At Large

S. Michael Compton
5th District

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

David A. Wood, Mayor

Dan Towner 122 Tiger Lane Mishawaka, Principal of Beiger School said he wanted to thank everyone for honoring his students, the parents for their support, time and effort they spent with the students and this project, and the 4th graders getting a day named after them. Mr. Tanner said that Beiger would be the only school represented from Indiana at the World Festival.

Jacob Stanton said he was in support of this Resolution and thanked the city for doing so. Anna DeVries said she too supports this resolution stating the students did well in all four categories and they also did a Styrofoam drive at their school teaching their fellow students to recycle Styrofoam.

Brilla Buchman 4th grade said she enjoyed the learning experience and winning the grand championship was one of the greatest moments of her life and she was looking forward to competing at the World Festival.

Maria DeVries said they appreciated this honor so very much this represents the kind of talent we have here in the Mishawaka School system that benefits from their schools and the community that supports them.

Ms. Voelker thanked the students, parents and teachers for coming and the presentation by the students prior to the meeting was incredibly impressive. She said looking at the work force in the future and possibly choosing this as career path we can only hope you make your homes here in Mishawaka.

Mr. Compton congratulated the parents on their dedication to this project. He said he was an electrician and what these young people are doing they are teaching in their apprenticeship program and these are 4 and 5th graders are already implementing it in their school project. Mr. Compton said these are skills as Ms. Volker stated that you have the possibility of taking into a career. He said for those of you who do not go into Engineering if you like the thought of being an electrician come and see them in a few years they can use people just like you, what you are doing is amazing.

Mr. Mammolenti commended the teachers, students and Mr. Towner for their involvement they have with this program it is outstanding. He said the skill set at this age was unbelievable and what they can accomplish in the years to come, it was great for schools and the City of Mishawaka letting the public know how great our Mishawaka school system is.

Mr. Tanner said at the age of 18 he was part of a group that programed a robot to go forward 10 feet and turn around and come back 10 feet and that was all it could do at the time. He said what these students have done here is amazing he enjoys watching the students supporting each other and cheering each other on. He said was impressed with the skills they are building, the direct application it has to mathematics, to Engineering, and electronics technology even more important being able to work as a team.

Mr. Canarecci said he has a friend who got involved in competitive robotics in high school and went on to get a Mechanical Engineering Degree from Purdue. He said he went on to design power plants and presently designs Archery equipment for Olympic Competition for one of the largest Archery manufacturing in the World. Mr. Canarecci said his project is a very real thing that could lead to some exciting opportunities and it starts right now. He too hoped these students would make their homes in Mishawaka.

Mr. Deal sincere congratulations and told them their city was very proud of them.

Question was called for at 7:31 p.m. on **RESOLUTION NO. 2016-03** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Tanner, Mrs. Voelker.

Clerk Block Read **RESOLUTION NO. 2016-04 PATRICK INDUSTRIES, INC. (Lesser)**

**RESOLUTION NO. 2016-04
(Patrick Industries, Inc.)**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, MAKING A FINAL DETERMINATION AND CONFIRMING THE
DESIGNATION OF AREAS WITHIN
THE CITY OF MISHAWAKA, INDIANA, KNOWN AS**

1141 & 1241 EAST 12TH STREET, MISHAWAKA, IN. 46544

**AS AN ECONOMIC REVITALIZATION AREA AND
ECONOMIC DEVELOPMENT TARGET AREA FOR
PURPOSES OF PERSONAL PROPERTY TAX ABATEMENT FOR
PATRICK INDUSTRIES, INC. (LESSER)**

(Confirming Resolution – Patrick Industry – 1141 and 1241 East 12th Street)

Mathew Davison, Patrick Industries said they were looking forward to coming into Mishawaka. He said of the 84 jobs they were bringing to this plant there would be 14 semi-skilled positions. Mr. Davison stated the wage per hour would be \$11.78 per hour.

Question was called for at 7:38 p.m. on **RESOLUTION NO. 2016-04** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Tanner, Mrs. Voelker. Absent Mr. Banicki.

Clerk Block Read **RESOLUTION NO. 2016-05** opening it for public hearing.

RESOLUTION NO. 2016-05

**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:

411 South Main Street, Mishawaka, Indiana

(Use Variance to allow for Indoor/Outdoor Warehousing & Display of Vehicles 411 S. Main St.)

Maurice Bokhart, 16400 Kern Rd Mish 46544 said he was the owner of 411 South Main Street along the railroad tracks and parking was very challenging with only 5 spaces. He said the catering business at 411 South Main Street

Mr. Bokhart stated he would like to remove some of the garage doors and put in glass windows for displays. Mr. Bokhart said he would like to contact Real Services, to utilize the Commercial kitchen in that building, to cook and then transport.

