

AGENDA

Monday, March 21, 2016

ELECTED OFFICIALS PICTURES 615PM

**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**

March 07, 2016

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their March 8, 2016 meeting.

A letter from the City Plan Commission regarding recommendations from their March 08, 2016 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2016-05 Rezone from I-2 to R-1 for Existing Home 3236 York St. (Petitioner Requesting Second Reading)

8. Resolutions

R2016-07 Honoring Drew Hildebrandt Penn High School IHSAA State Wrestling Champion

R2016-08 Honoring Max Pickenpaugh MHS ISSMA Gold Medal Cello (ISSMA)

R2016-09 Honoring AJ Glick MHS ISSMA Gold Medal Snare Drum

R2016-10 Honoring Zach Taylor MHS ISSMA Silver Snare Drum

R2016-11 Honoring Penn High School Girls Basketball Class 4-A State Champions

R2016-12 Use Variance to allow for Outdoor Vehicle Sales Event for Three Consecutive Years 2016-2018 University Park Mall Lot North of J.C. Penney

R2016-13 Potential Food and Beverage Tax

- 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

March 07, 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 March 07, 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.

The Pledge of Allegiance was lead by Boy Scout Danial McTigue .

President Banicki asked for a moment of silence for Nancy Reagan former First Lady.

Roll Call.

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

Others present; Council Attorney Mike Trippel, Mary Ellen Hazen Chief Deputy I,

The minutes from the February 15, 2016 meeting were approved as received from the City Clerk's Office.

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

APPEAL #16-05 Use Variance to allow for Outdoor Vehicle Sales Event for three Consecutive Years 2016-2018 – University Park Mall Lot North of J.C. Penney

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

Petition #16-07 Rezone from I-2 to R-1 for Existing Home 3236 York St.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-04** by title and opened the public hearing;

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

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

Terry Lang, Lang, Feeney & Associates Inc. 715 S. Michigan Street, South Bend representing BJ Hospitality LLC said they had the opportunity to purchase an additional 1.1 acre of land for an additional 100 parking spaces. He said they are next to Candlewood Suites and the extra parking spaces would be needed during football season and events going on in the banquet facility. Question was called for at 7:07PM on **PROPOSED ORDINANCE NO. 2016-04**, with the vote being 8 to 0 thus it becomes **ORDINANCE NO. 5526**.

NEW BUSINESS

Mr. Emmons said his next Neighborhood Meeting would be March 17th at 7:00 p.m. at Berkley Circle. He said the speakers would be from WellPet LLC.

A Conflict of Interest was accepted from Bryan Tanner.

Mr. Mammolenti stated the Twin Branch Neighborhood meeting will be March 16th at 7:00 p.m. at #4 Fire Station, Harrison Rd. The speaker will be Mayor Dave Wood presenting the State of the City.

A motion was made by Mr. Mammolenti to appoint Janet Whitfield Hyduk to the Redevelopment Commission, who would be replacing Bryan Tanner with a seconded by Mr. Deal, motion carried. President Banicki said there would be a 5 minute recess before the Mayor's State of the City meeting recessed at 7:10 p.m.

President Banicki reconvened the meeting at 7:15 p.m. for

MAYOR WOOD'S STATE OF THE CITY

ADJOURNMENT 8:29 p.m.

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

Ronald S. Banicki
Ronald S. Banicki, President



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

March 9, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 10 2016

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Board of Zoning Appeals Recommendation
March 8, 2016, Public Hearing

Honorable Members:

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

APPEAL #16-05 An appeal submitted by Gates Automotive Group on behalf of University Park Mall LLC requesting a Use Variance **for 6501 Grape Road** to permit three (3) separate off-site Used Car Sales per year for the next three (3) years with temporary signage including banners and a mobile office facility for business transactions and securing of valuables.

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

USES:

- The event shall be limited to the display and sales of automobiles and light trucks for three (3) ten (10) day periods (dates to be determined) in May, June, and August of 2016, 2017, and 2018 as presented.

SITE PLAN:

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS:

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.
- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, portable toilets and large inflatable balloons shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Clint Emberton

STAFF REPORT

Location: 6501 Grape Road

Date: March 8, 2016

Appeal: 16 05

Prepared By: KM

GENERAL INFORMATION

Applicant: University Park Mall, LLC/Gates Automotive Group

Status: Property Owner/Applicant

Request: Use Variance to allow for the temporary use of mall parking lot for three (3) used car sales events per year for the next three (3) years (2016-2018). The event proposes utilizing three tents, temporary signage, and a mobile office facility.

