

AGENDA

Monday, June 6, 2016

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

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

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

05-16-2016

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2016-17 Use Variance in I-1 District to allow Auto/Motorcycle Service & Auto Body Repair - 3916, 3926, 3904, 4992, 4014 Fir Rd.

Appeal No. 2016-20 Use Variance to allow Drive-thru for Caribou Coffee - 304 Ironwood Drive Martin's Supermarket

Petition No. 2016-19 Rezoning from I-2 to R-1 for an Existing Single Family House - 2111 E. LaSalle Ave.

Petition No. 2016-20 Rezoning from R-1 to C-7 for Enlarging and Reconstructing DQ - Vacant Lot South of 3303 LWE

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

P.O. NO. 2016-08 Rezone from R-2 to C-4 Auto Oriented Commercial 3837 LWE Gerver's Auto Sales (Assigned to Land Use Planning Committee)

P.O. NO. 2016-09 Rezone from C-1 to C-7 to add a Drive-thru for King Gyros - 2419 LWW (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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals

make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

May 16, 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 May 16, 2016, at 7:00 p.m. The meeting was called to order by President Ron Banicki all were asked to stand for the Pledge of Allegiance.

Roll Call.

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

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

The minutes from the May 4, 2016 meeting were approved as received from the City Clerk's Office.

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 #16-16 An appeal submitted by Beacon Health System requesting a Use Variance for **3221 Beacon Parkway** to permit a temporary membership sales office trailer until December 31, 2016.

The Board, with a vote of 5-0, recommended approval.

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

PETITION #16-16 A petition submitted by RKG Holdings L.L.C. requesting to rezone **3837 Lincolnway East** from R-2 Two Family Residential District to C-4 Automobile Oriented Commercial District.

The Commission, with a vote of 6-2, recommended approval.

PETITION #16-18 A petition submitted by Ari Lambridis requesting to rezone **2419 Lincolnway West** from C-1 General Commercial District to C-7 Automobile Oriented Restaurant Commercial District.

The Commission, with a vote of 7-1, recommended approval.

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.

Presentation of Historic Preservation Award (Main Junior High School Gym Floor.

Cliff Zenor, 911 Washington Avenue said he was a member of the Historic Preservation Committee and May was Historic Preservation Month. Mr. Zenor said he wanted to honor the people who worked so hard to breathe new life into this old Main Junior High School building. He said it was built as high school 1910 and became a Junior High School in 1924 for the next 50 years before becoming a furniture Store for 15 years, and has now been remodeled into a senior living center.

Mr. Zenor said he would like to present plaques of the Main Junior High School Gym Floor to the partners that helped save the building, Mayor David Wood, City Planner Ken Prince, Sam Lima of Kil Architecture and Planning, Ron Lockwood of Ziolkowski Construction, Kathy Baumgartner of Mishawaka Housing Authority, Deanna Juday of the Mishawaka Public Library and Heritage Center, and Lexie Cobb of the Hannah Lindahl Children's Museum. He said he would like to give a special thank you to brothers Joey Balderas and Sam Balderas of Boy Scouts Troop 111 for all of their work on this project.

Ms. Voelker thanked everyone for the tremendous labor of love and framing pieces of the gym floor as art work was a great addition.

Mr. Compton said he went to school at Main Junior High School and was able to walk the job site while it was under renovation it was very rewarding and emotional.

Mr. Emmons thanked Mr. Zenor and stated he also attended Main Junior High School many fond memories.

Mr. Tanner stated he wanted to thank the scouts for their hard work and ingenuity of cleaning, and refinishing, to allow the framing of squares of the floor as gifts. He said he too was an Eagle Scout.

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

PROPOSED ORDINANCE NO. 2016-08

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 3837 LWE from R-2 C-4 Auto Oriented Commercial Gerver's Auto Sales)

Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2016-09

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

(Rezone 2419 LWW from C-7 to add a drive thru for King Gyros)

Assigned to Land Use Planning Committee

Clerk Block read **RESOLUTION NO. R2016-19** opening it for public hearing.

RESOLUTION NO. 2016-19

**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:
3221 Beacon Parkway, Granger, Indiana
(Use Variance Temporary Sales Office 3221 Beacon Parkway Health and Fitness Center)**

Phil Panzica 422 East Monroe, South Bend said this was a merging of St. Joe and Memorial Acute Illnesses 15 million dollar investment. He said it would be used as a temporary sales and marketing office through October.