Mr. Canarecci asked if Hannah's house offices would remain in that building. Mr. Bokhart said yes. Mr. Bokhart said he would be fencing in some of the property and install lighting. Mr. Emmons said he wanted him to be careful with lighting so that it does not look like a car lot, and not wanting un-operable cars stored there. Mr. Bokhart said it would not be large lights and they would also be using cameras. Mr. Emmons also expressed his concern for having un-operable cars on the lot. Mr. Bokhart explained they would not be working on any cars, there would only be display and sell vehicles.

Mr. Mammolenti said it was his understanding that he was operating on a State Dealer License which requires the store to be open 30 hours per week and was it still by appointment only. Mr. Bokhart said they have days they are open and they do have days when they schedule appointments.

Mr. Tanner asked what they plan was for the new building where the garage doors were. Mr. Bokhart stated they would be replaced with glass and use them as display windows. He went on to say they would not be parking on the sidewalk in that area.

Ms. Volker said this was very unique she was excited about it being in Mishawaka.

Question was called for at 7:58 p.m. on **RESOLUTION NO. 2016-05** Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Tanner, Mrs. Voelker.

Clerk Block Read **RESOLUTION NO. 2016-06** opening it for public hearing.

RESOLUTION NO. 2016-06

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA, APPROVING THE BOARD OF WORKS
AND SAFETY DETERMINATION TO SELL REAL ESTATE PURSUANT TO
INDIANA CODE 36-1-11-4
PROVISION OF THE GUMWOOD WELLFIELD
(Sell of Real Estate Portion of Gumwood Wellfield)**

Ken Prince City Planner said the city has been approached by the developer of Grandview Planned Unit Development regarding potential sale of a portion of the Mishawaka Well field established in 1880 and has served the city well for a more comprehensive private development in this location. He stated at the time the long term plan was to replace the wellfield and it had been determined that the southern 5.75 acres of the well field could be disposed of without impacting the water production or the on-going operation compliance of the wellfield.

Mr. Prince stated after this determination Mishawaka Utilities Water Division had two independent appraisals which is the standard required by Indiana Code. He said the average of the two appraisals came in at \$4.10 per square foot for the north half of the wellfield and \$4.875 per square foot for the south half, based on $5.75 \times 43,560 \times 4.875 = \$1,221,041.25$. Mr. Prince said based on the on-going capital needs of the Mishawaka Utilities Water Division he felt there could be merit to consider disposal of a portion of the wellfield property and asked specifically to advertise and hold a public meeting on this matter in accordance with the Indiana Code. He said he has asked the Law Department to lay out the procedure and general timeline for this process in accordance with Indiana Code.

Mr. Prince said he believed the sale of the property with the momentum taking place at Grandview, could provide immediate and long term benefits to the water rate payers. He said if this sale does not take place the Water Division would continue to hold and maintain the property until such a point in time the entire wellfield can be closed and marketed for development.

Question was called for at 8:15 p.m. on **RESOLUTION NO. 2016-06** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mr. Bellovich, Mr. Canarecci, Mr. Compton, Mr. Deal, Mr. Emmons, Mr. Mammolenti, Mr. Tanner, Mrs. Voelker. Absent: Mr. Banicki.**

☐ **NEW BUSINESS**

Mr. Emmons said his next neighborhood meeting would be March 17th and he would have someone from WellPet there to speak.

Mr. Deal said the next Twin Branch neighborhood meeting would be Wednesday February 17th and his speaker would be a representative from Transpo.

ADJOURNMENT 8:17

AP 16-05

RECEIVED
DEBORAH S. BLOCK, MMC

Date: 2/17/2016

FEB 23 2016

To: Board of Zoning Appeals
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

The undersigned appellant, Gates Automotive group, Clint Emberton GSM, respectfully shows the board:

1. I, Clint Emberton, (appellant) on behalf of University Park Mall, (owner) am petitioner of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to wit:

University Park Mall
6501 Grape Road
Legal Description

Commencing at an Indiana Toll Road right-of-way monument at the intersection of the North right-of-way line of said Toll Road with the proposed West right-of-way line of Grape Road, said point also being the Principal Point and Place of Beginning and lying in and on the South line and 80.00 feet West of the East line of said Northwest Quarter of Section 28;

thence South 89°37'13" West on and along the North right-of-way of the Indiana State Toll Road (said line also being the South line of the Northwest Quarter of Section 28), a distance of 723.71 feet to a point;

thence North 35° 00' 00" West a distance of 382.67 feet to a point;

thence North 55° 00' 00" East a distance of 41.50 feet to a point;

thence North 35° 00' 00" West a distance of 459.50 feet to a point;

