

AGENDA

Wednesday, May 4, 2016

Council Work Session with IT

6:30PM

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**

04-18-2016

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2016-16 Use Variance Temporary Sales Office 3221 Beacon Parkway Health and Fitness Center

Petition No. 2016-16 Rezone 3837 LWE From R-2 to C-4 Auto Oriented Commercial Gerver's Auto Sales

Petition No. 2016-18 Rezone 2419 LWW from C-1 to C-7 to add a drive-thru for King Gyros

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

P.O. NO. 2016-06 Vacate Portion of Unimproved Ironwood Rd (after realignment) West of 2807 LWW(Assigned to Land Use Planning Committee)

P.O. NO. 2016-07 PUD Amendment Fiera Vista Villas - Duplex Dwellings and a private Cul-De-Sac LWE North on Cedar Rd(Assigned to Land Use Planning Committee)

- 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

April 18, 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 April 18, 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. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. **Absent/Excused:** Mr. Compton.

Others present; Mike Triple Council Attorney Mary Ellen Hazen Chief Deputy I, Linda Dotson Chief Deputy Clerk II.

The minutes from the April 4th meeting were approved as received from the City Clerk's Office.

A regular meeting of the Mishawaka Plan Commission was held on April 12, 2016 at which time the following Use Variance was considered:

Clerk Block read a letter from the Mishawaka City Plan Commission Recommendations from their April 12, 2016 meeting.

Petition No. 2016-10 Vacate Portion of Unimproved Ironwood Road
(after realignment) **West of 2807 LWW.**

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

Petition No. 2016-13 PUD Amendment Fiera Vista Villas – Duplex
Dwellings and a Private Cul-De-Sac LWE North of
Cedar Rd.

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

The Commission, with a vote of 7-1, recommended approval subject to the following PUD development standards/conditions:

Uses:

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

Setbacks:

1. A minimum 22' front yard setback for Lots 1 through 7, 9 through 16, and 18 through 20.
2. A minimum 18' front yard setback for Lot 8.
3. A minimum 14' front yard setback for Lot 17.

4. A minimum 15' rear yard setback for Lots 9, 10, and 13 through 16.
5. A minimum 0' side yard setback for all lots.

Lot Area:

1. A minimum of lot area of 3,695 sq. ft.

Lot Frontage:

1. A minimum front lot width of 22.2' as measured at the ingress/egress easement (private road).

Sanitary Sewer:

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

Right-of-Way Dedication / Private Access Drive:

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

Parking:

1. Each driveway shall be a minimum of 22' in length from the edge of pavement to the façade of each garage.

Stormwater Management Infrastructure:

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

Pedestrian Access/Circulation

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

Other:

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

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

Leslie Kelly 53053 Berwick Drive, South Bend, 46635 said her and her husband were requesting the vacation of this property easement for maintenance of the wall and the power line on the other side of Bremen Highway and US 20 Bypass.

Clerk Block stated there was the matter of Encumbrances to be presented to the Council, no action was required.

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. 2016-06

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

(Vacate Portion of Unimproved Ironwood Road (after re-alignment) West of 2087 LWW)
Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2016-07

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

(PUD Amendment Fiera Vista Villas – Duplex Dwellings and a Private Cul-De-Sac LWE north on Cedar Road)
Assigned to Land Use Planning Committee

Clerk Block read **RESOLUTION NO. R2016-15** opening it for public hearing.

RESOLUTION NO. R2013-15

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS

(Tax Abatement Compliance Report for 2015)

Compliance with Statement of Benefits reports submitted were as follows:

BD SJMC Mishawaka Development, LLC
Jamil Packaging Corporation
NAC North American Composites
Long Term Care Investments V, LLC
Barak River Rock, LLC
WellPet, LLC (Regrind System 2014 & High Speed Packaging Line 2015)
Deerborn Crane and Engineering Company, Inc.
Barak Group, LLC (Iron Rock Café & Iron Rock Condominiums)
Bayer Healthcare

Ken Prince, City Planner, said the aforesaid property owners are hereby found to be in substantial compliance. He explained WellPet has received an abatement for a high speed packaging line last year and have not installed it presently, installation was planned for the up

comping months so they are in compliance working in that direction. Mr. Prince went on to say their employment was down by six employees but their salaries are way up. He said one of the things that businesses like WellPet are struggling with right now are hiring people and that wages are being driven up by the lack of the ability to hire people to fill their need.

Mr. Prince stated six of the entities that have been built are in compliance five of them are actually not built as of yet for example River Rock on Mishawaka Avenue expect occupancy in July for their first building having 15 rented of the 70 sum unites, which was a very good sign for the downtown market.

Mr. Prince said Barak Iron Rock Project now known as River Front Forge plan on breaking ground this year.

Mr. Banicki said as far as a Tax Abatement goes, once it was approved by the Council, at the end of year one if they have not broke ground does that count as year one of their five year abatement, and basically loose that first year. Mr. Prince said that was a complex matter he would refer to legal counsel.