Zoning Classification: C-2 Shopping Center Commercial

Lot Size: Approximately 75 acres, more or less

Applicable Regulations: 137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial
South: C-2 Shopping Center Commercial
East: S-1 Extensive Open Space and Public Use
West: St. Joseph County

Thoroughfare: Grape Road, State Road 23

School District: South Bend Community School Corporation

Public Utilities: All utilities are available or can be extended

Comprehensive Plan: General Commercial

ANALYSIS

The petitioner, Gates Automotive Group, is seeking a Use Variance to allow for the temporary use of a portion of the University Park Mall parking lot for three (3) used car sales events per year for the next three (3) years. One ten (10) day event is proposed in May, one in June, and one in August of each year.

Prior to 2010, Gates off-site car sales event was a regular event often held at the University of Notre Dame or other regional locations outside of Mishawaka. In 2010 the City approved two sales events at this location for ten (10) days each and in 2013 approved sales for a period of three (3) years. University Park Mall was again chosen for the site of this year's event due to its high visibility location and the availability of space. The property is located in a very high visibility area with easy access, adequate customer and employee parking.

Identical to the last three years, the Appellant states traffic would access the site from existing mall entrances and vehicles for sale, as well as parking areas, would be staged in the parking area north of J C Penney, west of Grape Road and east of State Road 23. Drive aisles will be blocked to through traffic and customer and employee parking will be clearly marked. Tents and portable toilets would be provided during the event. A mobile office facility for business transactions and securing of valuables will also be

provided. The applicant is also proposing to utilize temporary signage to promote the event. No inflatable air balloons shall be permitted.

Gates Automotive Group indicates this area will easily accommodate up to 350 display cars, three portable tents up to 30' X 60' providing shelter for customers and employees, a mobile office facility, portable toilets, portable trash containers, parking for 50 employees and 100 customers at any one time. The site is also ideal for the proposed carnival like environment because it is located on a heavily traveled commercial corridor. The primary access points to the Mall occur at existing traffic signals for added safety and convenience. The site is also located a considerable distance away from residential uses.

When the approvals were granted in 2010 and 2013, Staff suggested that as a City we would evaluate the sale to determine if there were problems and then evaluate further requests based on past experiences. No issues have been reported with previous events. Staff is recommending, as a condition of approval, that all mall service drives shall remain open at all times. Conditions of approval listed below are identical to previous years.

The Engineering Department advises no signage in City right-of-way. Other pertinent City departments have reviewed and approved of the request.

RECOMMENDATION (S)

Staff recommends in ***favor*** of Appeal 16-05, Use Variance, to allow for the temporary use of a portion of the University Park Mall parking lot for an off-site car sales event for three (3) ten day periods per year, for the next three years. The event proposes utilizing three (3) tents, mobile office facility, and temporary signage. The Use Variance is subject to the following conditions:

USES:

- The event shall be limited to the display and sales of automobiles and light trucks for ten (10) days in May, June, and August of 2016, 2017, and 2018 as presented.

SITE PLAN:

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS:

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.
- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, portable toilets and large inflatable balloons shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways.

This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the development is temporary and will maintain certain minimum developmental standards as outlined herein;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the area is surrounded by commercial development;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit vehicle sales, even on a very limited basis, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the ordinance as drafted, would not permit the Appellant to hold their regional event at this site, specifically, the University Park Mall is one of the few regional facilities that has been inherently constructed to handle this type of event by having the appropriate access, lighting, and parking;
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and the surrounding area is one of the largest consolidated retail areas in the State of Indiana.

ATTACHMENTS

Photographs, Appeal, Site Plan, Aerial, Location Map





City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

March 9, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 10 2016

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
March 8, 2016 Public Hearing
Certification of Proposed Ordinance

Honorable Members:

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

PETITION #16-07 A petition submitted by Elena M. Smith, sole member of EMS Properties LLC, requesting to rezone **3236 York Street** from I-2 Heavy Industrial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, 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.

