

AGENDA

Monday, November 21, 2016

State Mandated Internal Control Webinar 6:00PM

**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**

November 09, 2016

5. Petitions, Communications, Remonstrance and Memorials

A letter from the City Plan Commission regarding recommendations from their November 15, 2016 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2016-33 Amend Ridgemont Crossing PUD NE Corner of Fir Rd & Dragoon Tr. to allow Multi-family Residential Uses 516 Units and Club House

P.O. NO. 2016-34 Vacation of Right of Way of all Platted & Dedicated Streets Ridgemont Crossing Section Two Final P.U.D.

P.O. NO. 2016-35 Annex and Zone from R-1 to R-3 Multi-family 15057 & Cleveland Rd.

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2016-28 Transfer Funds - Fire Dept. - \$50,000.00 (Assigned to Budget and Finance Committee)

P.O. NO. 2016-29 Establishing a Local Road and Bridge Matching Grant Fund (Assigned to Budget and Finance Committee)

P.O. NO. 2016-30 Amending Miscellaneous Traffic Codes (Assigned to Public Health & Safety Committee)

P.O. NO. 2016-31 Amending the Sewer Insurance Program (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

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

November 9, 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 November 9, 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 Trippel Council Attorney, Chief Deputy I Mary Ellen Hazen, Raven Boston, Intern.

The minutes from the October 17, 2016 meeting were approved as received from the City Clerk's Office.

Clerk Block presented the following Petitions to the Council, who referred them to the City Plan Commission, for their recommendation.

PETITION NO. 16-32

Annex and Zone from R-1 to R-3 Multi-Family
15057 & 15151 Cleveland Rd.

PRESENTATION OF THE MILITARY HOMETOWN HERO BANNER PROGRAM

Mayor Wood said every day and every year on the 11th day of November they celebrate their Veterans. He said that this year they had a lot to celebrate to honor their veterans including the construction of the new VA Hospital on the Northside and the recent completion of the beautiful Veterans Memorial at the Center for Hospice Campus near the Riverwalk. Mayor Wood said he was proud of a new initiative that Councilmen Deal proposed to him last year after traveling to California. He said Mr. Deal noticed in the city of Anaheim they displayed banners of their veterans along the city streets and Mr. Deal felt it would be a wonderful way for the City of Mishawaka to honor its veterans. Mayor Wood went on to say he was easily convinced about the idea. He mentioned they formed a committee and discussed the banners design and program. Mayor Wood stated the Military Hometown hero banner program was created to honor and recognize military personnel, active, honorably discharged, or deceased that called Mishawaka their hometown. He said the banners would be displayed on street lamppost from Memorial Day to Veterans Day. Mayor Wood explained the banner would have the service person's name, the military branch they served, and a picture. He said on the banner those who died in the line of duty would have a gold star, honorably discharged would have a blue star, and active duty would have a white star. Mayor Wood stated the City of Mishawaka would be responsible to hang and remove the banners. He said after removal the banner would be retained by the purchaser. Mayor Wood informed more information regarding the program would be on the city website or

the Mayor's office. He thanked his Administrative Assistant Lou Ann Hazen and Councilmen Deal for his passion and bringing the idea to the city.

Mr. Deal was very proud of the program and grateful for the allowance of the program to move forward. He said on his travel he was amazed about the banners and thought it would be great to bring to Mishawaka and proposed it to the Mayor. Mr. Deal mentioned Lou Ann Hazen, Mayors Administrative Assistant, Tim Ryan, Street Commissioner Rick Springman, Electric Department Manager, Brent Chupp, Web Developer got involved and discussed the parameters, the cost, application process, and banner design. He said veterans wrote a blank check payable to the United States Government for any amount including their life. Mr. Deal mentioned the 132 names of Mishawaka citizens on the wall in the lobby of City Hall. He said those individuals paid the ultimate price in defense for freedom and each sacrifice had a story. Mr. Deal introduced his mother Pam Deal and father Sherman Deal to unveil the prototype banners. He explained one of the banners was of him and the other banner was in honor to his uncle Jack Deal a 1941 graduate of Mishawaka High school. Mr. Deal said after America entered World War II his uncle joined the U.S. Army Air Corp stationed in Italy with the 15th Air Force. He said his uncle died in 1944 at the age of 23 when his plane was shot down in a combat mission. Mr. Deal expressed he could not think of any better way for Mishawaka to show pride to the men and women who answered the countries call putting their own lives and dreams on hold while serving the greater good. He expressed his excitement about the Veteran Hero Program and grateful for all that made the program happen.

Mr. Bellovich expressed his appreciation as a veteran. He commented the program was great.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-28.**

PROPOSED ORDINANCE NO. 2016-28

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING BUDGET DECEMBER 31, 2016**

(Transfer of funds- Fire Dept. \$50,000)
(Assigned to Budget and Finance Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2016-29**

PROPOSED ORDINANCE NO. 2016-29

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF
THE CITY OF MISHAWAKA, INDIANA, ESTABLISHING
A LOCAL ROAD AND BRIDGE GRANT FUND**

(Assigned to Budget and Finance Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2016-30**

PROPOSED ORDINANCE NO. 2016-30

AN ORDINANCE AMENDING TITLE VIII, CHAPTER 58, OF MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE TRAFFIC CODE” OF THE CITY OF MISHAWAKA, INDIANA
(Assigned to Public Health and Safety Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2016-31**

PROPOSED ORDINANCE NO. 2016-31

AN ORDINANCE AMENDING CHAPTER 62, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE SEWER USE ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA
(Sewer Insurance Program)
(Assigned to Budget and Finance Committee)

Clerk Block read **RESOLUTION NO. 2016-31** opening it for public hearing.

RESOLUTION NO. 2016-31

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY’S PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA, AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION
(Addition of property parcels to the city acquisition list)

Mayor Wood said they want to add several properties to the acquisition list that was required by resolution. He said the administration was looking to purchase five parcels of property on two separate proposed acquisitions. Mayor Wood explained first the former Papa Joes site, which includes four parcels: the restaurant site structure, an adjacent single family home, and two properties across the street that served as parking lots. He listed the property addresses of 1204, 1207, 1208, and 1209 Union St. Mayor Wood explained the purpose of the acquisition was to

bank the land and use it for future widening of Union St. He said there were no immediate plans to do the improvement at this time but would do so when funding was permitted. Mayor Wood understood the former owners of Papa Joe's were no longer interested in operating the restaurant. He felt it was in the cities best interest to purchase the uninsured buildings and acquire the properties. Mayor Wood said they would also like to acquire the blighted property at 227 E. 4th St. He explained the property was an older commercial structure that was previously condemned by the St. Joseph County Health Department. Mayor Wood stated the property had been vacant for some time after the owner passed. He said the property was leaning to one side and assessed by animals. Mayor Wood explained once the property was acquired it would be converted to single-family housing, likely Habitat for Humanity.

Question called for at 7:17 p.m. for **RESOLUTION NO. 2016-31**  **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.**

Clerk Block read **RESOLUTION NO. 2016-32** opening it for public hearing.

RESOLUTION NO. 2016-32

INDIANA BOND BANK FUEL HEDGING PROGRAM 2017

Rebecca Miller, City Controller said they would like to continue their participation for the 9th year for the Indiana Bond Bank Motor Fuel budgeting program. She explained it was an insurance program to protect against fluctuations in the market and to stay within the budget. Ms. Miller said the current fees were roughly \$300 to \$400 a month in cost. She believed it had been a stable program.

Mrs. Voelker asked how much was saved over the 9 years. Ms. Miller explained it was not necessarily a savings program; it was more of insurance policy to stay in budget. She said the Bond Bank makes a set collar, which is the dollar amount the city would pay. Ms. Miller explained they pay what was budgeted, when prices go above the set collar amount, the bond bank reimbursed the city, if the prices go below the set collar amount, the city would still pay the bond banks set collar amount. She said when a budget was set they would not have to worry about fluctuation.

Mr. Canarecci asked how much was the dollar amount for the collar and if it was arranged. Ms. Miller said yes it is arranged.

Mr. Canarecci asked if the dollar amount was set on the contract date. Ms. Miller replied it was set once the entities were involved and they go out to market. She said the market price was good for a year.

Mr. Canarecci asked if other cities had this program. Ms. Miller said not all cities participate in the program. She said the membership had diminished some but it was meant for schools and cities with a lot of vehicles such as buses for the schools and vehicles for municipalities.

Mr. Canarecci understood the fuel budget was lowered by 25%. He asked was that due to not making the previous budgeted amount and how much was spent. Ms. Miller said yes, \$500,000 to \$600,000.

Mr. Bellovich asked for clarification that they would pay \$48,000 a year for an insurance policy that would hold them to their budget. Ms. Miller replied correct.

Question was called for at 7:24 p.m. for **RESOLUTIONS 2016-32**  **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.**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-24** opening it for public hearing

PROPOSED ORDINANCE NO. 2016-24

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2016

(Transfer of funds- MVH /Street Dept. \$42,000)

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

Tim Ryan, Street Commissioner said the transfer would keep them in their budget to the end of the year for maintenance supplies for their snow plow vehicles, utility charges and uniform rentals.

Mrs. Voelker thanked the Street Department for doing a great job with leaf pick up.

Question was called for at 7:27 p.m. for **PROPOSED ORDINANCE NO. 2016-24**  **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.** Thus it becomes **ORDINANCE NO. 5546**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-25** opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-25

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2016

(Transfer of funds- Central Services Dept. \$45,000)

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

Tim Ryan, Street Commissioner said this line of transfer was for the general fund vehicles with the exception of parts. He said majority of their general fund repairs are on their squad cars. Mr. Ryan explained the transfer would keep the two lines healthy. He said one was for inside repairs and parts and the other line was for \$15,000 dollars was for any out sourcing that may be needed for the remainder of the year.

Question was called for at 7:30 p.m. for **PROPOSED ORDINANCE NO. 2016-25**  **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.** Thus it becomes **ORDINANCE NO. 5547**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-26** opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-26

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 R-1, C-1 & C-4 to C-4 for Auto Repair, Sales & Parking 1445 E. McKinley Ave.)

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

Michael Thompson the owner of property at 1445 E. McKinley, said he leases his property to his company Thompson Auto Diagnostics an automotive repair company. Mr. Thompson explained he has owned the property for 24 years and had been in business for 28 years. He said his next-door neighbor Janice Johnson approached him to make an agreement to purchase her lot. Mr. Thompson explained he would use the additional space for parking. He said he currently had 24 parking slots and with the acquisition of his neighbor's lot, it would be an additional 77 parking slots. Mr. Thompson mentioned the current tenant using the lot for auto repair had the tendency to fill 24 slots. He said they had a valid used car dealer license and with additional 77 slots, they could accommodate parking for the for sale cars.

Larry Crider of Crider Motors said he has known Mr. Thompson the 24 years he had been there and he was a good neighbor. Mr. Crider stated he was in favor for Mr. Thompson request.

Judith Elia, Janice Johnson's sister said her sister decided she could not maintain her entire property at her age. Ms. Elia explained they approached Mr. Thompson to purchase her property that was behind his building. She said her sister would still reside in the house on the property. Ms. Elia and her sister Janice believed it was the best thing to do. She said it would make an

excellent piece of commercial property. Ms. Elia expressed Mr. Thompson was a good investment for the City of Mishawaka and he would take care of the property.

Mr. Compton asked for clarification of Ms. Johnson agreement with Mr. Thompson that she could stay in the house on the property as long as she was capable. Ms. Elia replied yes.

Mr. Canarecci asked were there plans for the property if Ms. Johnson were to move out of the house. Ms. Elia said Mr. Thompson would demolish the house.

Mr. Canarecci asked if there was a rent agreement. Ms. Elia explained it was an agreement between Ms. Johnson and Mr. Thompson and no rent would be involved. Mr. Thompson mentioned his conversation with City Planner Ken Prince, once the property rezones from R-1 to C-4 it would become a non-conforming property. He explained he would not have the ability to rent or lease to anyone. Mr. Thompson said when Ms. Johnson moves from the property, he would demolish, fill, and grass the property.

Mr. Canarecci asked about concerns of Ms. Johnson residing in the house after the property zones to C-4. Mr. Thompson said he could not do any improvements to the property.

Mr. Tanner commented it was a great example of neighbors being good neighbors.

Question was called for at 7:39 p.m. **PROPOSED ORDINANCE NO. 2016-26**  **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.** Thus it becomes **ORDINANCE NO. 5548**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-27**

PROPOSED ORDINANCE NO. 2016-27

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 I-1 to R-1 for Existing Single Family Residential House 2522 W. 6th St.)

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. Compton motion carried.

Gary Gholson owner of the property at 2522 W. Sixth Street said, the property had been vacant since he's owned it for 3 years. Mr. Gholson stated the property was previously zoned R-1 then automatically reverted to I-1 Light Industrial due to vacancy. He said he would like to move in a friend who needed a home.

Question was called for at 7:42 p.m. **PROPOSED ORDINANCE NO. 2016-27**  **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. Thus it becomes **ORDINANCE NO. 5549**

PRIVILEGE OF THE FLOOR

NEW BUSINESS

Mr. Emmons announced his neighborhood meeting would be on Thursday, November 17th at 7:00 p.m. He stated the speaker would be Phil Blasko, Park Superintendent discussing ideas for improvements to Mary Gibbard Park. Mr. Emmons said any suggestions or opinions are welcome.

Mr. Deal announced the Twin Branch Neighborhood Meeting would be Wednesday November 16th at Twin Branch School at 7:00 p.m. He stated the speaker would be Phil Blasko, Park Superintendent discussing improvements to Twin Branch Park.

Mr. Tanner announced the next Oaks Neighborhood Meeting would be in March 2017.

ADJOURNMENT 7:45 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

November 16, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 17/2016

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
November 15, 2016, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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 #16-27 A petition submitted by H & G Real Estate, LLC, requesting to amend the Ridgemont Crossing Planned Unit Development to allow multi-family residential uses.

The Commission, with a vote of 5-0, forwarded an unfavorable recommendation. If approved, staff would recommend it be subject to the attached conditions and development standards.

PETITION #16-28 A petition submitted by H & G Real Estate, LLC, requesting to vacate all platted and dedicated streets within a portion of the Ridgemont Crossing Section Two Final Planned Unit Development.

The Commission, with a vote of 6-0, recommended approval.

PETITION #16-32 A request submitted by Larry M. and Christine A. Cole requesting to annex and zone **15057 and 15151 Cleveland Road, Granger**, to R-3 Multi-Family Residential.

The Commission, with a vote of 6-0, recommended approval.

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Anthony Zappia
Mike Danch

**PETITION #16-27
RIDGEMONT CROSSING PUD AMENDMENT**

Proposed Uses:

1. The final planned unit development plat and site plans shall be consistent with the three use (Parcel) areas identified in Exhibit 'A' as prepared by staff. Although the width and depth of parcels may be modified based on actual configurations developed in the construction drawing phase, the area of the use, general layout, and concept shall follow Exhibit 'A'. Substantial changes to any proposed uses shall require both a rezoning and change of the preliminary planned unit development site plan, if proposed. Uses permitted within each parcel shall be as follows:

Parcel 1-	Area- Uses-	Maximum of 21.33 Acres Multi-family residential not to exceed 360 units. Market rate as committed by the developer. Construction costs will not be subsidized by Federal, State, or local tax dollars or tax credits. Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision
Parcel 2-	Area- Uses-	Minimum of 13.0 Acres Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision
Parcel 3-	Area-	The residual acreage, roughly 10.5 acres. Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision

Traffic Impact:

1. The developer shall install a center left turn lane and designated right turn lane within both Dragoon Trail and Fir Road in the areas of the proposed entrances. Given the proximity of the entrances to the intersection of Fir Road and Dragoon Trail, the City Director of Engineering may require the developer to carry the required turn lane improvements to or through the intersection of Fir Road and Dragoon Trail or potentially require the developer to move the entrance further away from the intersection so that the resulting geometry is clear and meets conventional standards.
2. Any additional right-of-way required for Fir Road or Dragoon Trail associated with the proposed development project area shall be dedicated. Right of way shall include 40' from center for both streets with a potential corner cut at the intersection of Fir Road and Dragoon Trail. Outside of the right of way, a 15' wide utility, walk and landscape easement shall be provided along both Fir Road and Dragoon Trail. The developer shall coordinate the timing of pending City improvements with the needed/required

improvements of the development. Required improvements shall be directed by and subject to the approval of the City Director of Engineering.

Internal Road and walkway connections:

1. The developer shall provide a separate construction access from Dragoon Trail to the proposed single family subdivision which is intended to complete the Ridgemont Crossing subdivision. The intent is to limit the number of heavy equipment trucks going through the residential subdivision. This shall be required to remain in place until roughly 90% of the homes/infrastructure of the single family subdivision is in place and may be removed only when deemed acceptable by the City Director of Engineering. This access shall be shown and improved as part of any final plat or site plan completed for either the apartments or residential subdivision.
2. The developer is responsible for coordinating with the Ridgemont Crossing Home Owners Association and adjacent property owners regarding what happens to the Cane River Drive stub street as part of any final site plan filed for the proposed apartment project. At the request of the Home Owners Association and adjacent property owners, the developer shall be responsible for removing this stub street and providing for grading of the area, drainage and curb modifications to Gauley River Drive. If the homeowners association/property owners desire the stub street to remain, or cannot agree/refuse to provide direction to the developer, the stub street shall remain in place. The developer shall also be responsible for working with the applicable title companies to resolve the gap in property ownership resulting from the bankruptcy transfer and platting errors. Clear ownership and access to this gap property shall be identified as part of or prior to any final plat or site plan approval for any of the three parcels identified herein.
3. At a minimum, a 5' wide concrete internal sidewalk shall be provided throughout the proposed apartment development and shall be extended to the right-of-way line of both Fir Road and Dragoon Trail.

Stormwater Run-off/Utilities:

1. The quantity and type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. If not otherwise addressed, the developer must accommodate the storm water management needs for the entire Ridgemont Crossing subdivision as part of phase 1 of any project. This would include the apartment project, the single family portion, or the undeveloped vacant land.
2. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as approved by the City Director of Engineering.
3. The developer is responsible for extending and completing infrastructure in the previously platted phases of Ridgemont Crossing only as necessary to serve the proposed new single family section of Ridgemont Crossing (parcel 2). This infrastructure shall be completed or bonded for as part of any new single family plat as required by the City Director of Engineering.

Lighting:

1. Parcel 1- All site lighting for parcel 1 shall be limited to 25 feet in height. 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures for parcel 1. Ornamental lighting similar to the City standard Sternberg lights may be provided in lieu of cut-off fixtures subject to the review and approval of the Planning Commission. No pole mounted fixtures shall be provided within 100 feet of the north property line of Parcel 1. No more than 1 fixture shall be provided per pole and the wattage shall not be greater than 250 watts. The average/design level of illumination for areas within Parcels 1 shall not exceed 0.5 footcandles.
2. Parcels 2- All site lighting for parcels 2 shall be consistent with the existing Ridgemont Crossing subdivision.
3. A lighting plan shall be submitted with each final planned unit development plan/plat submission.