thence North 60° 00' 00" West a distance of 430.30 feet to a point on the Easterly right-of-way line of Indiana State Route 23;

thence on and along the said Easterly right-of-way line a distance of 64.24 feet along an arc to the right having a radius of 2821.79 feet and a chord of 64.24 feet bearing North 35° 22' 43.5" East to a point;

thence South 50° 00' 00" East a distance of 385.71 feet to a point;

thence North 30° 00' 00" East a distance of 31.50 feet to a point;

thence South 60° 00' 00" East a distance of 83.08 feet to a point;

thence North 55° 00' 00" East a distance of 169.78 feet to a point;
 thence North 30° 00' 00" East a distance of 101.13 feet to a point;
 thence South 60° 00' 00" East a distance of 50.00 feet to a point;
 thence North 30° 00' 00" East a distance of 55.00 feet to a point;
 thence South 60° 00' 00" East a distance of 79.17 feet to a point;
 thence North 30° 00' 00" East a distance of 198.00 feet to a point;
 thence North 60° 00' 00" East a distance of 114.17 feet to a point;
 thence North 30° 00' 00" East a distance of 75.07 feet to a point;
 thence North 05° 00' 00" East a distance of 225.09 feet to a point;
 thence North 60° 00' 00" West a distance of 358.49 feet to a point on the said
 Easterly right-of-way line of Indiana State Route 23;
 thence North 37° 08' 02" East on and along the said Easterly right-of-way line a
 distance of 70.52 feet to a point;
 thence 452.832 feet along an arc to the left having a radius of 1807.446 feet and a
 chord of 451.649 feet bearing North 29° 57' 23" East to a point;
 thence North 89° 49' 12" East a distance of 312.93 feet to a point;
 thence South 86° 33' 43.1" East a distance of 320.02 feet to a point on the proposed
 West right-of-way line of Grape Road;
 thence South 01° 01' 41" East on and along the said West right-of-way- line of
 Grape Road a distance of 370.02 feet to a point;
 thence South 00° 24' 32" East a Distance of 1484.91 feet to a point;
 thence South 10° 04' 57" West a distance of 186.59 feet to a point;
 thence South 00° 24' 32" East a distance of 320.00 feet to the Principal Point and
 Place of Beginning.

2. The above described real estate presently has a zoning classification of C-2, Shopping Center Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant, on behalf of University Park Mall, presently occupies or proposes to occupy the North parking lot portion, Directly North of JC Penny retail store, and East to the SR 23 boundary of University Park Mall and West to the University Park Mall boundary at Grape Road of the above described property in the following manner:
4. The Gates Automotive Group desires to occupy the property on three separate occasions, 1.) A specific 10 day period in May to be named, 2.) a specific 10 day period on June to be named, and 3.) a specific 10 day period in August to be named for offsite Used Car Sale activities. These activities will be consistent with the previous activities that have been approved by the Board of Zoning Approval, City of Mishawaka, for the past six consecutive years. These events have been executed to the guidelines set forth without cause for internal review or discipline. The hours of operation shall be from 10 am until dusk. The property shall be used "As-Is" with no permanent changes to be made. Additionally, Gates Automotive Group, within the current Zoning Constraints of the City of Mishawaka, would request permission for (8) temporary signs consistent with previous approvals. Three portable tents will be erected to provide shade and shelter for customers and staff not to exceed 30' x 60'. One 12 x 60 powered mobile office facility for business transactions, consumer privacy compliance, and securing of valuables. Adequate temporary restroom facilities will be provided including but not limited to two handicap accessible facilities and two washing stations for sanitary concerns. Trash receptacles will be stationed in (8) eight locations through out the site emptied three times daily. As always, appropriate traffic control measures are the highest of priority. Safety cones, barricades, and safety banners will be used to provide clear and safe traffic patterns and parking for University Park Mall guest, offsite sale customers, employees of both the Mall and Gates Automotive Group.
- 4-1. The Gates Automotive Group request special consideration from the board. Our request for approval the past six years has gone virtually unopposed. The Board has been generous to grant our request. Additionally, the Council has been gracious to accept the Boards recommendation and grant our request. Gates values the time that the Members of the Board dedicate to our Community. We have petitioned your advice and made request of your services and time four consecutive years. Included in the 2013 request was a comprehensive three year consecutive approval. It was granted with no opposition and has been executed in a fashion consistent with past approved events. We (Gates and University Park Mall) again would like to request a comprehensive approval for an additional three year term, (2016-2018). This approval would have to adhere to the guidelines as have been approved for the previous years. This approval could be withdrawn by either party, at any time with 90 days notice. The approval would expire on 10/1/2018. In the consideration of time, effort, and repetition of request, we pray that you carefully review this addition to the submitted request.

