

AGENDA

Monday, July 18, 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**

July 05, 2016

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their July 12, 2016 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2016-22 Use & Developmental Variance 4601 N. Grape Rd JMS Plaza the Vineyard Church will be occupying a portion of the existing Charter Fitness Building.

9. Ordinances on Second Reading

P.O. NO. 2016-13 Mishawaka Electric I & M Adjustment Factor Ordinance (Assigned to Budget and Finance 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

**Council Work Session
7:15pm
Council Chambers
Financial Analysis/Circuit Breaker**

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

July 05, 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 July 05, 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

The minutes from the June 20, 2016 meeting were approved as received from the City Clerk's Office.

President Banicki turned the meeting over to Lt. Tim Williams, Mishawaka Police Department, who introduced the D.A.R.E. Essay City Champions who were in the top 10 in the State.

Kennedy Mills Mishawaka Catholic City of Mishawaka Champion and
Delana Cates Twin Branch – City of Mishawaka Champion and Indiana State Champion

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

APPEAL NO. 2016-24 Use & Development Variance 4601 N. Grape Rd. JMS Plaza the Vineyard Church will be occupying a portion of the existing Charter Fitness Building.

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

PROPOSED ORDINANCE NO. 2016-13

AN ORDINANCE ACKNOWLEDGING THE CHANGE TO THE I&M ADJUSTMENT FACTOR ESTABLISHED BY RATE ORDINANCE NO. 5426 TO RECOGNIZE THE CHANGE IN COST OF PURCHASING WHOLESALE POWER FROM INDIANA MICHIGAN POWER.

(Mishawaka Electric I&M Adjustment Factor)
(Assigned to Budget and Finance Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2016-12** opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-12

**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**

(Rezoning from R-1 to C-7 for Enlarging and Reconstructing DQ – Vacant Lot South
of 3303 Lincolnway East)

Assigned to Land Use Planning Committee

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

Bill Russo 3303 L.W.E., stated they wanted to rebuild and expand the existing Dairy Queen store. He said it was built in 1970 and they wanted to upgrade with a new look and add more seating.

Mr. Compton asked if they own the lot behind the store he said yes and it is already zoned for parking. Mr. Russo said the building will be twice the size.

Mr. Deal asked if the hours would change. Mr. Russo said no.

Question was called for at 7:24PM on **PROPOSED ORDINANCE NO. 2016-12** with the vote being 9 to 0. Thus it becomes **ORDINANCE NO. 5534.**

Unfinished Business

Clerk Block read a letter from the petitioner requesting withdrawal

R2016-20

**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:
3904 AND 3916 Fir Rd., Mishawaka, Indiana**

A motion was made by Mrs. Voelker to withdraw the resolution, motion carried.

New Business

Woody Emmons asked the administration to patrol the area of 8th Street and Milburn Boulevard for cars being parked the wrong way also on the curbs and sidewalks and that the situation be looked into.

Woody Emmons announced the St. Bavo's Neighborhood Meeting would be July 21, at 7:00PM. The speaker will be Mayor Dave Wood speaking on the State of the City and also neighborhood concerns.

Ross Deal stated there would be no meeting this month in the Twin Branch Area. The next meeting will resume in August for National Night Out.

Matt Mammolenti stated this would be Patsy Rulli, Mishawaka Police Dept., last meeting since he is retiring and congratulated him and wished him the best of luck.

Bryan Tanner announced "The Oaks" Neighborhood Meeting would be July 13, 2016 at Albright United Methodist Church at 6:00PM.

ADJOURNMENT 7:30 p.m.

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

Ronald S. Banicki /s/
Ronald S. Banicki, President



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

July 13, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 13 2016

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
July 12, 2016, Public Hearing

Honorable Members:

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

APPEAL #16-24 An appeal submitted by Tony Rucano requesting a Use Variance for **4601 Grape Road (JMS Plaza)** to permit a church use in the C-2 Shopping Center Commercial District.

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: John Piraccini

STAFF REPORT

Location: 4601 N. Grape Road / JMS Plaza

Date: July 12, 2016

Appeal: 16- 24

Prepared By: DJS

GENERAL INFORMATION

Applicant: Tony Rucano / John Piraccini

Status: Property Owner / Representative

Request: Use Variance to allow a church in a multi-tenant commercial building; and developmental variances to allow for a reduction in the number of parking spaces required from 588 to 469 spaces, and an increase in the allowable maximum square footage for a freestanding sign from 99 sq. ft. to 129 sq. ft.