Signage:

1. A maximum of two ground mounted signs may be permitted on Parcel 1, one at each proposed entrance. Each sign shall not exceed 8' in height and shall utilize a masonry base that matches the proposed building architecture. A maximum display area of 32 square feet shall be permitted for each sign.
2. Temporary signage and flags shall comply with the on premise sign ordinance of the City

Building Limitations/Architecture (Parcel 1):

1. The proposed apartment architecture shall utilize masonry materials on a minimum of 2/3 of all building facades that isn't glass. Masonry shall include standard masonry brick or stone. Larger concrete blocks may not be included within this 2/3 requirement. The remaining 1/3 of the building facades shall be masonry or incorporate other high quality materials such as fiber cement board or other wood or composite lap siding. Vinyl siding or metal building panels shall not be permitted
2. Balconies or patios shall be provided for all units.
3. Proposed apartments shall maintain a minimum of a 120' building setback from the existing and proposed Ridgemont Crossing single family home subdivision. A 60' building setback shall be provided along both Dragoon trail and Flr Road.
4. Proposed apartments may not exceed more than three stories and may not exceed 40' in height.

Parking/Landscaping/Fencing/Dumpster (Parcel 1):

1. A minimum of 1.5 parking spaces shall be provided for each proposed apartment unit.

2. A 50 foot wide green space buffer with a 4-foot high earthen berm and planting shall be provided between the existing and proposed single family residential subdivision and the proposed apartment construction on Parcel #1. Planting on the berm shall include spruce and/or fir evergreen trees planted in a triangular spacing no further than 12' feet apart for the entire length of the buffer. At the time of planting, trees shall be a minimum of 8' in height. Deciduous shade trees shall also be planted within the same 50 foot buffer no greater than 40 feet on center, and shall be a minimum of 3" in caliper at the time of planting. Within the required buffer, a minimum of 21 ornamental trees shall be dispersed uniformly throughout the entire buffer area in clusters of 3. Ornamental trees shall be a minimum of 2" in caliper at the time of planting.
3. C-1 general commercial landscaping standards shall be required along the entire length of Fir Road and Dragoon Trail, and within proposed parking lot areas. Foundation plantings shall be provided at the base surrounding all buildings.
4. Dumpsters and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the apartment buildings. Dumpster locations shall be located minimum of 100 feet south of the north property line.
5. A standard 6' solid vinyl or composite board fence shall be provided along the north property line between the proposed apartments and the existing and proposed Ridgemont Crossing single family residential subdivision. A 4' high black ornamental steel or aluminum commercial grade picket fence shall be placed along both Fir Road and Dragoon Trail for the entire length of the proposed apartment project.

Single Family Residential Development Standards:

1. The proposed platting of lots to complete the existing Ridgemont Crossing Subdivision shall provide for lot sizes, setbacks, and covenant restrictions to match the existing Ridgemont Crossing subdivision. A preliminary planned unit development site plan shall be provided for the entire remaining vacant single family property prior to filing any final plat that divides the apartment property from the remaining land.

Reversion of Apartment Zoning:

1. The developer shall file a final planned unit development site plan within one calendar year and start construction of the apartment project within 18 months of the date of approval of the Common Council. If either one of these dates are missed, the apartment use for the property shall be considered null and void and shall revert back to single family residential. This provision has been placed to allow the City to adjust conditions relative to changes that may occur over time.

STAFF REPORT

General Location: Northeast Corner of Dragoon Trail and Fir Road
Originally platted as part of the Ridgemont Crossing
Subdivision

NOV 15, 2016
Date: October 11, 2016

Petition: 16-27 H & G Real Estate LLC request to establish Zoning,
and Preliminary Planned Unit Development Site Plan
for apartments, single family homes, and undeveloped
property

Prepared By: KBP

GENERAL INFORMATION

Applicants: H and G Real Estate LLC

Status: Property Owner

Request: To establish zoning, and approve a preliminary planned unit development site plan to allow for the construction of a 360 unit multi-family residential apartment complex, while reserving land for the completion of the existing Ridgemont Crossing Subdivision and maintaining an outlot for future unspecified development

Existing Zoning: S-2 Planned Unit Development (Single-Family Residential)

Proposed Zoning: S-2 Planned Unit Development (Multi-Family Residential)

Lot Size: 44.77 Acres. Requesting to change 21.33 acres to multi-family residential

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District, Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern:

North:	S-2 Planned Unit Development (Ridgemont Crossing Single Family Residential subdivision and R-4 Manufacturing Home Residential (Village Green Mobile Home Park)
South:	S-1 Extensive open space (George Wilson Park)
East:	Unincorporated St. Joseph County (Industrial Park-Executive Drive)
West:	Unincorporated St. Joseph County (Single Family Residential) S-2 Planned Unit Development (Rosewood Single Family Residential subdivision)

Thoroughfares: Fir Road and Dragoon Trail

School District: Penn-Harris-Madison School Corporation

Public Utilities: All public utilities are either available or will be extended to the site at the owner's/developer's expense.

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies a preferred or planned use for this property as manufactured home residential.

ANALYSIS

Proposal:

This proposal originally filed for the September 13, 2016 Planning Commission meeting was continued to the October 11, 2016 meeting. At the October meeting, the applicant requested another continuance to work on plan modifications based on staff's recommended conditions of approval. By rule, the Planning Commission is only allowed to continue items twice before they must be heard or withdrawn. Therefore, barring a withdrawal of the proposal, the Planning Commission must hold a hearing and make a recommendation to the Common Council at this meeting.

Since being continued, the applicant has filed an amended preliminary site plan that addressed many of the conditions recommended by staff. The applicant has requested a reduction from the staff recommended setbacks to Ridgemont Crossing as well as the setback requested along Dagoon Trail. At this time, staff feels that the requested conditions were a minimum starting point and that they should not be reduced as part of any potential approval that would be granted. Furthermore, we believe that the applicant can achieve the requested density by making further modifications to the plan and adjusting building footprints to accommodate staff requested conditions as originally drafted.

Although it has been requested repeatedly, to date no architectural drawings have been submitted relative to the height and use of materials on the proposed structures.

The following is the staff report and recommended conditions prepared for the October meeting. Staff is recommending that the drafted conditions should be retained without reduction.

The applicant is proposing to establish zoning and approve a preliminary planned unit development site plan to allow for the construction of a 360 unit multi-family residential apartment complex. The project was originally submitted with 516 units and was continued at the request of the developer at the September 13th Planning Commission meeting. The point of the continuance was to allow the developer to meet with the Ridgemont Crossing subdivision home owners association for feedback. All of the property currently being proposed for a change in zoning was originally proposed as the Ridgemont Crossing single family residential subdivision. Staff was informed by the former manager of the project that this proposed apartment complex is the same one that was approved along 12th Street north of Village Green. That project was approved at 360 units. We were told that the project did not go forward in that location because of the existence of covenants on the property that could not be changed. We would also note that the entity applying for this request is different, although we have not verified if the management/officers of the company is the same.

The original Ridgemont Crossing planned unit development was approved in 2005 as a 228 lot single family subdivision on 77 acres. Going back to the mid 1990's, the property had been identified on the Mishawaka 2000 Comprehensive Plan as being appropriate for manufactured housing. It was likely designed for and deemed as an appropriate extension of Village Green Mobile Home Park at the time.

Since originally rezoned in 2005 to the current planned unit development designation, three sections of Ridgemont Crossing have been platted, the last in 2007. One of the significant issues is that the original developer/main builder at the time, Weiss Homes, declared bankruptcy and did not complete the infrastructure as required in the subdivision. The developer had posted a letter of credit for the improvements which has long ago expired. Section 1 was completed by the original developer with the exception of street surfacing that was completed by the City in the last year. Section 2 was only partially completed, and much of section 3 that was not constructed is currently being proposed to be vacated in conjunction with vacation petition 16-28 that was filed concurrently with this apartment request. When the properties that remained in the subdivision came out of bankruptcy, the platted lots in section two that had a significant amount of the infrastructure in place were sold to Bruce DeWulf who plans on

constructing single family homes on those lots. Mr. DeWulf has been prevented from proceeding with construction on many of the lots acquired based on the lack of all infrastructure being in place and the fact that an easement was never provided by the Village Green Mobile Home Park relative to the storage of stormwater on the adjacent property. The remaining 44.77 acres of the original Ridgemont Crossing subdivision included in this petition was purchased separately by H & G Real Estate LLC. This vacant property has essentially no improvements on it and is impacted in terms of development potential because of the high tension power lines that cross the site.

To date, close to 60 single homes have been constructed in the Ridgemont Crossing subdivision. Approximately 50 additional lots are currently vacant and have at least a portion of infrastructure built to serve them. Combined, roughly half of the lots that were originally proposed are either complete or are in the process of being completed. Furthermore, the way the sections of the plat were created, they inherently left stub streets to adjacent undeveloped property that were intended to be continued to complete future phases of the subdivision over time. These characteristics represent a greater burden on the developer than what would exist on a typical green field or previously undeveloped piece of property.

In this case, although there is only one petitioner on the 44.77 acre parcel of undeveloped land, there are three distinct entities that have a direct vested interest in the current petition and future development of the property. These include 1) the current property owner of the vacant property (the petitioner), 2) the Ridgemont Crossing home owner's association, and 3) Bruce DeWulf and the owner of a significant portion of the platted lots of the original subdivision yet to be developed.

Staff's understanding is that the changes between the first proposed apartment plan and the second which is being considered and evaluated as part of this report, was in part driven from the developer's meeting with the Ridgemont Crossing home owners association. To date, no correspondence has been received from Bruce DeWulf as the owner of many of the undeveloped lots in Ridgemont Crossing. The changes between the first plan and second were significant in that the total number of apartments being proposed were reduced from 516 to 360 units.

As proposed, the proposed planned unit development breaks the current vacant 44.77 acres into three distinct development pieces:

- 1) 21.33 acres of the property is being proposed as apartments.
- 2) Roughly 13 acres would be retained as single family to provide for the logical completion of the Ridgemont Crossing subdivision. The developer is proposing a loop connection of Gauley River Drive and Walnut Canyon Court.
- 3) The remaining 10 ½ acres is being shown as vacant land, and is the residual triangular piece of property that is located between the high tension power lines and the industrial park to the east. Most logically, this would be developed independently or be combined into the industrial park, or the proposed apartment project property at some point in time.

Since the original filing of the request, staff has had multiple contacts with individual property owners and the Ridgemont Crossing home owners association. To that end, we have received letters of remonstrance from both the Ridgemont Crossing Home Owner's Association and the Rosewood Homeowners Association. Both have been attached for your use, reference and information. Both are opposed to the apartment portion of the development first and foremost.

Some of the concerns include the inherent proposed use of the property making a point that the proposed density is out of character with the surrounding area. In the case of Ridgemont Crossing, the home owners association has indicated that the proposed use/project will impact the marketability and value of their homes. This item is more subjective and in staff's opinion is at the root of what the Planning Commission and ultimately the Council needs to consider in acting on the request. In staff's opinion the impact is largely dependent on quality, fit and finish items rather than the higher density use itself.

The Ridgemont Crossing Home Owner's Association also provided input on the development standards they would like to see implemented if the project does move forward. Development standards relate to the physical characteristics associated with the proposed site plan, and include the proposed building heights, buffer width, landscaping, screening, lighting, trash containment and the like. To the extent possible, staff has drafted recommended conditions on any approval that would help to mitigate those concerns.

Furthermore, other concerns stated by the surrounding subdivisions include surrounding impacts such as overcrowding/class sizes in the local school system, the lack of public transportation, and the condition and capacity of adjacent streets (Fir Road and Dragoon Trail). On these surrounding impacts, staff feels that the concerns are valid on a higher level, but are more indicative of a concern of overall growth and traffic rather than the specific project being considered. PHM School Corporation routinely looks at growth and projections to determine how the long term growth of the corporation will be addressed. The area is projected to grow with or without this project. Relative to public transportation, many areas of the City do not have immediate access to public transportation, including numerous apartment complexes. We haven't used public transportation as a gauge or litmus test of appropriateness for residential projects in the past. The argument would also be much more relevant if this were proposed as being subsidized for lower incomes where access to transportation alternatives is more of an issue. As for the condition and capacity of adjacent roadways, philosophically, roads are not usually improved to carry additional traffic before a sufficient demand exists. Both Fir and Dragoon carry a lot of traffic. Fir just north of Dragoon was counted in 2014 at 3100 trips per day. Dragoon Trail was counted in 2015 at 5200 trips per day. The majority of the City's emphasis on the south side of the City will be placed on reconstructing and widening 12th Street, including providing a center turn lane and sidewalks on both sides of the street. For Reference, 12th Street east of Fir was counted at 8300 trips per day in 2015. This project is relying on federal aid and will be implemented over many years and in phases. The City is currently buying the right-of-way for the 12th Street project. An engineering study/preliminary plans have been prepared for Fir/Byrkit between 12th Street and Dragoon Trail. The plans identified a designated center turn lane and a multi-use trail on the east side of the street. Currently, this project is not scheduled to be constructed over the next five years based on the lack of available capital funds in the City. Dragoon Trail improvements are slated for next year, but the project is predominantly a re-paving project and is not intended to change current lane configurations. For reference, depending on the traffic engineering reference source, a two lane road with appropriate turning lanes can functionally carry up to 16,000 cars a day.

Preliminary Planned Unit Development Site Plan:

As required by the Zoning Ordinance, the applicants have submitted a preliminary Planned Unit Development Site Plan. The purpose of the preliminary site plan is to identify the basic requirements that will be followed in the preparation of final planned unit development site plans. These requirements include, but are not limited to, elements such as parking ratios, setbacks, curb cut/access locations, and proposed phasing. The applicants have identified certain basic elements such as permitted uses and parking ratios. Other elements such as screening and landscaping have been generically identified on the plan.

The proposed revised plan isolates the single family subdivision by removing any road or walk connection between the proposed apartments and the existing single family residential subdivision. As now designed, Ridgemont Crossing would have only one way in and one way out at the existing and only entrance to the subdivision on Fir Road (Gauley River Drive). This would make the subdivisions function very much like the southern portion of Blair Hills and Barrington Estates in that large number of lots are dependent on only one way in and out for access. Although not ideal from an emergency access perspective, having only one access can also be viewed as a positive from a neighborhood fostering a greater sense of place/neighborhood watch.

The proposed apartment project is proposed to have two access points: one access on Fir Road and one on Dragoon Trail. Turning lanes have been identified on the plans as being provided by the developer for each entrance

All pertinent City Departments has reviewed the preliminary Planned Unit Development Site Plan with the Engineering Department providing the following comments:

Engineering Department:

1. The proposed PUD Amendment does not address the outstanding issue regarding stormwater management of the original development. Since the subdivision will now be owned by two different entities, the stormwater management needs to have buy in by both owners and protected by corresponding easements.
2. Please provide a utility master plan as the request for right-of-way vacation would be the current route for utilities- i.e. sanitary sewer, storm sewer, and water.
3. At a minimum, the right-of-way would need to be trued up at the east end of the Dragoon frontage. Currently right-of-way varies from 20' on half to 40' on half

These comments can be addressed with the first Final Planned Unit Development Site Plan submitted assuming the current proposal is approved and is able to move forward.

At this time, staff feels that there are a number of logistical and qualitative items that would need to be addressed to insure both the suitable separation between the existing Ridgemont Crossing single family subdivision, the completion of the existing Ridgemont Crossing subdivision, and appropriate construction of the apartments. Staff has written standards as part of the proposed conditions of approval in an attempt to address these issues. Another appropriate course of action would be to continue the request to allow the developer more time to submit additional information rather than to draft conditions as presented by staff. If the Commission feels that these qualitative and logistical items cannot be suitably addressed, an unfavorable recommendation can also be passed forward to the Common Council.

Key points in the drafted conditions of approval include:

1. Defining a minimum landscape buffer. Staff has identified a minimum of a 50 foot wide green space buffer with a 4-foot high earthen berm and planting be provided between the existing and proposed single family residential subdivision and the properties proposed for apartments. The developer had shown 25' with a three foot high berm. The buffer being requested by staff is consistent with the buffer that was required between Toscana Park and the Brenden Hills single family subdivision. The example is similar in that it was an apartment complex being proposed adjacent to an existing single family residential subdivision. The vacant undeveloped property adjacent to the industrial park would likely be required to provide a buffer if it is changed from single family residential in the future.
2. Stormwater management- The developer of the apartments must accommodate the storm water management needs for the entire Ridgemont Crossing subdivision as part of phase 1 of any project as may be approved by the Director of Engineering. This would include the apartment project, the single family portion, or the undeveloped vacant land. This issue was left un-addressed as part of the bankruptcy.
3. Single family home infrastructure- The developer is responsible for extending and completing infrastructure in the previously platted phases of Ridgemont Crossing only as necessary to serve the proposed new single family sections. This infrastructure shall be completed or bonded for as part of any new single family plat.
4. Construction access for single family section- the developer shall provide a separate construction access from Dragoon Trail to the proposed single family subdivision. The intent is to limit the number of heavy equipment trucks going through the residential subdivision. This shall be required to remain in place until roughly 90% of the homes/infrastructure of the single family subdivision is in place. This access shall be shown and improved as part of any final plat or site plan completed for either the apartments or residential subdivision.
5. Vacation of Cane River Drive/Property Gap- the developer is responsible for coordinating with the Ridgemont Crossing Home Owners Association and adjacent property owners regarding what happens to Cane River Drive as part of any final site plan filed for the proposed apartment project. At the request of the Home Owners Association and adjacent property owners, the developer shall be responsible for removing this stub street and providing for grading of the area, drainage and curb modifications to Gauley River Drive. If the homeowners association/property owners desire the stub street to remain, or cannot agree/refuse to provide direction to the developer, the stub street shall remain in place. The developer shall also be responsible for working with the applicable

title companies to resolve the gap in property ownership resulting from the bankruptcy transfer and platting errors. Clear ownership and access to the gap property shall be identified as part of any final plat or site plan approval.

6. Quality/Impact on property values- The developer has indicated that the proposed apartments would be market rate and of quality construction. There is no way to insure that other than to place conditions. In this case, staff is merely channeling what the developer is requesting into conditions by identifying "market rate" into the conditions. Relative to this local regulatory process, market rate only refers to the construction costs not being tax payer supported. Anyone would be able to rent the units without regard to income or where their respective funding was coming from. From a qualitative perspective, without detailed architectural plans being provided, staff developed conditions which we believe would be indicative of a quality development including that 2/3 of all building facades that isn't glass be a standard masonry brick or stone, not concrete block, and that the remaining 1/3 is another high quality material and shall not be vinyl siding or metal building panels. To help insure that quality is inherent to the project, staff is also recommending that balconies or patios be provided for all units.
7. Building Setback- To buffer the existing single family residential subdivision, staff is proposing that minimum 120' building setback be required from the existing single family home property. In addition, to match the setbacks of homes prevalent in the neighborhood, a 60' building setback shall be provided along both Dagoon trail and Fir Road.
8. Building Height- Again, the developer has identified that a three story building would be utilized for the apartment project, but no detailed architectural drawings have been provided. As such, staff has recommended a maximum building height of 40'. This should be an ample pallet for the developer to work with, while making sure the scale of the project is in keeping with the surrounding area. For reference, the maximum height permitted in the R-1 Single family residential district is 35'.
9. Commercial Landscape Standards- again, going to the quality of the development, staff has requested that the developer implement commercial landscaping standards along both Fir Road and Dagoon Trail, and that foundation plantings be provided at the base surrounding all buildings. Although the developer has shown this generically, the requirement will insure it happens.
10. Lighting- One of the concerns identified by the neighbors is the higher levels of light associated with lighting a parking lot. Staff is recommending that parking lot lights not exceed 25' in height, that full cut-off fixtures would be used, and that all freestanding light sources be located a minimum of 100' from the Ridgemont Crossing subdivision.
11. Fencing- If the apartment project is approved, the neighbors have a requested an 8' high vinyl fence be placed along the north property line. Staff feels that 8' is excessive and is recommending a standard 6' solid vinyl or composite board fence be provided along that property line. In addition, staff is requesting that a 4' high black steel or aluminum picket ornamental fence be placed along both Fir Road and Dagoon Trail to define the area and to be commensurate with the quality envisioned in the suggested project. Over time, the City plans to replace the George Wilson Park fencing in a similar manner and the required fencing would unify the appearance of the corridor.
12. Trash enclosures- Another concern identified by the neighbors is that trash will not be contained like in single family subdivisions and that dumpsters have the potential to overflow. Staff is recommending that the apartment complex utilize the commercial requirements as it pertains to providing dumpster enclosures, masonry to match the buildings, and that they be located a minimum of 100' from the Ridgemont Crossing subdivision.