Question was called for at 7:12 p.m. on **RESOLUTION NO 2016-15** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Ms. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.**

Clerk Block read **RESOLUTION NO. 2016-16** opening it for public hearing.

RESOLUTION NO. 2016-16

A RESOULTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, RECOGNIZING THE MANY CONSTRIBUTIONS OF THE INDIANA CHAPTER OF THE AMERICAN SOCIETY OF THE LANDSCAPE ARCHITECTS AND OFFICIALLY DESIGNATING APRIL AS WORLD LANDSCAPE ARCHITECTURE MONTH IN THE CITY OF MISHAWAKA, INDIANA (World Landscape Architecture Month)

Johnathon Gills 550 Union Street, American Society of Landscape Architects, Indiana's Chapter President and Landscape Architects at the Troyer Group said he expressed his full support of this resolution.

Mr. Tanner thanked Johnathon for coming and speaking on behalf of the ASLA, what he wanted to stress was the quality of place that benefits from landscapes that have been incorporated into our parks and the Riverwalk area. He feels it was a worthwhile endeavor for the city to recognize and continue to make a commitment for the future.

Question was called for at 7:16 p.m. on **RESOLUTION NO. 2016-16**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8) Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Ms. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.**

Clerk Block read **RESOLUTION NO. 2016-17** opening it for public hearing.

RESOLUTION NO. 2016-17

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION
(Adding Property to the City's Acquisition list for the proposed Juday Creek Wellfield and Associated infrastructure Project)

Ken Prince, City Planner said he wanted to present for the acquisition list the properties they have identified as being interested in for acquisition of the Juday Creek Wellfield, being 160 acres which was a portion of the Juday Creek Golf Course to develop a wellfield that would ultimately replace the Gumwood Wellfield. He said this was a long term need for clean drinking water.

Mr. Prince said there were two issues associated with the Gumwood Well Field, 1) the quantity of water that can be pumped; 2) the quality of water would need a filtration plan associated with it to remove manganese and other elements from the water to make it really productive long term. He said so when DLZ over the past two years finished the city's long term plan they basically identified that property wasn't suitable and that was why it was necessary to sell a portion of that property to the developer which would be up for bid on May 10th.

Mr. Prince stated the infrastructure would be built between now and 2021, widening Douglas Road to extend a connector road going North South across Juday Creek to serve the wellfield property making it ready for new construction for the replacement well, a 12 million dollar expenditure.

Mr. Prince said in the agreement the city signed with the Rogers Family was a right of first refusal, if they should ever decide to get out of the golf course business the city would have the right to buy the club house and banquet facility and turn the golf course into a municipal golf course, or sell off property for other kinds of development.

He said based on the commitment by the city they would be widening Douglas Road, and Veterans Parkway was set in a location so it wouldn't be touched by a potential future grade crossing. He said Veterans Parkway would also be built as a three lane road going to Cleveland Road serving as a collector road. Mr. Prince stated if the Council should approve this resolution at this meeting he would then go forward to seek appraisals on the Penn Properties assuming they would appraise at \$14,990 an acre which they believe it would, and they believe it would be higher than that, as long as it minimally meets that then agreement signed by the Redevelopment Commission would then be valid and move forward.

Mr. Deal said giving the cost per acre aside why not buy farm land. Mr. Prince said we would be taking 160 acres out of useful production and serve as a block to development. Mr. Deal said there was a tradeoff, farm land dose not generate a tremendous amount of money in terms of property tax and the golf course cost per acre is so much more. Mr. Prince said when considering that they thought differently thinking of the long term cost. He said they would still have the infrastructure cost and it would only be servicing the well field.

Mr. Tanner asked how the annual lease back cost compared to what was currently collected on the property taxes. Mr. Prince replied they continue to pay personal property tax on all the land, and the club house with an assessed valuation of \$400,000.00 at 2 to 3 percent that would be approximately \$12,000.00 per year and the lease was a little over \$20,000.00 a year.

Mr. Canarecci asked if this were to fail was there were a couple of different options was there a cost to those options. Mr. Prince said as part of the agreement the Rogers family and the Juday Creek Golf Course were to pay a 30 year lease set up pre-paying the five year increments so it would be evaluated every five years. He went on to say he feels it was unrealistic to think that this would not change in the future for better or worse and protecting the interest of the city was the bottom line, so by controlling the 18 acres and the option to purchase the club house they feel they have done that, and would be looking at it every five years.

Mr. Mammolenti asked if there was a penalty if the lease was broken before the 30 year term was up. Mr. Prince replied there was not a damage portion no but if the lease was terminated the city has the first right of refusal, only if they were ceasing operations of the Golf Course and wanted to run only the banquet facility that would be a different discussion.

Mr. Canarecci said the Veterans Parkway portion was not in the acquisition, was it being built on their land. Mr. Prince said that was correct part of the agreement with the Penn family was they were donating the public infrastructure right of way both for the Douglas Road right of widening as well as the Veterans Parkway.