Ms. Voelker asked when this would be done. Mr. Panzica said early October. Ms. Voelker asked if Leighton Center members could use their memberships there. Mr. Panzica said yes.

Mr. Tanner asked if they would have a trailer at the site, Mr. Panzica said no.

Mr. Mammolenti asked about parking there and Mr. Panzica replied they would have four parking spots available.

Mr. Deal said just for the record this property has a Granger address but it is located in Mishawaka as Mr. Gleissner used to remind everyone

Question was called for on **RESOLUTION NO. 2016-19** at 7:23 p.m.  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.**

PRIVILEGE OF THE FLOOR

William Davis said he appreciates the love that was shown to his wife by the Mayor's Office, City Clerk's Office and the Council.. He will be leaving Mishawaka on June the 3 to move in with his daughter in Tennessee.

The Council all expressed their fondness for Carol and appreciated her love for Mishawaka.

Clerk Block said Carol was one of the main instigators of the Council Meeting being Video Taped. She said her and Carol grew to respect each other.

NEW BUSINESS

Mr. Deal said his Twin Branch meeting would be May 18, at Twin Branch School with Dominic Zultanski would be speaking on Violence Prevention.

Mr. Emmons said his meeting would be at Berkley Circle at 7:19 p.m. on May 19 with Doug Mitchel from Well Pet speaking on the smell emulating from the plant.

Steve Ross said he owned the business at 4211 Grape Road Mishawaka; he is a small business owner and wanted to ask for changes in the sign ordinance because he felt they needed to be updated. He also wanted to express his feeling of overpayment of water charges for his complex. Mr. Banicki said the Council would be happy to meet with him to discuss these issues.

Ken Prince, City Planner agreed it was time to look over the sign ordinance and also agreed to meet with him to discuss some of the issues.

Ms. Voelker said she would be happy to go over this with him outside of here.

Clerk Block reminded everyone of the Police Memorial at the Mishawaka Police Station on Wednesday May 18th.

ADJOURNMENT 7:41 p.m.

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

Ronald S. Banicki
Ronald S. Banicki, President

JUN 01 2016

CITY CLERK
MISHAWAKA, IN

MAY 23 2016

Date: May 18, 2016

To: Board of Zoning Appeals
City of Mishawaka, Indiana

AP 16-17

The undersigned appellant respectfully shows the Board:

1. I, Todd Veldman, as a member of All Secure Fir Road Storage, LLC am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana to wit:

Parcel I: A part of the Southwest Quarter of Section 35, Township 38 North, Range 3 East, St. Joseph County, Indiana, and described as follows: Beginning on the East line of Fir Road, South 00°00'00" East 630.71 feet to the Westerly right-of-way line of the Grand Trunk and Western Railroad; thence South 29°45'25" West 295.63 feet along said Westerly right-of-way; thence South 90°00'00" West 483.98 feet to the east line of Fir Road; thence North 00°00'00" East 256.65 feet along said East line to the point of beginning.

Parcel II: A part of the Southwest Quarter of Section 35, Township 38 North, Range 3 East, St. Joseph County, Indiana and described as follows: Beginning on the East line of Fir Road, South 00°00'00" West 696.17 feet from the intersection of said East line with the South line of Day Road; thence 90°00'00" East 483.98 feet to the Westerly right-of-way line of the Grand Trunk and Western Railroad, thence South 29°45'25" West 439.50 feet ; thence South 90°00'00" West 265.84 feet to the East line of Fir Road; thence North 00°00'00" East 381.55 feet along said East line to the point of beginning, EXCEPTING THERFROM THE FOLLOWING; Beginning on the East right-of-way line of Fir Road at the point that is South 00°00'00" West 1067.72 feet from the South right-of-way line of Day Road; thence North 90°00'00" East 271.56 feet to the Westerly right-of-way line of Grand Trunk and Western Railroad; thence South 29°45'25" West along said Westerly right-of-way line 11.52 feet; thence South 90°00'00" West 265.84 feet to the East right-of-way line of Fir Road; thence North 00°00'00" East along said East right-of-way line, 10.00 feet to the point of beginning.