Zoning Classification: C-2 Shopping Center Commercial District

Lot Size: 10 acres

Applicable Regulations: Sec. 137-325 thru 137-327 / Commercial C-2 District; Sec. 129-73 (6) / Permitted Signs in the C-2 District; & Section 137-42 / Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (Restaurant/ Corndance Tavern)
South: C-2 Shopping Center Commercial (Vacant) & R-3 Multiple Family Residential (Assisted Living Facility/ Tanglewood Trace)
East: C-1 General Commercial (Home Improvement Store/ Lowe's & Restaurant/ TGI Friday's)
West: S-2 Planned Unit Development (Vacant & Part of Summerfield PUD/ Residential)

Thoroughfare: Grape Road

School District: South Bend Community

Township: Clay

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial (Downtown Retail Sales & Shopping Centers)

ANALYSIS

The Appellant is requesting a use variance to allow a church in a multi-tenant commercial building located at 4601 N. Grape Road. The approximate 35,000 sq. ft. building was constructed in 1994 and occupied by Barnes & Noble bookstore until relocating to University Park Mall in 2009. Charter Fitness, a gym/fitness center, began leasing 22,000 sq. ft. of the building in late 2013, while the remaining 13,067 sq. ft. is

vacant. Vineyard Church proposes to lease approximately 7,300 sq. ft. of the vacant space requiring a variance of use. A church is not a permitted use in the C-2 Shopping Center Commercial District. In addition to the use variance, the appellants are requesting developmental variances to allow a reduction in the number of required parking spaces from 588 to 469 spaces, and an increase in the allowable maximum sq. ft. for a freestanding sign from 99 sq. ft. to 120 sq. ft.

The C-2 Shopping Center Commercial District requires a total of 588 parking spaces for the entire JMS Plaza. For the existing and proposed land uses, 362 parking spaces are required for the general commercial/retail/service uses (5 per 1,000 sq. ft. of floor area for the existing 72,248 sq. ft.), 164 spaces for the restaurant uses (10 spaces per 1,000 sq. of floor area for the existing 16,357 sq. ft.), and 62 spaces for the proposed church use (1 space per 4 seats in the main sanctuary or auditorium for the proposed 245 seats). The current number of spaces provided and being requested for the plaza is 469. According to the petition, the existing and proposed uses will have different peak hours resulting in an adequate number of parking spaces throughout the day and evening. Retail will need more parking during the day, restaurants will need more parking during the evening hours, and the proposed church will need more parking on Sunday mornings. The church will have one service on Sunday mornings starting at 10:15 am, and small group meetings (approximately 20 members) on Tuesday and Thursday evenings. Prior use of the plaza has indicated no shortage in the number of parking spaces provided. A similar variance (AP 08-50) for a reduction in the number of required spaces was approved in 2008 when a new building was constructed within the plaza replacing the former Polito's restaurant. Therefore, staff feels that the current 469 spaces provided are adequate for the existing and proposed uses. If it is determined that more parking is needed, an approximate 2.4 acre undeveloped parcel is located to the south which could provide additional spaces. An approved site plan (SP 96-AA) for this parcel showed that a 90 space parking lot could be developed.

A developmental variance is also being requested for an increase in the allowable maximum sq. ft. for a freestanding sign from 99 sq. ft. to 120 sq. ft. Per the on premise sign standards for the C-2 District, one freestanding sign is permitted with a maximum height of 20' (one foot of vertical height of structure per ten linear feet of lot frontage on the public right-of-way for the 200' wide parcel). The existing sign is 19' in height and an increase in height is not being proposed. In 1997, a variance (AP 97-42) was approved permitting a freestanding sign with a total display area of 99 sq. ft. The appellant desires to add a 3'x10' (30 sq. ft.) sign for the Vineyard Church below the existing 18'x5' (90 sq. ft.) sign for Charter Fitness. The Staff recommends approval of the requested variance since the additional sign will not result in an increase in the sign height and will allow for adequate signage for the church.

All pertinent City departments have reviewed and approved the use and developmental variance requests with the Engineering Department providing the following comments on the reduction in parking spaces:

1. Consider expanding the parking area for the 119 spaces the development is short on to the vacant adjacent parcel to the south. The fitness center has morning use which is at the same time as the Sunday morning church service as well as the Outback restaurant that opens at 11:00 am.

RECOMMENDATION

Staff recommends **approval** of Appeal 16-24 for a use variance to allow a church in a multi-tenant commercial building; and developmental variances to allow for a reduction in the number of parking spaces required from 588 to 469 spaces, and an increase in the allowable maximum square footage for a freestanding sign from 99 sq. ft. to 129 sq. ft.