Mr. Banicki asked what happens if the Gumwood property does not sell, dose that affect this whatsoever. Mr. Prince said it does not affect this. Mr. Banicki asked what the plan was for the property down the road. Mr. Prince said we would eventually sell it when the well field comes off line.

Mr. Banicki asked if the current Gumwood facility was about 23 acres. Mr. Prince said yes. Mr. Banicki asked why the city wanted to buy 160 acres was it because that was what was there, or

was that what was needed for a new well field. Mr. Prince stated it protects the city's overall interest. He stated although the cost may be more upfront for 160 long term it gives the city more control more flexibility with the property and maximizes the infrastructure investment to best serve the needs of the city. He said the city knew that Gumwood was not meeting the long term needs back as far as 2008.

Mr. Banicki said moving forward if we need to annex in the future going up to Granger and out to the east would this be able to service all of that or would we be better off looking farther east and working back with the water. Mr. Prince stated this was not being done to service Granger; it was for the City of Mishawaka's long term growth needs.

Mr. Emmons said in reference to the 3 new holes at the golf course how can Mishawaka be protected of not having to go over a million dollars. Mr. Prince explained essentially the city was working in partnership with the Roger's family (owners of the golf course) to cap the city's investment at one million dollars and it was written into the development agreement any cost above that amount would be the Rogers responsibility coming right off of the purchase price. He said if it should go over the one million five hundred thousand dollar mark anything above the three hundred thousand mark would come back on the city's obligation, this was done specifically so everyone would work together and no one party would be directing what happens.

Johnathan Sporleder 54568 Maple Lane Avenue, South Bend, said he was a member of The Izak Walton League of America and on the Board of Directors said Juday Creek was a cold water ground fed stream, a natural stream and does feed two of their three ponds, they stock it with fish and they want to protect that. He said they were not opposed to this but need to know where the wells are going to be. Mr. Sporleder said they want to make sure no high capacity wells would be implemented out there that would drop the water level drastically. He said they would be willing to work with Mishawaka on this project but their main goal was to protect the creek.

Mr. Deal asked if Juday Creek was protected by the state. Mr. Prince stated it was protected by a plethora of entities; it was his feeling that the well fields would help Juday Creek.

Question was called for at 8:03 p.m. on **RESOLUTION NO. 2016-17** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes: Ms. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.**

Clerk Block read **RESOLUTION NO. 2016-18** opening it for public hearing.

RESOLUTION NO. 2016-18

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S
PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY
APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH
APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN
COMMISSION APPROVING A CERTAIN DECLARATORY
RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE**

**NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION
OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE
NORTHWEST IMPROVEMENT PROJECT INTO ONE
CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN AMENDMENT TO
THE ECONOMIC DEVELOPMENT PLAN FOR THE
CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY
THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION**
(Adding Property to the City's Acquisition List 2340 North Main Street to aid in the Planning for
Future Improvements to Fire Station #2 and/or Normain Park)

Mr. Prince stated the house for acquisition was located at 2340 North Main Street just north of Fire Station #2 and backs up to Normain Heights. He said this property has been cited for 40 code violations since 2002, it was yellowed tagged and had no utilities on as well as being up for tax sale. Mr. Prince said the City was able to purchase it for \$52,000.00, which was the appraisal amount. He said the city purchased it for possible future expansion of the fire station and or Normain Heights Park. Mr. Prince stated the house was on the National Register of Historic Sites, Normain Heights Subdivision provided housing for Veterans after World War II. In meeting with the Historic Preservation Commission they stated due to the need to expand the fire station they had no problems with this acquisition.

Mr. Mammolenti asked if it was state law to set the purchase price as it was appraised. Mr. Prince said that has always been the standard, the city has the ability to offer lower than appraised value but generally as a practice they prefer to work on the average of two appraisals as a starting point. Mr. Mammolenti said looking at photos and other items \$52,000.00 a little high in his opinion. Mr. Prince explained that the seller identified that price as the minimum that they would be willing to take.

Ms. Voelker asked if this was passed by the Council at this meeting and it fails to pass redevelopment then it would be void. Mr. Prince said that was correct.

Mr. Canarecci said the plan here is to demolish this home. Mr. Prince said that was correct. Mr. Canarecci said who would take care of it during the interim before improvements. Mr. Prince said it would be combined with the fire station or park maintenance.

Question 8:12 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes Ms. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Belovich, Mr. Canarecci, Mr. Banicki.**

NEW BUSINESS

Mr. Deal said the 3rd District Neighborhood Meeting will be held on April 20, 2016 at 7:00 p.m. at Twin Branch School with the St. Joe Metro Homicide unit.

Mr. Emmons said the 1st District Council Meeting will be held on April 21, 2016 at St. Bavo School with John Broaden as the Guest Speaker.