The property is commonly known as 3916, 3926, 2904, 4002 and 4012 Fir Road, Mishawaka, Indiana.

2. The above-described real estate has a zoning classification of "I-1" Light Industrial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner: Owner-operator of commercial flex use storage space leasing to small businesses and large storage need customers.
4. Appellant desires to apply for a Use Variance that would allow for the buildings located at 3904 & 3916 Fir Road to include usage pertaining to auto & motorcycle maintenance and auto body repair.

5. The Zoning Ordinance of the City Of Mishawaka Division 4 Subdivision II. Sec 137-586 (a) (1)-(71) outlines specific allowable business uses for "I-1" Light Industrial zoned property. Auto and motorcycle maintenance and auto body repair are not among the listed allowable uses.
6. This facility creates an alternative outlet for small auto maintenance and repair persons to operate in a comparably low cost facility while eliminating these fledgling entrepreneurial businesses to be run out of residential properties which would certainly be in strict violation of numerous ordinances.
7. (1) Approval will not be injurious to the public health, safety, morals or general welfare of the community by allowing the appealed uses. The other allowable business uses, many of which are similar in nature to the appeal, operate regularly within the facility.

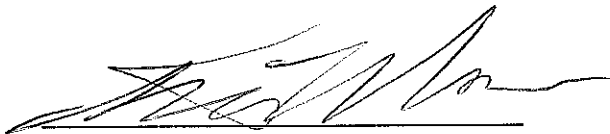
(2) Allowing the appealed use will not adversely affect property values in the adjacent areas in large part due to the contained nature of the facility which is screened in back by an elevated railroad.

(3) The requested need for the variance does in part arise from the nature of the facility which is represented by numerous 40' x 40' commercial units which lend themselves to small business utilization at substantially lower costs than other leasing options for those who cannot afford a higher priced facility.

(4) Strict application of the ordinance would create a substantial financial hardship to those tenants who may not be able to continue their self-employment aspirations with higher rents.

(5) The approval of the requested appeal will have no impact on the Mishawaka 2000 Comprehensive plan.

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



Todd Veldman



Kristine Costello

CONTACT PERSON:

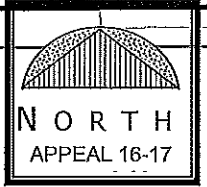
Kevin Paczkowski

5222 West Western Avenue, South Bend, IN 46619

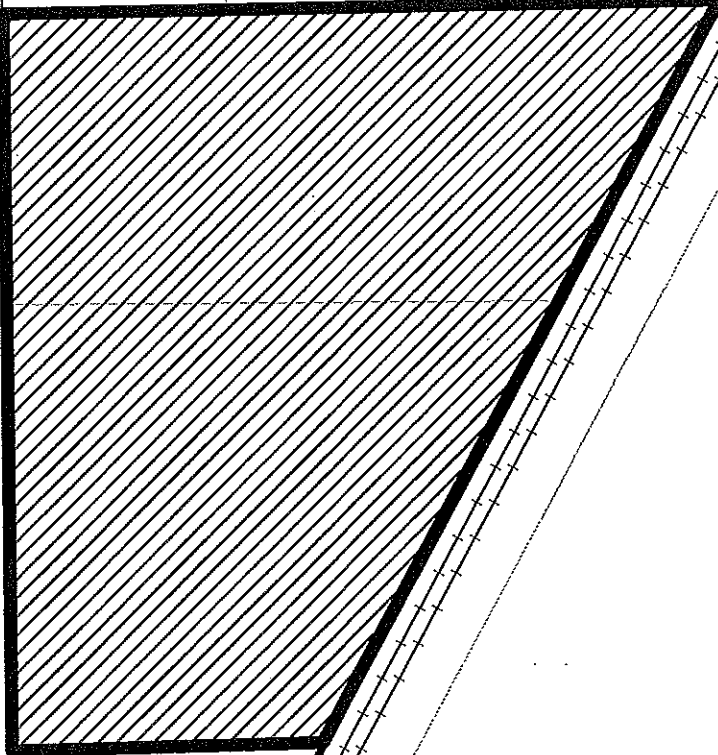
Work: 574-287-7236 Cell: 574-344-9150 Fax: 574-968-1738