5. The Zoning Ordinance of the City of Mishawaka requires, (1) per section 157.14, Prohibit Signage in all Zoning Districts state; it shall be unlawful to erect or maintain temporary signs, except as permitted under 157.16 Temporary Freestanding Sign Permits. (2) The parking area of the University Park Mall in question is Zoned C-2, Shopping Center Commercial.
6. Strict adherence to the Ordinance requirements enforced would prohibit Gates from selling used vehicles from that location, and (2) Using banners, tents and other miscellaneous materials to promote our Used Car Sales Event.
7. Approval of this request will not be injurious to the public health, safety, morals, or general welfare of the community at large. Gates Automotive Group, having been a local family owned business for 88 years, is involved in and committed to the well being of the City of Mishawaka and the fine citizens who reside here. The use and the value of the area and the adjacent properties included in the variance will not be adversely affected. Quite to the contrary, this event has and will continue to stimulate revenues for the local community. Numerous local media outlets, employees of surrounding business enterprises, subcontractors and vendors involved in staging this event and certainly tax revenues for State and local Government will be positively impacted.
- 7-1. The need for the variance arises due to the fact that the property is located in the City of Mishawaka and is currently not being used for the same purpose as the request is being made. The property is also located in a very high visibility area with easy access, adequate customer and employee parking.
- 7-2. Strict application to the terms of this chapter constitutes an unnecessary hardship if applied to this property due to the fact that Gates Used Car Sales are successful in part because of the safe and festive atmosphere created by our marketing and executed by our well trained employees. The previous approvals graciously granted by the by The Board of Zoning Appeals beginning in 2010 and commencing in the fall of 2015, were beneficial for Gates, the University Park mall, and the Community of Mishawaka as a whole. The events were organized in an effective, safe, and non-offensive manner to the community. Over the last six years, the State of Indiana has enjoyed tax revenues totaling over \$3.1M dollars. Additionally, the payrolls, invoices, numerous hired vendors, and outsourced services have generated hundreds of thousands in revenue that stay in the local Community. We have driven nearly fifteen thousand curious consumers and interested buyers to this market since inception, which has been beneficial to the University Park Mall and many other local businesses. We believe that the approval of the above request will in no manner fall short of our previous success's and will benefit the Community at large. We strongly encourage the approval of our request and believe we can do our share to fan the flame of economic momentum. Restricting the use of this property will also limit the ability for Gates' to continue to stimulate a vibrant market and promote an event that surrounding communities have come to expect, attend, and enjoy.

8. Approval will in no manner interfere with the Mishawaka 2000 Comprehensive Plan as the property is already defined as Commercial.

Wherefore the Gates Automotive Group prays and respectfully requests a hearing on this appeal and that after such a hearing, the Board grants the requested variance.

Property Owner Signature: See Attached Authorization

Property Owner Name: University Park Mall

Contact Person(s):

Clint A, Emberton
GSM, Gates Automotive Group
636 W. McKinley Avenue
Mishawaka, IN 46545
Phone: 574-340-0395
Fax: 574-291-6088
Email: cemberton@gatestoyota.com



UNIVERSITY PARK MALL

A SIMON MALL

February 16, 2016

City of Mishawaka
600 East Third Street
Mishawaka, IN 46545

To Whom It May Concern:

This letter will serve as University Park Mall's authorization for Gates to utilize a designated portion of our parking lot to promote its line of vehicles during requested dates in 2016, 2017 and 2018. The attached plot map details the planned placement of vehicles and tents in our north parking lot near JC Penney.

We have a good working relationship with Gates Automotive and the shows over the past three years were all well organized and professional. University Park Mall and its merchants benefit from these types of promotions by means of traffic and sales.

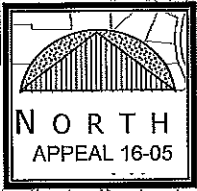
Please do not hesitate to contact me for clarification or if further information is needed.

Sincerely,

Irene McKiernan
Director of Marketing & Business Development
University Park Mall