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Elena Smith

STAFF REPORT

Location: 3236 York Road

Date: March 8, 2016

Petition: 16 07

Prepared By: KM

GENERAL INFORMATION

Applicant: Elena M. Smith, Sole Member of EMS Properties, LLC

Status: Property Owner

Request: Rezone from I-2 Heavy Industrial District to R-1 Single Family Residential District

Zoning Classification: I-2 Heavy Industrial District

Lot Size: 168' X 119'

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District
South: R-1 Single Family Residential District
East: I-2 Heavy Industrial District (single family home use)
West: I-2 Heavy Industrial District (single family home use)

Thoroughfare: York Road east of Kline Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 3236 York Road from I-2 Heavy Industrial District to R-1 Single Family Residential District. The property is located on York Road east of Kline Avenue and is surrounded on the north and south by R-1 zonings with I-2 zonings to the east and west with single family uses.

The Petitioner states she is selling the home and the prospective buyer is using a VA loan and cannot get the final approval unless the property is rezoned. She also states that the appraisal may expire before the process is complete and if that happens, the buyer will have to start over. Due to the time constraints, Petitioner is requesting first and second reading on March 21, 2016.

Prior to the 1980's residential uses were permitted in the I-2 Heavy Industrial District. Around 1986 the Zoning Ordinance was amended to prohibit residential uses. Originally constructed as a private residence in 1941, the home historically has remained residential in its use. The area is predominately residential in nature, so rezoning to R-1 is consistent with nearby uses.

Pertinent City Departments reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 16-07 to rezone 3236 York Road from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are multiple zonings in the immediate vicinity and most of the structures are residential in use. This property's historic use 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 potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial 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 sell the home; and,
5. The City's Comprehensive Plan calls for low density residential.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP.



3236 York Road

MAR 10 2016

CITY CLERK
MISHAWAKA, IN

1st Reading 3-21-16
2nd Reading
Passed
Failed
Continued To

PETITION 16-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-05

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:

Lots numbered One Hundred Eighty-Three (183), One Hundred Eighty-Four (184), One Hundred Eight-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

which real estate is now classified as I-2 Heavy Industrial 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. There are multiple zonings in the immediate vicinity and most of the structures are residential in use. This property's historic use 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 potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;

Proposed Ordinance No: 2016-05

Ordinance No: _____

3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential industrial 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 sell the home; and,
5. The City's Comprehensive Plan calls for low density residential.

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.

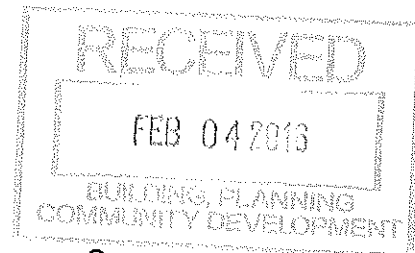
Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

February 4, 2016

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



Pet 16-07

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

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

LINCOLNWAY EAST



LAWDALE AVE

MAPLEWOOD AVE

ROSELAND AVE

KEENE ST

PET 16-07

E THIRD ST

E THIRD ST

YORK RD

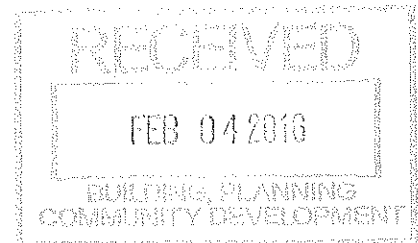
Location Map

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

City of Mishawaka

Resolution No. 2016-07

WHEREAS, Drew Hildebrandt’s personal dedication, sacrifice, discipline and iron will persevered in the 120 pound weight class at the IHSAA Indiana State Wrestling finals.

WHEREAS, In front of a record breaking crowd of 12,643 fans at Bankers Life Fieldhouse, in Indianapolis Drew Hildebrandt’s with a score of 7 to 8 with his opponent in the lead and 2 seconds left in the match, Hildebrandt made a wild lunge, a scramble, a three-point near fall, and out of nowhere a 10-8 victory for Hildebrandt.

WHEREAS, Drew Hildebrandt finishes his wrestling season with a 46-1 record, the only local wrestler to celebrate a championship in 2016.

WHEREAS, Coach Harper said Drew Hildebrandt was not just a champion on the mat he was a champion off the mat. He has been an outstanding team captain for their wrestling team, and a great role model for the youth wrestling club, his leadership skills have been outstanding throughout his entire career at Penn High School.