Email: kpaczkowski@veldmans.net

E DAY RD



APPEAL 16-17



Location Map

APPEAL 16-17

3916, 3926, 3904,
4002 & 4014 FIR ROAD

USE VARIANCE IN I-1 DISTRICT
TO ALLOW AUTO / MOTORCYCLE
SERVICE & AUTO BODY REPAIR

FIR RD

RALE

JUN 01 2016

CITY CLERK
MISHAWAKA, IN

DATE: May 20, 2016

BOARD OF ZONING APPEALS
CITY OF MISHAWAKA, INDIANA

RE: USE VARIANCE REQUEST

APPEAL ADDRESS: 304 N. IRONWOOD DRIVE
MISHAWAKA, IN 46544

MAY 25 2016

The undersigned appellants respectfully show the Board:

AP 16-20

1. Martin's Super Markets, LLC, am the owner of the described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF RIVER AVENUE AND THE EAST RIGHT-OF-WAY LINE OF IRONWOOD DRIVE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT # 168 OF THE PLAT OF "MIDDLEBORO ADDITION" AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00°00'00" EAST (ALL BEARINGS ASSUMED) ALONG THE EAST RIGHT-OF-WAY LINE OF IRONWOOD DRIVE AND THE WEST LOT LINE OF SAID LOT # 168, A DISTANCE OF 120 FEET MORE OR LESS; THENCE CONTINUING NORTH 08°35'05" EAST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE 220.83 FEET MORE OR LESS TO THE SOUTH BANK OF THE ST. JOSEPH RIVER; THENCE MEANDERING EAST AND SOUTHEASTERLY ALONG SAID EAST BANK A DISTANCE OF 838.26 MORE OR LESS TO THE NORTHWEST CORNER OF LOT # 154 IN SAID PLAT; THENCE SOUTH 00°00'00" EAST ALONG THE WEST LINE OF SAID LOT A DISTANCE OF 250.83 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF RIVER AVENUE; THENCE NORTH 82°55'35" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 108 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT # 156 IN SAID PLAT; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF RIVER AVENUE A DISTANCE OF 520 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 4.53 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Also commonly known as 304 N. Ironwood Drive, Mishawaka, Indiana 46544

2. The above described real estate presently has a Zoning classification of "C-1 General Commercial" District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above described property in the following manner: The property is currently utilized as a super market. Within the super market is a small Caribou Coffee shop. The existing coffee shop consists only of a preparation area, display area, and order counter. There is no separate indoor seating area for the coffee shop other than what currently exists for the super market deli.

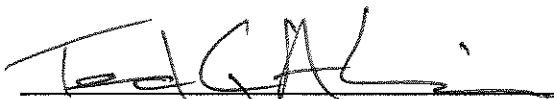
The property is located at the northeast corner of Ironwood Drive and River Avenue and bounded by the St. Joseph River to the north and consists of an approximate 51,000 square foot super market. A total of 222 parking spaces are provided on the property. This exceeds the 204 parking spaces that are required per the City of Mishawaka Zoning Ordinance at a ratio of 4 spaces per 1,000 sf of gross retail floor area.

4. The Appellant desires to renovate the existing Caribou Coffee space within the super market to allow for drive-thru window service. The proposed drive-thru will be located along the southwest portion of the super market building just south of the main entry and north of the deli entrance. The menu board and order point for the drive-thru window will be located at the east end of the furthest north parking bay. Since the improvements involve only a drive-thru window and there is no separate seating area for the coffee shop, an increase of off-street parking in accordance with a drive-thru restaurant per the City of Mishawaka Zoning Ordinance is not applicable.
5. The property is zoned "C-1 General Commercial". According to Section 137-301(a) in the Zoning Ordinance of the City of Mishawaka, Indiana, drive-thru restaurant uses are not a permitted use within the "C-1 General Commercial" zoning district. After discussions with the Planning Staff, it was determined that the best approach to allow for the proposed drive-thru use for the coffee shop is to request approval of a Land Use Variance within the "C-1 General Commercial" District. This Land Use Variance process would maintain the existing "C-1 General Commercial" zoning of the existing super market while allowing the proposed drive-thru use.
6. The Appellant would state that if the proposed Land Use variance were approved, it would not adversely affect the adjacent properties or the surrounding neighborhood. Furthermore, the Appellant would contend the following:
 - A. That the approval of the Land Use Variance will not be injurious to the public health, safety, moral and general welfare of the community because the proposed will adhere to all local building codes and appropriate pavement markings and signage will be installed on site where necessary to facilitate safe vehicular and pedestrian circulation throughout the property.
 - B. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the existing primary use of the

property as a super market with a coffee shop will not be altered and no significant improvements to the existing building and site are proposed.