ADJOURNMENT 8:14 p.m.

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

Ronald S. Banicki
Ronald S. Banicki, President

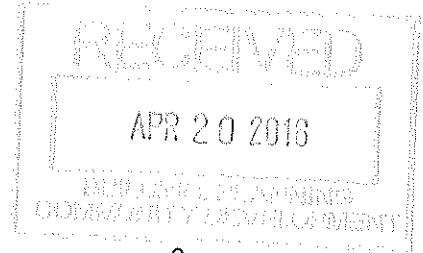
RECEIVED
DEBORAH S. BLOCK, MMC

APR 28 2016

CITY CLERK
MISHAWAKA, IN

April 20, 2016

Board of Zoning Appeals
City of Mishawaka, Indiana



RE: Beacon Health Mishawaka Campus
Use Variance for Temporary Membership Sales Office
3221 Beacon Parkway at Capital Avenue
Mishawaka, IN

The undersigned appellant respectfully shows the Board:

1. Beacon Health System, is the owner of the following described real estate located within the City of Mishawaka, Harris Township, St. Joseph County, State of Indiana, to-wit:

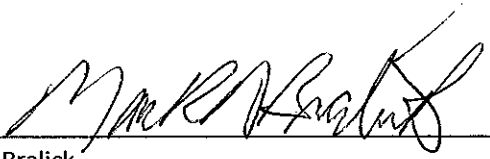
A PART OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 00°33'26" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23, 2,484.75 FEET TO THE POINT OF BEGINNING AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PROPOSED FIR ROAD-CAPITAL AVENUE CONNECTOR; THENCE THE FOLLOWING (2) COURSES AND DISTANCES ALONG SAID SOUTHERLY RIGHT-OF-WAY: 1) NORTH 48°15'13" EAST, 360.31 FEET; 2) SOUTH 86°05'17" EAST, 28.60 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CAPITAL AVENUE; THENCE THE FOLLOWING (3) COURSES AND DISTANCES ALONG SAID WESTERLY RIGHT-OF-WAY: 1) SOUTH 42°35'06" EAST, 70.90 FEET; 2) SOUTH 37°30'51" EAST, 451.77 FEET; 3) SOUTH 40°31'24" EAST, 557.77 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF THE INDIANA TOLL ROAD; THENCE SOUTH 51°30'08" WEST ALONG SAID NORTHERLY RIGHT OF WAY, 2920.66 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH 00°24'31" WEST ALONG SAID EAST LINE, 667.27 FEET TO THE SOUTHERLY RIGHT OF WAY OF PROPOSED FIR ROAD-CAPITAL AVENUE CONNECTOR, ALSO BEING A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 860.00 FEET, SUBTENDED BY A CHORD LENGTH OF 782.96 FEET, BEARING NORTH 50°12'30" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY 812.89 FEET; THENCE NORTH 23°07'48" EAST ALONG SAID SOUTHERLY RIGHT OF WAY, 873.31 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 940.00 FEET, SUBTENDED BY A CHORD LENGTH OF 408.89 FEET, BEARING NORTH 35°41'30" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY 412.18 FEET; THENCE NORTH 48°15'13" EAST ALONG SAID SOUTHERLY RIGHT OF WAY, 166.85 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 47.2 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

2. The above-described real estate presently has a zoning classification of **PUD** District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant is constructing at the site a new 68,000 sf Health and Fitness Center and wishes to place on the site a temporary membership sales office trailer from May 2016 until end of October 2016.
4. Beacon Health wishes to prepare a limited area of the site with a temporary off street parking area for (4) cars serving a temporary office trailer, constructed of premanufactured T-111 painted plywood siding and black mansard roof eave. The structure will be a medium gray with a graphic fabric sign 8' x 32' on the street side of the trailer.

5. The Zoning Ordinances of the City of Mishawaka does not clearly address temporary office trailers and we do hereby request a Use Variance to allow this proposed use.
6. Beacon Health in its charge and initiative to encourage health and fitness to the community at-large, is making a substantial investment in Mishawaka. With the new facility under construction, it is not feasible to have sales office within a construction site and building under construction. The use of a higher quality temporary sales office trailer will support a community membership drive in preparation of the opening of this new hospital fitness facility.
- 7.1 This variance approval will not be injurious to the public health, safety, morals or general welfare of the community. The temporary office will be professionally installed, maintained and removed upon end of use in late October 2016; and its use will provide a safe place to allow residents a place to visit during the community membership drive.
- 7.2. The temporary office will not detract from any of the adjacent open land that currently exists on the new public roadway. The office will not impact the adjacent properties during its use in normal business hours of operation, or any other part of the day.
- 7.3 The use of temporary office trailers is not directly addressed in the PUD development plan and this application of a Use Variance for the temporary office provides for its use.
- 7.4 By omission, and/or not allowing the use of a temporary office, there will be a hardship to this property and Owner. The success of the fitness center within the community and for the not-for-profit hospital needs an active sales program to encourage memberships for fitness.
- 7.5 The approval of this temporary use will not interfere with the long-term Mishawaka 2000 comprehensive Plan. The use of this temporary office is very short lived in the Mishawaka 2000 Plan time frame. Additionally, the success of this project, with the help from the temporary office, will help assure success for Beacon Health & Fitness, which is in compliance and supports the Mishawaka 2000 plan.