WHEREAS, Drew Hildebrandt’s accomplishments have brought honor and distinction to himself, his family, his coaches, Penn High School and our community; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Mishawaka Common Council, Mayor and Clerk March 21, 2016 is hereby proclaimed

DREW HILDEBRANDT DAY

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

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

City of Mishawaka

Resolution No. 2016-08

WHEREAS, the City of Mishawaka has always taken great pride in the accomplishments of students in our community and Maxwell Pickenpaugh is one of those students

WHEREAS, Maxwell Pickenpaugh has played the cello starting at John Young Middle School, joined the South Bend Youth Symphony Orchestra four years ago, performing as a part of the Concert Orchestra his first year and as a part of the Symphonic Orchestra every year since; and

WHEREAS, Maxwell has been a Student Council member throughout high school, worked on the high school newspaper, been involved with the theatre department all through high school and performed in the pit orchestra.

WHEREAS, Maxwell Pickenpaugh has been inducted into the National Honor Society and recently performed at 2016 Indiana State School Music Association (ISSMA) bringing home yet another gold.; and

WHEREAS, such outstanding achievement deserves recognition and commendation from the proud city he calls home;

NOW, THEREFORE, BE IT RESOLVED by the Mishawaka Common Council, Mayor and City Clerk that March 21st, 2016 is hereby proclaimed

MAXWELL PICKENPAUGH DAY

in our community, and we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable young man on his outstanding accomplishments.

Dale “Woody” Emmons,
1st District

Ron Banicki, President,
6th District

Mike Bellovich, 2nd District

Joe Canarecci, At Large

Ross Deal, 3rd District, Vice
President

Matt Mammolenti 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

City of Mishawaka

Resolution No. 2016-09

WHEREAS, the City of Mishawaka has always taken great pride in the accomplishments of students in our community and AJ Glick is one of those students; and

WHEREAS, AJ Glick; a Senior at Mishawaka High School is a Percussionist in marching band, pep band, jazz band, symphonic and pit orchestra; as well as running cross country and track; and

WHEREAS, AJ is a section leader of the Drumline for the Mishawaka High School Band; and

WHEREAS, AJ Glick has recently performed a Solo and Ensemble at the 2016 Indiana State School Music Association (ISSMA) as a junior and senior bringing home gold; and

WHEREAS, such outstanding achievement deserves recognition and commendation from the proud city he calls home;

NOW, THEREFORE, BE IT RESOLVED by the Mishawaka Common Council, Mayor and City Clerk that March 21st, 2016 is hereby proclaimed

AJ GLICK DAY

in our community, and we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable young man on his outstanding accomplishments.

Dale “Woody” Emmons,
1st District

Ron Banicki, President,
6th District

Mike Bellovich, 2nd District

Joe Canarecci, At Large

Ross Deal, 3rd District, Vice
President

Matt Mammolenti 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

City of Mishawaka

Resolution No. 2016-10

WHEREAS, the City of Mishawaka has always taken great pride in the accomplishments of students in our community and Zack Taylor is one of those students; and

WHEREAS, Zack Taylor; a Senior at Mishawaka High School is an accomplished piano player in the jazz band, he also performs in the pit orchestra; and

WHEREAS, Zack, has accompanied the middle school and high school choirs on multiple occasions; and

WHEREAS, Zach Taylor is a percussionist in marching band, pep band, jazz band, and symphonic band; and

WHEREAS, Zack Taylor received a gold rating at district solo and ensemble contest and a silver rating at the 2016 Indiana State School Music Association (ISSMA) after studying percussion for only a year and a half; and

WHEREAS, such outstanding achievement and deserves recognition and commendation from the proud city he calls home;

NOW, THEREFORE, BE IT RESOLVED by the Mishawaka Common Council, Mayor and City Clerk that March 21st, 2016 is hereby proclaimed

ZACK TAYLOR DAY

in our community, and we call upon all of our citizens to join us in saluting and congratulating this talented and truly remarkable young man on his outstanding accomplishments.