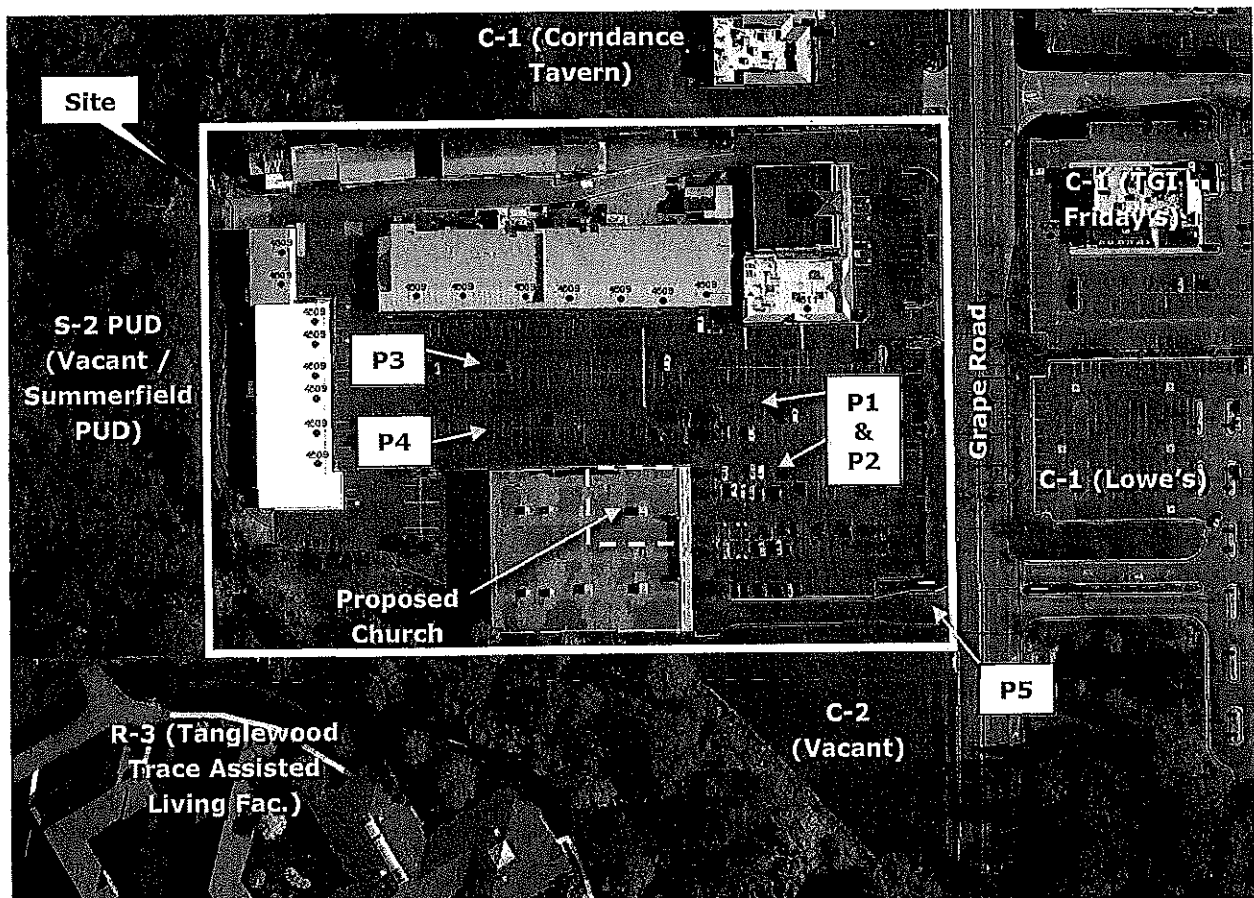
This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed church use is compatible with the adjacent existing commercial, retail, and restaurant uses; an adequate number of parking spaces should be maintained due to different peak hours for the existing and proposed land uses; and the sign will adhere to all building codes during installation and not obstruct views of the motoring public;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner as the proposed church use is compatible with the existing land uses, and additional traffic from the church may result in increased business for the current tenants of the plaza. Furthermore, a shortage of parking spaces is not anticipated with the additional use, and the proposed addition to the existing sign will be consistent in size and scale to other freestanding signage in the area.
3. The need for the use variance arises from some condition peculiar to the property involved because the current zoning allows for a various commercial uses, but prohibits a church. Rezoning to the appropriate zoning classification with the allowable uses would not be appropriate for this multi-tenant location;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The zoning ordinance does not allow a church in the C-2 Shopping Center Commercial District though a church is compatible with many of the permitted uses in this district. Furthermore, the need for more parking is not anticipated due to the church use, and the addition to the existing sign will provide adequate signage for the multi-tenant building; and
5. The approval is consistent with the recommendations of the Comprehensive Plan for General Commercial development for this site.

