AGENDA

Monday, December 5, 2016

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

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

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Previous Regular Meeting

November 21, 2016

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2016-48 Use Variance for a Tattoo & Body Piercing Studio Twin Branch Retail Ctr LLC - 2826 LWE

A Public Hearing on Vacation 2016-02 required by State Statute on behalf of H and G Real Estate LLC for all Platted & Dedicated Streets Ridgemont Crossing Section Two Final PUD **(Petitioner Requesting Tabling Until the January 16, 2017 Meeting)**

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2016-36 Additional Funds - State Grants $70,146.54

P.O. NO. 2016-37 Amending Park Non Reverting Funds

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2016-33 Amend Ridgemont Crossing PUD NE Corner of Fir Rd & Dragoon Tr. to allow Multi-family Residential Uses 360 Units and Club House **(Petitioner Requesting Tabling Until the 01-16-2017 meeting)**

P.O. NO. 2016-34 Vacation of Right of Way of all Platted & Dedicated Street Ridgemont Crossing Section Two Final PUD **(Petitioner Requesting Tabling to 01-16-2017)**

P.O. NO. 2016-35 Annex and Zone from R-1 to R-3 Multi-family 15057 & 15151 Cleveland Rd. **NO VOTE**

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

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

12. New Business

13. Adjournment – This meeting will be aired this Wednesday at 9:00AM on the Public Access Channel

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 21, 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 21, 2016, at 7:00 p.m. The meeting was called to order by President Ron Banicki all were asked to stand for the Pledge of Allegiance.

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

Others present; Mike Trippel Council Attorney, Chief Deputy Mary Ellen Hazen, Raven Boston, Staff.

The minutes from the November 9, 2016 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding recommendations from their November 15, 2016 meeting.

PETITION NO. 16-27	Amend the Ridgemont Crossing Planned Unit Development to allow Multi-Family residential uses.
PETITION NO. 16-28	Vacate all platted and dedicated streets within a portion of the Ridgemont Crossing Section Two Final Planned Unit Development.
PETITION NO. 16-32	Annex and Zone 15057 and 15151 Cleveland Road Granger, IN to R-3 Multi-Family

REPORT OF SPECIAL COMMITTEE

Clerk Block read under Report of Special Committee a Press Release regarding the Food and Beverage Tax. Clerk Block read for the first time in serval decades Council members of Mishawaka and South Bend met with the St. Joseph County Council members to receive information on the Food and Beverage Tax in the State of Indiana. She mentioned on June 29, July 27 and August 31 of 2016, the councils met to receive information regarding the possibility of enacting a Food and Beverage Tax in St. Joseph County. Clerk Block stated many citizens, community leaders, business owner, and Non- For-Profit Organizations attended the meetings voicing their concerns, support and disagreements with such a tax. She went on to say the Mishawaka Council members learned much from the discussions thanks to the South Bend Common Council and St. Joseph County Council for their ground breaking press event and encouraged formats such as these for the future. Clerk Block referenced 6th District Councilmen

Banicki statement, “holding joint informational meetings enhances the publics ability to attend and voice their opinions, it also gave them an opportunity for all citizens and council members alike to join together in a transparent setting”. She continued to state Councilmen Banicki and the Mishawaka Common Council did not wish to pursue the Food and Beverage Tax locally at this time.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-33**.

PROPOSED ORDINANCE NO. 2016-33

AN ORDINANCE CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOW AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA
(Ridgemont Crossing PUD NE Corner Fir & Dragoon 516 Units)
(Assigned to Land Use Planning Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2016-34**

PROPOSED ORDINANCE NO. 2016-34

AN ORDINANCE CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOW AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA
(Ridgemont Crossing Section Two Final PUD)
(Assigned to the Land Use Planning Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2016-35**

PROPOSED ORDINANCE NO. 2016-35

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE
(Annex & Zone from R-1 to T-3 Multi Family 15057 &10151 Cleveland Rd.)
(Assigned to the Land Use Planning Committee)

Clerk Block read **PROPOSED ORDINANCE NO. 2016-28**. opening it for public hearing

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)

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.

Bryon Woodward, Fire Chief said it was an end of the year transfer for unexpected expenses. He stated it would get them to the end of the year.

Question was called for at 7:07 p.m. for **PROPOSED ORDINANCE 2016-28** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. Thus it becomes **ORDINANCE NO. 5550**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-29** opening it for public hearing.

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

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

Rebecca Miller, City Controller said Indiana Code 8-23-30 requires all critical subdivisions to adopt a Local Road and Bridge Matching Grant Fund to deposit rewarded funds. She said they were awarded $767,500. She stated money would be deposited in the grant fund once received. Ms. Miller said their matching appropriation was currently in the LOIT for the special distribution fund and it would be transferred. She explained the current projects earmarked included Grape Rd., McKinley Ave., Dragoon Tr. and Fir Rd.

Question was called for at 7:10 p.m. for **PROPOSED ORDINANCE 2016-29** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. Thus it becomes **ORDINANCE NO. 5551**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-30** opening it for public hearing.

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
(Amending Miscellaneous Traffic Codes)

Mr. Tanner reported the Public Health and Safety Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Deal motion carried

Gary West, Director of Engineering followed up on Ms. Miller's establishment of the grant fund. He said the roads that were scheduled for work were a 50/50 Matching Program through INDOT. Mr. West continued to say the State would award the money once bids were taken. He stated work would begin in the spring.