Dale “Woody” Emmons,
1st District

Ron Banicki, President,
6th District

Mike Bellovich, 2nd District

Joe Canarecci, At Large

Ross Deal, 3rd District, Vice
President

Matt Mammolenti 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

City of Mishawaka

RESOLUTION 2016-11

WHEREAS the Penn High School Girls Basketball Team having set high goals for themselves for the 2016 season and with focus and determination has brought home to Penn High School the 2016 Class 4-A State Championship winning the highest honor in Indiana Basketball; and

WHEREAS, at halftime the Lady Kingsmen leading by only 2 points came back in the second half and regained control of the game wining 68 to 48..

WHEREAS, the Lady Kingsmen, finished the 2016 season with a winning streak of 33 matches straight a record that set them apart from others by a season of excellence, ranked number one in the State for the 1st time in team history,

WHEREAS, the Penn roster was complete with remarkable student athletes: starting with Hannah Bobo, Camryn Buhr, Claire Carlton, Lindsay Chrise, Tia Chambers, Janessa Chesnic, Sara Doi, Chole Foley, Erica Foust, Delaney Jerrett, Makenzie Kilmer, Lindsay Kline, Kaitlyn Marenyi, Amber Smith, Victoria Smith, Kamra Solomon; along with their Managers: Rita Kennach and Katherine Kirk,

along with their Coaches Kristi Ulrich, Head Coach, Hassan Abdullah, Varsity Assistant; Kyle Snoeyink, JV Coach; Kerri Lines, Assistant Coach; Endesha Bonner, Assistant Coach; Angela Yarrell, Assistant Coach; and Dominic Demeter, Freshman Coach.

NOW THEREFORE, Let it be known and BE RESOLVED BY THE City of Mishawaka Common Council, Mayor and Clerk, that March 21, 2016 is here by proclaimed

Penn High School Girls Basketball Team Day

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

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

MAR 10 2016

APPEAL #16-05

RESOLUTION NO. 2016- 12

CITY CLERK
MISHAWAKA, IN

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

6501 Grape Road, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **6501 Grape Road, Mishawaka, Indiana**, more particularly known and described as follows:

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" West 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 22° 46' 45" East a distance of 319.93 feet to a point;

thence North 89° 49' 12" East a distance of 312.39 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.

The Use Variance will permit three (3) separate off-site Used Car Sales per year for the next three (3) years with temporary signage including banners and a mobile office facility for business transactions and securing of valuables subject to the following conditions of approval:

USES:

- The event shall be limited to the display and sales of automobiles and light trucks for three (3) ten (10) day periods (dates to be determined) in May, June, and August of 2016, 2017, and 2018 as presented.

SITE PLAN:

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS:

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.
- **All mall service drives shall remain open at all times.**

SETBACKS:

- All tents, display/parking areas, portable toilets and large inflatable balloons shall be setback a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of two (2) temporary signs no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways

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

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the development is temporary and will maintain certain minimum developmental standards as outlined herein;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the area is surrounded by commercial development;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-2 zoning does not permit vehicle sales, even on a very limited basis, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the ordinance as drafted, would not permit the Appellant to hold their regional event at this site, specifically, the University Park Mall is one of the few regional facilities that has been inherently constructed to handle this type of event by having the appropriate access, lighting, and parking;
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and the surrounding area is one of the largest consolidated retail areas in the State of Indiana.

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

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

Presiding Officer

RESOLUTION #2016- 12
6501 Grape Road
Page 5 of 5

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

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;

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 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.

