

AGENDA

Monday, October 3, 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**

September 19, 2016

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2016-38 Use Variance Lawn Mower Repair, Resale Retail Business, Self-Service Mini Storage 3925 Fir Rd

Petition No. 2016-30 Rezone from R-1, C-1 & C-4 for an Existing Auto Repair & Sales business, & Single Family House to C-4 for Auto Repair, Sales & Parking

Petition No. 2016-31 Rezone from I-1 to R-1 for Existing Single Family Residential House - 2522 W. 6th St.

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

P.O. NO. 2016-21 Rezone from C-1 to R-3 for an Existing House to be used for Multi-family Residential (4Units) 1217 LWW (Assigned to Land Use Planning Committee)

P.O. NO. 2016-22 Annex and Rezone to S-2 PUD for Watermark Apartments PUD proposed 390 Units & Club House - 53555 Fir Rd and Toll Rd **Public Hearing - NO VOTE**

P.O. NO. 2016-23 Civil City Budget and Tax Levy for 2017 **Pre-adoption - NO VOTE**

- 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

September 19, 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 Tuesday September 19, 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: Mr. Compton.

Others present; Mike Trippel Council Attorney, Linda Dotson Chief Deputy Clerk II, Raven Boston, Intern

The minutes from the September 6, 2016 meeting were approved as received from the City Clerk's Office.

Introduction and Swearing-in of Mayor Wood's Youth Council

Mayor Wood was proud to say they had the largest Youth Council in city history. He said they had representatives from Mishawaka High School, Marian High School, and Penn High School. Mayor Wood said the program was intended to educate the students to what local government does. He said they were asking for feedback from this youth group as to how to make Mishawaka better. Mayor Wood said the program looks good on a college resume and help them succeed in the future. Mayor Wood was grateful for the program and the students. He mentioned the program was a gift from the Citizens of Mishawaka to the kids and they give so much more in return. Mayor Wood swore in 40 members of his youth council.

Clerk Block read **Vacation 2016-02** on behalf of H and G REAL ESTATE LLC who requested postponement until the October 17, 2016 meeting. With a second by Mr. Deal, the motion carried.

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. 2016-21

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

(Rezone from C-1 TO R-3 for Multi- Family 1217 LWW)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2016-22

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MSIHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION
THEREFORE**

(Annex and Rezone to S-1 for Watermark Apartments 53555 Fir Road and Toll Road)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2016-23

CIVIL CITY BUDGET AND TAX LEVY FOR 2017

(Assigned to Budget and Finance Committee)

Clerk Block read **RESOLUTION NO. 2016-27** opening it for public hearing.

RESOLUTION NO. 2016-27

A RESOLUTION APPROVING TITLE VI COMPLIANCE ASSURANCE PROGRAM

Mr. Spiess, Corporation Counsel, for the City of Mishawaka said Adopting Title VI Nondiscrimination Plan was a requirement for the city to continue to receive Federal Highway Funding. Mr. Spiess said the latest update complies with ADA (American Disability Act) was Title VI of the Civil Rights Act. He said INDOT (Indiana Department of Transportation) has different requirements they impose on different municipality that receive Federal Funds and required adoption by resolution through the legislative body of the city.

Question was called for at 7:28 p.m. on **RESOLUTION 2016-27**



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

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

PROPOSED ORDINANCE NO. 2016-16

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA AND PROVIDING ZONING CLASSIFICATION
THEREFORE**

(Annex and Zone to C-4 Automobile Oriented 1732 E. McKinley Avenue)

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

Question was called for at 7:29 p.m. on **PROPOSED ORDINANCE 2016-16**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr.

Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. Thus it becomes **ORDINANCE NO. 5540**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-19** opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-19

AN ORDINANCE FIXING SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017
(Elected Officials Salary Ordinance for 2017)

Mr. Canarecci reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mrs. Voelker the motion carried.

Mayor Wood said it was in line with what was being asked for by all Civil City Employees, and also in line with what the planning and advisors tell them was the path to hitting the Fiscal Cliff. He said the 2019 Budget Property Tax Cap would result in less revenue. He said this was in line with what they have done in the last couple of years and would likely do in the next couple of years. Mr. Wood said it was the same they asked for the entire city.

Question was called for at 7:31 p.m. for **PROPOSED ORDINANCE NO. 2016-19**



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. Thus it becomes **ORDINANCE NO. 5541**

PROPOSED ORDINANCE NO. 2016-20

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2017

Mr. Bellovich reported the Budget and Finance Committee recommended the proposed ordinance should be adopted and moved for acceptance of same upon a second by Mrs. Voelker the motion carried.

Mayor Wood said it was to cover all the Non-Collective Bargaining employees of the city. He said the 1% raise included police and fire but he had some exceptions. Mayor Wood asked for a 5.7% increase for Ken Prince. He said Mr. Prince had gone beyond his duties. Mayor Wood said because of the consolidation of departments, they no longer had a department head level in the Redevelopment Department and he asked Mr. Price to oversee that. He acknowledged Mr. Prince's value to the city. Mayor Wood also asked for an exception for the IT Department. He said they have seen many employees in and out because of the pay, they can find more pay in private sectors. Mayor Wood said they have had to increase training in the IT Department to get

new employees up to speed, the longest serving employee was 3 years. Mayor Wood asked for a 3% increase for IT and had cut the budget by \$5,000, which would make a revenue neutral trade in the budget. He believes the increase would encourage IT employees to stay longer.

Mr. Canarecci asked if the Mayor had spoken with IT about finding jobs elsewhere.

Mayor Wood replied yes, they had lost several employees that had left for better paying jobs.

Mr. Mammolenti asked what the range of pay was for the Redevelopment Department Director. Mayor Wood answered \$50,000.

Mr. Mammolenti asked what a 5.7% increase would amount to. Rebecca Miller, City Controller said including the 1% it would be a \$4,000 raise.

Mr. Mammolenti thanked Mr. Prince for taking on more work and extended his appreciation for Mr. Prince's services.

Mr. Banicki asked Mr. Trippel, Council Attorney, if they could amend the City Employees Salary Ordinance at the end of the year. Mr. Trippel said yes they could.

Question was called for at 7:40 p.m. for **PROPOSED ORDINANCE NO. 2016-20**



Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. Thus, it becomes **ORDINANCE NO. 5542**

NEW BUSINESS

Mr. Mammolenti stated he and Mr. Deal would be hosting the Twin Branch Neighborhood Meeting on 9-21-2016 at the Harrison Road Fire Station # 4. He said the topic of discussion would be the Mishawaka School Referendum, guest speakers would be from the Collaborating Committee, Marsha Wells, Dick Curry, and School Board Members Holly Parks, Superintendent Dean Speicher and Assistant Superintendent of Curriculum Theodore Stevens at 7:00 p.m.