cc: Ryan Ginty

smw/enclosure

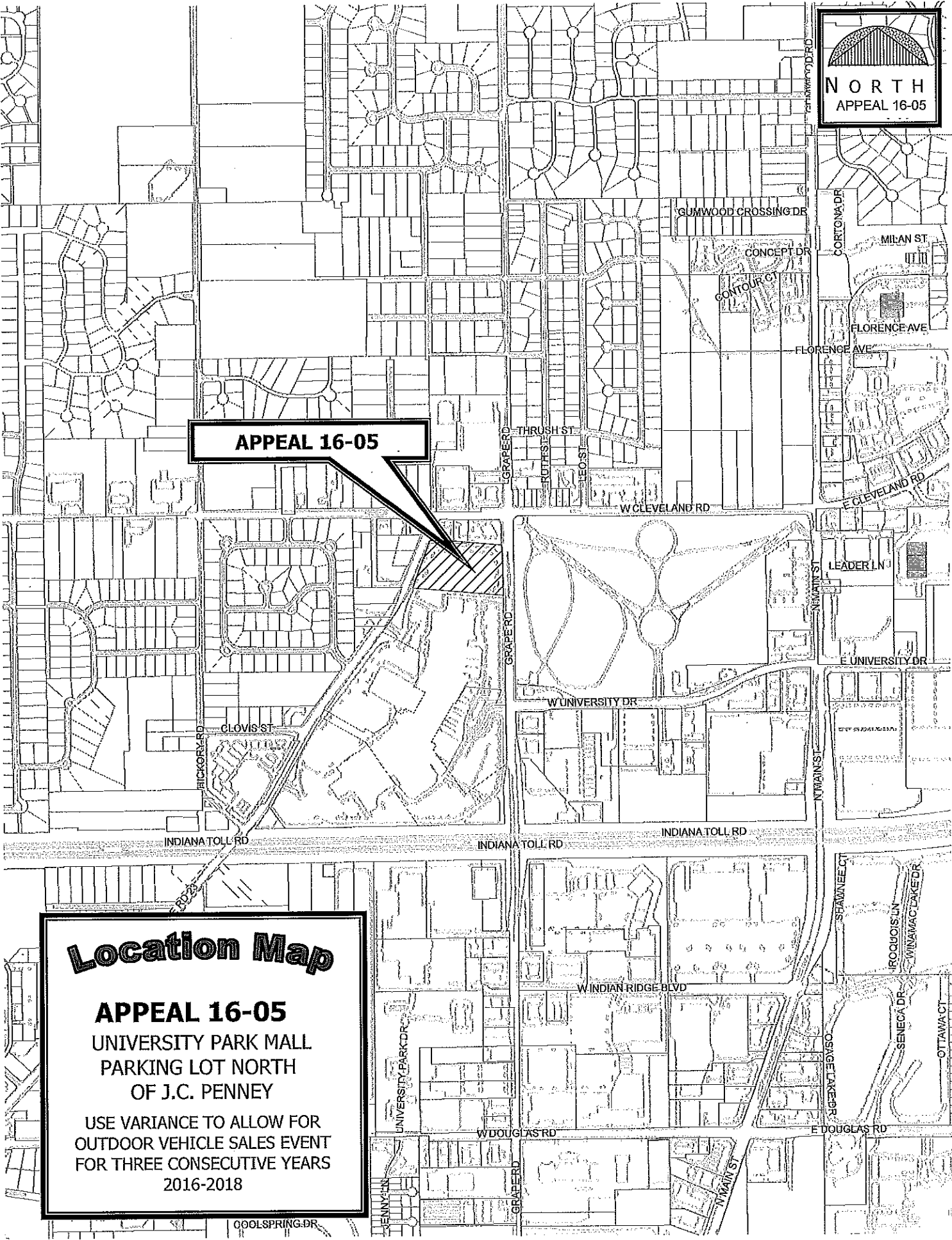


APPEAL 16-05

Location Map

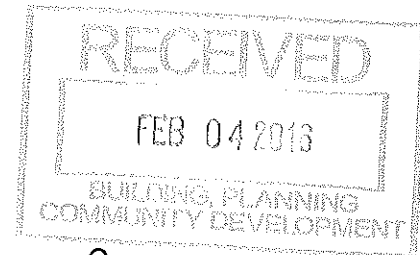
APPEAL 16-05
UNIVERSITY PARK MALL
PARKING LOT NORTH
OF J.C. PENNEY

USE VARIANCE TO ALLOW FOR
OUTDOOR VEHICLE SALES EVENT
FOR THREE CONSECUTIVE YEARS
2016-2018



February 4, 2016

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 Elena M. Smith, Sole Member of EMS Properties, LLC respectfully shows she is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lots numbered One Hundred Eighty-Three (183), One Hundred Eighty-Four (184), One Hundred Eighty-Five (185) and One Hundred Eighty-Six (186), all as shown on the Recorded Plat of Geyer's Fourth Addition recorded August 23, 1927 in the Office of the Recorder of St. Joseph County, Indiana, in Plat Book 12, page 152.

Common address: 3236 York Street, Mishawaka, Indiana 46544
Parcel ID No: 71-09-13-254-005.000-023

Petitioner owns one hundred percent (100%) of the above described parcel of land which carries a Zoning classification of I2 Heavy Industrial District. Said property is a single family residence.

Petitioner desires said real estate to be rezoned to R1 Single Family Residential District. Petitioner further states she intends 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.