RECOMMENDATION

Staff recommends in favor of rezoning Petition 16-27 establish zoning for property located at the Northeast Corner of Dagoon Trail and Fir Road, originally platted as part of the Ridgemont Crossing subdivision to allow for the construction of 360 unit multi-family residential apartment complex, reserve 13 acres of single family zoning to complete the Ridgemont Crossing subdivision, and to identify 10 ½ acres of vacant land to be developed in the future subject to the following conditions:

Proposed Uses:

1. The final planned unit development plat and site plans shall be consistent with the three use (Parcel) areas identified in Exhibit 'A' as prepared by staff. Although the width and depth of parcels may be modified based on actual configurations developed in the construction drawing phase, the area of the use, general layout, and concept shall follow Exhibit 'A'. Substantial changes to any proposed uses shall require both a rezoning and change of the preliminary planned unit development site plan, if proposed. Uses permitted within each parcel shall be as follows:

Parcel 1-	Area- Uses-	Maximum of 21.33 Acres Multi-family residential not to exceed 360 units. Market rate as committed by the developer. Construction costs will not be subsidized by Federal, State, or local tax dollars or tax credits. Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision
Parcel 2-	Area- Uses-	Minimum of 13.0 Acres Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision
Parcel 3-	Area-	The residual acreage, roughly 10.5 acres. Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision

Traffic Impact:

1. The developer shall install a center left turn lane and designated right turn lane within both Dragoon Trail and Fir Road in the areas of the proposed entrances. Given the proximity of the entrances to the intersection of Fir Road and Dragoon Trail, the City Director of Engineering may require the developer to carry the required turn lane improvements to or through the intersection of Fir Road and Dragoon Trail or potentially require the developer to move the entrance further away from the intersection so that the resulting geometry is clear and meets conventional standards.
2. Any additional right-of-way required for Fir Road or Dragoon Trail associated with the proposed development project area shall be dedicated. Right of way shall include 40' from center for both streets with a potential corner cut at the intersection of Fir Road and Dragoon Trail. Outside of the right of way, a 15' wide utility, walk and landscape easement shall be provided along both Fir Road and Dragoon Trail. The developer shall coordinate the timing of pending City improvements with the needed/required improvements of the development. Required improvements shall be directed by and subject to the approval of the City Director of Engineering.

Internal Road and walkway connections:

1. The developer shall provide a separate construction access from Dragoon Trail to the proposed single family subdivision which is intended to complete the Ridgemont Crossing subdivision. The intent is to limit the number of heavy equipment trucks going through the residential subdivision. This shall be required to remain in place until roughly 90% of the homes/infrastructure of the single family subdivision is in place and may be removed only when deemed acceptable by the City Director of Engineering. This access shall be shown and improved as part of any final plat or site plan completed for either the apartments or residential subdivision.

2. The developer is responsible for coordinating with the Ridgemont Crossing Home Owners Association and adjacent property owners regarding what happens to the Cane River Drive stub street as part of any final site plan filed for the proposed apartment project. At the request of the Home Owners Association and adjacent property owners, the developer shall be responsible for removing this stub street and providing for grading of the area, drainage and curb modifications to Gauley River Drive. If the homeowners association/property owners desire the stub street to remain, or cannot agree/refuse to provide direction to the developer, the stub street shall remain in place. The developer shall also be responsible for working with the applicable title companies to resolve the gap in property ownership resulting from the bankruptcy transfer and platting errors. Clear ownership and access to this gap property shall be identified as part of or prior to any final plat or site plan approval for any of the three parcels identified herein.
3. At a minimum, a 5' wide concrete internal sidewalk shall be provided throughout the proposed apartment development and shall be extended to the right-of-way line of both Fir Road and Dragon Trail.

Stormwater Run-off/Utilities:

1. The quantity and type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. If not otherwise addressed, the developer must accommodate the storm water management needs for the entire Ridgemont Crossing subdivision as part of phase 1 of any project. This would include the apartment project, the single family portion, or the undeveloped vacant land.
2. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as approved by the City Director of Engineering.
3. The developer is responsible for extending and completing infrastructure in the previously platted phases of Ridgemont Crossing only as necessary to serve the proposed new single family section of Ridgemont Crossing (parcel 2). This infrastructure shall be completed or bonded for as part of any new single family plat as required by the City Director of Engineering.

Lighting:

1. Parcel 1- All site lighting for parcel 1 shall be limited to 25 feet in height. 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures for parcel 1. Ornamental lighting similar to the City standard Sternberg lights may be provided in lieu of cut-off fixtures subject to the review and approval of the Planning Commission. No pole mounted fixtures shall be provided within 100 feet of the north property line of Parcel 1. No more than 1 fixture shall be provided per pole and the wattage shall not be greater than 250 watts. The average/design level of illumination for areas within Parcels 1 shall not exceed 0.5 footcandles.
2. Parcels 2- All site lighting for parcels 2 shall be consistent with the existing Ridgemont Crossing subdivision.
3. A lighting plan shall be submitted with each final planned unit development plan/plat submission.

Signage:

1. A maximum of two ground mounted signs may be permitted on Parcel 1, one at each proposed entrance. Each sign shall not exceed 8' in height and shall utilize a masonry base that matches the proposed building architecture. A maximum display area of 32 square feet shall be permitted for each sign.
2. Temporary signage and flags shall comply with the on premise sign ordinance of the City

Building Limitations/Architecture (Parcel 1):

1. The proposed apartment architecture shall utilize masonry materials on a minimum of 2/3 of all building facades that isn't glass. Masonry shall include standard masonry brick or stone. Larger concrete blocks may not be included within this 2/3 requirement. The remaining 1/3 of the building facades shall be masonry or incorporate other high quality materials such as fiber cement board or other wood or composite lap siding. Vinyl siding or metal building panels shall not be permitted
2. Balconies or patios shall be provided for all units.
3. Proposed apartments shall maintain a minimum of a 120' building setback from the existing and proposed Ridgemont Crossing single family home subdivision. A 60' building setback shall be provided along both Dagoon trail and Fir Road.
4. Proposed apartments may not exceed more than three stories and may not exceed 40' in height.

Parking/Landscaping/Fencing/Dumpster (Parcel 1):

1. A minimum of 1.5 parking spaces shall be provided for each proposed apartment unit.
2. A 50 foot wide green space buffer with a 4-foot high earthen berm and planting shall be provided between the existing and proposed single family residential subdivision and the proposed apartment construction on Parcel #1. Planting on the berm shall include spruce and/or fir evergreen trees planted in a triangular spacing no further than 12' feet apart for the entire length of the buffer. At the time of planting, trees shall be a minimum of 8' in height. Deciduous shade trees shall also be planted within the same 50 foot buffer no greater than 40 feet on center, and shall be a minimum of 3" in caliper at the time of planting. Within the required buffer, a minimum of 21 ornamental trees shall be dispersed uniformly throughout the entire buffer area in clusters of 3. Ornamental trees shall be a minimum of 2" in caliper at the time of planting.
3. C-1 general commercial landscaping standards shall be required along the entire length of Fir Road and Dagoon Trail, and within proposed parking lot areas. Foundation plantings shall be provided at the base surrounding all buildings.
4. Dumpsters and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the apartment buildings. Dumpster locations shall be located minimum of 100 feet south of the north property line.
5. A standard 6' solid vinyl or composite board fence shall be provided along the north property line between the proposed apartments and the existing and proposed Ridgemont Crossing single family residential subdivision. A 4' high black ornamental steel or aluminum commercial grade picket fence shall be placed along both Fir Road and Dagoon Trail for the entire length of the proposed apartment project.

Single Family Residential Development Standards:

1. The proposed platting of lots to complete the existing Ridgemont Crossing Subdivision shall provide for lot sizes, setbacks, and covenant restrictions to match the existing Ridgemont Crossing subdivision. A preliminary planned unit development site plan shall be provided for the entire remaining vacant single family property prior to filing any final plat that divides the apartment property from the remaining land.

Reversion of Apartment Zoning:

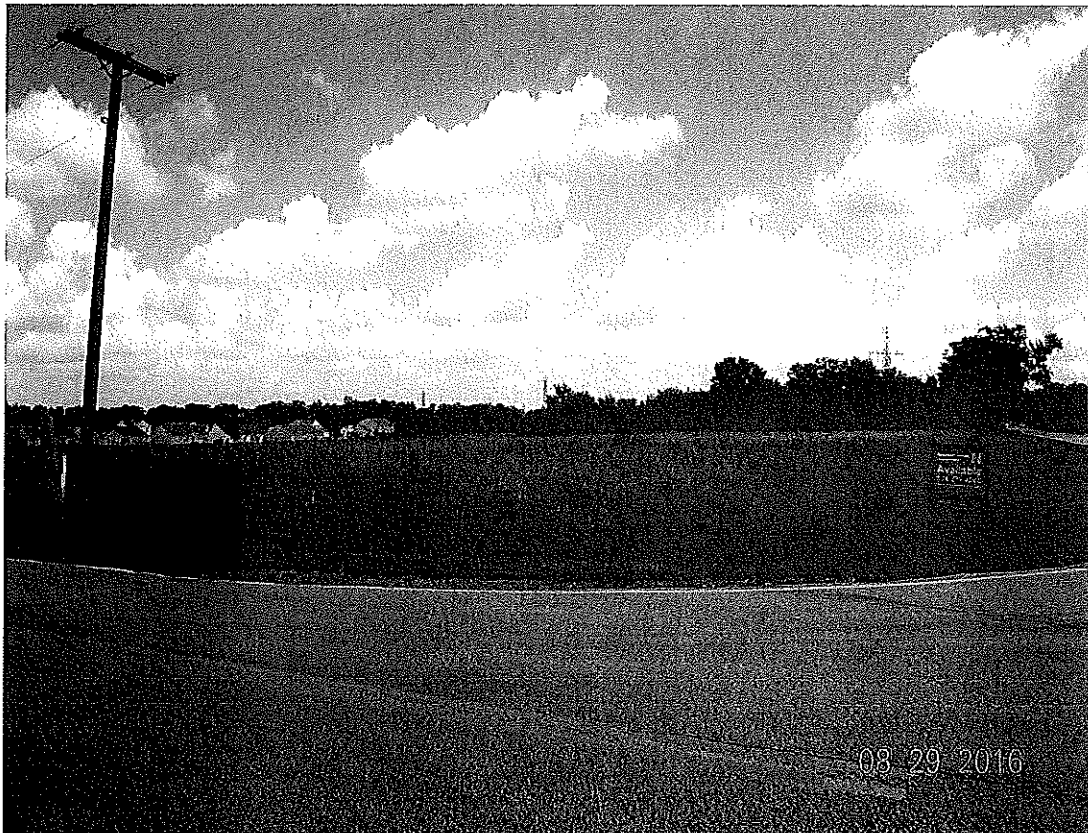
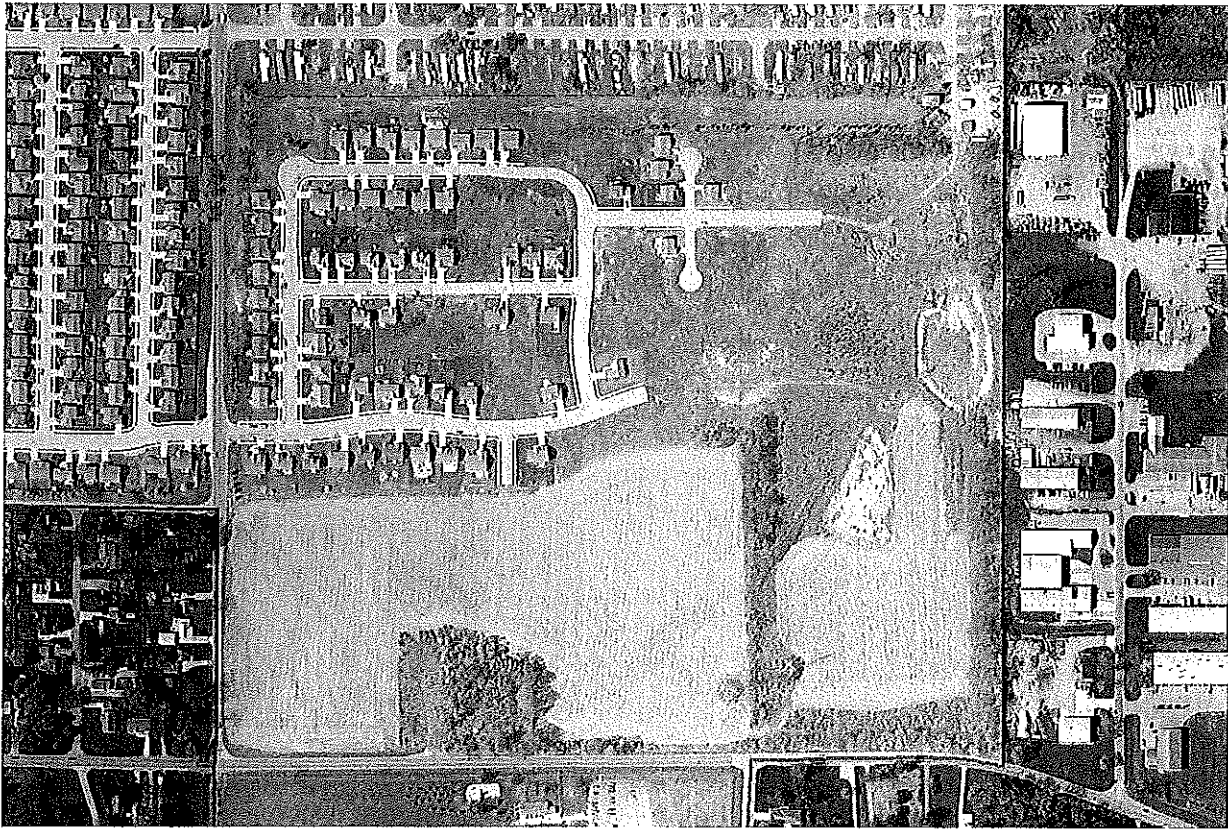
1. The developer shall file a final planned unit development site plan within one calendar year and start construction of the apartment project within 18 months of the date of approval of the Common Council. If either one of these dates are missed, the apartment use for the property shall be considered null and void and shall revert back to single family residential. This provision has been placed to allow the City to adjust conditions relative to changes that may occur over time.

This recommendation is based on the following findings of fact:

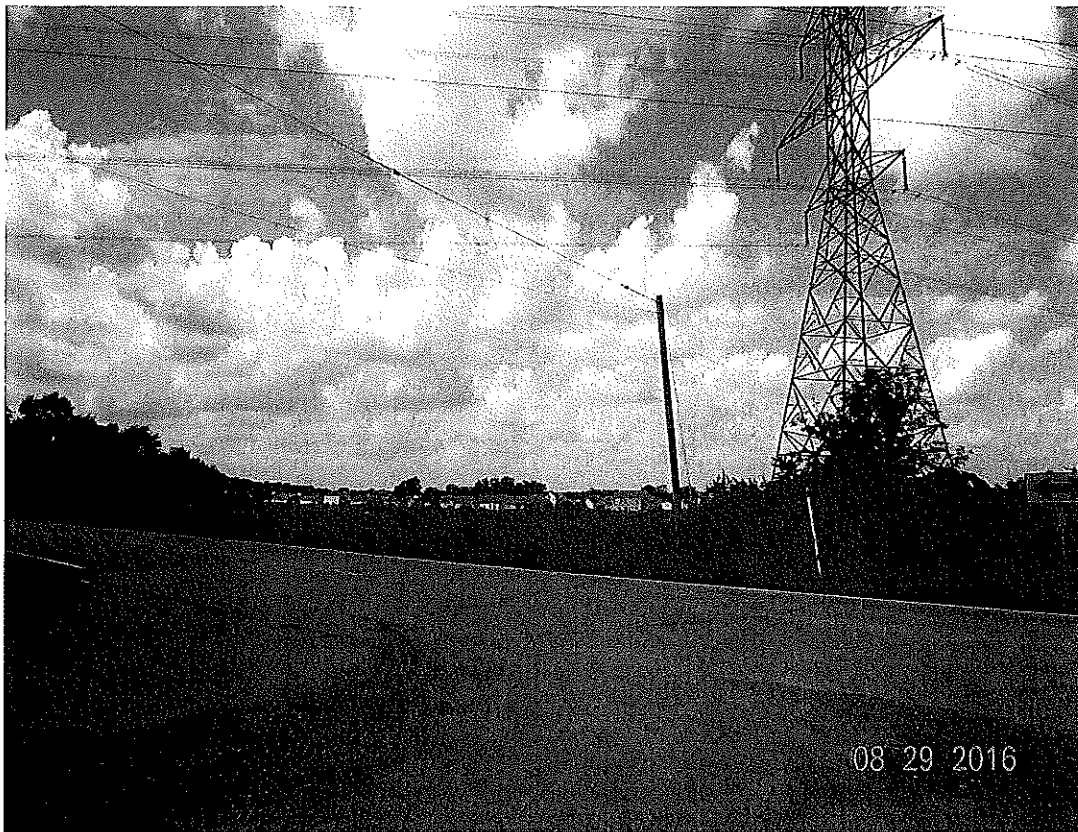
1. Existing Conditions - The subject parcel is located on Fir Road and Dragoon Trail, both are currently moderately travelled collector roads where traffic volumes are expected to increase due to the on-going growth of the City. The site has a high tension power line through it, and an existing industrial park located on its border to the east. The site is adjacent and connected to the existing Ridgemont Crossing single family residential subdivision. As such, extensive conditions on the proposed development are necessary to insure both compatibility with the adjacent single family subdivision and the cohesive development of the property in general.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road and Dragoon Trail corridors are far ranging. On Fir Road the site is impacted the most by two single Family residential subdivisions being Ridgemont Crossing and Rosewood. Beyond those subdivisions there is a very large mobile home park and scattered industrial and commercial properties. On Dragoon Trail, an Industrial park is located to the east, and to the south of the site is George Wilson Park. The mix of residential, commercial, and industrial uses identifies a diversity of uses where apartments and single family uses are both appropriate.
3. The most desirable/highest and best use - With the property's location along the increasingly travelled Fir Road and Dragoon Trail corridors combined with the adjacent high tension power lines, the proposed mix of apartment and single family residential uses could be considered as the highest and best use of the property.
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 would be subject to a lengthy number of development conditions designed to insure the quality of the proposed development while providing a buffer to neighboring properties.
5. Comprehensive Plan - This property was identified with a preferred use as manufactured home residential in the Mishawaka 2000 Comprehensive Plan. Given that the manufactured housing demand has changed since the time of completion of the comprehensive plan, the proposed multi-family use is reasonably consistent with multiple uses contained within the Fir Road and Dragoon Trail corridors.