Mr. Tanner announced the Mishawaka Lions Club Fish Fry would be on 9-23-2016 at the Knights of Columbus at 5:00 p.m. to 8:00 p.m.

ADJOURNMENT 7:42 p.m.

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

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

AP 16-38

Joseph Chowattukunnel
54525 Fir Road
Mishawaka, IN 46545

SEP 20 2016

Ref: 3925 Fir Road, Mishawaka, INN 46545
Tax # 027-1059-1209

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 28 2016

CITY CLERK
MISHAWAKA, IN

To: Board of Zoning Appeals

The undersigned appellant duly certify that I am the owner of the following real estate located within the city of Mishawaka, in Penn Township, St Joseph County, Indiana, to-wit:

Part of the South Half (1/2) of the Southeast Quarter (1/4) of Section Thirty Four (34), Township Thirty Eight (38) North, Range Three (3) East, described as beginning at a point 641.5 feet South of the Northeast corner of the above described land, running thence west 616 feet to land heretofore conveyed to John C Stout; thence South 330 feet; thence East 616 feet; thence North 330 feet to the place of beginning, in St Joseph County, Indian, subject to highways, right of ways ; easements and restrictions of record.

The above referenced property is commonly known as 3925 Fir Road (previously known as 54931 Fir Road prior to city annexation of the same) Mishawaka, Indiana 46545.

The above referenced real estate presently has a zoning classification of I - 1 Light Industrial District under the Zoning Ordinance of the city of Mishawaka. The appellant has been using the said property as a self storage business for roughly 25 years. The above referenced property is located within the small commercial node at the corner of Fir Road and Day Road and is not in the immediate vicinity of any schools or residential neighborhood. The said property has chain link fence along the periphery and is separated from adjoining properties by adequate well matured landscape trees.

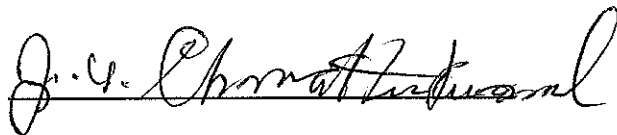
The applicant desires to use part of the property for a Lawn Mower Repair and sales business. This business has been in existence for over 5 years. This business involves repair of lawn mowers and is a small scale family owned business. This business doesn't involve sale of new lawn mowers. The business has a total of 2 employees and the site has adequate parking availability for its employees and any potential customers. This business doesn't emit any point

source pollution and has no hazardous waste generation other than limited amount of oil generated with oil change. The said waste has been traditionally collected in big drums and has been disposed according to environmental laws.

Lawn Mower sales and service is currently not a permitted use in I-1 light industrial district under the Zoning ordinance Sec. 137-586 (a) of the city of Mishawaka. The appellant feels that a strict adherence to the above ordinance will cause undue hardship to the property owners as well as the business owner. Free standing storage units have no business scope these days due to the multitude of multiunit storage facilities in the area. The owner therefore is left to make property tax at commercial rate and also make monthly utility payments. The owner of this property is over 80 years old and has only limited resources presently. The business itself is family owned and they are at risk of losing the same without a variance to the zoning ordinance Sec. 137-586 (a).

It is my impression that a variance to the above referenced zoning ordinance will not be detrimental to the general welfare, health, or safety of the public. As mentioned before, the said property is located within the small commercial node on Fir Road between McKinley and Day road. This business will have no impact on surrounding property values or will not add any significant traffic. It is my impression that the above business will be of great use to the public since it is located away from busy traffic. It should also be noted that there is already a gas station, car wash and convenient store within the immediate vicinity of this property. This business will have no impact on the Mishawaka 2000 comprehensive plan since this property is currently located within a small commercial district.

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



Joseph Chowattukunnel

574 259-3613 (HOME)
250-7320 (CELL)

Hello my name is Martha Guerra my husband Jack and I own Mowers and More. We have been open over 5 years at 1215 East Jefferson Blve. Mishawaka We had to move because our old shop was being sold and it was getting to small for our business. We repair outdoor equipment like push mowers. Riding lawn mowers, weed eaters, edgers, snow and leaf blowers anything with a small engine. We have no employees outside of the 2 of us. The place we moved to 3925 Fir rd. has parking spaces for at least 15 customers. Mowers and more recycles the used oil that is used here. Russ Allen from Marshall Co. picks it up and provides us with a new 50 gallon drum about once every 9 months. We do not dump or dispose of it in any drain or on the ground. We keep 200 lb of floor dry on hand at all times incase some oil gets dribbled on the concrete. We recycle everything we can nothing goes to the dump or in the trash. We take the used mower parts to Paul's Auto Yard and the plastic pieces go in our recycling container at home in South Bend. I can provide a list of customers for you at any time and I am always available to answer any questions you may have. Thank you for your consideration

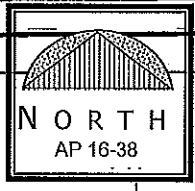
Mowers and More 3925 Fir Rd.
574-229-3492