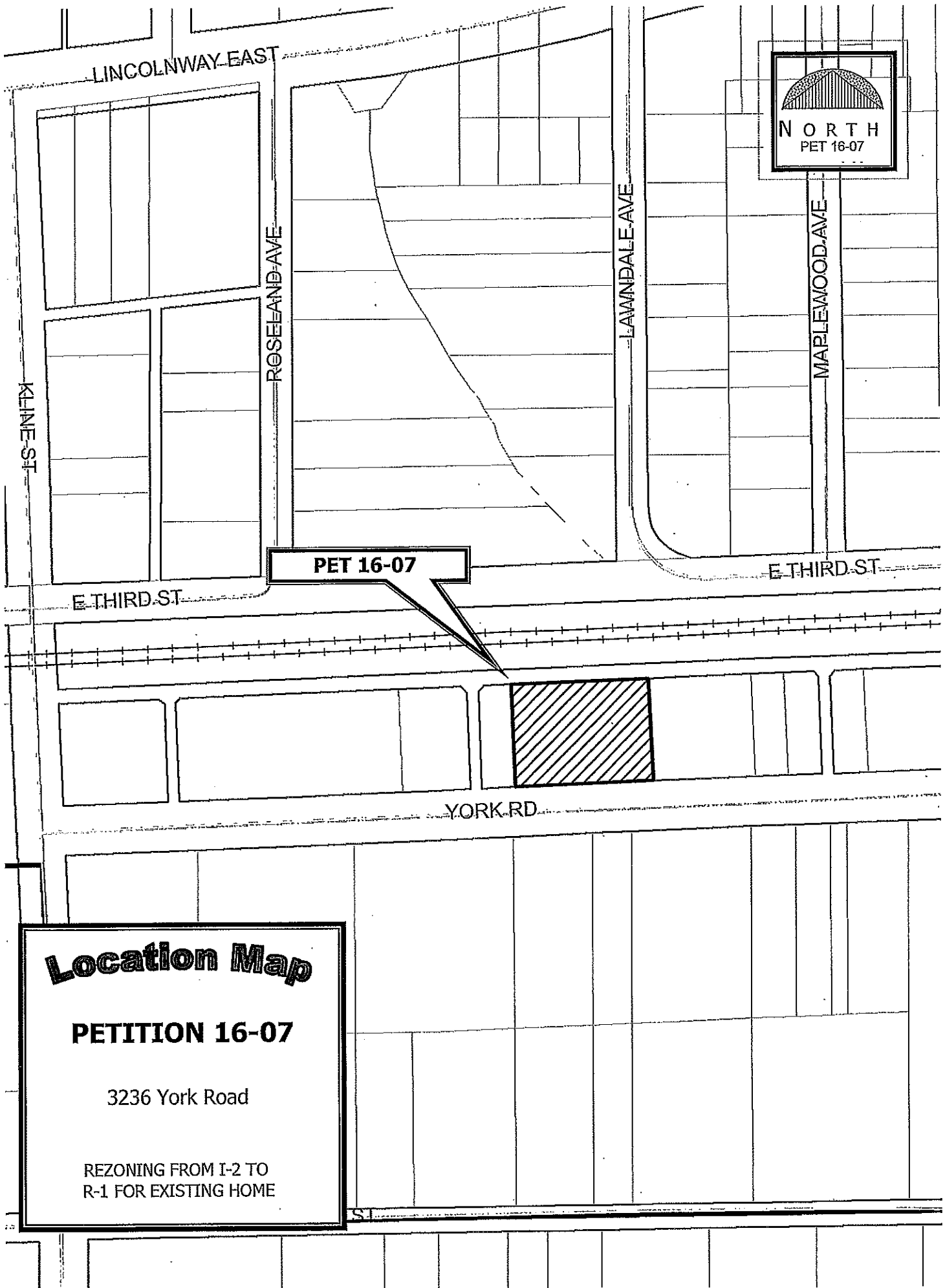
Elena M. Smith, Sole Member
EMS Properties, LLC

Contact person:
Elena Smith
2334 Topswood Ln
South Bend IN 46614
574-286-4838
Smith.elena@att.net

RECEIVED
DEBORAH S. BLOCK MMC

FEB 23 2016

CITY CLERK
MISHAWAKA, IN



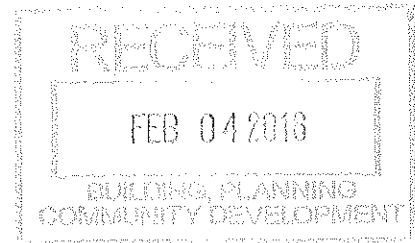
Location Map

PETITION 16-07

3236 York Road

REZONING FROM I-2 TO
R-1 FOR EXISTING HOME

February 4, 2016



Honorable Members of the Common Council
City of Mishawaka, Indiana

Re: Petition to Rezone
3236 York St., Mishawaka IN 46544

I have submitted a Petition to Rezone property I own at 3236 York St, Mishawaka, Indiana from I-2 to R-1. I have spent a large amount of money to improve this property and make it into a beautiful home. I have a sale pending on the home. The buyer is using a VA loan, and they will not approve the purchase unless the zoning is changed to residential. The appraisal may expire before this process has been completed. If it expires, we will have to start over. I may lose the sale completely.