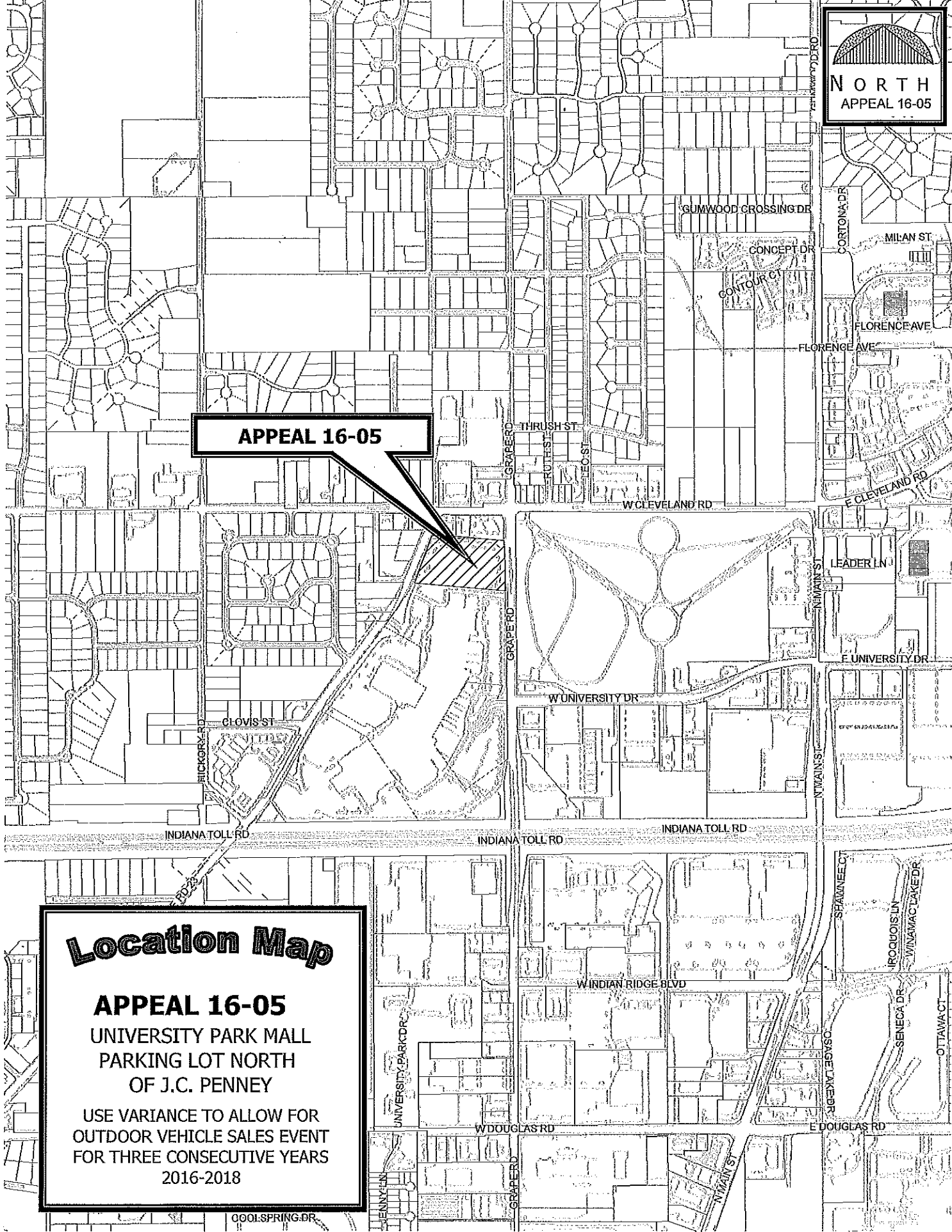
Please do not hesitate to contact me for clarification or if further information is needed.

Sincerely,

Irene McKiernan
Director of Marketing & Business Development
University Park Mall

cc: Ryan Ginty

smw/enclosure



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

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

RESOLUTION NO. R2016-13

**RESOLUTION OF THE MISHAWAKA COMMON COUNCIL
SUPPORTING ADDITIONAL, RESEARCH INTO A POTENTIAL FOOD AND
BEVERAGE TAX IN ST. JOSEPH COUNTY**

WHEREAS, the St. Joseph County Council and the South Bend Common Council have passed Resolutions supporting research into the impact on our community of a potential food and beverage tax in St. Joseph County; and

WHEREAS, the passage of this tax would require authorization by at least two(2) of the three (3) largest fiscal bodies in St. Joseph County (St. Joseph County Council, South Bend Common Council, Mishawaka Common Council); and

WHEREAS, in the interest of providing opportunities for public input, discussion, and transparency, there is a need for further research and collaboration on the potential short and long-range impact which a food and beverage tax may have on the residents and businesses in St. Joseph County, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE MISHAWAKA COMMON COUNCIL, THAT:

Section 1. The Mishawaka Common Council is in support of researching the impact on the community of a potential adoption of a food and beverage tax in St. Joseph County not to exceed one (1%) percent total.

Section 2. This resolution shall be in full force and effect after its passage.

Passed and adopted this _____ day of _____, 2016.

Ronald S. Banicki

Council President

Resolution R2016-13

ATTEST:

Deborah S. Block, IAMC, MMC

City Clerk

Presented by me to the Mayor this _____ day of _____. 2016.

David A. Wood

Mayor