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



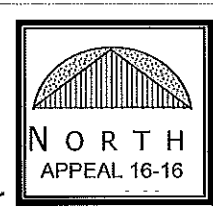
Mark Bralick

Director of Projects & Construction
Beacon Health System
615 N. Michigan St.
South Bend, IN 46601
mbralick@beaconhealthsystem.org
voice: 574-523-3367

CONTACT PERSON:

Philip E. Panzica, RA Project Architect
Panzica Building Corporation
422 E. Monroe Street Suite 320
South Bend, IN 46601
pepanzica@panzica.net
voice: 574-234-0124

End



APPEAL 16-16



FIR RD

FIR RD

FIR RD

STATE RD 23

CAPITAL AVE

CAPITAL AVE

BEACON PKY

BEACON PKY

EVERGREEN RD

INDIANA TOLL RD

Cleveland Rd

Location Map

APPEAL 16-16

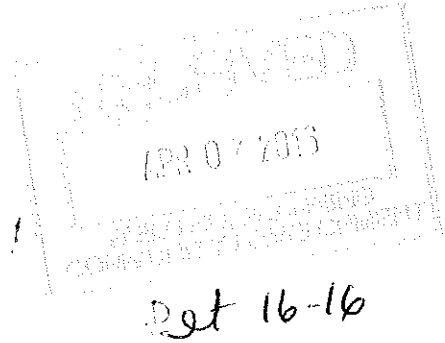
3221 Beacon Parkway
Health & Fitness Center

USE VARIANCE
TEMPORARY SALES OFFICE

RECEIVED
DEBORAH S. BLOCK, MMC

APR 28 2016

CITY CLERK
MISHAWAKA, IN



April 7, 2016
Honorable Members of the
Common Council
City of Mishawaka, Indiana
And
Mishawaka Planning Commission
City of Mishawaka, Indiana

Re: Petition to Rezone

The undersigned RKG Holdings L.L.C. respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

The North 380' or so of Ward Subdivision Lot 2 and 3

3837 Lincolnway East

Mishawaka, Indiana 46544

RKG Holdings own one hundred (100%) percent of the above described parcel of land which carries a zoning classification R-2 which is a two family residential zoning.

RKG Holdings desire said real estate to be rezoned to C-4 District which is an automobile oriented commercial district. RKG Holdings further state that they intend to utilize said land for future inventory.

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

Signature of Property Owner

Richard Gerver

Richard Gerver

Signature of Property Owner

Karen M Gerver

Karen Gerver

Contact Person:

Karen Gerver

3839 LWE, Mishawaka, Indiana 46544

574-252-5482

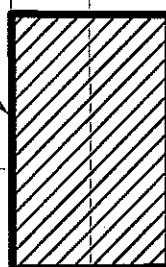
gerversgarage@att.net



BALLARD AVE

LINCOLNWAY EAST

PET 16-16



RAY ST

E THIRD ST

Location Map

PETITION 16-16

3837 Lincolnway East
Gerver's Auto Sales

REZONING FROM
R-2 TWO-FAMILY RES. TO
C-4 AUTO ORIENTED COMMERCIAL

DOGWOOD RD

RECEIVED
DEBORAH S. BLOCK, MMC

April 18, 2016

APR 28 2016

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

CITY CLERK
MISHAWAKA, IN

RE: PETITION TO REZONE

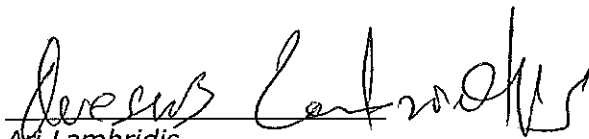
The undersigned, Ari Lambridis, respectfully show he is the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lots 5, 6, 7 and 8 Springbrook Addition

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

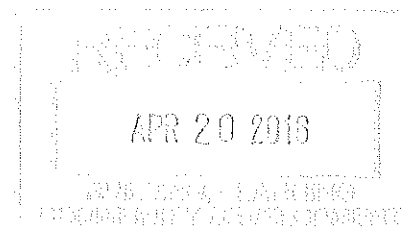
Petitioner desires said real estate to be rezoned to C-7 District.
Petitioner further states that they intend to utilize said land for the existing restaurant and needs the rezoning to add a drive thru service to the customers.

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.