I respectfully request to have the first and second reading on March 21, 2016 so my sale can be completed in the allotted amount of time set by the VA.

Thank you for your consideration of my request.

Elena M. Smith

Elena M. Smith
EMS Properties LLC
574-286-4838
smith.elena@att.net

RECEIVED
DEBORAH S. BLOCK MMC
FEB 23 2016
CITY CLERK
MISHAWAKA, IN

FEB 10 2016

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

PETITION 16-05

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2016-04

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, Harris Township, St. Joseph County, State of Indiana, to-wit:

A parcel of land being a part of Lot 1 Miller's Douglas Road Minor Subdivision as shown on Instrument number 8508040 in the Office of the Recorder of St. Joseph County, Indiana, and being more particularly described as follows: Beginning at the northwest corner of said Lot 1; thence north 90°00'00" East along the North line of said Lot 1, a distance of 245.67 feet to the Northeast corner of said Lot 1; thence South 00°05'50" West along the east line of said Lot 1, a distance of 197.66 feet, thence South 90°00'00" West, a distance of 245.67 feet to the West line of said Lot 1, thence North 00°05'50" East along the west line of said Lot 1, a distance of 197.66 feet to the place of beginning containing 1.11 acres more or less.

COMMON ADDRESS: Vacant Land east of 1220 East Douglas Road

which real estate is now classified as S-2 Planned Unit Development shall hereafter be within and a part of that District known as C-1 General Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions- The subject property, which is located north of Douglas Road and immediately east of Candlewood Suites, is a part of the Douglas Meadow PUD previously proposed for development as an assisted, independent living, and nursing facility. Investment along the Douglas Road

Proposed Ordinance No: 2016-04

Ordinance No: _____

corridor has continued over the years with the development of the WSBT Studios, Creekside Village nursing and long term care facility, Candlewood Suites, Holiday Inn, Michiana Hematology Oncology Cancer Center, and the St. Joseph Regional Medical Center.

2. Character of Buildings in Area – Development along Douglas Road has transitioned the area from low-density single-family residential to more intensive commercial, residential, and health care uses. Therefore, the proposed expansion of the parking area to serve the adjacent hotel is an appropriate use for the property being rezoned.
3. The most desirable/highest and best use – Because of the property's location along Douglas Road and close proximity to several commercial, residential, and health care uses, the most desirable use for the property is commercial allowing for the expansion of an adjacent commercial use.
4. Conservation of property values - The proposed rezoning will not be injurious to property values in the surrounding area since it will only permit the expansion of parking area for a hotel currently under development. Furthermore, a final site plan will be required prior to construction of the parking lot to ensure compliance with all development regulations and design standards.
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low density residential uses for this area. However, the continued change and expansion of the commercial areas along the Douglas Road corridor has profoundly changed the character 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 _____, 2016, at _____ o'clock ____ M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 2016-04

Ordinance No: _____

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, 2016

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

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 2 / 2016

CITY CLERK
MISHAWAKA, IN

Re: Petition for Rezoning

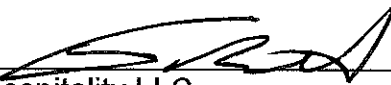
The undersigned, BJ Hospitality LLC respectfully show they are the owners of the following described real estate located in the City of Mishawaka, Harris Township, Indiana:

A parcel of land being a part of Lot 1 Miller's Douglas Road Minor Subdivision as shown on Instrument number 8508040 in the Office of the Recorder of St. Joseph County, Indiana and being more particularly described as follows: Beginning at the northwest corner of said Lot 1; thence north 90°00'00" East along the North line of said Lot 1, a distance of 245.67 feet to the Northeast corner of said Lot 1; thence South 00°05'50" West along the east line of said Lot 1, a distance of 197.66 feet, thence South 90-00'00" West, a distance of 245.67 feet to the West line of said Lot 1, thence North 00°05'50" East along the west line of said Lot 1, a distance of 197.66 feet to the place of beginning containing 1.11 acres more or less.

The above described parcel of land is presently zoned S-2 Planned Unit Development District.