ATTACHMENTS

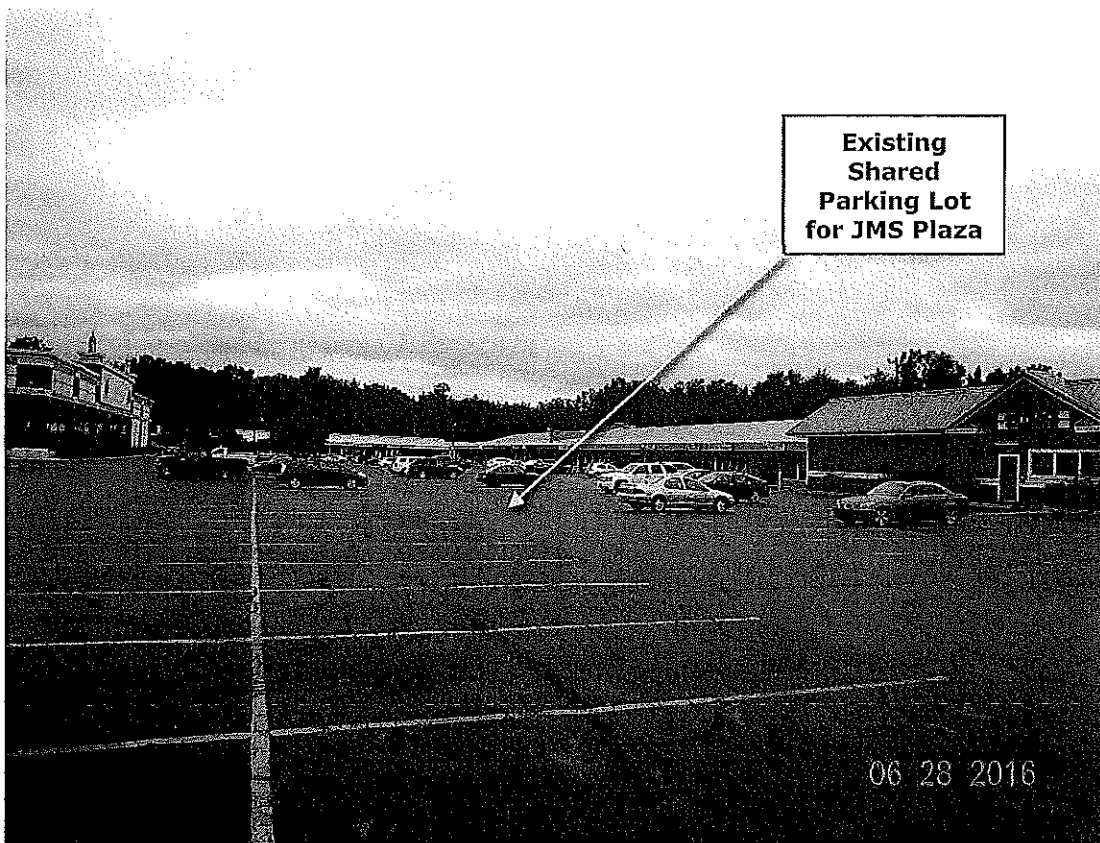
Aerial, Photographs, Appeal, Site Plan



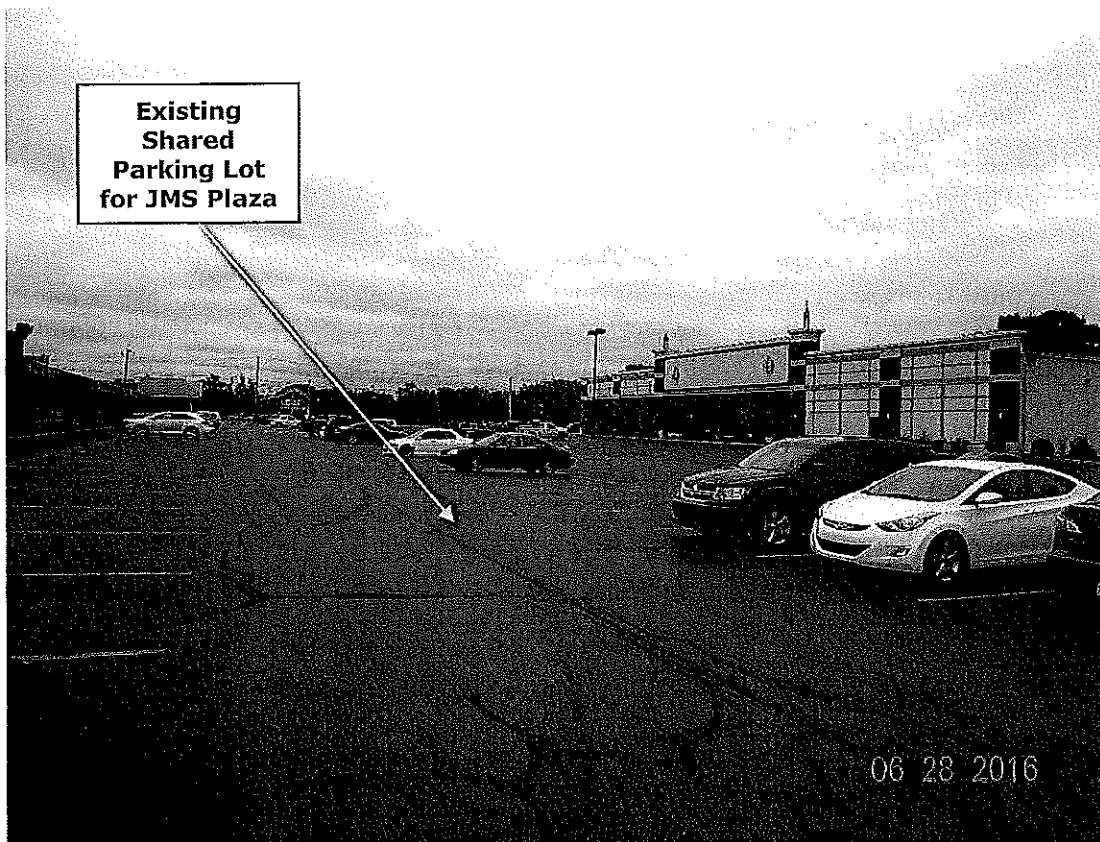
Aerial Photograph
4601 N. Grape Road & JMS Plaza