ATTACHMENTS

Aerial Photograph, Photographs of Site Area, Preliminary Planned Unit Development Petition, Preliminary Planned Unit Development Site Plan, Location Map, remonstrance letters.



View from the northwest corner of Dragoon Trail and Fir Road looking northeast.

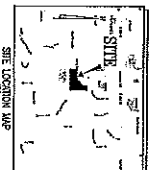


View from the intersection of Clover Road and Dragoon Trail looking northwest

INFORMATION THAT REMAINS



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DHA **Dunch, Hamer & Associates, Inc.**
 Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners
 Office: (202) 462-4222 • (800) 546-1963 • Fax: (202) 462-4110
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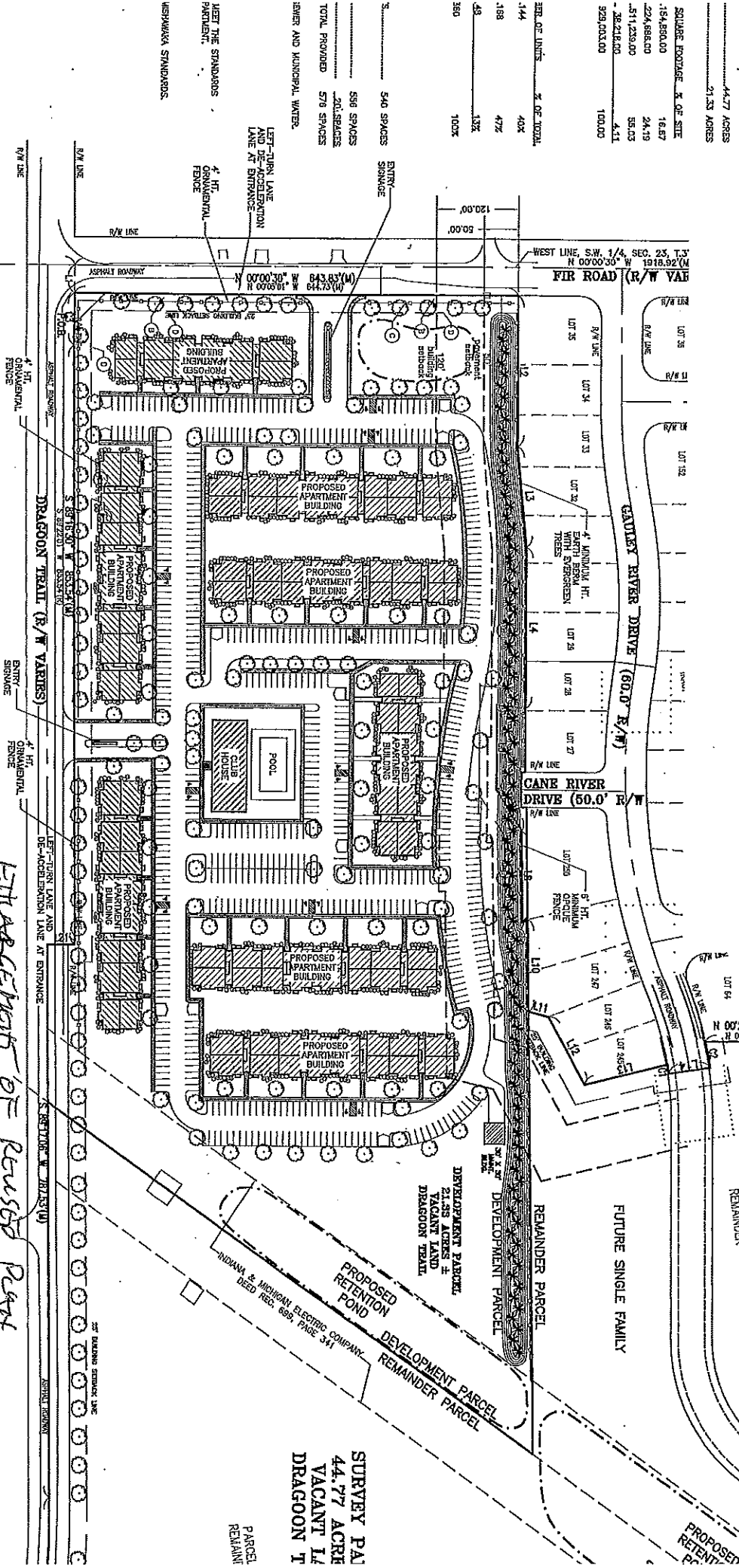
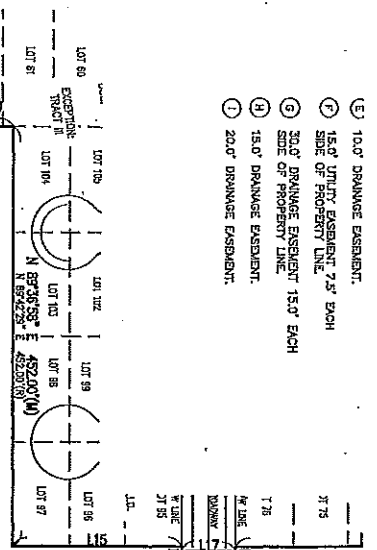
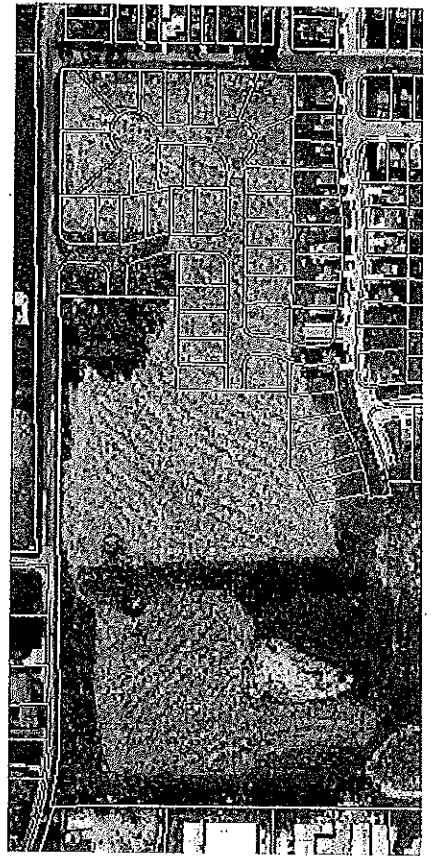
REUSO Plant FILED
For 11/15/2016 MTJ

RECORD,

LOT 13
54° W
5'23" W 1

- (E) 10.0' DRAINAGE EASEMENT.
- (F) 15.0' UTILITY EASEMENT 7.5' EACH SIDE OF PROPERTY LINE.
- (G) 30.0' DRAINAGE EASEMENT 15.0' EACH SIDE OF PROPERTY LINE.
- (H) 15.0' DRAINAGE EASEMENT.
- (I) 20.0' DRAINAGE EASEMENT.

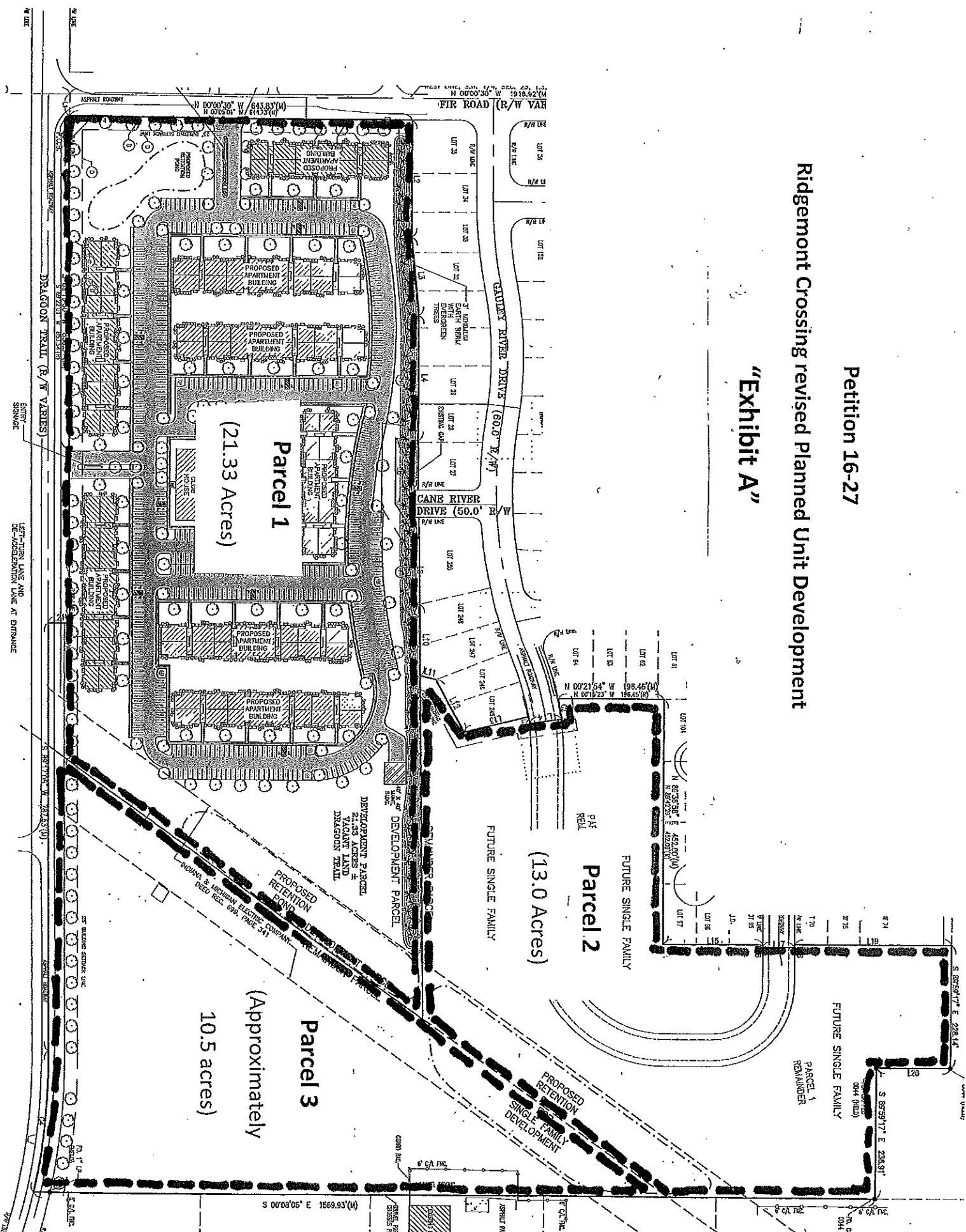
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ENTANGLEMENT OF REUSED PAPER
SUBMITTED FOR W/LS MATZ.

Ridgmont Crossing revised Planned Unit Development

“Exhibit A”



PUD Site Plan / Re-Zoning Petition at Dragoon Trail & Fir Road

Comments from the Ridgemont Crossing HOA

1. Site plan dated 7/25/16 had a density of 17.49 Units / Acre. The updated site plan dated 9/28/16 has a density of 16.88 Units / Acre. Ridgemont Crossing Sub-Division has a current density of approximately 4 Units / Acre. The proposed development is 4 times the density of our sub-division. This immediate increase in density does not fit the character of the existing adjacent or surrounding neighborhood.
2. The added density and close proximity of the parking areas to our neighborhood will create a noise nuisance during evening hours.
3. During our meeting with the developer's representative, there were suggested changes that were discussed and expected to be included in the updated site plan. The landscaped berm was expected to be 6 foot in height with landscaping and the fence was expected to be an 8-foot privacy fence (vinyl). The berm is still listed as 3 foot, and the while there is a symbol shown on the site plan that appears to be the fence, it is not labeled (unknown height or material).
4. The proposed apartment building on the west side of the property is less than the 150-foot buffer that was discussed in the meeting with developer's representative.
5. There are trash enclosures along the north side of the parking areas that could become a noise and varmint nuisance to our neighborhood.
6. Parking lot and building lighting will be above the screening proposed which may cause constant bleed over into houses along the north border.
7. We have concerns about the drainage of the site including routing of overland flow or overtopping of the proposed retention ponds. Recent rainfall events have made emergency overflow routing of retention ponds a significant concern to adjacent property owners. There are also indications of drainage connections between the proposed development's property and George Wilson Park (see attached exhibit from Indiana Maps).
8. We are concerned about the added traffic to Fir Road and Dragoon Trail based on the proposed 540 parking spaces. The intersection of Fir Road and Dragoon Trail already has site distance issues. The added traffic will make it impossible to turn left from Fir Road onto Dragoon Trail. The proposed development entrance on Fir Road will create additional conflicts with the entrances to Rosewood and Ridgemont Crossing and at Eadus Street. A Traffic Impact Study should be required to determine the effect of the development on the adjacent roads and intersection.
9. We are concerned about the safety of pedestrians and bicyclists. Both Fir Road and Dragoon Trail do not have sidewalks or a dedicated bike lane, and an additional 540 vehicles entering and exiting the proposed property will add to an existing safety concern.
10. There are forested areas within the property that were not farmed. While there are no wetland areas noted on the wetland inventory map, a wetland survey should be required.
11. The Penn Harris Madison School Corporation should be provided the opportunity to comment on how the development will affect their districting and capacities.
12. We are very concerned about the impact the development will have on the marketability and value of our homes. The promise of market rate apartments and the long term maintenance / upkeep of the property cannot be guaranteed. Most of us that built or bought homes during the time Weiss was developing the property did so with expectations that the property to our south and to our east would be developed as single family homes and be part of our sub-division. The existing PUD was a selling point and became expected. A change in the zoning to multi-family would create a situation where there is a modular home park to our north and a high density apartment complex to our south, we have no doubt that this situation would negatively impact our property values.

TO: MISHAWAKA PLANNING COMMISSION

The Rosewood Homeowners Association wishes to remonstrate against the proposed PUD application for the property at Fir Road and Dragoon Trail.

Any perceived economic growth for Mishawaka should not be entertained to the detriment of established neighborhoods.

- The infusion of such a dense apartment complex is not compatible with single family neighborhoods to the west and north of the proposed site, the park to the South, nor the other residences on Dragoon both east and west and south on Clover Road.
- The grade schools for this area are already over enrolled and class sizes are too large. We feel that putting another 100 plus elementary students in the schools would be a detriment to the children.
- There is no public transportation serving this area. If residents need public transportation they would have to walk along Fir Road to the nearest bus line which currently turns into the Northwest entrance to Village Green. This would be a public hazard since there are no sidewalks on either side of Fir Road.
- Roadways that border the property are insufficient for the present traffic, and the addition of over 1000 or more cars per day would put additional stress on the roadways and drivers.
- The intersection of Fir and Dragoon is a traffic hazard with the current traffic volumes. Additional traffic would present hazards for the school buses having to turn left from Fir onto Dragoon. Traffic would back up north, east and west with the addition of more cars wanting to turn left or right off of Dragoon.
- The drainage system in this area is stressed in times of heavy rainfall. Runoff from the South currently causes basement and street flooding. Drainage from the ditch along Eadus flows under Fir into the property in question. There are no retention ponds planned on the west side or middle of the property, but only on the eastern side which conceivably could cause flooding of the proposed streets and the streets in both Ridgemont Crossing and Rosewood Subdivisions. Runoff would be greater due to ground being covered by buildings and parking lots.
- There are no drainage ditches on either side of Fir Road or Dragoon capable of handling water runoff. In times of heavy rain there are also high water areas to the West of the Fir and Dragoon intersections.
- The scale and mass of the building project does not fit into the character of the surrounding neighborhood.
- The structures would overshadow parts of Ridgemont Crossing as well as the single family homes on the West side of Fir Road.
- We also question why the proposed developer who has fail to follow through with an already approved apartment development on 12th street east of Fir Road and instead is trying to invade an established residential area with over 500 apartment units.

PUD Site Plan / Re-Zoning Petition at Dragoon Trail & Fir Road – 11/9/16

Comments from the Ridgemont Crossing HOA

1. A meeting was held with representatives of the development company requesting the PUD Amendment on 11/7/16. There were multiple representatives from Blair Hills HOA (host), Rosewood HOA, Autumn Trails HOA, and Ridgemont Crossing HOA.
2. The Ridgemont Crossing residents and HOA Board oppose the requested PUD Amendment.
3. The updated site plan dated 10/26/16 still has a density of 16.88 Units / Acre. Ridgemont Crossing Sub-Division has a current density of approximately 4 Units / Acre. The proposed development is 4 times the density of our sub-division. This immediate increase in density does not fit the character of the existing adjacent or surrounding neighborhoods.
4. The 50-foot pavement setback and the 120-foot building setback on the north side of the proposed development should extend to the property line and not tie into the future single family home section to avoid any confusion on where the apartments are proposed.
5. The parking lot encroaches on the 50-foot pavement setback measured from the property lines of homes on the south side of Gauley River Drive.
6. Three buildings encroach on the 120-foot building setback measured from the property lines of the homes on the south side of Gauley River Drive.
7. The maintenance building encroaches on the projected 120-foot building setback.
8. The buildings that front Dragoon Trail encroach on the proposed 60-foot building setback (per the Staff Report).
9. We have not received or seen Architectural Plans. The Architectural Plans were intended to address the quality of the apartments (market rate). We are still very concerned about the impact the development will have on the marketability and value of our homes. The promise of market rate apartments, construction quality, and the long term maintenance / upkeep of the property cannot be guaranteed. All of us that built or bought homes in Ridgemont Crossing did so with the expectations that the property to our south and to our east would be developed as single family homes and be part of our sub-division. The existing PUD was a selling point and became expected. A change in the zoning to multi-family would create a situation where there is a modular home park to our north and a high density apartment complex to our south, we have no doubt that this situation would negatively impact our salability property values.
10. Conditions included in the original City Staff Report are not clearly addressed on the current site plan. While we understand the Amended PUD will address the landscaping, setback, and construction requirements, there should still be a note on the proposed site plan stating the developer will incorporate all of the conditions in the Staff Report.
11. Final drainage plans should address routing of overland flow or overtopping of the proposed retention ponds. Recent rainfall events have made emergency overflow routing of retention ponds a significant concern to adjacent property owners.
12. We are still very concerned about the safety of pedestrians and bicyclists on Dragoon and Fir. Both Fir Road and Dragoon Trail do not have sidewalks or a dedicated bike lane, and an additional 576 vehicles entering and exiting the proposed property will add to an existing safety concern.

STAFF REPORT

Location: Northeast Corner of Dragoon Trail and Fir Road
Originally platted as part of the Ridgemont Crossing
Subdivision

Date: October 11, 2016

Prepared By: KBP

Petition: 16-28

GENERAL INFORMATION

Applicants: H and G Real Estate LLC

Status: Property Owner

Request: To vacate streets that were platted as part of the Ridgemont Crossing subdivision that were never constructed (paper streets) Streets include a portion of Cane River Drive, Glacier Bay Drive, Blue Ridge Drive, Denali Court, and Muir Woods Drive.

Existing Zoning: S-2 Planned Unit Development (Single-Family Residential)

Proposed Zoning: S-2 Planned Unit Development (Multi-Family Residential)

Lot Size: The development request includes 44.77 Acres. The applicant is requesting to change 21.33 acres to multi-family residential

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District, Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern:

North:	S-2 Planned Unit Development (Ridgemont Crossing Single Family Residential subdivision and R-4 Manufacturing Home Residential (Village Green Mobile Home Park)
South:	S-1 Extensive open space (George Wilson Park)
East:	Unincorporated St. Joseph County (Industrial Park-Executive Drive)
West:	Unincorporated St. Joseph County (Single Family Residential) S-2 Planned Unit Development (Rosewood Single Family Residential subdivision)

Thoroughfares: Fir Road and Dragoon Trail

School District: Penn-Harris-Madison School Corporation

Public Utilities: All public utilities are either available or will be extended to the site at the owner's/developer's expense.