- C. The need for the variance arises from some condition peculiar to the property involved because the property is zoned "C-1 General Commercial" District. Drive-thru restaurant uses are not allowed in the "C-1 General Commercial" District. Rezoning the property to the correct zoning classification of "C-7 Automobile-Oriented Restaurant Commercial" would not be appropriate for this property. The only means by which to maintain the "C-1 General Commercial" District zoning classification and allow the proposed drive-thru use for the coffee shop is through the Land Use Variance process.
- D. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property which the variance is sought. The Zoning Ordinance does not allow a restaurant drive-thru use within a "C-1 General Commercial" District. There has been a recent development trend in super markets providing additional services and retail items other than the typical grocery supplies within their stores. These additions services include banks, pharmacies, and small sandwich type restaurants and coffee shops, many of which provide a drive-thru for the convenience of the customers. Approval of the proposed Land Use Variance will allow the Appellant to be competitive and consistent with development patterns of other super markets in the area that have been granted similar variances to allow drive-thru uses as a part of the super market.
- E. The approval does not interfere substantially with Comprehensive Plan because the Comprehensive Plan indicates the use of property to be General Commercial. The proposed drive-thru use for the existing coffee shop is consistent in keeping with the recommended General Commercial use.

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



Ted Alwine, Martin's Super Markets, LLC

PETITION PREPARED BY & CONTACT PERSON:
GREG SHEARON
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628, (574) 234-4003

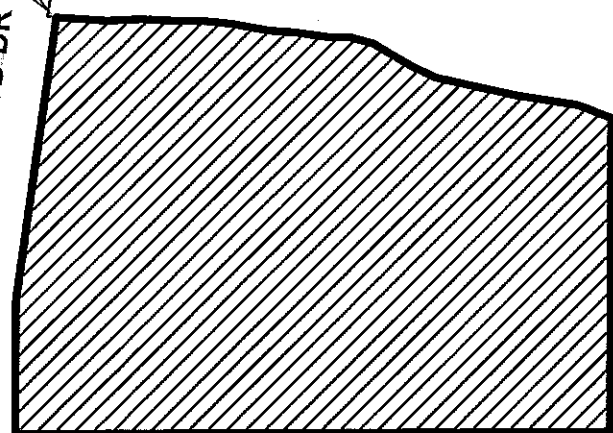


ST. JOSEPH RIVER

CITY OF SOUTH BEND
CITY OF MISHAWAKA

APPEAL 16-20

N IRONWOOD DR



RIVER AVE

STRATHMOOR AVE

N MIDDLEBORO AVE

Location Map

APPEAL 16-20

304 IRONWOOD DRIVE
MARTIN'S SUPERMARKET

USE VARIANCE TO ALLOW
DRIVE-THRU FOR CARIBOU COFFEE

LINCOLNWAY WEST

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 01 2016

CITY CLERK
MISHAWAKA, IN

May 16, 2016

Regarding rezoning of property located at:

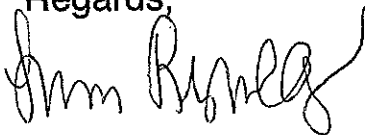
2111 E. LA Salle Ave
Mishawaka, IN 46545

To Whom it may concern:

My name is Lisa Reynolds, owner of property located at 2111 E. La Salle Ave. Mishawaka, In. I am requesting first and second reading for the proposed rezoning of the above listed property, at the June 20th City Council Meeting. The reason for this request, I have recently pended this property. The lender will not close this transaction with the prospective buyer until it is zoned residential. This has just recently came to seller/ buyers attention. We were scheduled to close this May 31, 2016. I have a willing and able buyer that is very anxious to buy this property, and the delay is creating a stress on this transaction.