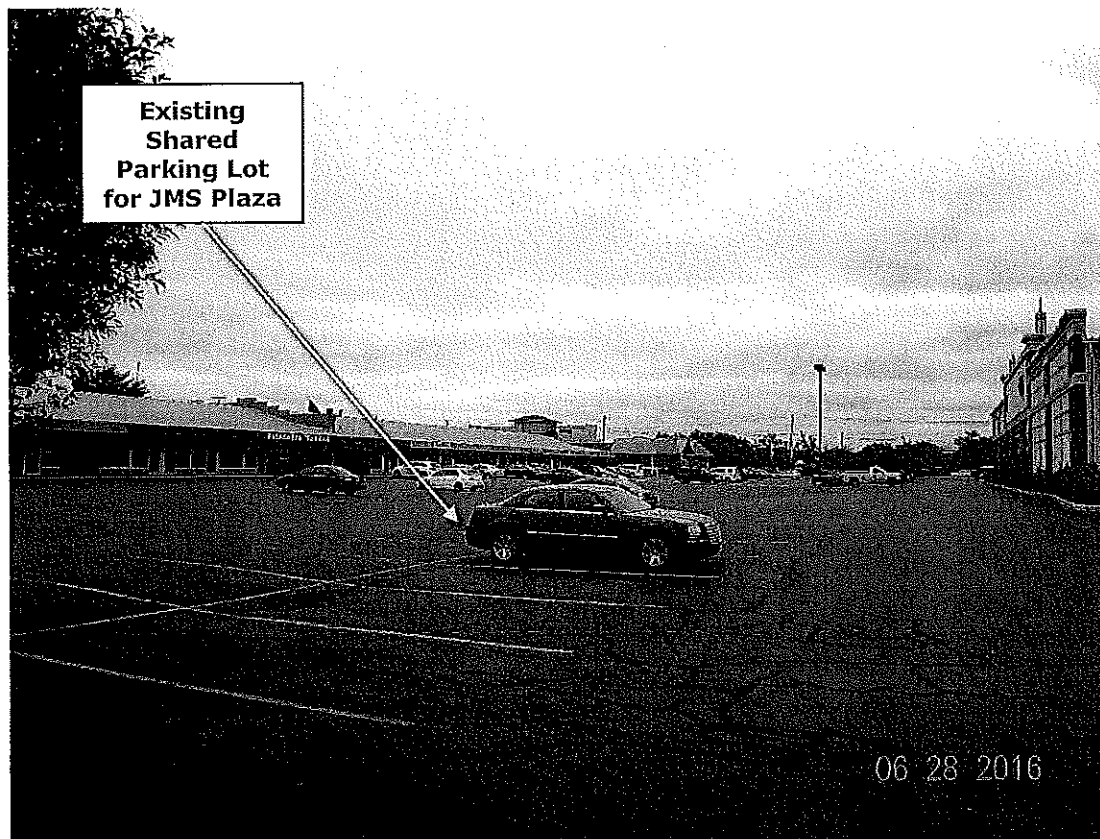
P1. Looking southwesterly into site toward the proposed Vineyard Church location.



P2. Looking westerly into shared parking area for the JMS Plaza.
 (Picture taken at approximately 11:45 am on a normal weekday morning.)



P3. Looking easterly into shared parking area for JMS Plaza.
(Picture taken at approximately 11:45 am on a normal weekday morning.)



P4. Looking easterly into shared parking area for JMS Plaza.
(Picture taken at approximately 11:45 am on a normal weekday morning.)



P5. Existing Charter Fitness sign. (Google Map image.)