Monday, September 19, 2016

9:30 PM

MISHAWAKA CITY
LIMITS

E DAY RD



AP 16-38

SAVANNAH PASS

Location Map

AP 16-38

JOSEPH CHOWATTUKUNNEL
3925 FIR ROAD

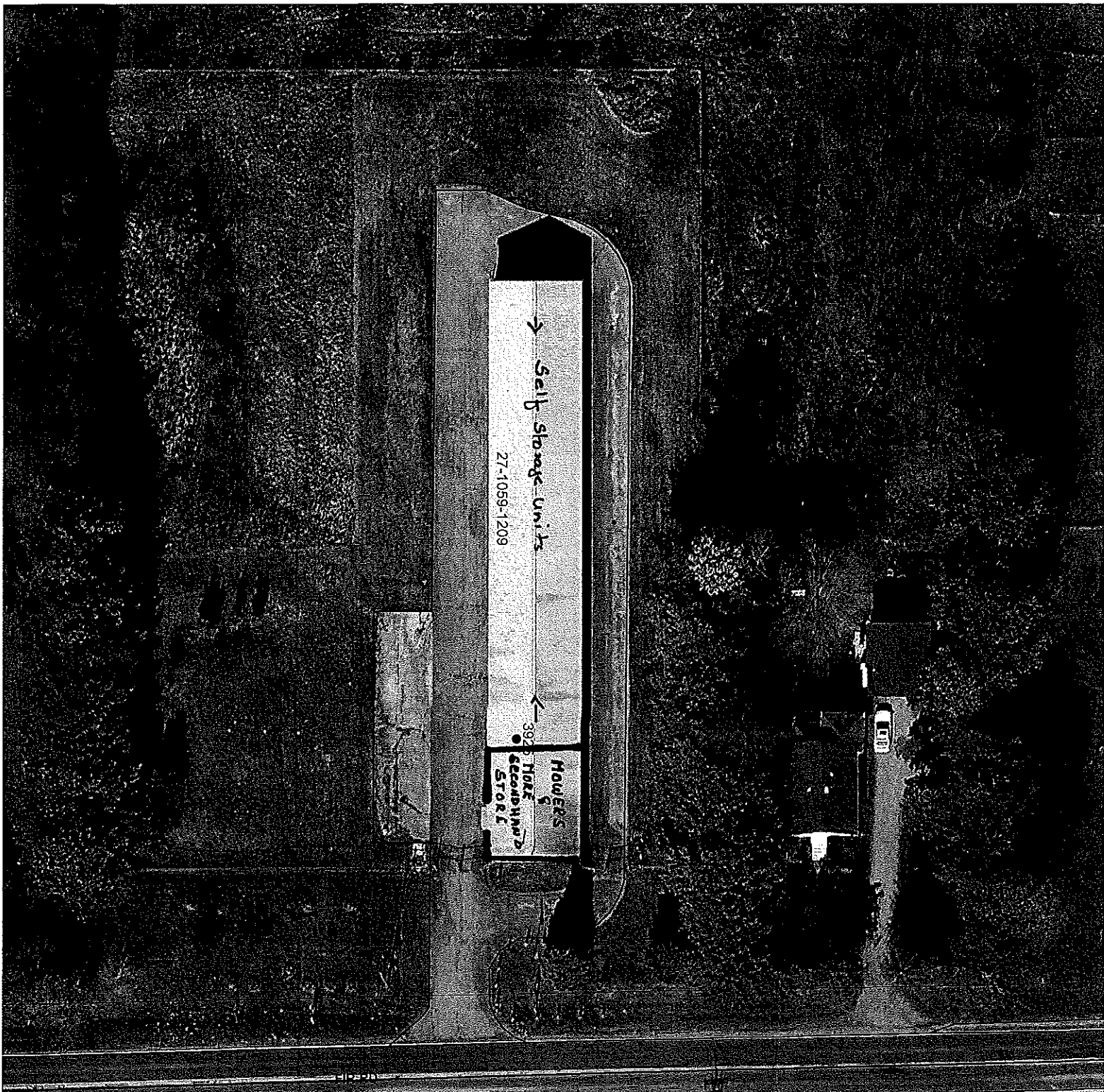
USE VARIANCE TO ALLOW
A LAWN MOWER REPAIR AND
RESALE RETAIL BUSINESS
WITHIN A SELF-SERVICE MINI
STORAGE FACILITY

FIR RD

MISHAWAKA
CITY LIMITS

RALEIGH CT

E LN



No. 2433

License, \$

0.00

Replacing Lic # 2418

LICENSE

Issued 8/3 2016

Expires 12/31 2016

City of Mishawaka

OFFICE OF CITY CONTROLLER

To All Whom it May Concern:

Mishawaka, Indiana,

August 3 2016

This is to Certify, That Martha Geneva Mowbray, now having paid into the City Treasury the sum of 2.00 DOLLARS,

as appears by the receipt of the City Controller, is hereby licensed to

Second hand store - 3925 1/2 N Rd

2016

within the City limits. This license to be in force for

provided the holder thereof shall conform to the requirements of the ordinances of said City in regard to such license.

IN TESTIMONY WHEREOF, Witness our hands and the Seal of said City,

this 3rd day of August 2016.

Hebert L. Miller
CITY CONTROLLER

N? 1135

04/30/2016 10:05AM
6800 lb INBOUND
ID 1135

Paul's Auto Yard
3300 Main Street
South Bend, Indiana 46614
(574) 231-0611

04/30/2016 10:27AM
GROSS 6800 lb RECALLED
TARE 5440 lb
NET 1360 lb
0-68 T
ID 1135

Material	TPW
Net Ton	1360
Price	130/TON
Amount	\$ 88.00

Tuesday, September 06, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 28 2016

CITY CLERK
MISHAWAKA, IN

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 Michael Thompson and Janice Johnson 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:

PARCEL I: A part of the West Half of the East Half of the Northeast Quarter of Section 10, Township 37 North, Range 3 East, described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 10; thence South, along the West line of, said Northeast Quarter of the Northeast Quarter of Section 10, 230.15 feet ; thence East 62 feet; thence North 229.93 feet to the North line of said Section; thence West 62 feet to the place of beginning, and being known as Lot Numbered One (1) on the proposed plat of Garn Brothers Subdivision of Lots Numbered 1, 2, 3, 4 and 5 of Schindler's Proposed Subdivision in the City of Mishawaka.

PARCEL II: Beginning on the North line of Section 10, Township 37 North, Range 3 East at a point 62 feet East of the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 10; thence South, parallel with the West line of the Northeast Quarter of the Northeast Quarter of said Section, 229.93 feet; thence East 62 feet; thence 229.71 feet to the North line of said Section, thence West 62 feet to the place of beginning and being known as Lot Numbered Two (2) on the proposed plat of Garn Brothers Subdivision of Lots Numbered 1, 2, 3, 4 and 5 of Schindler's Proposed Subdivision in the City of Mishawaka.

PARCEL III: Beginning on the North line of Section 10, Township 37 North, Range 3 East, at a point 124 feet East of the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 10; thence South, parallel with the West line of the Northeast Quarter of the Northeast Quarter of said Section, 229.71 feet; thence East 62 feet; thence North 229.49 feet to the North line of said Section; thence West 62 feet to the place of beginning- and being known as Lot Numbered Three (3) on the proposed plat of Garn Brothers Subdivision of Lots Numbered 1, 2, 3, 4 and 5 of Schindler's Proposed Subdivision in the City of Mishawaka.

Common Description: 1445 Mckinley Ave, Mishawaka, Indiana 46545

Pet 16-30

Parcel 4

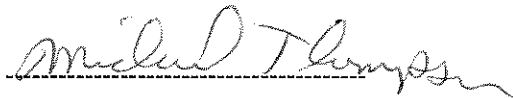
A part of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Numbered Ten (10), Township Numbered Thirty-seven (37) North, Range Numbered Three (3) East, described as beginning at a point on the West line of said Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Numbered Ten (10), Township and Range aforesaid, Two Hundred Thirty and Fifteen Hundredths (230.15) feet South of the Northwest corner of said Northeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section; thence running East Three Hundred Ten (310) feet, thence South Fifty (50) feet, thence West Three Hundred Ten (310) feet, thence North Fifty (50) feet to the place of beginning, and being known as Lot Numbered Six (6) on the unrecorded Plat of Garn Brothers Sub-division in the City of Mishawaka, St. Joseph County, Indiana. Subject to legal highways.