Your consideration is appreciated in this matter.

Regards,



Lisa Reynolds

Pet 16-19

JUN 01 2016

CITY CLERK
MISHAWAKA, IN

DATE: 05/12/2016

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

Mishawaka City Plan Commission City of
Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned Lisa Reynolds 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:

2111E. La Salle Avenue Mishawaka, IN 46545

Lot 113 Citizens Home Company's McKinley Highway Plat

Parcel # 71-09-11-202-009.000-022 Tax ID# 027-1001-0439

Petitioner(s) own one hundred (100%)
percent of the above described parcel of land
which carries a zoning classification of I-2
heavy industrial District. Said property is
improved with an existing single family
house.

Petitioner(s) desire said real estate to be
rezoned to R-1 single family residential.
District. Petitioner(s) further state that they

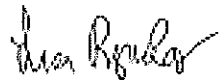
Pet 16-19

intend to utilize said land for residential.

Reason for re zoning, owner has sold property, lender will not approve new buyer because it is not zoned residential. It is a residential area.

Wherefore, the petitioner(s) 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.

Lisa Reynolds



CONTACT PERSON:

Name Lisa Reynolds
Address 52200 Evergreen Rd Granger, IN 46530
Email Lisa5k@aol.com
Phone 574-286-4433

E MC KINLEY AVE



PETITION 16-19

E LA SALLE AVE

ELDER RD

Location Map

PETITION 16-19

2111 E. LaSalle Ave.

REZONING FROM I-2
TO R-1 FOR AN EXISTING
SINGLE-FAMILY HOUSE

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 0.12016

May 17, 2016

CITY CLERK
MISHAWAKA, IN

MAY 24 2016

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

Pet 16-20

RE: PETITION TO REZONE

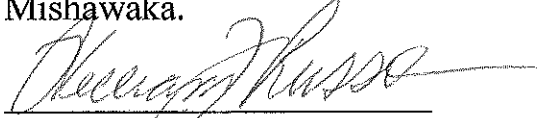
The undersigned William and Deborah Russo respectfully show they are the owners of the following described real estate locate in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot 48 Geyers 1st Sub
V/L On Lawndale 13 37 3e
Mishawaka, IN 46544
Parcel Number: 71-09-13-253-003-000-023
Tax ID Number: 016-1085-3359

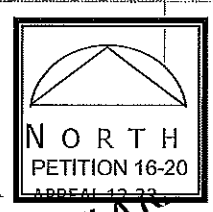
Petitioner's own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of ***Residential*** District. Said Property is a ***Vacant Lot***.

Petitioner's desire said real estate to be rezoned to ***Commercial*** District. Petitioner's further state that they intend to utilize said land for ***Enlarging and Rebuilding the Dairy Queen***.

Wherefore, the petitioner's 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.


William F. Russo
574-361-1290
Royaltreat98@aol.com
3303 Lincolnway East
Mishawaka, IN 46544


Deborah A. Russo
574-612-0624
Royaltreat98@aol.com
3303 Lincolnway East
Mishawaka, IN 46544

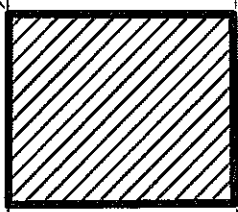


VISTULA

LINCOLNWAY EAST LINCOLNWAY EAST

PETITION 16-20

3303 LINCOLN WAY
EAST - EXISTING
DAIRY QUEEN



LAWNDALE AVE

MAPLEWOOD AVE

Location Map

PETITION 16-20

Vacant Lot South of
3303 Lincoln Way East

REZONING FROM R-1 TO
C-7 FOR ENLARGING AND
RECONSTRUCTING DQ

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 11 2016

CITY CLERK
MISHAWAKA, IN

1st Reading 5-16-16
2nd Reading
Passed
Failed
Continued To

PETITION 16-16

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-08

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:

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

COMMON ADDRESS: 3837 Lincolnway East

which real estate is now classified as R-2 Two Family Residential District shall hereafter be within and a part of that District known as C-4 Automobile Oriented Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Given the property's close proximity to commercially zoned property and adjacent to C-4 zoned property, the C-4 zoning would be compatible with the surrounding commercial properties uses in 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, staff feels that the most desirable use for this property is the C-4 Automobile Oriented Commercial.
3. Because the parcel is located adjacent to commercial properties along heavily traveled corridors, the C-4 zoning classification would be compatible and is a desirable use for this property.