JUL 13 2016

CITY CLERK
MISHAWAKA, IN

APPEAL #16-24

RESOLUTION NO. 2016-22

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:

4601 Grape Road, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **4601 Grape Road, Mishawaka, Indiana**, more particularly known and described as follows:

A tract of land containing five (5) acres, described as follows: Beginning Sixteen (16) rods North of the Southeast corner of the Northwest Quarter of Section Number 33, Township Number 38 North, Range Number 3 East; thence running North 16 rods; thence North 16 rods; thence West 50 rods; thence South 16 rods; thence East 50 rods to the place of beginning, EXCEPTING THEREFROM Part of the Northwest Quarter of Section 33, Township 38 North, Range 3 East, St. Joseph County, Indiana, described as follows: Beginning at a point 528 feet North and 325 feet West of the Southeast corner of the Northwest Quarter of said Section 22 (said point of beginning being on the North line of a tract of land described in Deed Book 755, page 453 in the St. Joseph County Recorder's Office; thence South 95 feet; thence East 70 feet; thence South 135 feet; thence West 390 feet; thence North 230 feet; thence East 320 feet to the point of beginning.

Also, part of the Northwest Quarter of Section 33, Township 38 North, Range 3 East, St. Joseph County, Indiana, described as follows: Beginning at a point 528 feet North and 325 feet West of the Southeast corner of the Northwest Quarter of said Section 22 (said point of beginning being on the North line of a tract of land described in Deed Book 755, page 453 in the St. Joseph County Recorder's Office;

thence South 95 feet; thence East 70 feet; thence South 135 feet; thence West 390 feet; thence North 230 feet; thence East 320 feet to the point of beginning.

And, a tract of land containing five (5) acres, described as follows: Beginning at the Southeast corner of the Northwest Quarter of Section Number 33, Township Number 38 North, Range Number 3 East; thence running North 16 rods; thence West 50 rods; thence South 16 rods; thence East 50 rods to the place of beginning.

The Use Variance will allow a church in a multi-tenant commercial building in C-2 Shopping Center Commercial District.

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

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed church use is compatible with the adjacent existing commercial, retail, and restaurant uses; an adequate number of parking spaces should be maintained due to different peak hours for the existing and proposed land uses; and the sign will adhere to all building codes during installation and not obstruct views of the motoring public;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner as the proposed church use is compatible with the existing land uses, and additional traffic from the church may result in increased business for the current tenants of the plaza. Furthermore, a shortage of parking spaces is not anticipated with the additional use, and the proposed addition to the existing sign will be consistent in size and scale to other freestanding signage in the area.
3. The need for the use variance arises from some condition peculiar to the property involved because the current zoning allows for a various commercial uses, but prohibits a church. Rezoning to the appropriate zoning classification with the allowable uses would not be appropriate for this multi-tenant location;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The zoning ordinance does not allow a church in the C-2 Shopping Center Commercial District though a church is compatible with many of the permitted uses in this district. Furthermore, the need for more parking is not

anticipated due to the church use, and the addition to the existing sign will provide adequate signage for the multi-tenant building; and

5. The approval is consistent with the recommendations of the Comprehensive Plan for General Commercial development for this site.

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

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

Presiding Officer

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

JUN 29 2016

DATE: 6/22/2016

CITY CLERK
MISHAWAKA, IN

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

RE: USE & DEVELOPEMENT VARIANCE

AP 16-24

The undersigned appellant respectfully shows the Board:

1. I John Piraccini am representing Tony Rucano, owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

♦ ADDRESS: 4601 N. Grape Road, Mishawaka, Indiana 46545

♦ LEGAL DESCRIPTION: A tract of land containing Five (5) acres, described as follows; Beginning at the Southeast corner of the Northwest Quarter of Section Number 33, Township Number 38 North, Range Number 3 East; thence running North 16 rods; thence West 50 rods; thence South 16 rods; thence East 50 rods to the place of beginning → ADD 5 ACRES TO NORTH COR

2. The above-described real estate presently has a zoning classification of Commercial C-2 District under the zoning Ordinance of the City of Mishawaka. LEASE
3. Currently Carter Fitness occupies (leases) 22,000 square feet of the above-described property and from the above described owner, while the remaining 13,067 square feet of space is vacant. Appellant proposes to lease additional space to the Vineyard Church.
4. Appellant desires to lease approximately 7,300 square feet of building space to the Vineyard Church of Mishawaka, install a road sign up to 120 sf, and utilize existing 469 parking spaces currently provided for the plaza.
5. The Zoning Ordinance of the City of Mishawaka does not permit the use of a C-2 zoned property per Section 137-326 for church use, does not allow road signage greater than 99 sf per section 129-73(6), and requires a total of 588 parking spaces for the plaza as a whole per section 137-327 per the following calculations.