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies a preferred or planned use for this property as manufactured home residential.

Status: Adjacent Property Owners

Applicable Regulations: IC 36-7-3-12 and 13

ANALYSIS

The Petitioners are requesting to vacate multiple streets associated with a portion of the Ridgemont Crossing subdivision that were platted but never constructed. The request has been filed concurrently with Petition 16-27 where the developer has requested a change in the Planned Unit Development to allow for the construction of 360 apartments. The paper streets proposed to be vacated include a portion of Cane River Drive, Glacier Bay Drive, Blue Ridge Drive, Denali Court, and Muir Woods Drive.

Although the request was filed concurrently with a development request, staff feels that this vacation can be approved regardless of the outcome of the concurrent development request. Once vacated, the property would merely need to be replatted to recreate the streets and lots.

RECOMMENDATION

Staff recommends in favor of Petition 16-28 to vacate streets that were platted as part of the Ridgemont Crossing subdivision that were never constructed (paper streets). Streets include a portion of Cane River Drive, Glacier Bay Drive, Blue Ridge Drive, Denali Court, and Muir Woods Drive.. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. If the concurrent development request is approved, the proposed vacation would provide for a logical termination of streets. If the concurrent development is not approved, the streets as originally platted could be recreated by a separate plat.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. The proposed adjacent use as apartments requires a significant buffer and separation from the existing single family residential subdivision. The proposed vacation allows for that separation.
- 3) The streets do not provide access to any church, school, public building or place, they have not been developed or improved at all, and thus will not hinder the public's access to any of the aforementioned destination;
- 4) The proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

ATTACHMENTS

Site Photo, Petition, Vacation Diagram



View looking Northeast from the intersection of Dragoon Trail and Fir Road

STAFF REPORT

General Location: 15057 & 15151 Cleveland Road and Vacant Land

Date: Nov. 15, 2016

Petition: 16-32 Cole Cleveland Road Townhouses - Annexation,
Establish Zoning, and Preliminary Site Plan

Prepared By: DJS

GENERAL INFORMATION

Applicants: Larry M. & Christine A. Cole / Spalding Design Group

Status: Property Owner / Contingent Developer

Request: To annex, establish zoning, and approve a preliminary site plan to allow for the construction of a 29 unit multi-family residential town home development

Existing Zoning: R Single-Family Residential (Unincorporated St. Joseph County)

Proposed Zoning: R-3 Multiple Family Residential District

Lot Size: 2.97 Acres

Applicable Regulations: Section 137-215 thru 137-217 / R-3 Multiple Family Residential
Section 137-41 / Amendments to the Zoning Map &
Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:

North: R Residential (Unincorporated) / Wooded Area & Single-Family House owned by Applicant

South: C-6 Linear Office Commercial (Mishawaka) / Medical Office Complex (Under Construction) & O Office (Unincorporated) / Single-Family Residential

East: R Residential (Unincorporated) / Single-Family Residential & O Office (Unincorporated) / Medical Office

West: R Residential (Unincorporated) / Single-Family Residential

Thoroughfare: Cleveland Road

School District: Penn-Harris-Madison School Corporation

Public Utilities: All public utilities are either available or will be extended to/throughout the site at the owner's/developer's expense.

Comprehensive Plan: This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan.

ANALYSIS

Proposal:

The applicant is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a 29 unit multi-family residential town home development.

The 2.97 acre site, which includes three separate parcels (15057 Cleveland Road/Tax Parcel #006-1007-007607, 15151 Cleveland Road/Tax Parcel #006-1007-007604, and unimproved land/Tax Parcel #006-1007-007635), is located on the north side of Cleveland Road west of Fir Road. The property at 15057 Cleveland Road is currently occupied with a single-family house, while the other two parcels are vacant. Property immediately adjacent to the south was annexed into the City of Mishawaka in December 2015 with a C-6 Linear Office Commercial zoning classification (Petition 15-32). This property is currently under development as a medical office complex.

As indicated on the preliminary site plan, the project will include 29 individually owned units within three separate three-story buildings. The project will be developed in multiple phases with the first phase consisting of one of the three buildings along Cleveland Road. Subsequent phases will be developed dependent upon market demand. Tabulated data provided on the plan indicates that buildings will occupy 25.8% (33,356 sq. ft.) of the site, while parking, drives and walks, and open spaces will total 29.3% (37,845 sq. ft.) and 44.9% (58,032 sq. ft.), respectively. The overall density will be 9.7 units per acre. A total of 44 parking spaces are required for the proposed 29 residential units (1.5 spaces per unit). One-hundred ten (110) parking spaces will be provided of which 58 spaces will be located within the attached garages and 52 spaces will be surface parking. This equates to a ratio of 3.79 spaces per unit greatly exceeding the required 1.5 spaces per unit.

The applicant is requesting a zoning classification of R-3 Multiple Family Residential District to permit to the proposed use as a multi-family residential development. The preliminary site plan indicates that all of the required height, area, and development regulations for the R-3 District (building and parking setbacks, off-street parking requirements, etc.) will be met.

Two access locations off of Cleveland Road are being proposed to serve the development. While two accesses will be required, the exact locations of these accesses may differ from what is shown on the preliminary site plan to accommodate any required deceleration and passing lanes. The determination of whether or not such lanes will be required will be made during the final site plan review process. All drives and parking lots interior to the site will be privately owned and maintained.

Due to the project being located within a future Juday Creek 5-year well head protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to be maintained on-site via a surface stormwater retention or detention basin.

All landscaping/screening, as conceptually shown on the preliminary site plan, architecture materials and colors of the buildings, and screening of the dumpster areas shall comply with commercial district requirements.

Per the preliminary floor plans for the individual town homes, it appears that the first floor of the buildings facing the parking areas will be comprised with garage doors. Such design may pose a difficulty in snow removal since garage access will be along the entirety of the buildings. Additionally, parcel delivery and guests may encounter problems in locating and accessing each of the individual town homes since there will be no front doors facing the parking areas. Staff encourages that these issues be considered and addressed when submitting the building plans and elevations with the detailed final site plan for the development.

If the proposed rezoning and annexation request is approved, a detailed final site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

Annexation:

In late 2015, a 2.75 acre site located adjacent to the south of the parcels included in this petition was annexed into the City for the development of medical office park. The first phase of this development, which includes a 7,930 sq. ft. building, parking area, and an access drive for the Indiana Pain and Spine Clinic, is currently under construction. This phase is within the southwestern part of the site with one access provided from Fir Road. Additional medical-related office buildings are planned in future phases with an additional access along Cleveland Road.

Per Indiana State annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexation as outlined above, approximately 235 feet, or 16.4%, of the total 1,433 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located on the north side of Cleveland Road approximately 350' west of Fir Road, and is bordered to the north by a heavily wooded single-family residential property and 3.8 acre pond owned by the applicant and located within unincorporated St. Joseph County; to the west by a single-family residential property located within unincorporated St. Joseph County; to the south by commercial property recently annexed into the city for development as a medical office complex and a single-family residential property located within unincorporated St. Joseph County; and to the east by a single-family residential property and medical office located within unincorporated St. Joseph County.

Zoning Change:

Staff feels that the proposed zoning of this property for multi-family residential purposes is appropriate given the adjacent commercial growth along Cleveland Road, Fir Road, and East University Drive to the south. With the completion of Beacon Parkway to the north, providing a major gateway into the City from the Toll Road, development pressures along the Fir Road and Cleveland Road corridors will only intensify in the future.

Transportation/Roads:

According to the latest available traffic counts, there were 5,500 annual average daily trips (2015) along Cleveland Road west of Fir Road. The counts at this location have been relatively constant over the last ten years and are not expected to significantly increase in the future. Cleveland Road between State Road 23 and Fir Road is not a major east-west thoroughfare into the city.

The 2040 Transportation Plan, prepared by the Michiana Area Council of Government with input from City staff, does not show any planned added travel lanes along Cleveland Road from State Road 23 to Fir Road. However, the plan does include added travel lanes along Cleveland Road to the east of the property from Fir Road to State Road 331 (Capital Avenue). The projected completion year for this added capacity project is 2030.

All pertinent City Departments have reviewed and approved the proposed annexation, rezoning and preliminary site plan with the Engineering, Electrical and Water Departments providing the following comments:

Engineering Department:

1. These parcels have historically been wet and would support the chance of wetlands on-site. Please plan to include a wetlands delineation to support any proposed development and associated stormwater management.
2. The City's sanitary sewer is available for connection within Cleveland Road. However, the topography of the land implies the need for a private pump station and force main to lift wastewater to the City system within the right-of-way.
3. The City reserves the right to comment on the proposed drive approaches during the Final Site Plan review process. The annexation submittal typically does not include existing points of access within the vicinity to fully evaluate proposed access locations and may require a deceleration lane and/or passing blister once the review is completed.

These comments shall be addressed with the Final Planned Unit Development Site Plan.

Electric Department:

1. The Mishawaka Utilities Electric Division does not currently serve the proposed annexation area. If the annexation is approved, Mishawaka Utilities Electric Division will attempt to acquire the service area from AEP as it is not already in our franchise boundary.

Water Department:

1. The project is located within a future Juday Creek 5-year well head protection area pending the construction of a new well field to the northeast of the Douglas Road and Fir Road intersection.

RECOMMENDATION

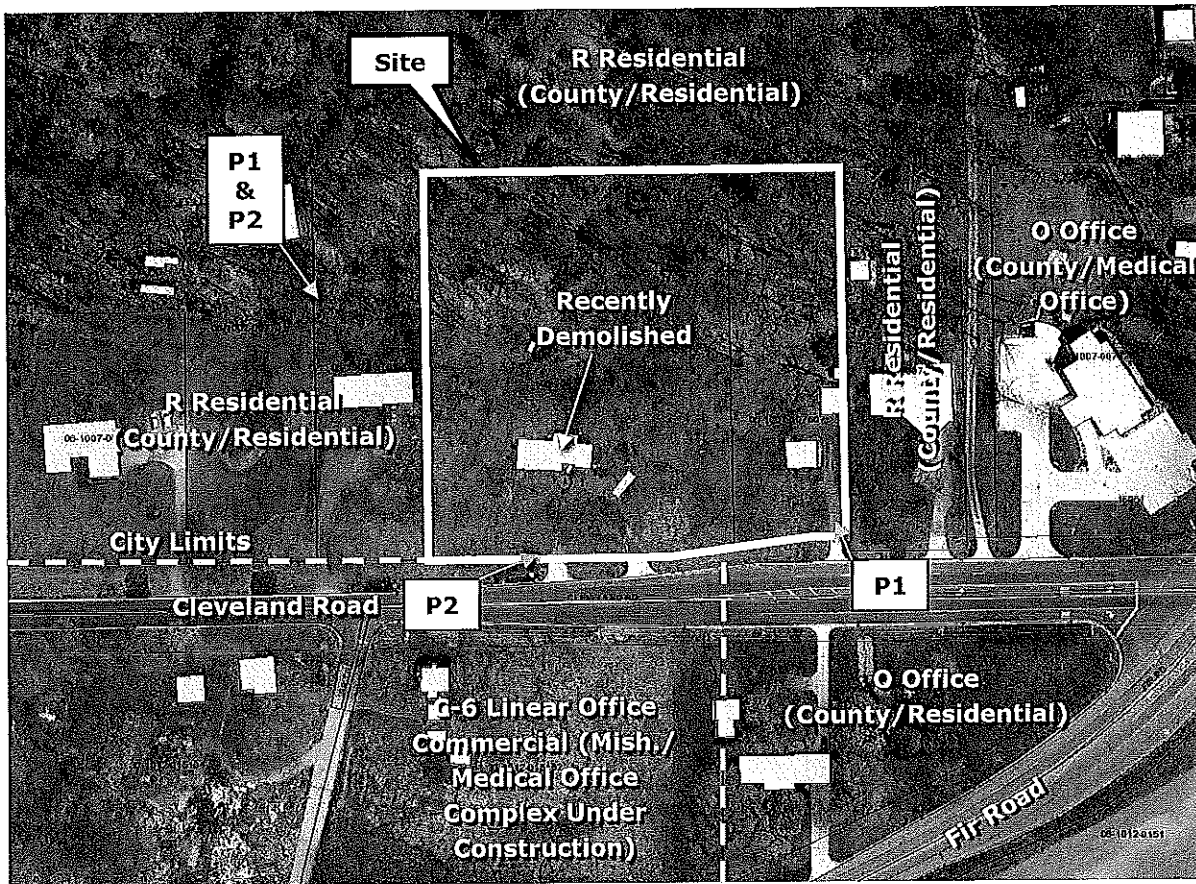
Staff recommends in favor of rezoning Petition 16-32 to annex and establish zoning for property located on the north side of Cleveland Road west of Fir Road (15057 & 15151 Cleveland Road and vacant land) to allow for the construction of a 29 unit multi-family residential town home development.

This recommendation is based upon the following Findings of Fact:

1. Existing Conditions - The subject parcels are located along a low to moderately travelled section of Cleveland Road on which traffic volumes are expected to remain relatively constant. Cleveland Road between State Road 23 and Fir Road does not serve as a major east-west corridor into the city. Adjacent land uses include single-family residential properties to the north, west, and east, and a single-family residential and commercial property to the south. This commercial property is currently under development as a medical office complex.
2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor from State Road 23 to the west to Fir Road to the east vary greatly. Buildings and uses include low-density single family residential homes, an assisted living/memory care facility, an independent living senior facility, a residential apartment complex, a church, and a medical office complex.
3. The most desirable/highest and best use - With the recent completion of Beacon Parkway to the north, commercial and multi-family residential development along Fir Road, and to a lesser extent along Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.
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 the adjacent single-family residential and medical office complex uses.
5. Comprehensive Plan - This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.

ATTACHMENTS

Aerial Photograph, Photographs of Site Area, Rezoning & Annexation Petition, Preliminary Site Plan, Town Home Unit Floor Plans, Location Map



Aerial Photograph - 15057 & 15151 Cleveland Road and Vacant Land
Proposed 29 Unit Multi-Family Residential Town Home Development



P1. Looking northwesterly from Cleveland Road toward the existing house on the site.



P2. Looking northeasterly from Cleveland Road toward the site.

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 17 2016

CITY CLERK
MISHAWAKA, IN

PETITION 16-27

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-33

ORDINANCE NO. _____

1st Reading 11-21-16
2nd Reading
Passed
Failed
Continued To

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 forwarded an unfavorable recommendation regarding the reclassification of the zoning as herein set forth of the real estate hereinafter described as set forth in I.C. 36-7-4-605.

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

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

A PARCEL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, A PORTION OF SAID PARCEL BEING LOTS ONE (1) THROUGH TWENTY-FIVE (25), ONE HUNDRED FIFTEEN (115) AND ONE HUNDRED SIXTEEN (116) AND ONE HUNDRED TWENTY-SIX (126) THROUGH ONE HUNDRED THIRTY-ONE (131) AS SHOWN ON THE RECORDED PLAT OF RIDGEMONT CROSSING SECTION TWO FINAL P.U.D. RECORDED AUGUST 15, 2006 AS DOCUMENT NO. 0635283 AND AMENDED BY AFFIDAVIT RECORDED NOVEMBER 19, 2007 AS DOCUMENT NO. 0745276 IN THE OFFICE OF THE RECORDER OF SAINT JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 23; THENCE NORTH 00°00'30" WEST ALONG THE WEST LINE OF SAID SECTION 23, 726.25 FEET; THENCE NORTH 89°59'30" EAST, 40.00 TO THE EAST RIGHT-OF-WAY LINE OF FIR ROAD AND THE SOUTHWEST CORNER OF SAID LOT 12, AND THE POINT OF BEGINNING; THENCE NORTH 00°00'30" WEST ALONG THE SAID EAST RIGHT-OF-WAY, 643.83 FEET (REC. NORTH 00°05'01" EAST, 644.46 FEET) TO THE NORTHWEST CORNER OF SAID LOT 18; THENCE NORTH 89°38'04" EAST, 216.11 FEET (REC. NORTH 89°43'36" EAST, 216.11 FEET); THENCE NORTH 84°21'55" EAST, 144.59 FEET (REC. NORTH 84°27'38" EAST, 144.61 FEET); THENCE NORTH 89°39'48" EAST, 229.52 FEET (REC. NORTH 89°43'36" EAST, 229.50 FEET); THENCE SOUTH 05°46'04" WEST, 42.12 FEET (REC. SOUTH 05°46'04" WEST, 42.24 FEET); THENCE NORTH 89°38'05" EAST, 120.38 FEET (REC. NORTH 89°43'36" EAST, 120.38 FEET) TO THE WEST RIGHT-OF-WAY LINE OF CANE RIVER DRIVE; THENCE NORTH 57°14'52" EAST, 68.84 FEET TO THE EAST RIGHT-OF-WAY LINE OF CANE RIVER DRIVE; THENCE NORTH 88°54'03" EAST, 127.72 FEET (REC. NORTH 88°57'58" EAST, 128.70 FEET); THENCE NORTH 13°21'11" WEST, 7.68 FEET (REC. NORTH 13°21'49" WEST); THENCE NORTH 88°57'08" EAST, 130.88 FEET (REC. NORTH 89°02'39" EAST); THENCE NORTH

Proposed Ordinance No: 16-33

Ordinance No: _____

13°44'23" EAST, 29.87 FEET (REC. NORTH 13°49'54" EAST, 29.87 FEET); THENCE NORTH 61°11'39" EAST, 109.70 FEET (REC. NORTH 61°17'10" EAST, 109.70 FEET); THENCE NORTH 13°52'32" WEST, 123.31 FEET (REC. NORTH 13°47'01" WEST, 123.31 FEET) TO THE SOUTH RIGHT-OF-WAY LINE OF GAULEY RIVER DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 12.96 FEET, WITH A RADIUS OF 470.00 FEET, WITH A CHORD BEARING OF NORTH 80°24'33" EAST (REC. NORTH 80°30'04" WEST), WITH A CHORD LENGTH OF 12.96 FEET; THENCE NORTH 08°42'23" WEST, 60.00 FEET (REC. NORTH 08°48'03" WEST, 60.00 FEET) TO THE NORTH RIGHT-OF-WAY LINE OF GAULEY RIVER DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF GAULEY RIVER DRIVE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 37.54 FEET, WITH A RADIUS OF 530.00 FEET, WITH A CHORD BEARING OF SOUTH 79°10'13" WEST (REC. SOUTH 79°15'44" WEST), WITH A CHORD LENGTH OF 37.53 FEET; THENCE NORTH 00°21'54" WEST, 196.46 FEET (REC. NORTH 00°16'23" WEST, 196.46 FEET); THENCE NORTH 89°36'58" EAST, 452.00 FEET (REC. NORTH 89°42'29" EAST, 452.00 FEET); THENCE NORTH 00°24'08" WEST, 185.00 FEET (REC. NORTH 00°18'37" WEST, 185.00 FEET) TO THE SOUTH RIGHT-OF-WAY LINE OF WALNUT CANYON COURT; THENCE NORTH 89°36'58" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE, 5.00 FEET (REC. NORTH 89°42'29" EAST, 5.00 FEET); THENCE NORTH 00°23'02" WEST, 60.00 FEET (REC. NORTH 00°17'31" WEST, 60.00 FEET) TO THE NORTH RIGHT-OF-WAY LINE OF WALNUT CANYON COURT; THENCE SOUTH 89°36'58" WEST (REC. SOUTH 89°42'29" WEST) ALONG SAID NORTH RIGHT-OF-WAY LINE OF WALNUT CANYON COURT, 5.00 FEET; THENCE NORTH 00°21'55" WEST, 295.25 FEET (REC. NORTH 00°16'24" WEST); THENCE SOUTH 89°59'17" EAST, 228.14 FEET; THENCE SOUTH 00°04'41" EAST, 138.60 FEET; THENCE SOUTH 89°59'17" EAST, 236.91 FEET; THENCE SOUTH 00°08'06" EAST, 1569.93 FEET TO THE CENTERLINE OF DRAGOON TRAIL; THENCE ALONG SAID CENTER LINE FOR THE NEXT TWO (2) COURSES, AND WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 261.30 FEET, WITH A RADIUS OF 1091.88 FEET, WITH A CHORD BEARING OF NORTH 84°41'30" WEST, WITH A CHORD LENGTH OF 260.68 FEET, AND THENCE SOUTH 89°17'06" WEST, 787.53 FEET; THENCE NORTH 00°43'30" WEST, 40.00 FEET (REC. NORTH 00°37'59" WEST) TO THE NORTH RIGHT-OF-WAY LINE OF DRAGOON TRAIL; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, SOUTH 89°16'30" WEST, 853.54 FEET, AND WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 75.73 FEET, WITH A RADIUS OF 4754.08 FEET (REC. 4759.29 FEET), WITH A CHORD BEARING OF NORTH 89°48'26" WEST (REC. SOUTH 89°48'49" WEST), WITH A CHORD LENGTH OF 75.73 FEET TO THE POINT OF BEGINNING.