Common Description: 2123 Lynn Street, Mishawaka, Indiana 46545

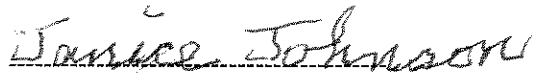
Petitioners own one hundred (100%) percent of the above described parcels of land which carries a zoning classification of R1 C1 and C4 District. Said property is commercial auto repair and retail auto sales .

Petitioners desire said real estate to be rezoned to C4 District. Petitioners further state that they intend to utilize said land for commercial auto repair , retail auto sales and parking.

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.



Michael Thompson

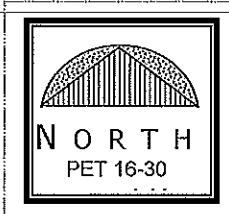


Janice Johnson

CONTACT PERSON

MICHAEL THOMPSON
1445 MCKINLEY AVE
MISHAWAKA, IN 46545

PH 574-256-1001
FAX 574-256-2988
Email AUTODIAG@COMCAST.NET



MAPLEHURST AVE

MISHAWAKA
CITY LIMITS

E MC KINLEY AVE

PET 16-30

E MC KINLEY AVE

N CEDAR ST

HURST AVE

LYNN ST

LYNN ST

E LA SALLE AVE

Location Map

PETITION 16-30

1445 E. McKinley Ave.

REZONING FROM R-1, C-1, AND C-4
FOR AN EXISTING AUTO REPAIR
AND SALES BUSINESS, AND SINGLE
FAMILY HOUSE TO C-4 FOR AUTO
REPAIR, SALES, AND PARKING

202 Ashbury Ct
South Bend, IN 46615
September 21, 2016

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

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 28 2016

CITY CLERK
MISHAWAKA, IN

RE: Petition to Rezone

The undersigned Gary G. Gholson and Karen McGrew Gholson respectfully show that 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:

Pet. 16-31

Legal Description: Exhibit A (attached)

Lots 2 ~~3 & 4~~

Lafayette Place Add

Sec 17 37 3E

SEP 21 2016

Commonly known as 2522 West 6th St., Mishawaka Indiana

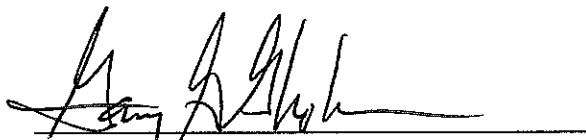
Petitioners own one hundred (100%) of the above described parcel of land which carries a zoning classification of I-1 Light Industrial District. Said property consists of 3 structures. Structure A is a single family residence that is currently vacant. Structure B is a small building once used as an office but currently used as personal storage. Structure C is used for personal storage. Please see **Exhibit B (attached)**

Petitioners desire said real estate to be rezoned to R-1 Single Family Residential District. Petitioners further state that they intend to utilize said property as follows.

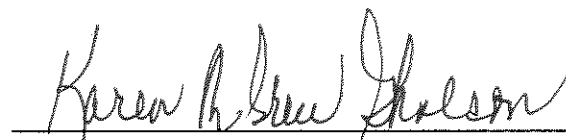
Structure A will be used as a single family rental property. Exhibit C (attached).
Structures B and C are to be used for personal storage. *CON LOTS 3 & 4 NOT
TO BE REZONED*

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

Respectfully Submitted by



Gary G. Gholson



Karen McGrew Gholson

Contact Person:

Gary G. Gholson

202 Ashbury Ct, South Bend, IN 46615

Home Phone: 574 289 1335 Cell Phone: 269 240 3055

Email: gggholson@comcast.net

Attachments

Exhibit A: Legal Description

Exhibit B: Ariel Photograph of property described in Legal Description/Site Plan (4 pages)

Exhibit C: Pictures of Structure A to be used as a single family rental property. (2 pages)

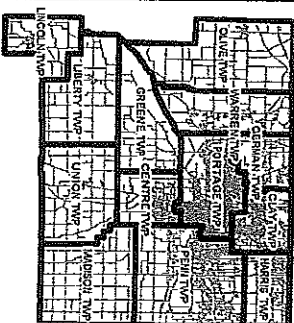
Exhibit D: Listing of Property Owners of Record within 300 feet of the subject Property (4 pages)

EXHIBIT
B-1



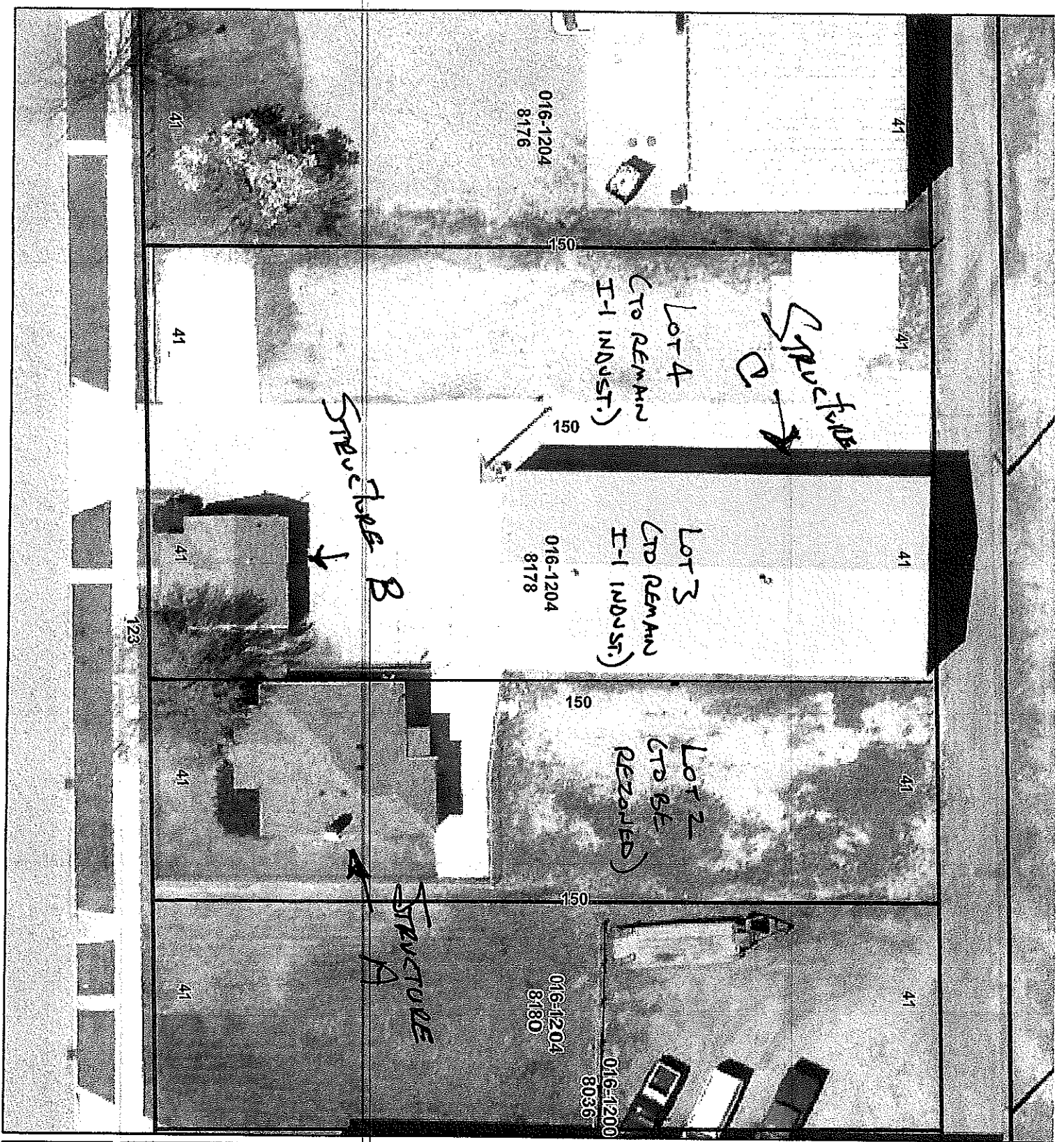
Information shown on this map is not warranted for accuracy or merchantability. Reproduction of this material is not possible without written permission of St. Joseph County, Indiana.