A. Retail Uses per "C-2" Commercial District

*5 spaces per 1,000 sq. ft. of gross floor area:

*Number of spaces required for existing 72,248 sq. ft. = 362 spaces

B. Restaurants per "C-2" Commercial District

*10 spaces per 1,000 sq. ft. of gross:

*Number of spaces required for existing 16,357 sq. ft. = 164 spaces

C. Churches per "C-2" Commercial District

*1 space per every 4 seats in the main sanctuary or auditorium

*Number of spaces required for proposed church use with 245 seats = 62 spaces

D. Total spaces required for entire JMS Plaza = 588 spaces

Total spaces provided for entire JMS Plaza = 469 spaces

6. Strict adherence to the Ordinance requirements would not allow for a church to occupy the above reference building all though its use is equal or less intensive than other C-2 permitted uses. It would only allow one (1) free standing sign up to 99 sf. for a building with multiple tenant spaces. And it would require an additional 119 parking spaces for the plaza as a whole. With the current variety of uses within in the plaza – retail, restaurant, and proposed church, parking spaces will not all be utilized at the same time. Retail will have heavier parking during the day. Restaurants will have heavier parking during evening hours, and the church will have heavier parking Sunday mornings.

7(1): *QUESTION: Will approval be injurious to the public health, safety, morals or general welfare of the community?*

ANSWER: The approval will not be injurious to the public health, safety, morals or general welfare of the community. The approvals will allow an existing Mishawaka church to extend the community outreach and benefit from its current base on Jackson Road to further north into Mishawaka and allow for an extended reach to support the mission of the organization. We believe that there are substantial benefits of the approval to enhance business for the organizations directly adjacent due to the increase traffic to this particular location.

7(2): *QUESTION: Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*

The use and value of the area advance will be enhanced due to the nature of the activity within the facility and the increased traffic and exposure of the location and the business directly surround the facility. Parking will not be affected due to different uses operating at different times of day. Historically there has never been a parking problem and do not anticipate parking issues with the churches operations. The church's heaviest use will be Sunday morning when other uses are low. The added square footage of signage will not add to the height of the sign but will be located under the existing sign. Total size of added signage is 3' tall and 10' wide per attached drawing.

7(3): *QUESTION: Does the need for the variance arise from some condition peculiar to the property involved?*

ANSWER: Yes. This is an older large retail commercial space. The variance is needed to allow for the Vineyard Church to occupy the space and be part of the center which is a very compatible use. Because the existing building use to be occupied by one organization (Barnes and Noble), space for one sign only was provided. Also, when the building was original constructed adequate parking was provided but with use changes in other areas of the plaza, parking requirements have increase.

7(4): *QUESTION: Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?*

ANSWER: Yes. This older retail center is competing with numerous newer ones and the variance is needed to allow additional uses for the space, such as the Vineyard Church, to attract additional businesses and organizations. This building was once occupied by Barnes and Nobles who relocated with the national Simon Mall Company. As mentioned in 7(3), one sign was provided for Barnes and Nobles originally but now there are multiple tenants needing signage.

7(5): *QUESTION: Will approval interfere substantially with the Mishawaka 200 Comprehensive Plan?*

ANSWER: No. This center is one of the original retail commercial centers on Grape road and would have no effect on the Comprehensive Plan.

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

A handwritten signature in cursive script, appearing to read "Tony Rucano", written over a horizontal line.

Tony Rucano

CONTACT PERSON:

John Piraccini
1539 N. Ironwood Dr.
South Bend, IN 46635
Phone: (574) 243-9522
Fax: (574) 273-0024
Johnp@cbrwg.com

Tony Rucano
4609 Grape Rd., Suite D7
Mishawaka, IN 46545

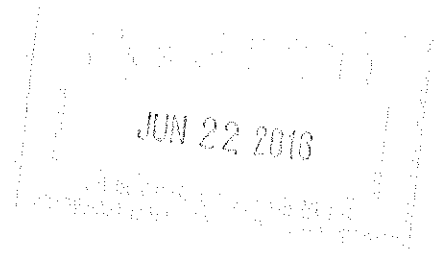
June 22, 2016

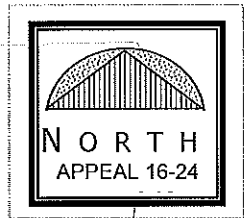
Board of Zoning Appeals
City of Mishawaka, IN

John Piraccini is authorized to represent Tony Rucano, owner of the property on 4601 N. Grape Rd. Mishawaka, for the Use and Development Variance.

Sincerely,

Tony Rucano

A handwritten signature in black ink, appearing to read "Tony Rucano", written in a cursive style.