CONTAINING 44.77 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: Ridgemont Crossing Planned Unit Development

which real estate is now classified as S-2 Planned Unit Development District and if approved, shall hereafter be amended to allow for the construction of a 360-unit multi-family residential apartment complex, while reserving land for the completion of the existing Ridgemont Crossing Subdivision and maintaining an outlot for future unspecified development. Such approval would be subject to the following conditions:

Proposed Ordinance No: 16-33

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Proposed Uses:

1. The final planned unit development plat and site plans shall be consistent with the three use (Parcel) areas identified in Exhibit 'A' as prepared by staff. Although the width and depth of parcels may be modified based on actual configurations developed in the construction drawing phase, the area of the use, general layout, and concept shall follow Exhibit 'A'. Substantial changes to any proposed uses shall require both a rezoning and change of the preliminary planned unit development site plan, if proposed. Uses permitted within each parcel shall be as follows:

Parcel 1-	Area- Uses-	Maximum of 21.33 Acres Multi-family residential not to exceed 360 units. Market rate as committed by the developer. Construction costs will not be subsidized by Federal, State, or local tax dollars or tax credits. Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision
Parcel 2-	Area- Uses-	Minimum of 13.0 Acres Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision
Parcel 3-	Area-	The residual acreage, roughly 10.5 acres. Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision

Traffic Impact:

1. The developer shall install a center left turn lane and designated right turn lane within both Dragoon Trail and Fir Road in the areas of the proposed entrances. Given the proximity of the entrances to the intersection of Fir Road and Dragoon Trail, the City Director of Engineering may require the developer to carry the required turn lane improvements to or through the intersection of Fir Road and Dragoon Trail or potentially require the developer to move the entrance further away from the intersection so that the resulting geometry is clear and meets conventional standards.
2. Any additional right-of-way required for Fir Road or Dragoon Trail associated with the proposed development project area shall be dedicated. Right of way shall include 40' from center for both streets with a potential corner cut at the intersection of Fir Road and Dragoon Trail. Outside of the right of way, a 15' wide utility, walk and landscape easement shall be provided along both Fir Road and Dragoon Trail. The developer shall coordinate the timing of pending City improvements with the needed/required improvements of the

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development. Required improvements shall be directed by and subject to the approval of the City Director of Engineering.

Internal Road and walkway connections:

1. The developer shall provide a separate construction access from Dragoon Trail to the proposed single family subdivision which is intended to complete the Ridgemont Crossing subdivision. The intent is to limit the number of heavy equipment trucks going through the residential subdivision. This shall be required to remain in place until roughly 90% of the homes/infrastructure of the single family subdivision is in place and may be removed only when deemed acceptable by the City Director of Engineering. This access shall be shown and improved as part of any final plat or site plan completed for either the apartments or residential subdivision.
2. The developer is responsible for coordinating with the Ridgemont Crossing Home Owners Association and adjacent property owners regarding what happens to the Cane River Drive stub street as part of any final site plan filed for the proposed apartment project. At the request of the Home Owners Association and adjacent property owners, the developer shall be responsible for removing this stub street and providing for grading of the area, drainage and curb modifications to Gauley River Drive. If the homeowners association/property owners desire the stub street to remain, or cannot agree/refuse to provide direction to the developer, the stub street shall remain in place. The developer shall also be responsible for working with the applicable title companies to resolve the gap in property ownership resulting from the bankruptcy transfer and platting errors. Clear ownership and access to this gap property shall be identified as part of or prior to any final plat or site plan approval for any of the three parcels identified herein.
3. At a minimum, a 5' wide concrete internal sidewalk shall be provided throughout the proposed apartment development and shall be extended to the right-of-way line of both Fir Road and Dragoon Trail.

Stormwater Run-off/Utilities:

1. The quantity and type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. If not otherwise addressed, the developer must accommodate the storm water management needs for the entire Ridgemont Crossing subdivision as part of phase 1 of any project. This would include the apartment project, the single family portion, or the undeveloped vacant land.
2. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as approved by the City Director of Engineering.
3. The developer is responsible for extending and completing infrastructure in the previously platted phases of Ridgemont Crossing only as necessary to serve the proposed new single family section of Ridgemont Crossing (parcel 2). This infrastructure shall be completed or bonded for as part of any new single family plat as required by the City Director of Engineering.

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Lighting:

1. Parcel 1- All site lighting for parcel 1 shall be limited to 25 feet in height. 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures for parcel 1. Ornamental lighting similar to the City standard Sternberg lights may be provided in lieu of cut-off fixtures subject to the review and approval of the Planning Commission. No pole mounted fixtures shall be provided within 100 feet of the north property line of Parcel 1. No more than 1 fixture shall be provided per pole and the wattage shall not be greater than 250 watts. The average/design level of illumination for areas within Parcels 1 shall not exceed 0.5 footcandles.
2. Parcels 2- All site lighting for parcels 2 shall be consistent with the existing Ridgemont Crossing subdivision.
3. A lighting plan shall be submitted with each final planned unit development plan/plat submission.

Signage:

1. A maximum of two ground mounted signs may be permitted on Parcel 1, one at each proposed entrance. Each sign shall not exceed 8' in height and shall utilize a masonry base that matches the proposed building architecture. A maximum display area of 32 square feet shall be permitted for each sign.
2. Temporary signage and flags shall comply with the on premise sign ordinance of the City

Building Limitations/Architecture (Parcel 1):

1. The proposed apartment architecture shall utilize masonry materials on a minimum of 2/3 of all building facades that isn't glass. Masonry shall include standard masonry brick or stone. Larger concrete blocks may not be included within this 2/3 requirement. The remaining 1/3 of the building facades shall be masonry or incorporate other high quality materials such as fiber cement board or other wood or composite lap siding. Vinyl siding or metal building panels shall not be permitted
2. Balconies or patios shall be provided for all units.
3. Proposed apartments shall maintain a minimum of a 120' building setback from the existing and proposed Ridgemont Crossing single family home subdivision. A 60' building setback shall be provided along both Dragoon trail and Fir Road.
4. Proposed apartments may not exceed more than three stories and may not exceed 40' in height.

Parking/Landscaping/Fencing/Dumpster (Parcel 1):

Proposed Ordinance No: 16-33

Ordinance No: _____

1. A minimum of 1.5 parking spaces shall be provided for each proposed apartment unit.
2. A 50 foot wide green space buffer with a 4-foot high earthen berm and planting shall be provided between the existing and proposed single family residential subdivision and the proposed apartment construction on Parcel #1. Planting on the berm shall include spruce and/or fir evergreen trees planted in a triangular spacing no further than 12' feet apart for the entire length of the buffer. At the time of planting, trees shall be a minimum of 8' in height. Deciduous shade trees shall also be planted within the same 50 foot buffer no greater than 40 feet on center, and shall be a minimum of 3" in caliper at the time of planting. Within the required buffer, a minimum of 21 ornamental trees shall be dispersed uniformly throughout the entire buffer area in clusters of 3. Ornamental trees shall be a minimum of 2" in caliper at the time of planting.
3. C-1 general commercial landscaping standards shall be required along the entire length of Fir Road and Dragoon Trail, and within proposed parking lot areas. Foundation plantings shall be provided at the base surrounding all buildings.
4. Dumpsters and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the apartment buildings. Dumpster locations shall be located minimum of 100 feet south of the north property line.
5. A standard 6' solid vinyl or composite board fence shall be provided along the north property line between the proposed apartments and the existing and proposed Ridgemont Crossing single family residential subdivision. A 4' high black ornamental steel or aluminum commercial grade picket fence shall be placed along both Fir Road and Dragoon Trail for the entire length of the proposed apartment project.

Single Family Residential Development Standards:

1. The proposed platting of lots to complete the existing Ridgemont Crossing Subdivision shall provide for lot sizes, setbacks, and covenant restrictions to match the existing Ridgemont Crossing subdivision. A preliminary planned unit development site plan shall be provided for the entire remaining vacant single family property prior to filing any final plat that divides the apartment property from the remaining land.

Reversion of Apartment Zoning:

1. The developer shall file a final planned unit development site plan within one calendar year and start construction of the apartment project within 18 months of the date of approval of the Common Council. If either one of these dates are missed, the apartment use for the property shall be considered null and void and shall revert back to single family residential. This provision has been placed to allow the City to adjust conditions relative to changes that may occur over time.

Proposed Ordinance No: 16-33

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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 and Dragoon Trail, both are currently moderately travelled collector roads where traffic volumes are expected to increase due to the on-going growth of the City. The site has a high tension power line through it, and an existing industrial park located on its border to the east. The site is adjacent and connected to the existing Ridgemont Crossing single family residential subdivision. As such, extensive conditions on the proposed development are necessary to insure both compatibility with the adjacent single family subdivision and the cohesive development of the property in general.
2. Character of Buildings in Area - The character of buildings and land uses located along the Fir Road and Dragoon Trail corridors are far ranging. On Fir Road the site is impacted the most by two single Family residential subdivisions being Ridgemont Crossing and Rosewood. Beyond those subdivisions there is a very large mobile home park and scattered industrial and commercial properties. On Dragoon Trail, an Industrial park is located to the east, and to the south of the site is George Wilson Park. The mix of residential, commercial, and industrial uses identifies a diversity of uses where apartments and single family uses are both appropriate.
3. The most desirable/highest and best use - With the property's location along the increasingly travelled Fir Road and Dragoon Trail corridors combined with the adjacent high tension power lines, the proposed mix of apartment and single family residential uses could be considered as the highest and best use of the property.
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 would be subject to a lengthy number of development conditions designed to insure the quality of the proposed development while providing a buffer to neighboring properties.
5. Comprehensive Plan - This property was identified with a preferred use as manufactured home residential in the Mishawaka 2000 Comprehensive Plan. Given that the manufactured housing demand has changed since the time of completion of the comprehensive plan, the proposed multi-family use is reasonably consistent with multiple uses contained within the Fir Road and Dragoon Trail corridors.

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

Proposed Ordinance No: 16-33

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

To The: Honorable members of the
Common Council of the
City of Mishawaka, Indiana

August 19, 2016

RE: Approval of an Amended PUD for
The 12th Street Planned Unit Development:

The undersigned, H & G Real Estate, LLC, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

A PARCEL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, A PORTION OF SAID PARCEL BEING LOTS ONE (1) THROUGH TWENTY-FIVE (25), ONE HUNDRED FIFTEEN (115) AND ONE HUNDRED SIXTEEN (116) AND ONE HUNDRED TWENTY-SIX (126) THROUGH ONE HUNDRED THIRTY-ONE (131) AS SHOWN ON THE RECORDED PLAT OF RIDGEMONT CROSSING SECTION TWO FINAL P.U.D. RECORDED AUGUST 15, 2006 AS DOCUMENT NO. 0635283 AND AMENDED BY AFFIDAVIT RECORDED NOVEMBER 19, 2007 AS DOCUMENT NO. 0745276 IN THE OFFICE OF THE RECORDER OF SAINT JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 23; THENCE NORTH 00°00'30" WEST ALONG THE WEST LINE OF SAID SECTION 23, 726.25 FEET; THENCE NORTH 89°59'30" EAST, 40.00 TO THE EAST RIGHT-OF-WAY LINE OF FIR ROAD AND THE SOUTHWEST CORNER OF SAID LOT 12, AND THE POINT OF BEGINNING; THENCE NORTH 00°00'30" WEST ALONG THE SAID EAST RIGHT-OF-WAY, 643.83 FEET (REC. NORTH 00°05'01" EAST, 644.46 FEET) TO THE NORTHWEST CORNER OF SAID LOT 18; THENCE NORTH 89°38'04" EAST, 216.11 FEET (REC. NORTH 89°43'36" EAST, 216.11 FEET); THENCE NORTH 84°21'55" EAST, 144.59 FEET (REC. NORTH 84°27'38" EAST, 144.61 FEET); THENCE NORTH 89°39'48" EAST, 229.52 FEET (REC. NORTH 89°43'36" EAST, 229.50 FEET); THENCE SOUTH 05°46'04" WEST, 42.12 FEET (REC. SOUTH 05°46'04" WEST, 42.24 FEET); THENCE NORTH 89°38'05" EAST, 120.38 FEET (REC. NORTH 89°43'36" EAST, 120.38 FEET) TO THE WEST RIGHT-OF-WAY LINE OF CANE RIVER DRIVE; THENCE NORTH 57°14'52" EAST, 68.84 FEET TO THE EAST RIGHT-OF-WAY LINE OF CANE RIVER DRIVE; THENCE NORTH 88°54'03" EAST, 127.72 FEET (REC. NORTH 88°57'58" EAST, 128.70 FEET); THENCE NORTH 13°21'11" WEST, 7.68 FEET (REC. NORTH 13°21'49" WEST); THENCE NORTH 88°57'08" EAST, 130.88 FEET (REC. NORTH 89°02'39" EAST); THENCE NORTH 13°44'23" EAST, 29.87 FEET (REC. NORTH 13°49'54" EAST, 29.87 FEET); THENCE NORTH 61°11'39" EAST, 109.70 FEET (REC. NORTH 61°17'10" EAST, 109.70 FEET); THENCE NORTH 13°52'32" WEST, 123.31 FEET (REC. NORTH 13°47'01" WEST, 123.31 FEET) TO THE SOUTH RIGHT-OF-WAY LINE OF GAULEY RIVER DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE WITH A CURVE TURNING TO THE RIGHT WITH

Pet 16-27

AN ARC LENGTH OF 12.96 FEET, WITH A RADIUS OF 470.00 FEET, WITH A CHORD BEARING OF NORTH 80°24'33" EAST (REC. NORTH 80°30'04" WEST), WITH A CHORD LENGTH OF 12.96 FEET; THENCE NORTH 08°42'23" WEST, 60.00 FEET (REC. NORTH 08°48'03" WEST, 60.00 FEET) TO THE NORTH RIGHT-OF-WAY LINE OF GAULEY RIVER DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF GAULEY RIVER DRIVE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 37.54 FEET, WITH A RADIUS OF 530.00 FEET, WITH A CHORD BEARING OF SOUTH 79°10'13" WEST (REC. SOUTH 79°15'44" WEST), WITH A CHORD LENGTH OF 37.53 FEET; THENCE NORTH 00°21'54" WEST, 196.46 FEET (REC. NORTH 00°16'23" WEST, 196.46 FEET); THENCE NORTH 89°36'58" EAST, 452.00 FEET (REC. NORTH 89°42'29" EAST, 452.00 FEET); THENCE NORTH 00°24'08" WEST, 185.00 FEET (REC. NORTH 00°18'37" WEST, 185.00 FEET) TO THE SOUTH RIGHT-OF-WAY LINE OF WALNUT CANYON COURT; THENCE NORTH 89°36'58" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE, 5.00 FEET (REC. NORTH 89°42'29" EAST, 5.00 FEET); THENCE NORTH 00°23'02" WEST, 60.00 FEET (REC. NORTH 00°17'31" WEST, 60.00 FEET) TO THE NORTH RIGHT-OF-WAY LINE OF WALNUT CANYON COURT; THENCE SOUTH 89°36'58" WEST (REC. SOUTH 89°42'29" WEST) ALONG SAID NORTH RIGHT-OF-WAY LINE OF WALNUT CANYON COURT, 5.00 FEET; THENCE NORTH 00°21'55" WEST, 295.25 FEET (REC. NORTH 00°16'24" WEST); THENCE SOUTH 89°59'17" EAST, 228.14 FEET; THENCE SOUTH 00°04'41" EAST, 138.60 FEET; THENCE SOUTH 89°59'17" EAST, 236.91 FEET; THENCE SOUTH 00°08'06" EAST, 1569.93 FEET TO THE CENTERLINE OF DRAGOON TRAIL; THENCE ALONG SAID CENTER LINE FOR THE NEXT TWO (2) COURSES, AND WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 261.30 FEET, WITH A RADIUS OF 1091.88 FEET, WITH A CHORD BEARING OF NORTH 84°41'30" WEST, WITH A CHORD LENGTH OF 260.68 FEET, AND THENCE SOUTH 89°17'06" WEST, 787.53 FEET; THENCE NORTH 00°43'30" WEST, 40.00 FEET (REC. NORTH 00°37'59" WEST) TO THE NORTH RIGHT-OF-WAY LINE OF DRAGOON TRAIL; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, SOUTH 89°16'30" WEST, 853.54 FEET, AND WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 75.73 FEET, WITH A RADIUS OF 4754.08 FEET (REC. 4759.29 FEET), WITH A CHORD BEARING OF NORTH 89°48'26" WEST (REC. SOUTH 89°48'49" WEST), WITH A CHORD LENGTH OF 75.73 FEET TO THE POINT OF BEGINNING.