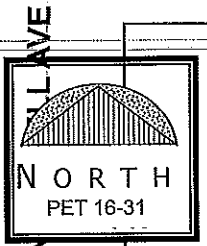
1 inch = 25 feet



Date Printed: 2015
Photography: Spring 2015

Prepared by
St. Joseph County Auditor's Office
227 W. Jefferson B
South Bend, Indiana 46
Phone: (574) 235-59





MONMOOR AVE

LINCOLNWAY WEST

PET 16-31

W SIXTH ST

QUEENSBORO AVE

S RUSSELL AVE

Location Map

PETITION 16-31

2522 W. 6th St.

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

1st Reading 9-19-16
2nd Reading
Passed
Failed
Continued To

PETITION 16-26

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. **2016-21**

ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 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, 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:

Lot 109 Ex N Pt for St. Adam S Bakers

COMMON ADDRESS: 1217 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 R-3 Multi-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are multiple zonings in the immediate vicinity and most of the structures are residential in use. This property's historic use as a multi-family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical multi-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-3 Multi-Family Residential is a desirable use for this property;

Proposed Ordinance No: _____

Ordinance No: 2016-21

4. As opposed to the range of potential commercial developments that could occur with its current zoning, rezoning this property to the R-3 Multi-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,
5. The City's Comprehensive Plan calls for General Commercial uses, however, its use as a multi-family residence is compatible with other residential uses in the area.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

AUG 31 2016

CITY CLERK
MISHAWAKA, IN

Erik & Linda Wälchli

52037 Woodridge Dr.
South Bend, IN 46635
+1 (574) 621-0096
Erik.USA@juno.com

August 11, 2016

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

AUG 12 2016

RE: PETITION TO REZONE

Ret 16-26

We, the undersigned petitioners, Erik and Linda Waelchli, respectfully show the Board to hopefully be the future owners (see enclosed authorization from Current Owner Susan L. Ganser) of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

- **Lot 109 Ex N Pt For St Adam S Bakers 1st 03-04**
Split To State For St Per Tr 11793 1-6-03
- Parcel ID 71-09-16-155-002.000-023
- Address 1217 Lincoln Way West
- Tax Key 016-1021-0851

The petitioners, given this rezoning petition is granted, plan to own one hundred (100%) percent of the above described property and parcel of land which carries a zoning classification of **C-1 Commercial** District. Said property is currently used as a private resident and apartments, and is already laid out for four (4) apartments.

The petitioners desire said real estate to be rezoned to **R-3 Multi Family** District. Petitioners further state that they intend to utilize said property and land to operate four (4) premier rental apartments; which is the reason for the rezoning request.

WHEREFORE, we the petitioners prays 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.



Erik Waelchli



Linda M. Waelchli

CONTACT PERSON:

Name: Erik Waelchli
Address: 52037 Woodridge Dr., South Bend, IN 46635
Day Phone Number: +1 574 621 0096
Fax Number: +1 574 272 3943
Email: erik.waelchli@IBDConnection.com

Susan L. Ganser
1217 Lincolnway West
Mishawaka, IN 46544

~~August~~ ^{July} 29, 2016

Board of Zoning Appeals City of Mishawaka, Indiana
and
Common Council of Mishawaka, Indiana
Mishawaka, IN 46545

Re: **RE-ZONING Filing AUTHORIZATION for**
Property at 1217 Lincoln Way West, Mishawaka, IN
Legal Description: Lot 109 Ex N Pt For St Adam S Bakers 1st 03-04 Split To State For St Per Tr 11793 1-6-03

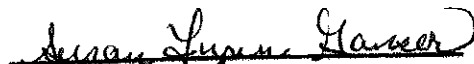
To Whom I may concern:

I, Susan L. Ganser, the owner and title holder of the property at 1217 Lincoln Way West, Mishawaka - IN, authorize Erik and Linda Waelchli to file a "RE-ZONING - Application" for the above mentioned property. This, because I am in negation with them on the sale of said property and their desire to purchase said property only if the requested variances is granted by your board.