 4-19-2016
Ari Lambridis

CONTACT PERSON:

Nick Scarlatis
5405 W 127th Street
Crestwood, IL 60445
PHONE: 708-653-5200
FAX : 708-653-6202
EMAIL: nick@scarlatis.com



Pet 16-18

MONMOOR AVE

N RUSSELL AVE

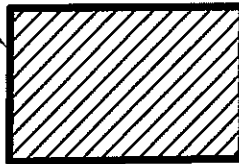
RIVER AVE

BYERLY CT



PETITION 16-18

LINCOLNWAY WEST



Location Map

PETITION 16-18

2419 Lincolnway West
King Gyros

REZONING FROM C-1
TO C-7 TO ADD A
DRIVE-THRU TO
AN EXISTING RESTAURANT

S RUSSELL AVE

BERLIN AVE

W SIXTH ST

1st Reading 4-18-16
2nd Reading
Passed
Failed
Continued To

PETITION #16-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-06

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

APR 14 2016

CITY CLERK
MISHAWAKA, IN

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, Donald J. and Leslie L. Kelly have filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner owns all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as hereinafter described.

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

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

A part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana described as follows: Beginning at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 30.01 feet along the north line of CONRAIL to the original centerline of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 109.43 feet more or less along the original centerline of Ironwood Drive to the back of a retaining wall as shown on the

ORDINANCE NO.

construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence North 50 degrees 56 minutes 41 seconds East 9.81 feet along the back side of said retaining wall to a point of intersection in said retaining wall; thence South 89 degrees 21 minutes 12 seconds East 22.39 feet along the back of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 114.76 feet more or less along said original east line of the point of beginning and containing 3,433 square feet, more or less.

The above described tract of land is subject to a perpetual easement in favor of the Board of Commissioners, St. Joseph County, Indiana and the Board of Public Works and Safety, City of Mishawaka for the construction, maintenance and use of a retaining wall described as follows: Commencing at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 30.01 feet along the north line of CONRAIL to the original centerline of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 83.67 feet more or less along the original centerline of Ironwood Drive to a point of 20.00 feet southeasterly of, as measured to, the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76 for the Point of Beginning of this description; thence North 00 degrees 00 minutes 00 seconds East 25.76 feet along said original centerline to the back side of said retaining wall; thence North 50 degrees 56 minutes 41 seconds East 9.81 feet along the back side of said retaining wall to a point of intersection in said retaining wall; thence South 89 degrees 21 minutes 12 seconds East 22.39 feet along the back side of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 20.00 feet along said original east line to a point 20.00 feet southerly of, as measured normal to, the back side of said retaining wall; thence North 89 degrees 21 minutes 12 seconds West 15.40 feet parallel with and 20.00 feet from, as measured north to, the back side of said retaining wall; thence South 50 degrees 56 minutes 41 seconds West 18.82 feet parallel with and 20.00 feet from, as measured normal to, the back side of said retaining wall to the point of beginning and containing 664 square feet, more or less.

The above described tract of land is also subject to a perpetual easement for utilities described as follows: Beginning at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 20.00 feet along the north line of CONRAIL; thence North 00 degrees 00 minutes 00 seconds East 115.38 feet more or less to the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence South 89 degrees 21 minutes 12 seconds East 20.00 along the back of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 114.76 feet more or less along said original east line to the point of beginning and containing 2,301 square feet, more or less.

COMMONLY KNOWN AS: Southeast corner of Ironwood Drive and Lincolnway West

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

PROPOSED ORDINANCE NO. 2016-06

ORDINANCE NO. __

- 3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

Section 3. 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.

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 26, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 30 2016

CITY CLERK
MISHAWAKA, IN

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

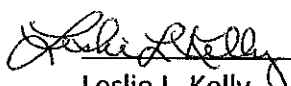
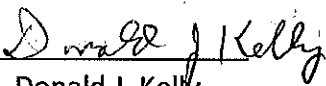
Re: Petition for Vacation of Public Right of Way

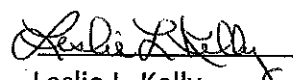
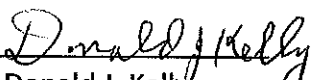
The undersigned Donald J and Leslie L Kelly respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

See attached map and 2 page legal description of public right of way to be vacated.

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

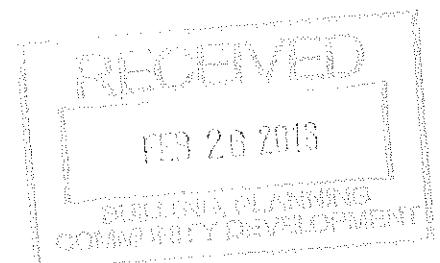
Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacating the above described right of way located in the City of Mishawaka.