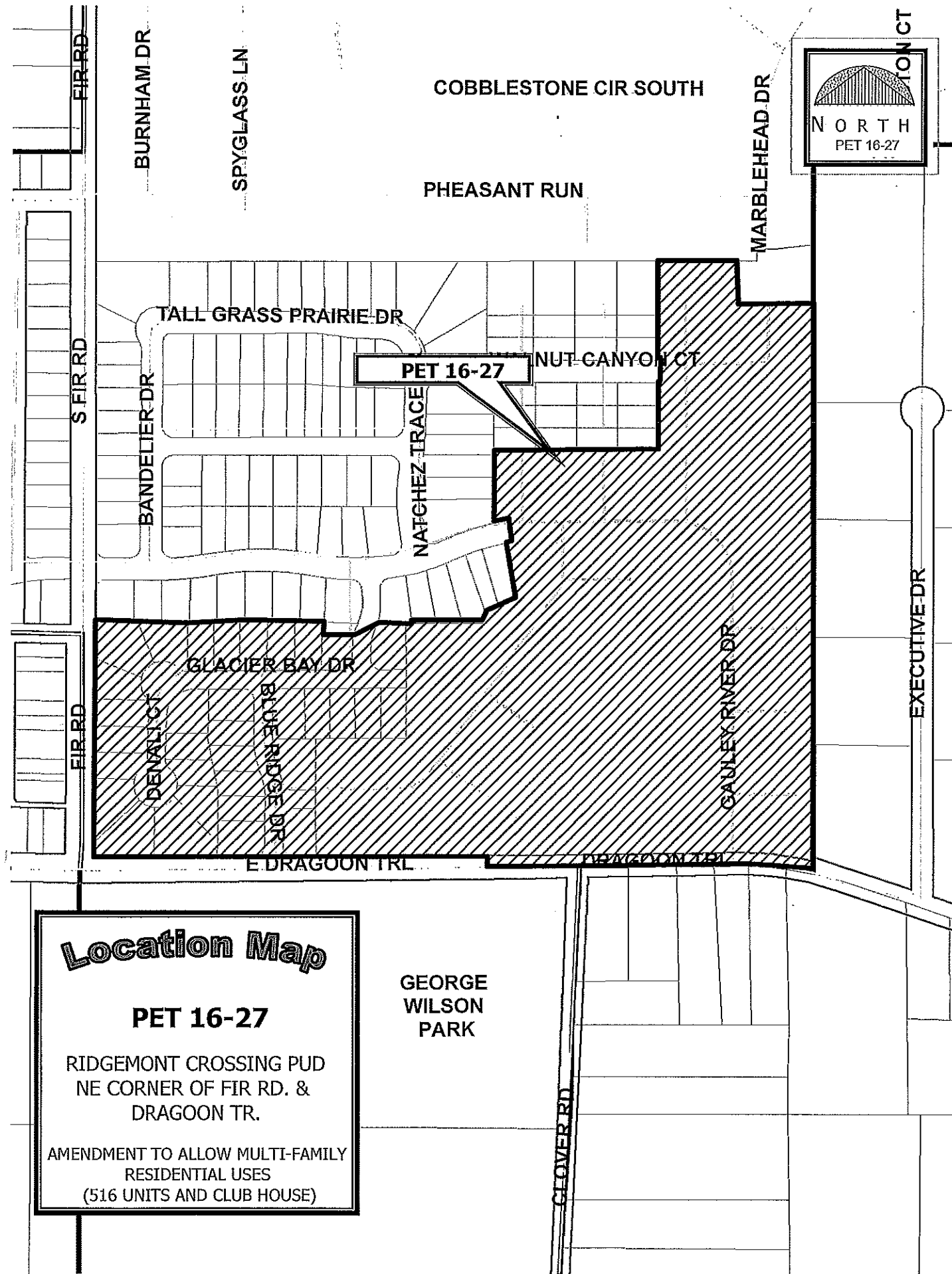
CONTAINING 44.77 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

Also commonly known as property located at the northeast corner of Fir Road and Dragoon Trail, Mishawaka, Indiana 46544. The above described parcel of land is presently zoned "S-2" Planned Unit Development district and was approved to allow single-family residential uses.

The Petitioners of said real estate desire to amend the existing "S-2" Planned Unit Development district to allow for multi-family residential uses in the existing Planned Unit Development District with "R-3" Development standards. The purpose for this amended Planned Unit Development would allow for the construction of a multi-family development with a club house.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka city plan commission and that after



Location Map

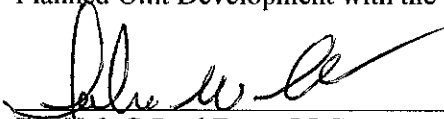
PET 16-27

RIDGEMONT CROSSING PUD
NE CORNER OF FIR RD. &
DRAGON TR.

AMENDMENT TO ALLOW MULTI-FAMILY
RESIDENTIAL USES
(516 UNITS AND CLUB HOUSE)

GEORGE
WILSON
PARK

hearing, an appropriate ordinance be enacted allowing for the requested amended "S-2"
Planned Unit Development with the proposed "R-3" Residential District Use.



For H & G Real Estate LLC
828 E. Jefferson Blvd.
South Bend, IN 46617

Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003

NOV 17 2016

CITY CLERK
MISHAWAKA, IN

1st Reading 11-21-16
2nd Reading
Passed
Failed
Continued To

PETITION #16-28

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-34

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, H and G Real Estate LLC has filed a petition for vacation of the public right-of-way described in Section 1 below;

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

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

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

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

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

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

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

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

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

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

Part of the Southwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, which is described as:

PROPOSED ORDINANCE NO. 2016-34

ORDINANCE NO.

1. The 60-foot right-of way running North-South for approximately 505.11-feet, commonly known as Blue Ridge Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
2. A portion of 50-foot right-of-way running East-West between Denali Court and Cane River Drive for approximately 546-feet, commonly known as Glacier Bay Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
3. A portion of 50-foot right-of-way running East from the centerline of Cane River Drive approximately 123.92-feet, commonly known as Glacier Bay Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
4. The varied width right-of-way running North-South for approximately 259-feet, commonly known as Denali Court, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
5. A portion of 50-foot right-of-way running North from the centerline of Glacier Bay Drive for approximately 130.57-feet, commonly known as Cane River Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
6. A portion of 60-foot right-of-way running East from the centerline of Blue Ridge Drive for approximately 115.00-feet, commonly known as Muir Woods Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.

Subject to all legal right-of-ways, easements, and restrictions of record.

COMMONLY KNOWN AS: Cane River Drive, Glacier Bay Drive, Blue Ridge Drive, Denali Court, and Muir Woods Drive.

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. If the concurrent development request is approved, the proposed vacation would provide for a logical termination of streets. If the concurrent development is not approved, the streets as originally platted could be recreated by a separate plat.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. The proposed adjacent use as apartments requires a significant buffer and separation from the existing single family residential subdivision. The proposed vacation allows for that separation.
- 3) The streets do not provide access to any church, school, public building or place, they have not been developed or improved at all, and thus will not hinder the public's access to any of the aforementioned destination.

PROPOSED ORDINANCE NO. 2016-34

ORDINANCE NO.

- 4) The proposed vacation will not hinder the use of any public way, utility, or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2016.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2016,
at _____ o'clock _____ M.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 31 2016

CITY CLERK
MISHAWAKA, IN

Date: August 19, 2016

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

RE: Petition for vacation of Public Right of Way:

The undersigned for H and G Real Estate LLC, respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way(s) located in the City of Mishawaka, St. Joseph County, Indiana:

Part of the Southwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, which is described as:

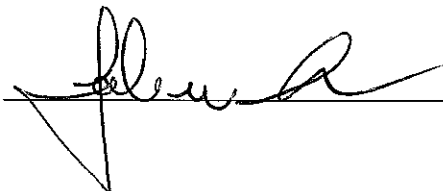
- 1) The 60-foot right-of way running North-South for approximately 505.11-feet, commonly known as Blue Ridge Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 2) A portion of 50-foot right-of-way running East-West between Denali Court and Cane River Drive for approximately 546-feet, commonly known as Glacier Bay Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 3) A portion of 50-foot right-of-way running East from the centerline of Cane River Drive approximately 123.92-feet, commonly known as Glacier Bay Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 4) The varied width right-of-way running North-South for approximately 259-feet, commonly known as Denali Court, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 5) A portion of 50-foot right-of-way running North from the centerline of Glacier Bay Drive for approximately 130.57-feet, commonly known as Cane River Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 6) A portion of 60-foot right-of-way running East from the centerline of Blue Ridge Drive for approximately 115.00-feet, commonly known as Muir Woods Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.

Subject to all legal right-of-ways, easements, and restrictions of record.

Ret 16-28

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way(s).

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 vacating the above described right of way(s) located in the City of Mishawaka.

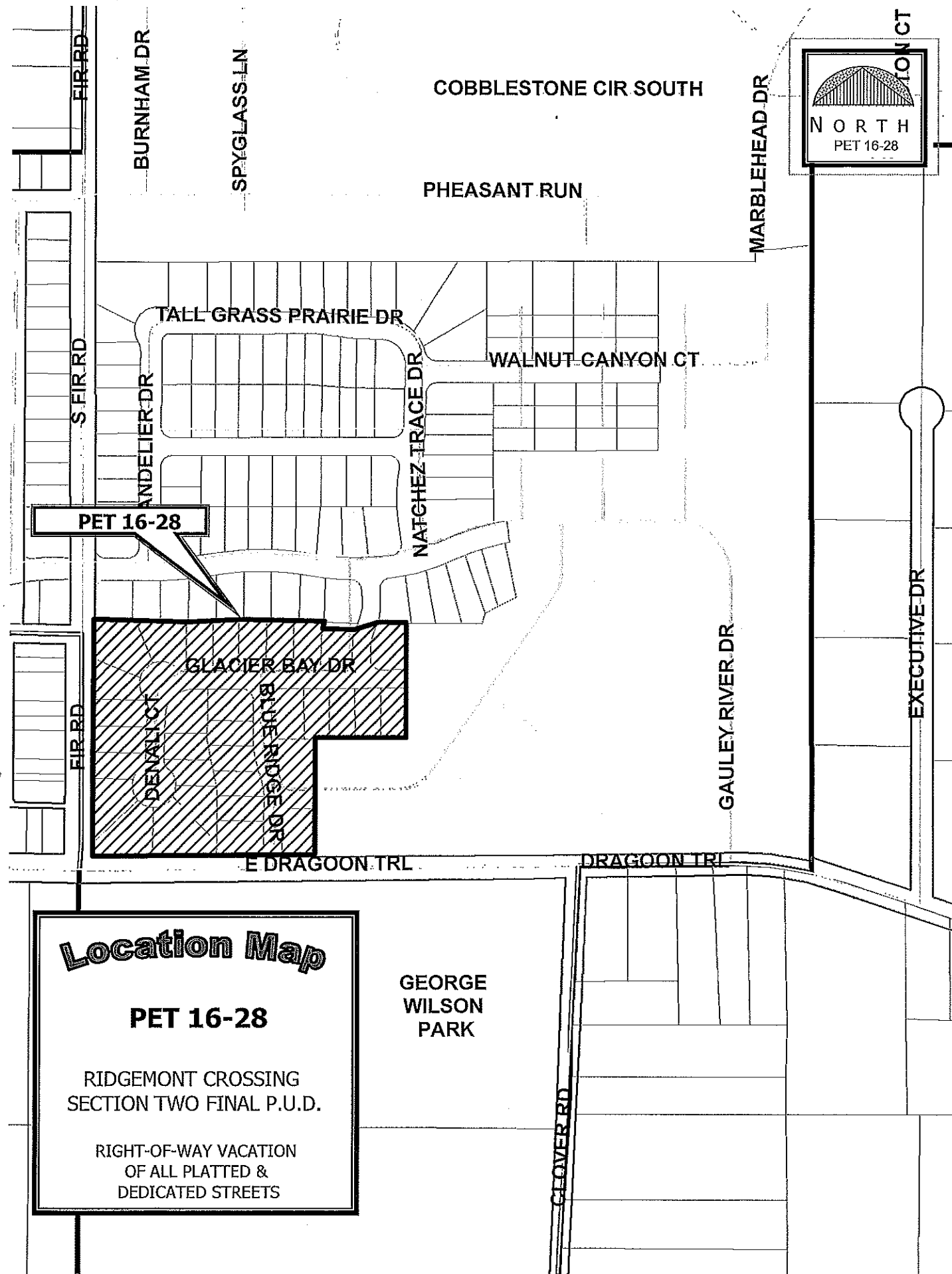
 (Signature)

John Green (Printed Name)

For H and G Real Estate LLC
828 E. Jefferson Blvd.
South Bend, IN 46617

Contact Person:

Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003, Fax 574-234-4119



PET 16-28

Location Map

PET 16-28

RIDGEMONT CROSSING
SECTION TWO FINAL P.U.D.

RIGHT-OF-WAY VACATION
OF ALL PLATTED &
DEDICATED STREETS

GEORGE
WILSON
PARK

NOTICE OF HEARING
Vacation No. 2016-02
Date of Hearing: September 19,
2016

Time of Hearing: 7:00 PM
PLEASE TAKE NOTICE:
Vacation NO. 2016-02 – Petition No.
2016-28

A petition has been filed by H and G
Real Estate LLC for Vacation of Public
Right of Way

Vacation NO. 2016-02 – Petition No.
2016-28

Part of the Southwest Quarter of
Section 23, Township 37 North, Range
3 East, Penn Township, City of
Mishawaka, St. Joseph County, Indiana,
which is described as:

1) The 60-foot right-of way running
North-South for approximately 505.11-
feet, commonly known as Blue Ridge
Drive, as platted within the Ridgemont
Crossing Section Two Final P.U.D. Plat,
Document No. 0635283.

2) A portion of 50-foot right-of-way
running East-West between Denali
Court and Cane River Drive for
approximately 546-feet, commonly
known as Glacier Bay Drive, as platted
within the Ridgemont Crossing Section
Two Final P.U.D. Plat, Document No.
0635283.

3) A portion of 50-foot right-of-way
running East from the centerline of Cane
River Drive approximately 123.92-feet,
commonly known as Glacier Bay Drive,
as platted within the Ridgemont
Crossing Section Two Final P.U.D. Plat,
Document No. 0635283.

4) The varied width right-of-way
running North-South for approximately
259-feet, commonly known as Denali
Court, as platted within the Ridgemont
Crossing Section Two Final P.U.D. Plat,
Document No. 0635283.

5) A portion of 50-foot right-of-way
running North from the centerline of
Glacier Bay Drive for approximately
130.57-feet, commonly known as Cane
River Drive, as platted within the
Ridgemont Crossing Section Two Final
P.U.D. Plat, Document No. 0635283.

6) A portion of 60-foot right-of-way
running East from the centerline of Blue
Ridge Drive for approximately 115.00-
feet, commonly known as Muir Woods
Drive, as platted within the Ridgemont
Crossing Section Two Final P.U.D. Plat,
Document No. 0635283.

Subject to all legal right

Notices are sent to the petitioner and to
the owners of property affected by the
petition. A hearing upon this petition
will be held in the Council

Chambers, Municipal Building, 600 East
Third Street, Mishawaka, Indiana. At this
time, you may appear either in person,
present in writing, be represented by an
agent or attorney, and present any reasons
which you may have to the granting or
denying of this petition. You are requested
to prepare your case, in detail, and present
all evidence relating to this petition at the
time of scheduled hearing.

Respectfully,
Deborah S. Block
City Clerk

12-----

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a pub-
lic newspaper of general circulation, published in the city of
Mishawaka in the County aforesaid, who being duly sworn,
upon her oath saith, that the notice of which she attached is
the true copy, was duly published in the **Mishawaka Enter-
prise** for:

XX One TWO THREE

times successively to-wit:

On the 8th day of September, 2016, and

On the day of , 2016, and

On the day of , 2016,

Subscribed & Sworn To Before Me
This 8th day of September, 2016

William L. Nich
William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: \$ 35.46

DHA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009

1643 Commerce Drive ■ South Bend, IN 46628

City of Mishawaka Plan Commission
Attn: Mr. Ken Prince - Plan Director
600 East Third Street
Mishawaka, Indiana 46544

September 7, 2016

RE: Amended PUD and Street Vacation Petition request for
Northeast corner of Fir Road and Dragoon Trail,
Mishawaka, Indiana:

Dear Mr. Prince:

On behalf of our clients, we are requesting a tabling of the above amended PUD and Street Vacation Petition request until the October 11th meeting of the Plan Commission.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch

Michael J. Danch
President
Danch, Harner & Associates, Inc.

File No. 160215 "C" Md.

PET 16-28

DL
emailed to Council & City
on 9-14-16

NOTICE OF HEARING

Vacation No. 2016-02

Date of Hearing: September 19, 2016

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Vacation NO. 2016-02 - Petition No. 2016-28

A petition has been filed by H and G Real Estate LLC for
Vacation of Public Right of Way
Vacation NO. 2016-02 - Petition No. 2016-28

Part of the Southwest Quarter of Section 23, Township 37 North, Range 3 East, Penn Township,
City of Mishawaka, St. Joseph County, Indiana, which is described as:

- 1) The 60-foot right-of-way running North-South for approximately 505.11-feet, commonly known as Blue Ridge Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 2) A portion of 50-foot right-of-way running East-West between Denali Court and Cane River Drive for approximately 546-feet, commonly known as Glacier Bay Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 3) A portion of 50-foot right-of-way running East from the centerline of Cane River Drive approximately 123.92-feet, commonly known as Glacier Bay Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 4) The varied width right-of-way running North-South for approximately 259-feet, commonly known as Denali Court, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.
- 5) A portion of 50-foot right-of-way running North from the centerline of Glacier Bay Drive for approximately 130.57-feet, commonly known as Cane River Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.

6) A portion of 60-foot right-of-way running East from the centerline of Blue Ridge Drive for approximately 115.00-feet, commonly known as Muir Woods Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.

Subject to all legal right

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

Respectfully,

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

NOV 17 2016

CITY CLERK
MISHAWAKA, IN

1st Reading 11-21-16
2nd Reading
Passed
Failed
Continued To

PETITION #16-32

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-35

ORDINANCE NO. _____

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:

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOTS NUMBERED 1 AND 2, AND OUTLOT "A" OF COLE'S CLEVELAND MINOR SUBDIVISION AS RECORDED NOVEMBER 12, 2015 IN INSTRUMENT NUMBER 1530456 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA. CONSISTING OF (3) THREE LOTS AND 2.97 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND

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 R-3 Multi-Family Residential District.

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

1. Existing Conditions - The subject parcels are located along a low to moderately travelled section of Cleveland Road on which traffic volumes are expected to remain relatively constant. Cleveland Road between State Road 23 and Fir Road does not serve as a major east-west corridor into the city. Adjacent land uses include single-family residential properties to the north, west, and east, and a single-family residential and commercial property to the

Proposed Ordinance No. 2016-35

Ordinance No. _____

south. This commercial property is currently under development as a medical office complex.

2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor from State Road 23 to the west to Fir Road to the east vary greatly. Buildings and uses include low-density single family residential homes, an assisted living/memory care facility, an independent living senior facility, a residential apartment complex, a church, and a medical office complex.
3. The most desirable/highest and best use - With the recent completion of Beacon Parkway to the north, commercial and multi-family residential development along Fir Road, and to a lesser extent along Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.
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 the adjacent single-family residential and medical office complex uses.
5. Comprehensive Plan - This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.

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

Proposed Ordinance No. 2016-35

Ordinance No. _____

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

David A. Wood, Mayor

DATE: October 12, 2016

TO THE: HONORABLE MEMBERS OF THE COMMON COUNCIL
CITY OF MISHAWAKA, INDIANA

RE: PETITION FOR ANNEXATION & REZONING FOR:

LARRY M. & CHRISTINE A. COLE

OCT 19 2016

Ret 16-32

THE UNDERSIGNED, RESPECTFULLY SHOW THAT THEY ARE THE OWNERS OF THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA:

ANNEXATION AND REZONING LEGAL DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOTS NUMBERED 1 AND 2, AND OUTLOT "A" OF COLE'S CLEVELAND MINOR SUBDIVISION AS RECORDED NOVEMBER 12, 2015 IN INSTRUMENT NUMBER 1530456 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA. CONSISTING OF (3) THREE LOTS AND 2.9⁷ ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMONLY KNOWN AS: 15057 CLEVELAND ROAD, 15151 CLEVELAND ROAD, AND VACANT LAND CLEVELAND ROAD, GRANGER, INDIANA 46530.