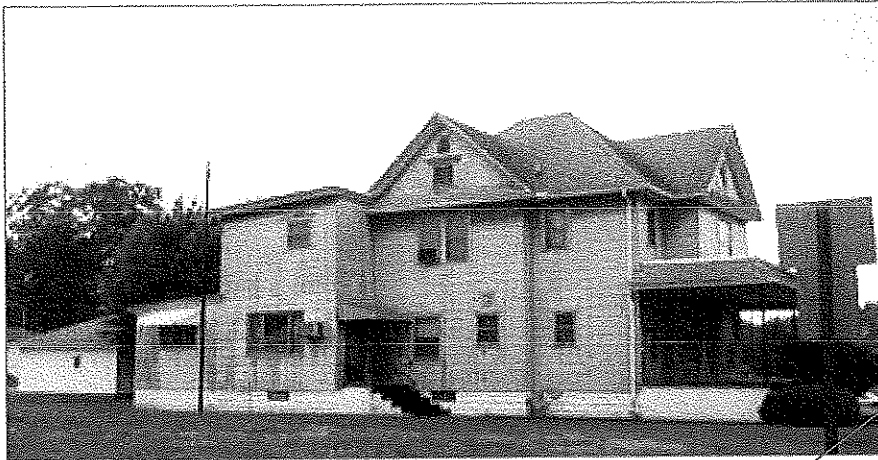
RE-ZONING Application requested by Erik and Linda Waelchli:

- Current zoning of the property is C-1 Commercial
- Desired zoning of the property is R-3 Multi-Family

Respectfully


Susan Lynn Ganser

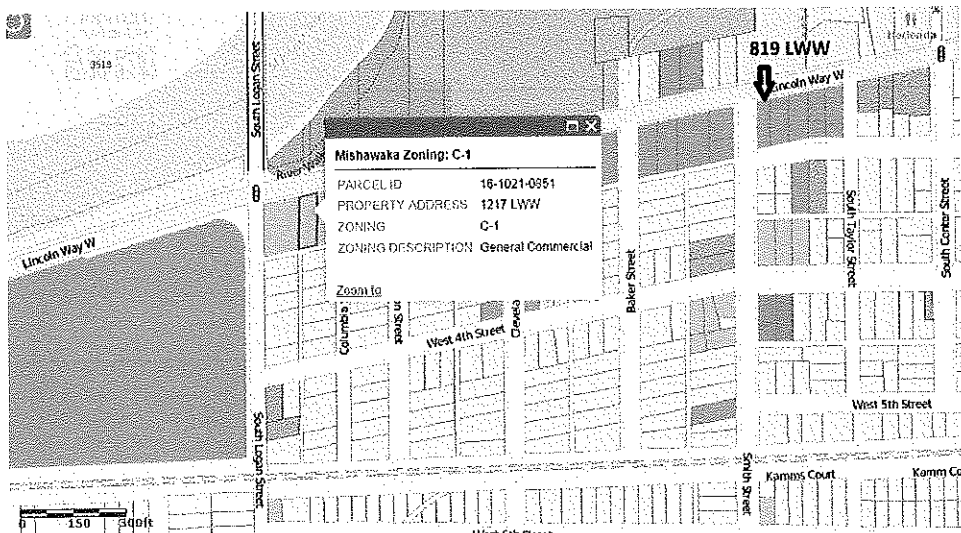
1217 Lincoln Way West Mishawaka



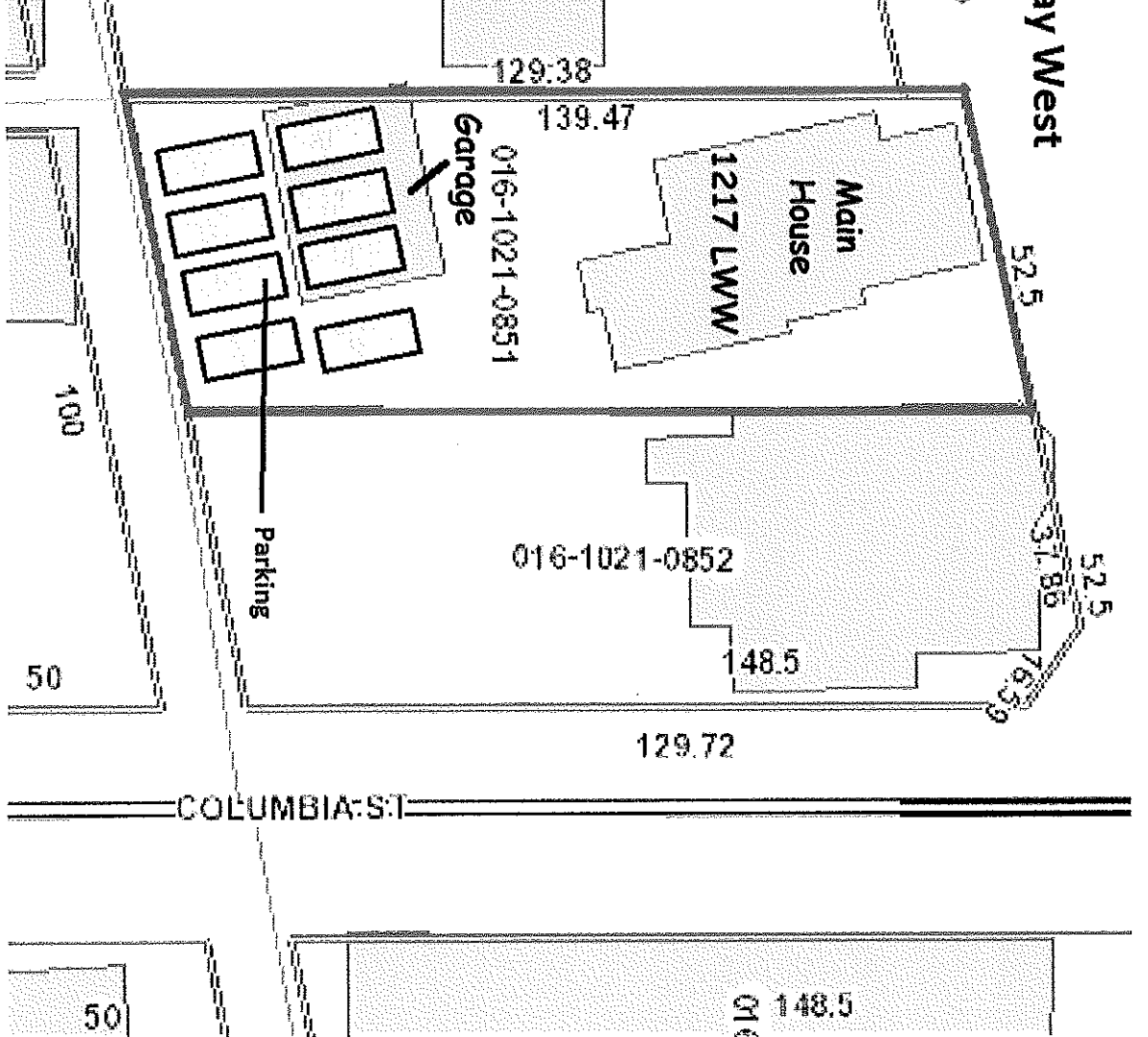
Property Outline



This building does not exist anymore, vacant lot



Situation Plan 1217 Lincoln Way West



ST. JOSEPH RIVER

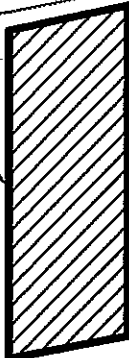
N LOGAN ST



LINCOLNWAY WEST

LINCOLNWAY WEST

PET 16-26



LOGAN ST

COLUMBIA ST

HARRISON ST

Location Map

PETITION 16-26

1217 Lincoln Way West

REZONING FROM C-1 TO R-3
FOR AN EXISTING HOUSE
TO BE USED FOR MULTI-FAMILY
RESIDENTIAL (4 UNITS)