Petitioners desire said real estate to be rezoned to C-1 General Commercial District classification. This shall allow for additional parking to serve the adjacent hotel area.

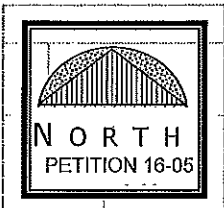
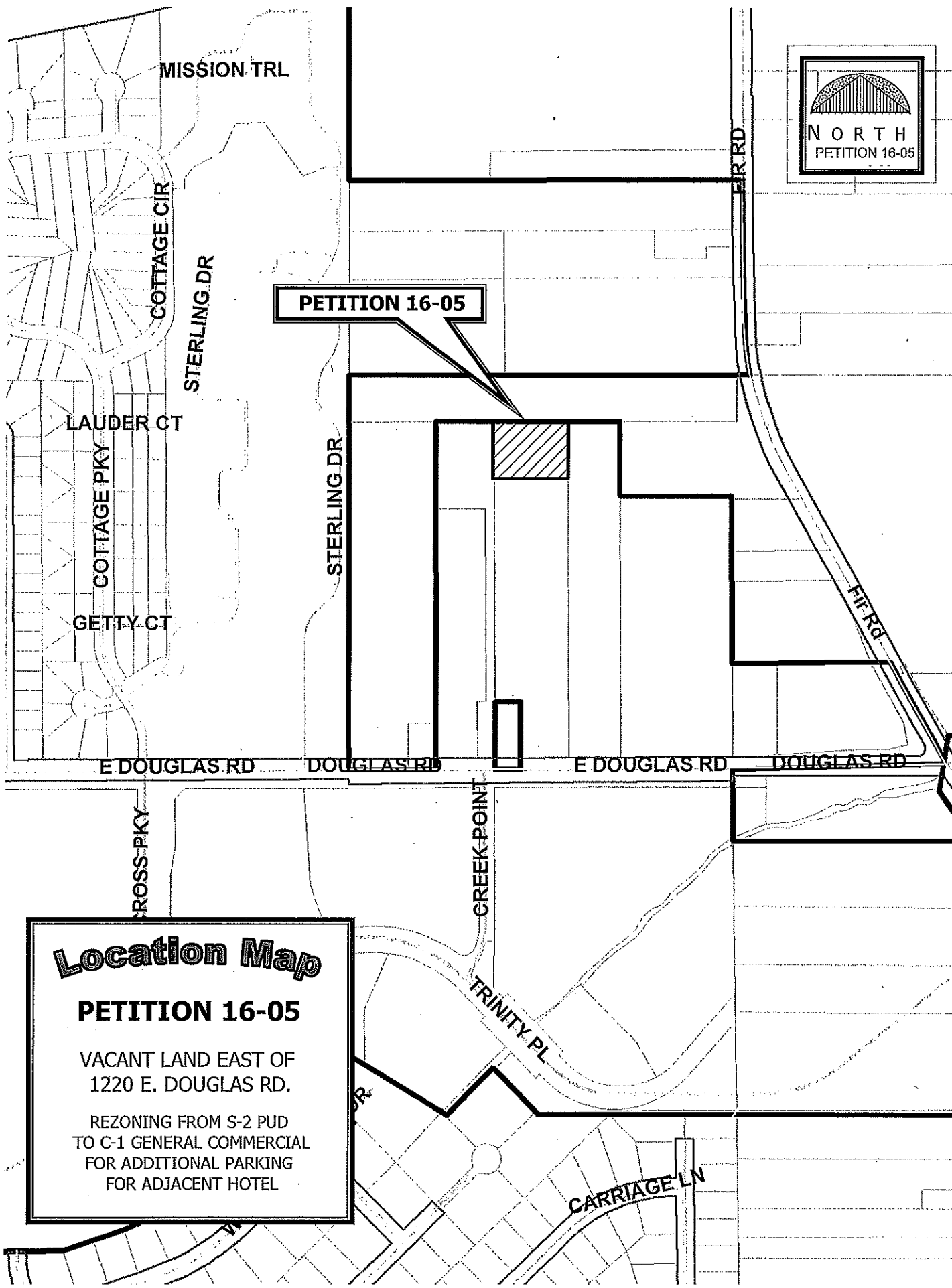
Wherefore, the petitioners pray and respectfully request that the common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of real estate located in the City of Mishawaka.



BJ Hospitality LLC
AJ Patel
247 Dixie Way North
South Bend, Indiana 46637

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

Pet 16-05



PETITION 16-05

Location Map

PETITION 16-05

VACANT LAND EAST OF
1220 E. DOUGLAS RD.

REZONING FROM S-2 PUD
TO C-1 GENERAL COMMERCIAL
FOR ADDITIONAL PARKING
FOR ADJACENT HOTEL