 
Leslie L. Kelly Donald J. Kelly
71-09-18-427-010.000-026/018-7079-289901
Portage Township 026-South Bend, Indiana

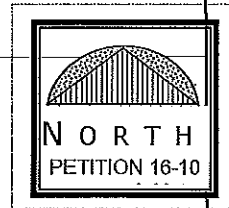
 
Leslie L. Kelly Donald J. Kelly
71-09-17-305-002.000-023/ 016-1212-8531
Lots 2 & 3 Middleboro Addition,
Mishawaka, Indiana

Contact Person:

Leslie L. Kelly
53053 Berwick Drive, South Bend, IN 46635
574-273-2149-Home
574-273-0404-FAX



Pet 16-10



POYS DR

N IRONWOOD DR

PETITION 16-10

LINCOLNWAY WEST

S IRONWOOD DR

Location Map

PETITION 16-10

WEST OF
2807 LINCOLN WAY W.

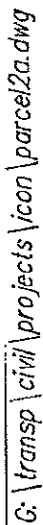
VACATE PORTION OF UNIMPROVED
IRONWOOD ROAD (AFTER
REALIGNMENT)

W SIXTH ST

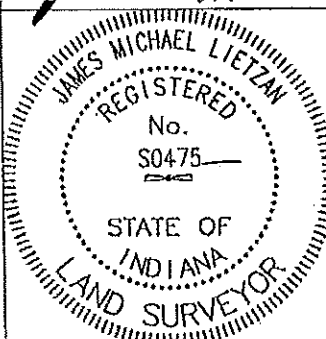
HUBBARD AVE

OWNER: City Of Mishawaka
Dedicated Right Of Way

SHEET 1 OF 3
DRAWN BY: MRT
DATE: 09-23-98
CHECKED BY: Jim Lietzan
DATE: 12-04-98
SCALE: 1"=40'



DATE: 12-7-98



LAND PLAT
BY
COLE ASSOCIATES INC. -

2211 E. Jefferson Blvd. South Bend, Inc.

PARCEL NO:
PROJECT NO. S612-76
ROAD NO. Ironwood
COUNTY: St. Joseph
SECTION: 17
TOWNSHIP: 37N
RANGE: 3E

OWNER: City of Mishawaka
Dedicated Right of Way

SHEET 2 OF 3
TYPED BY: C. Hume
DATE: 12/4/98
CHECKED BY: J. Lietzan
DATE: 12-7-98

DESCRIPTION FOR POSSIBLE R/W VACATION
OLD IRONWOOD DRIVE

A part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana described as follows: Beginning at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 30.01 feet along the north line of CONRAIL to the original centerline of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 109.43 feet more or less along the original centerline of Ironwood Drive to the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence North 50 degrees 56 minutes 41 seconds East 9.81 feet along the back side of said retaining wall to a point of intersection in said retaining wall; thence South 89 degrees 21 minutes 12 seconds East 22.39 feet along the back of said retaining wall to the original east line of Ironwood Drive; thence South 30 degrees 00 minutes 00 seconds West 114.76 feet more or less along said original east line to the point of beginning and containing 3,433 square feet, more or less.

The above described tract of land is subject to a perpetual easement in favor of the Board of Commissioners, St. Joseph County, Indiana and the Board of Public Works and Safety, City of Mishawaka for the construction, maintenance and use of a retaining wall described as follows: Commencing at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 30.01 feet along the north line of CONRAIL to the original centerline of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 83.67 feet more or less along the original centerline of Ironwood Drive to a point of 20.00 feet southeasterly of, as measured to, the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76 for the Point of Beginning of this description; thence North 00 degrees 00 minutes 00 seconds East 25.76 feet along said original centerline to the back side of said retaining wall; thence North 50 degrees 56 minutes 41 seconds East 9.81 feet along the back side of said retaining wall to a point of intersection in said retaining wall; thence South 89 degrees 21 minutes 12 seconds East 22.39 feet along

		DATE:
	LAND PLAT by COLE ASSOCIATES INC.	
2211 East Jefferson Boulevard, South Bend, IN 46615		

PARCEL NO:
PROJECT NO. S612-76
ROAD NO. Ironwood
COUNTY: St. Joseph
SECTION: 17
TOWNSHIP: 37N
RANGE: 3E

OWNER: City of Mishawaka
Dedicated Right of Way

SHEET 3 OF 3
TYPED BY: C. Hume
DATE: 12/4/98
CHECKED BY: J. Lietzan
DATE: 12-7-98

DESCRIPTION FOR POSSIBLE R/W VACATION
OLD IRONWOOD DRIVE

the back side of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 20.00 feet along said original east line to a point 20.00 feet southerly of, as measured normal to, the back side of said retaining wall; thence North 89 degrees 21 minutes 12 seconds West 15.40 feet parallel with and 20.00 feet from, as measured north to, the back side of said retaining wall; thence South 50 degrees 56 minutes 41 seconds West 18.82 feet parallel with and 20.00 feet from, as measured normal to, the back side of said retaining wall to the point of beginning and containing 664 square feet, more or less.