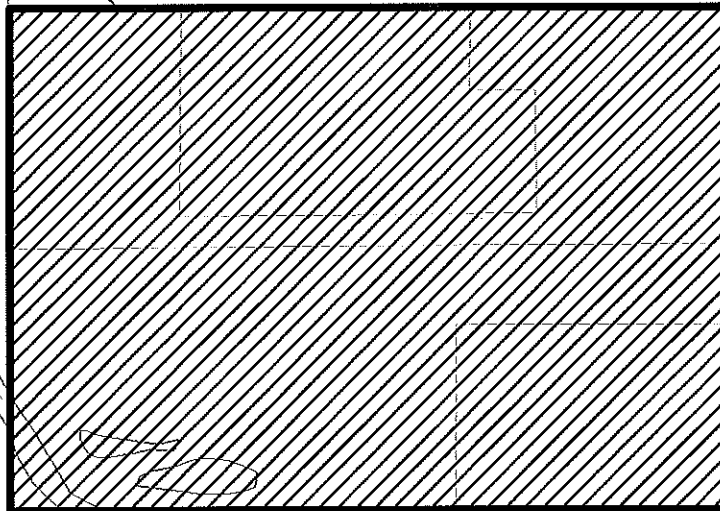


EDISON LAKES PKY

GRAPE RD

GRAPE RD

APPEAL 16-24



JUDAY CREEK

Location Map

APPEAL 16-24

4601 N. Grape Road / JMS Plaza
Existing Charter Fitness Bldg. &
Adjacent Vacant Retail Space

USE VARIANCE FOR CHURCH IN
C-2 DISTRICT & DEVELOPMENTAL
VARIANCES FOR NUMBER OF
PARKING SPACES & SIZE OF SIGN

JUN 30 2016

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2016-13

ORDINANCE NO. _____

1st Reading 7-5-16
2nd Reading
Passed
Failed
Continued To

AN ORDINANCE ACKNOWLEDGING THE CHANGE TO THE I&M ADJUSTMENT FACTOR ESTABLISHED BY RATE ORDINANCE NO. 5426 TO RECOGNIZE THE CHANGE IN COST OF PURCHASING WHOLESALE POWER FROM INDIANA MICHIGAN POWER.

WHEREAS, the City of Mishawaka, Indiana, has previously adopted Rate Ordinance No. 5426 which established an Appendix A, the I&M Adjustment Factor, and

WHEREAS, the cost of purchased power has increased since Rate Ordinance No. 5426 was adopted, and

WHEREAS, the Mishawaka Municipal Electric Utility does not have the financial capacity to absorb the increases in power costs from Indiana Michigan Power, and

WHEREAS, the Utility Board has been advised and supports adjusting Appendix A to recognize the current cost of purchased power from Indiana Michigan Power, and

WHEREAS, the Common Council of Mishawaka has been advised that it is necessary to adjust Mishawaka electric rates solely by the change in the cost of purchased power.

WHEREAS, Ordinance No. 5426 established that the I&M Adjustment Factor calculated in the manner reflected in Appendix A of Ordinance No. 5426 shall become effective upon presentation to the Common Council, unless otherwise directed by the Common Council, and

WHEREAS, the Common Council has directed that, at this time, the I&M Adjustment Factor be presented at a public hearing conducted by the Common Council, and

WHEREAS, a public hearing regarding the I&M Adjustment Factor has been properly advertised and held by the Common Council,

NOW, THEREFORE, BE IT ORDAINED by the Mishawaka Common Council that:

Section 1. Appendix A of Rate Ordinance No. 5426 has been replaced by Appendix A attached to this Ordinance.

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

PASSED and adopted by the Common Council of the City of Mishawaka, Indiana, this ____ day of July, 2016.

Presiding Officer, Ronald S. Banicki

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ____ day
of _____, 2016, at ____ o'clock ____ .m.

Deborah S. Block, City Clerk

APPROVED BY ME this ____ day of _____, 2016, at ____ o'clock ____ .m.

David A. Wood, Mayor
City of Mishawaka

MISHAWAKA (INDIANA) MUNICIPAL ELECTRIC UTILITY

APPENDIX A

RATE ADJUSTMENT

The rate adjustment shall be on the basis of an I&M Adjustment Factor, occasioned solely by changes in the cost of purchased power applicable to Rates R, C, P, I, MS, EH, and S.

Rate Adjustment applicable to the above-listed Rate Schedules:

\$0.008277 per KWH used per month as computed following the method, or a method closely approximating the method, illustrated below.

Annual Cost of Purchased Power at the new wholesale rates and charges	\$47,328,523.42
Annual Cost of Purchased Power priced at rates and charges effective July 1, 2013	<u>42,972,820.00</u>
Annual change in Purchased Power Cost	4,355,703.417
Annual KWH Sales	÷ <u>565,882,876.00</u> KWH
Annual Increase per KWH Sold	0.007697
Adjusted for Utility Receipts Tax	÷ <u>0.93</u>
I&M Adjustment Factor	<u><u>\$0.008277</u></u> /KWH

2015 I&M Adjusttment Factor	\$ 0.002576
2016 I&M Adjstmetn Factor	<u>0.008277</u>
Increase from 2015	<u><u>\$ 0.005701</u></u>