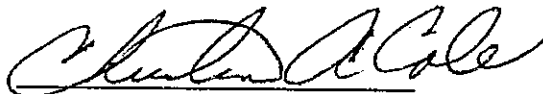
THE ABOVE DESCRIBED PARCELS OF LAND ARE PRESENTLY ZONED "R" SINGLE FAMILY DISTRICT IN THE UNINCORPORATED COUNTY.

PETITIONERS DESIRE TO ANNEX AND REZONE THE REAL ESTATE DESCRIBED ABOVE TO THE "R-3" MULTI-FAMILY RESIDENTIAL DISTRICT CLASSIFICATION. THE PURPOSE FOR THE ANNEXATION AND REZONING IS TO ALLOW FOR DEVELOPMENT CONSISTING OF RESIDENTIAL TOWNHOMES.

WHEREFORE, THE PETITIONERS PRAY AND RESPECTFULLY REQUEST THAT THE COMMON COUNCIL OF THE CITY OF MISHAWAKA REFER THIS MATTER TO THE MISHAWAKA CITY PLAN COMMISSION AND THAT AFTER HEARING, AN APPROPRIATE ORDINANCE BE ENACTED ANNEXATION AND REZONING THE ABOVE DESCRIBED PARCEL OF REAL ESTATE LOCATED IN THE CITY OF MISHAWAKA.



LARRY M. & CHRISTINE A. COLE



CONTACT PERSON:
MICHAEL DANCH
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628 (574) 234-4003.

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 02 2016

CITY CLERK
MISHAWAKA, IN

HONORABLE MEMBERS OF THE COMMON COUNCIL &
PLANNING COMMISSION COMMISSIONERS
CITY OF MISHAWAKA, INDIANA
600 EAST 3RD STREET
MISHAWAKA, IN 46544

OCT 18 2016

Pet 16-32

OCTOBER 18, 2016

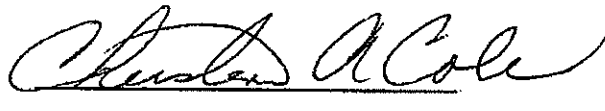
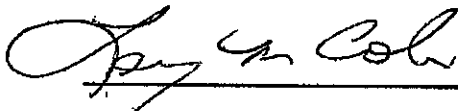
RE: ANNEXATION PETITION
15000 BLOCK CLEVELAND ROAD:

COMMON COUNCIL AND PLANNING COMMISSION MEMBERS,

THIS LETTER IS TO INFORM THE MEMBERS THAT I (WE) HAVE GRANTED
AUTHORITY TO DANCH, HARNER & ASSOCIATES TO REPRESENT ME (US)
AT THE PLANNING COMMISSION AND COMMON COUNCIL MEETING(S) AT
WHICH MY (OUR) PETITION WILL BE HEARD.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS MATTER, PLEASE FEEL
FREE TO CONTACT US.

SINCERELY,

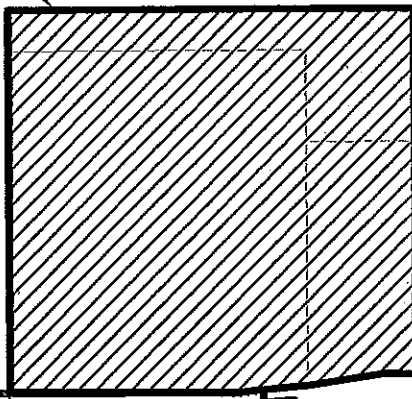


LARRY M. & CHRISTINE A. COLE
15234 GRAND VISTA DRIVE
GRANGER, IN 46350

File No. 162356
16236



PET 16-32



CLEVELAND RD

CITY OF MISHAWAKA
LIMITS

FIR TR

FIR RD.

Location Map

PETITION 16-32

15057 & 15151 Cleveland Rd.

ANNEXATION & REZONING FROM
R RESIDENTIAL (COUNTY) TO R-3
MULTI-FAMILY RESIDENTIAL DISTRICT

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 02 2016

CITY CLERK
MISHAWAKA, IN

1st Reading 11-09-16
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2016-28

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2016

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, THAT:

Section 1. An emergency exists which requires the transfer and reappropriation of
funds within the Fire Department in the General Fund budget adopted for the fiscal year
ending December 31, 2016.

Section 2. There is hereby transferred and reappropriated the sum of \$50,000.00
as follows:

General Fund

From: Fire Department		
<u>Personal Services</u>		
101-19-411-60	Overtime	<u>\$50,000.00</u>
	Total	\$50,000.00

To: Fire Department		
<u>Other Services and Charges</u>		
101-19-436-01	Building/Equip Repair	<u>\$50,000.00</u>
	Total	\$50,000.00

Section 3. This ordinance shall be in full force and effect from and after its
passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana, on 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.

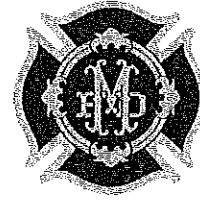
Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor



CITY OF MISHAWAKA



DAVID A. WOOD, MAYOR

MISHAWAKA FIRE DEPARTMENT
Bryon P. Woodward
Chief of Department

October 26, 2016

RE: Proposed Ordinance 2016

Honorable Council Members:

At this time, we find the need to request a transfer of Fire Department Funds as follows:

From: Fire Department

Personal Services

101-19-411-60	Overtime	<u>\$50,000.00</u>
---------------	----------	--------------------

Total \$50,000.00

To: Fire Department

Other Services and Charges

101-19-436-01	Building/Equip Repair	<u>\$50,000.00</u>
---------------	-----------------------	--------------------

Total \$50,000.00

This comes from an unexpected rise in apparatus repairs this year. We have started taking measures to help minimize this type of occurrence in the future. For example, developing and implementing a new preventative maintenance program for our fleet of vehicles.

If you have any questions concerning this transfer, please let me know and I will be happy to discuss them with you.

RECEIVED
DEBORAH S. BLOCK MMC

OCT 27 2016

CITY CLERK
MISHAWAKA, IN

Bryon P. Woodward, Chief
Mishawaka Fire Department



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: November 2, 2016
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: Local Road and Bridge Matching Fund #244

IC 8-23-30 requires all political subdivisions to adopt a Local Road and Matching Grant Fund to deposit our awarded funds. Our engineering department completed all the necessary steps to apply for this grant and was awarded \$750,000.00. Our matching appropriation is currently in the LOIT Special Distribution fund and will be transferred once this new fund is established. The three projects earmarked for this funding are Grape Road, McKinley Avenue, and Dagoon Trail.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor
Gary E. West, Director of Engineering

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 02 2016

CITY CLERK
MISHAWAKA, IN

1st Reading 11-9-16
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

Proposed Ordinance NO. 2016- 29

NOV 02 2016

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA,
INDIANA, ESTABLISHING A LOCAL ROAD AND BRIDGE MATCHING GRANT FUND

WHEREAS, the Indiana General Assembly, through House Enrolled Act 1001, and the Indiana Department of Local Government Finance, are requiring political subdivisions in Indiana to establish a new and separate fund to receive Local Road and Bridge Matching Grant distributions; and

WHEREAS, the Indiana Code 8-23-30, et al has been modified requiring such fund to be established; and

WHEREAS, the City is to obtain funds from the State's excess reserves for the purposes detailed in the Indiana Code and

WHEREAS, the City is to transfer its local matching funds into such fund as detailed in the Indiana Code.

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

Section 1. The City of Mishawaka, Indiana hereby establishes Fund 244 Local Road and Bridge Matching Grant Fund to receive the matching grant from the State and to transfer the City's local match.

Section 2. This Ordinance shall be in full force and effect from and after its passage, signing, attestation, and legal publication.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

On this _____ day of _____, 2016 at _____ o'clock, _____.M.

Ronald Banicki, Presiding Officer

ATTEST:

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

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

David A. Wood, Mayor

NOV 03 2016

CITY CLERK
MISHAWAKA, IN

1st Reading 11-09-16
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2016-30
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE VIII, CHAPTER 58, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE TRAFFIC CODE" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Traffic Commission of the City of Mishawaka, Indiana, has recommended the modification of Various Traffic Schedules of the Municipal Code

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

Section 1. Chapter 58, Section 58-522 Schedule I, of the Municipal Code of the City of Mishawaka, commonly known as "Speed Limits", is hereby amended as follows:

Delete the following:

- Grape Road from Day Road to southern edge of overpass, 40 mph
- Main Street from Day Road to SR23, 40 mph

Add the following speed limits to the schedule:

- Beacon Parkway, From Fir Road to Capital Avenue, 35 mph
- Bremen Highway, From Dragoon to Chandler, 35 mph
- Bremen Highway, From Walter St. to US20 Bypass, 40 mph
- Day Road, From Filbert Road to the Eastern City Limits, 40 mph
- Dragoon, From the Eastern City Limits to the Western City Limits, 35 mph
- Douglas Road, From Eastern City Limits to Western City Limits, 40 mph
- Edison Road, From Logan to Main Street, 35 mph
- Fir Road, From McKinley Avenue to Day Road, 35 mph
- Grape Road, From McKinley Avenue to Edison Road, 35 mph
- Grape Road, From Edison Road to North City Limits, 40 mph
- Ireland Road, From the Western City Limits to Bremen Highway, 35mph
- Main Street, From McKinley Ave to Day Road, 35 mph
- Main Street, From Day Road to North City Limits, 40 mph
- McKinley Avenue, From Logan to Fir Road, 35 mph
- McKinley Avenue, From Fir Road to the Eastern City Limits, 45 mph
- Shanower Court, From E. Jefferson Boulevard to the Golf Course, 20 mph
- Twelfth Street/Harrison Rd., From Eastern City Limits to Capital Ave, 35 mph
- Twelfth Street/Harrison Rd., From Capital Avenue to Merrifield Ave., 35 mph
- Union Street, From Twelfth Street to Dragoon, 35 mph
- University Drive, From Grape Road to Fir Road, 35 mph

Section 2. Chapter 58, Section 58-554 Schedule III, of the Municipal Code of the City of Mishawaka, commonly known as "All-Way Stop Intersections", is hereby amended as follows:

Add the following intersections:

- Division and Pregel Dr.
- Cedar and Merrifield
- Forest and Wilson Blvd
- Front and West
- Pine and Comfort Place
- Third and Race

Delete the following all-way stops:

- Hickory Road and Edison Road
- Jefferson and Cedar
- Jefferson and Division
- Jefferson and Fir Road
- Thirteenth and Union
- Twelfth Street (Harrison Road) and Capital Avenue
- Vistula and Bittersweet

Section 3. Chapter 58, Section 58-555 Schedule IV, of the Municipal Code of the City of Mishawaka, commonly known as "One-Way Streets and Alleys", is hereby amended as follows:

Delete the Following from "One-Way Streets and Alleys",

- Virgil Street, From Lincoln Way East to Third Street,
- Front Street, From Main Street to Mill Street,
- Center Court, From Front Street to Main Street,

Proposed Ordinance No: 2016-30

Ordinance No: _____

Section 4. 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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF ENGINEERING

GARY E. WEST
Director of Engineering
CHRISTINE M. JAMROSE, P.E.
Assistant Director of Engineering
TERRY R. HOGMAN
Construction Manager
DEBORAH L. WHEELER
Project Manager
R. TODD SCHEETS
Traffic Manager
MELISSA A. MCGUIRE
MS4 Coordinator

November 3, 2016

Mishawaka Common Council
City Hall, P.O. Box 363
Mishawaka, IN 46546-0363

Re: Proposed Ordinance Amendment 2016-30
Update to Traffic Code

Honorable Council Member:

Over the past couple of years the Engineering Department has been working with a Traffic Engineering Consultant to review the speed and volume in the high volume traffic corridors. As a result of those studies the Traffic Commission has approved adjusting the speeds to more closely match the operating speed within each corridor.

Secondly the Traffic Commission recently supported the installation of an "All Way Stop" on Division Street at Pregel Drive at the request of Mishawaka Police to make the intersection safer for students crossing with a crossing guard enroute to Liberty School.

As we prepared this ordinance it became apparent that there have been numerous changes within the City, and not all have been reflected in Chapter 58 of the City of Mishawaka Municipal Code which covers traffic and vehicles. This proposed ordinance changes Chapter 58, Article VIII, Schedule I "Speed Limits", Schedule III "All Way Stops", and Schedule IV "One Way Streets and Alleys" to update the code to reflect changes to the Traffic Code.

A summary of the amendments for each Schedule appears below under the applicable heading.

Schedule I, Speed Limits

Section 58-552, Schedule I, of the City of Mishawaka Municipal Code lists the speed limits for various streets within the City limits. The City has hired consultants to conduct traffic studies. The studies indicated that there are many corridors within the City for which the speed limits can be safely increased to allow for improved traffic flow.

Corridor	Segment	Existing Speed MPH	Proposed Speed MPH
Grape Road	State Road 23 to S. of Toll Road	30	40
	South Side Toll Road to Day Rd.	40	40
	Day Road to Edison Road	30	40
	Edison Road to McKinley Ave.	30	35
Main Street	Day Road to North City Limits	40	40
	Day Road to McKinley Avenue	30	35
McKinley Avenue	Logan St. to Fir Road (Former INDOT speed limit)	35	35
	Fir Road to Eastern City Limits	45	45
Edison Road	Logan to Main Street	30	35
Day Road	Grape Road to Filbert	35	35
	Filbert to the Eastern City Limits	30	40
Dragoon Trail	Eastern City Limits to Western City Limits	30	35
Douglas Road	Western City Limits to Eastern City Limits	30	40
University Drive	Grape Road to Fir Road	30	35
Beacon Parkway	Fir Road to Capital Avenue (SR 331)	35	35
Bremen Highway	US 20 Bypass to Walter St.	35	40
	Chandler to Dragoon	35	35
Union Street	Dragoon to Twelfth Street	30	35
Twelfth St./Harrison Road	Eastern City Limits to Capital Avenue (SR 331)	35	35
	Lexington to Capital Avenue (SR 331)	30	35
	Capital Avenue to Merrifield Avenue	30	35
Ireland Road	Western City Limits to Bremen Hwy	30	35
Fir Road	Day Road to McKinley Avenue	30	35

Schedule III, All-way stop intersections

Section 58-554, Schedule III, delineates the all-way stops within the City limits. Several have been upgraded to traffic signals and should be **removed** from schedule III:

- Hickory Road at Edison Road
- Jefferson Boulevard at Cedar Street
- Jefferson Boulevard at Division Street
- Jefferson Boulevard at Fir Road
- Thirteenth and Union
- Twelfth Street (Harrison Road) and Capital Avenue
- Vistula and Bittersweet

The Traffic Commission has also recommended the removal of the all-way stop at Byrkit and Fourth.

The following intersections to be designated as **all-way stops**:

- Division at Pregel Drive
- Front Street at West St.
- Pine St. at Comfort Place
- Third St. at Race St.
- Cedar St at Merrifield Ave.
- Forest St. at Wilson Boulevard

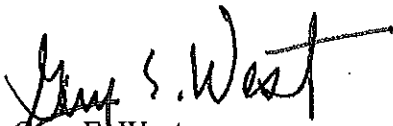
Schedule IV, One-way streets and alleys

Section 58-555, Schedule IV, of the Traffic Schedule delineates the one-way streets and alleys within the City limits.

- Remove Virgil Street, From Lincolnway East to Third Street, as this stretch of Virgil has been vacated
- Remove Front Street, From Main Street to Mill Street, as traffic is now two-way
- Remove Center Court, From Front Street to Main Street, as this roadway has been removed

If you have any questions, or would like to schedule a time for an informational session regarding the proposed changes, feel free to call me at 258-1619 or e-mail me at gwest@mishawaka.in.gov.

Very truly yours,



Gary E. West
Director of Engineering

GEW:mam

NOV 03 2016

CITY CLERK
MISHAWAKA, IN

1st Reading 11-09-16
2nd Reading
Passed
Failed
Continued To

CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2016-31
ORDINANCE NO. _____

AN ORDINANCE AMENDING, CHAPTER 62, OF THE MUNICIPAL
CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME
AMENDED, COMMONLY KNOWN AS "SEWER USE ORDINANCE" OF
THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Department of Engineering of the City of Mishawaka, Indiana,
has recommended the modification of the Sewer Use Ordinance of the Municipal
Code specifically Chapter 62 Division 8, "Sewer Insurance Fund and Charges".

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

Section 1. Chapter 62, Section 62-244, "Application of Funds", is hereby
amended as follows:

Delete Section 62-244(a)(1) and Replace with a new Section 62-244(a)(1) as
follows:

(a) Funds collected under this division shall be used for:

- (1) The payment of all costs in excess of the charges set forth in section 62-246
which the city engineer declares to be directly attributable to the repair of a
private sewer connection.

Section 2. Chapter 62, Section 62-246, commonly known as "Charges to
Private Sewer Owner; payment", is hereby amended as follows:

Delete Section 62-246 in its Entirety and Replace with a new Section 62-246:

- (a) The owner of property on which the private sewer connection is located shall be
responsible to pay the city engineer the first \$250.00 of cost incurred for all
work as allowed under section 62-244 in an owner-occupied single family
dwelling.
- (b) The owner of property on which the private sewer connection is located shall be
responsible to pay the city engineer the first \$500.00 of cost incurred for all
work as allowed under section 62-244 in a renter-occupied single family
dwelling.
- (c) Payment from the single family property owner shall be due to the sewer
insurance fund prior to the initiation of any work.
- (d) In cases of hardship or extreme emergency, the single family owner occupied
property may file an affidavit of hardship for review by the city engineer. If
approved, payment will be due the city within 180 days of the date of invoice
issued by the city engineer.

Proposed Ordinance No: 2016-31

Ordinance No: _____

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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Traffic Manager
MELISSA A. McGUIRE
MS4 Coordinator

November 3, 2016

Mishawaka Common Council
City Hall, P.O. Box 363
Mishawaka, IN 46546-0363

Re: Proposed Ordinance Amendment 2016-31
Amending the Sewer Insurance Program

Honorable Council Member:

The proposed amendments to the Sewer Insurance Program will allow the City of Mishawaka to simplify the operation of the program, regardless of the type of occupancy. When a covered sewer repair is performed, the deductible for owner-occupied single family residence is currently and will remain \$250. In the case of renter-occupied single family dwellings, the deductible will be \$500.

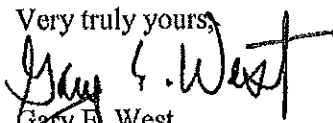
As properties change hands, it is difficult to keep accurate records of the type of occupancy. As owner occupied homes change to rental property, renter-occupied homes continue to be charged for the sewer insurance program after they are no longer eligible, which poses a problem when a covered repair arises.

Additionally, as homes move from owner-occupied to a rental property, our current policy attempts to remove rental properties from collection of the monthly sewer insurance fee since the program was developed for single family owner occupied properties. As the number of rental homes increases, properties paying into the sewer insurance fund continue to decrease.

The proposed amendments to the sewer insurance program will address both problems. By updating the ordinance to collect from renter-occupied single family dwellings, the sewer insurance fund will be more solvent. Additionally, determining the occupancy status at the time of sewer repair is much easier and more reliable. This will allow the City to collect a higher deductible on rental properties, while still being responsive to repair a failing private sewer lateral.

If you have any questions, or would like to schedule a time for an informational session regarding the proposed changes, feel free to call me at 258-1619 or e-mail me at gwest@mishawaka.in.gov.

Very truly yours,


Gary E. West
Director of Engineering

GEW:mam