W FOURTH ST

SEP 14 2016

PETITION #16-29

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. **2016-22**

ORDINANCE NO. _____

1st Reading 9-19-16
2nd Reading
Passed
Failed
Continued To

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION
THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

The North Half of the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 3 East, containing 20 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

A tract of land described as follows: Beginning at a point in the center of Fir Road, which point is the Southeast corner of said North Half of the Northwest Quarter of the Southeast Quarter of said Section 27; running thence West along the South line of said North Half of the Northwest Quarter of the Southeast Quarter of Section 27, 871.20 feet; thence North 100 feet; thence East 871.20 feet to the center of Fir Road; thence South 100 feet to the place of beginning, containing 2 acres, more or less.

ALSO, the Southwest Quarter of the Northeast Quarter of Section No. 27, Township No. 38 North, Range 3 East, lying South of the Indiana Toll Road.

ALSO, all that easterly right-of-way lying east of, and commencing at the southerly right-of-way of the Indiana Toll Road and the east line of the west half of the northeast quarter and the east line of the west half of the southeast quarter of Section 27; thence running southerly along said east lines, 1,240 feet, more or less, to the point of termination.

Said described parcel subject to any easements, covenants, and right-of-way of record.

Proposed Ordinance No. 16-22

Ordinance No. _____

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development subject to the following conditions:

1. Permitted uses shall be limited to a 390 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house and community pool.
2. Landscaping shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.
3. Landscaping and screening, including a compact row of evergreen trees and fencing, shall be required along a portion of the south property line immediately adjacent to the existing single-family residential house located at 53603 Fir Road.
4. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.
5. The extension of all utilities to the site shall be at the developer's cost and expense.
6. Road improvements along Fir Road shall be installed as determined by the Department of Engineering.
7. Additional right-of-way and easements along Fir Road shall be dedicated as part of the final site plan and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction. Conceptually, a minimum of 40' of additional right-of-way, establishing an 80' half right-of-way, shall be provided from the northeast corner of the property at the Indiana Toll Road to south of the northernmost access drive. Conceptually, a minimum of 20' of additional right-of-way, establishing a 60' half right-of-way, shall be provided south of the northernmost access drive to the southeast corner of the property.
8. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.
9. Total number of parking spaces required for shall be a minimum of 1.5 spaces per unit.
10. Building and pavement setbacks shall be a minimum of 30' from the proposed right-of-way line of Fir Road, the Indiana Toll Road right-of-way, and all other external/perimeter property lines.

Proposed Ordinance No. 16-22

Ordinance No. _____

11. Building materials and colors shall comply with the C-1 General Commercial Zoning District with the exception of allowing fiber cement board siding and trim materials on all buildings.
12. The architecture shall include garages and private entrances as conceptually identified.

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

1. Existing Conditions - The subject parcel is located on Fir Road, a currently moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City. The site is located immediately adjacent to a multi-family residential apartment complex to the west, a skilled nursing facility to the south, and an assisted living facility to the east.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from Day Road to the south to E. University Drive to the north vary greatly and include low-density single family residential homes in unincorporated St. Joseph County, a convenience store/gas station currently under development, a golf course, a skilled nursing facility, and an assisted living facility. Various commercial uses are present to north across the Indiana Toll Road and a multi-family residential apartment complex is located immediately adjacent to the west.
3. The most desirable/highest and best use - With the property's location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent multi-family residential uses, the most desirable use for the property is either residential or commercial.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed multi-family residential use is compatible with other adjacent multi-family residential and skilled nursing/assisted living facilities. Furthermore, the existing single-family residential property located to the south will be adequately screened with landscaping.
5. Comprehensive Plan - Although this property was identified with a preferred use as low-density residential (single-family homes) in the Mishawaka 2000 Comprehensive Plan, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

Proposed Ordinance No. 16-22

Ordinance No. _____

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

AUG 31 2016

CITY CLERK
MISHAWAKA, IN

DATE: August 24, 2016

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

RE: **PETITION FOR ANNEXATION AND ZONING CLASSIFICATION
SEGGERMAN PROPERTY**
53555 Fir Road, Granger, Indiana
(Tax Key No. 71-04-27-400-001.000-011)

The undersigned Terry L. Seggerman respectfully shows that she is the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

The North Half of the Northwest Quarter of the Southeast Quarter of Section 27, Township 38 North, Range 3 East, containing 20 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT:

A tract of land described as follows: Beginning at a point in the center of Fir Road, which point is the Southeast corner of said North Half of the Northwest Quarter of the Southeast Quarter of said Section 27; running thence West along the South line of said North Half of the Northwest Quarter of the Southeast Quarter of Section 27, 871.20 feet; thence North 100 feet; thence East 871.20 feet to the center of Fir Road; thence South 100 feet to the place of beginning, containing 2 acres, more or less.

ALSO, the Southwest Quarter of the Northeast Quarter of Section No. 27, Township No. 38 North, Range 3 East, lying South of the Indiana Toll Road.

ALSO, all that easterly right-of-way lying east of, and commencing at the southerly right-of-way of the Indiana Toll Road and the east line of the west half of the northeast quarter and the east line of the west half of the southeast quarter of Section 27; thence running southerly along said east lines, 1,240 feet, more or less, to the point of termination.

Said described parcel subject to any easements, covenants, and right-of-way of record.

AUG 24 2016

Pet 16-29

Petitioner owns One Hundred (100%) percent of the above described parcel of land located within Section 27 Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a "S-2" Planned Unit Development District zoning classification. Petitioner further states they intend to utilize said land for a multiple building residential apartment complex.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and conceptual development plan.