The above described tract of land is also subject to a perpetual easement for utilities described as follows: Beginning at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 20.00 feet along the north line of CONRAIL; thence North 00 degrees 00 minutes 00 seconds East 115.38 feet more or less to the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence South 89 degrees 21 minutes 12 seconds East 20.00 feet along the back of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 114.76 feet more or less along said original east line to the point of beginning and containing 2,301 square feet, more or less.

		DATE:
	LAND PLAT by COLE ASSOCIATES INC. 2211 East Jefferson Boulevard, South Bend, IN 46615	

1st Reading 4-18-16
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

APR 14 2016

CITY CLERK
MISHAWAKA, IN

PETITION 16-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-07

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:

A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 4 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 00°-00'-00" WEST ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 603.75 FEET TO THE PLACE OF BEGINNING; THENCE NORTH 89°-55'-25" EAST, A DISTANCE OF 168.00 FEET; THENCE NORTH 0°-00'-00" EAST, A DISTANCE OF 102.00 FEET; THENCE NORTH 89°-55'-25" EAST, A DISTANCE OF 296.00 FEET TO THE CENTERLINE OF A VACATED 14 FEET NORTH-SOUTH ALLEY; THENCE SOUTH 0°-00'-00" WEST ALONG THE SAID CENTERLINE, A DISTANCE OF 286.00 FEET; THENCE SOUTH 89°-55'-25" WEST, A DISTANCE OF 464.00 FEET TO THE WEST LINE OF SAID SECTION 17; THENCE NORTH 0°-00'-00" EAST ALONG SAID WEST LINE, A DISTANCE OF 184.00 FEET TO THE PLACE OF BEGINNING CONTAINING 2.65 ACRES MORE OR LESS.

COMMON ADDRESS: 57000 Block Cedar Road (north of 124 Cedar Road)

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for two-family residential (duplex) development subject to the following PUD standards/conditions:

Uses:

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

Proposed Ordinance No: 2016-07

Ordinance No: _____

Setbacks:

1. A minimum 22' front yard setback for Lots 1 through 7, 9 through 16, and 18 through 20.
2. A minimum 18' front yard setback for Lot 8.
3. A minimum 14' front yard setback for Lot 17.
4. A minimum 15' rear yard setback for Lots 9, 10, and 13 through 16.
5. A minimum 0' side yard setback for all lots.

Lot Area:

1. A minimum of lot area of 3,695 sq. ft.

Lot Frontage:

1. A minimum front lot width of 22.2' as measured at the ingress/egress easement (private road).

Sanitary Sewer:

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

Right-of-Way Dedication / Private Access Drive:

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

Parking:

1. Each driveway shall be a minimum of 22' in length from the edge of pavement to the façade of each garage.

Stormwater Management Infrastructure:

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

Pedestrian Access/Circulation

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

Other:

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

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

1. Existing Conditions – The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.

Proposed Ordinance No: 2016-07

Ordinance No: _____

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).
3. The most desirable/highest and best use – Because of the parcel's proximity to both single-family residential uses to the north and east and commercial and office uses to the south and west, the most desirable use for the property is a higher density residential use. Such a use will act as a buffer between the adjacent commercial/office and residential uses.
4. Conservation of property values - The proposed amendment to change the PUD development standards will not be injurious to property values in the surrounding area as a majority of the variances are internal to the development. Furthermore, a 7' high opaque privacy fence will be constructed along perimeter of development, except for along Cedar Road, providing a visual barrier from the adjacent properties.
5. Comprehensive Plan - This specific property was not identified in the City of Mishawaka Comprehensive Plan as it was recently annexed. However, the PUD amendment and proposed land use is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan.

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.

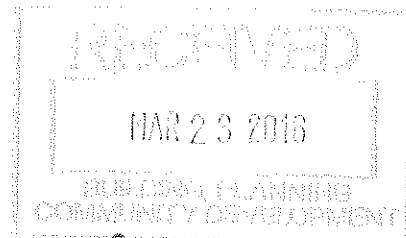
Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

Date: March 23, 2016

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



Re: PETITION FOR PUD AMENDMENT – Fiera Vista Villas P.U.D.

The Undersigned, John Ward, respectfully show they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

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

Tax Key No. 27-1048-093613

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for duplex dwellings and a private cul-de-sac.

Petitioner desires said real estate to be amended to allow for the follow:

From a 25' minimum front yard setback to 22' for Lots 1 through 7, 9 through 19, 18 through 20;
From a 25' minimum front yard setback to 18' for Lot 8;
From a 25' minimum front yard setback to 14' for Lot 17;
From a 25' minimum rear yard setback to 15' for Lots 9, 10, and 13 through 16;
From a 5' minimum side yard setback to zero for all lots;
From a 6000 sf minimum lot area to 3695 sf; and
From a 60' minimum front lot width to 22.2', as measured at the ingress/egress easement (private road).

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



John Ward
1617 3rd Street
Osceola, Indiana 46564

Contact Person
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 S. Michigan Street
South Bend, Indiana 46601

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 30 2016

CITY CLERK
MISHAWAKA, IN