Proposed Ordinance No: 2016-08

Ordinance No: _____

4. C-4 zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding the automobile commercial use that currently exists on the property.
5. The proposed C-4 Automobile Oriented Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial uses along the Lincolnway East corridor.

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

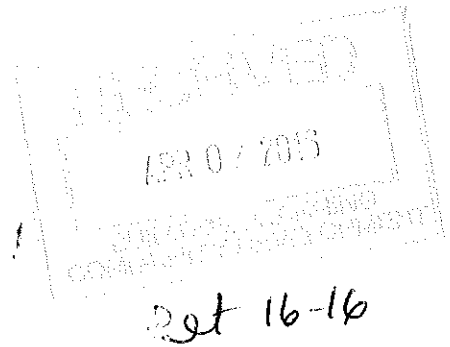
APPROVED by me this _____ day of _____, 2016, at _____ o'clock _____.M.

David A. Wood, Mayor

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

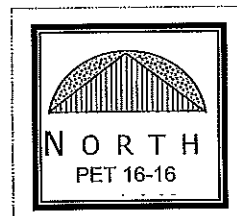
Contact Person:

Karen Gerver

3839 LWE , Mishawaka, Indiana 46544

574-252-5482

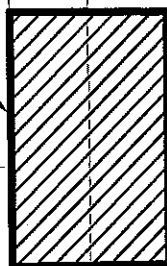
gerversgarage@att.net



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

1st Reading 5-16-16
2nd Reading
Passed
Failed
Continued To

PETITION 16-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-09

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 17 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, 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 5, 6, 7, and 8, Springbrook Addition

COMMON ADDRESS: 2419 Lincolnway West

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-7 Automobile Oriented Restaurant Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The site is currently developed, occupied with an existing restaurant, and located within the Lincoln Way West commercial corridor adjacent to several commercially-zoned properties. The adjacent properties are used for office, retail, and single-family residential to the north; used automobile sales to the west; the railroad and industrial to the south; and single-family residential to the east.
2. Character of Buildings in Area – The character of the adjacent buildings vary greatly including a prior single-family residential house converted into an office use, a tobacco retailer, single-family residential, a used automobile business, and industrial.

Proposed Ordinance No: 2016-09

Ordinance No: _____

3. The most desirable/highest and best use – Due to the property's location along Lincoln Way West, which is primarily a commercial corridor with limited single-family uses, the most desirable use for the property continues to be commercial. The rezoning will allow for the addition of a drive-thru and redevelopment of an existing restaurant use.
4. Conservation of property values – The proposed rezoning to allow the addition of a drive-thru will not be injurious to property values in the surrounding area. Further improvements to the exterior building façade and parking lot, additional landscaping, and fencing and screening will further conserve, or potentially increase, the adjacent property values.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, approved in 1990, guided general commercial uses along this portion of the Lincoln Way West corridor.

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

RECEIVED
DEBORAH S. BLOCK, MMC

APR 28 2016

CITY CLERK
MISHAWAKA, IN

April 18, 2016

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

RE: PETITION TO REZONE

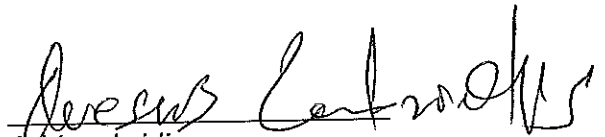
The undersigned, Ari Lambridis, respectfully show he is the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

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:

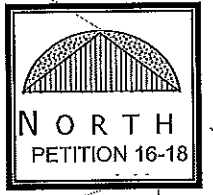
Nick Scarlatis
5405 W 127th Street
Crestwood, IL 60445
PHONE: 708-653-5200
FAX : 708-653-6202
EMAIL: nick@scarlatis.com



Pet 16-18

MONMOOR AVE

N RUSSELL AVE

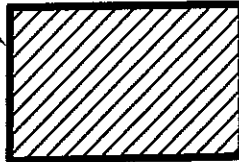


RIVER AVE

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

W SIXTH ST

BERLIN AVE