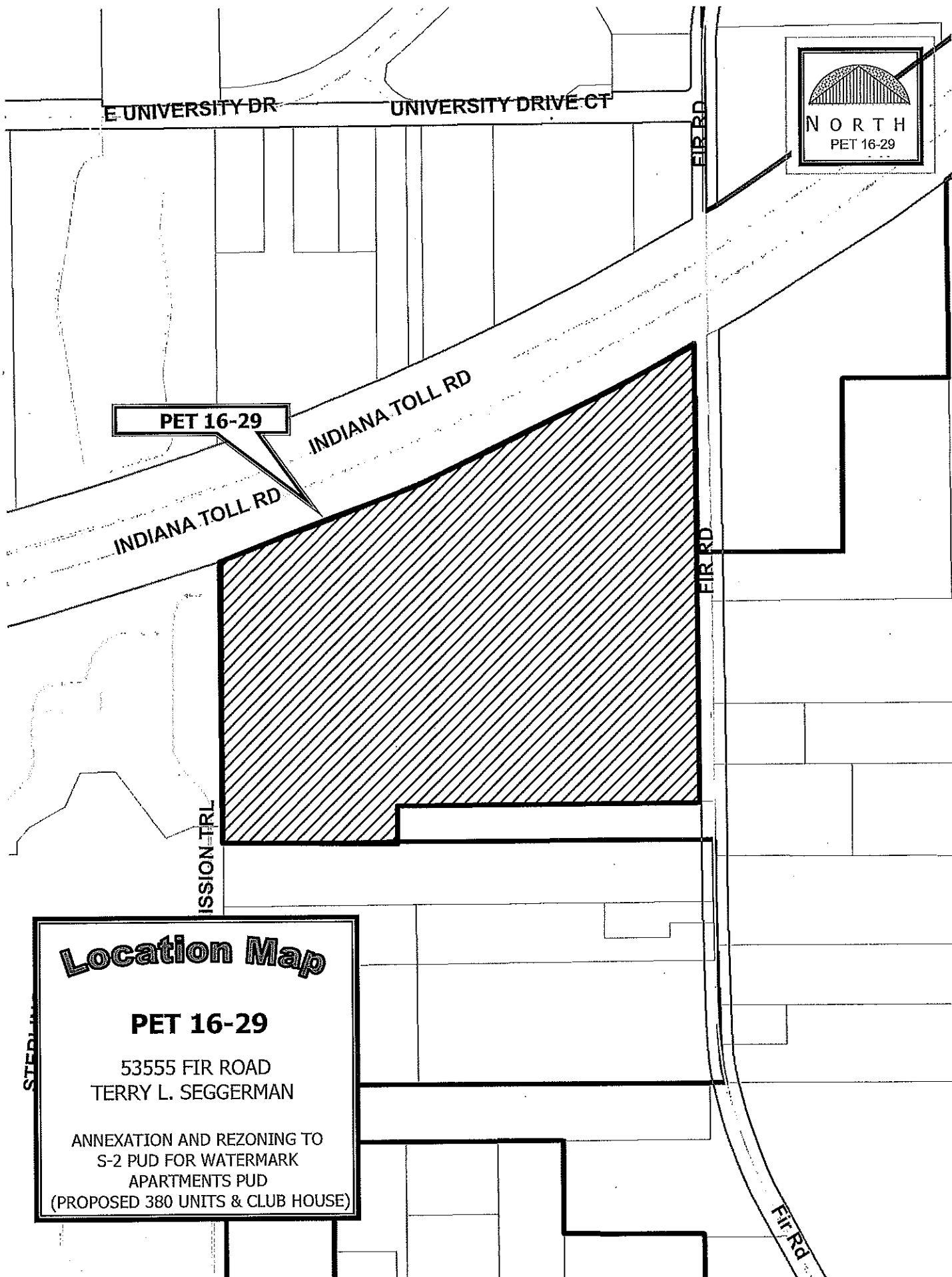
Petitioner further shows this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with an "S-2" Planned Unit Development District zoning classification.


Terry L. Seggerman, Owner

CONTACT PERSON:

Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com



E UNIVERSITY DR

UNIVERSITY DRIVE CT

FIR RD



PET 16-29

INDIANA TOLL RD

INDIANA TOLL RD

FIR RD

MISSION TRAIL

Location Map

PET 16-29

53555 FIR ROAD
TERRY L. SEGGERMAN

ANNEXATION AND REZONING TO
S-2 PUD FOR WATERMARK
APARTMENTS PUD
(PROPOSED 380 UNITS & CLUB HOUSE)

Fir Rd

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4

Proposed Ordinance No. 2016-23 Ordinance Number:

Be it ordained/resolved by the **City of Mishawaka Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2017** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **City of Mishawaka Common Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
City of Mishawaka Common Council	Common Council and Mayor	10/17/2016

DLGF-Reviewed Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0061	RAINY DAY	\$0	\$0	0.0000
0075	COIT SPECIAL DISTRIBUTION	\$140,000	\$0	0.0000
0101	GENERAL	\$31,586,392	\$24,869,649	2.2348
0254	LOCAL INCOME TAX	\$2,750,099	\$0	0.0000
0341	FIRE PENSION	\$2,203,492	\$0	0.0000
0342	POLICE PENSION	\$1,467,024	\$0	0.0000
0706	LOCAL ROAD & STREET	\$500,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$3,363,160	\$679,307	0.0610
1151	CONTINUING EDUCATION	\$65,000	\$0	0.0000
1191	CUMULATIVE FIRE SPECIAL	\$45,443	\$0	0.0000
1301	PARK & RECREATION	\$3,384,242	\$3,432,346	0.3084
1310	PARK NONREVERTING - CAPITAL	\$363,000	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$0	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$500,000	\$1,238,983	0.1113
2411	ECONOMIC DEV INCOME TAX CEDIT	\$3,678,131	\$0	0.0000
6290	CUMULATIVE SEWER	\$500,000	\$686,048	0.0616
		\$50,545,983	\$30,906,333	2.7771

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 19 2016

CITY CLERK
MISHAWAKA, IN

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4

Name		Signature
Ross Deal	Aye ☐ Nay ☐ Abstain ☐	
Ronald Baricki	Aye ☐ Nay ☐ Abstain ☐	
Mary Willson (Kate Voelker)	Aye ☐ Nay ☐ Abstain ☐	
Bryan Tanner	Aye ☐ Nay ☐ Abstain ☐	
Matthew Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Michael Compton	Aye ☐ Nay ☐ Abstain ☐	
Michael Bellovich	Aye ☐ Nay ☐ Abstain ☐	
Joseph Canarecci	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah S. Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Misti D. Horvath, Deputy Controller

Date: September 15, 2016
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: City Budget

For 1st reading on Monday is the City Budget. I'm looking forward to discussing all budgets with you in the upcoming weeks. Needless to say it's been an arduous process this year. I'll have budget books for your review at the pre-Council.

Please contact me with any questions.

c: David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 15 2016

CITY CLERK
MISHAWAKA, IN