Mr. West said in 2010 a study was created to go through each of the major transportation corridors on the north side to evaluate speed limits and traffic counts. He explained there were higher posted speed limits at one segment then lower posted speed limits at the next segment. Mr. West said there were cars driving higher than the posted speed. He explained adjusting the posted speed limits was not intended to encourage drivers to go faster but to post the speed at the operating level to keep traffic consistent.

Mr. Deal asked if passed how long would it take to implement and how much to update. Mr. West said he did not know the exact dollars. He indicated they had high skilled sign maintenance. Mr. West said the blank areas would be the biggest expense.

Mr. Deal asked how many signs would be affected. Mr. West said there were some conflicts on some sign changes and he would need to do inventory. He stated all sign would be done at once and hoped the signs could be posted before the bad weather hits. Clerk Block stated legal publication was required.

Mr. Mammolenti was concerned if the operating speed was based on how fast the drivers drive verses safest speed the driver should be driving. Mr. West said the initial concept was for their roadway design to meet the minimum criteria to allow drivers to travel posted speeds.

Mr. Mammolenti asked if there were any accidents witnessed during the study. Mr. West answered yes, the accident studies were not speed related. He continued to say if the council decided not to make any changes the other option was to meet with the police department for enforcement to make the drivers drive the posted speed limits.

Mr. Canarecci asked if consideration had been given on whether the corridor was residential or commercial. Mr. West believed not much land use investigation was done. He said the majority of the focus was in the commercial corridors on the south end between the McKinley Ave. and Edison Rd.

Mr. Canarecci asked what would be best, higher speed limits or enforcement. Mr. West said he would like to get the speed limits consistent and ask the police department to enforce what is established.

Mrs. Voelker asked if stoplights could be timed in the residential areas for residents to exit out of their driveways safely between McKinley Ave. and Edison Rd. Mr. West replied no, it would be impossible to manage.

Mr. Tanner asked if Grape Rd. and Main St. was designed for high capacity volume and mostly commercial. Mr. West replied yes.

Mr. Tanner said there were intermittent speed limits that changes north to south. He pointed out there were unavoidable consequences to people in residential areas with large roads that would be impacted by the high volume and moderate speed limits. Mr. Tanner said part of the consequence was the feeling of a wide-open road and highway type experience. He continued to say with the interaction of the road drivers feel like they can drive faster than the posted speed. Mr. Tanner said it seemed obtrusive to expect the police to enforce and monitor these roads the entire year regularly. He said if there was a feeling of a speed that was appropriate for the drivers regardless of the posted speed and with current inconsistent speed that it was regulated; he felt it was appropriate to adjust the limits.

Mr. Banicki thanked Mr. West for his service on the Traffic Commission. He asked if the speed limit lowered on Main Street, would there be traffic jams. Mr. West said newer cars idle at 20 miles an hour, there would be people on their brakes and a lot of frustration if enforced.

Mr. Banicki asked how many roads go north to south County line to County line. Mr. West listed Main Street and Fir Road.

Mr. West then discussed Schedule Three of All-Way stops that he suggested to be removed. He also mentioned Schedule Four of One- Way streets; he proposed to remove section between Lincolnway and 3rd street.

Mr. Banicki appreciated Mr. West work. He understood there would be other roads that would need attention in the future.

Ruth Pavich, 142 Bastogne Ave. said she lived there for 56 years and had seen many changes. Mrs. Pavich spoke on behalf of Normain Heights neighborhood. She said the residents had been working to become a Conservation District. She explained at their meeting the main concern was the traffic and the speed on N. Main St. Mrs. Pavich stated they would like to see 30 mph speed limit enforced. She voiced the concerns of residents exiting out their drive and crossing the street on Main Street safely. Mrs. Pavich asked the Council for their support and help to protect and preserve the neighborhood.

Mr. Tanner expressed his sympathy. He said the best enforcement was design. Mr. Tanner explained at this time that road was designed more or less as a highway. He said it would not be reverted to a smaller road and the next step would be to obscure the driver's vision. He asked how they would feel about trees lining the roadway. Mrs. Pavich said it was mentioned.

Mr. Tanner said it was a difficult situation of trying to control behaviors whenever a road was designed with high volume in a residential area. He continued to say they were in a situation on

whether to change the speed limit or to enforce enforcement. Mrs. Pavich suggested random speed checks and lighted speed sign reminding drivers of the speed limit.

Mr. Mammolenti thanked Mrs. Pavich for expressing her thoughts and concerns. He asked prior to the expansion on Main street, were the residents able to park on the street. Mrs. Pavich replied yes.

Mr. Banicki asked how the road was going north when Mrs. Pavich moved into the area. Mrs. Pavich said it stopped at Catalpa and was farmland after that.

Mr. Banicki said from the time Mrs. Pavich has been there has she seen destinations grow north of her. He stated the problem was to get to that destination the fastest way, a straight line coming through that area. Mr. Banicki believed going north or east the targeted areas in the nicer neighborhoods have changed as far as how quiet they use to be. He said it was unfortunate to the residents on Main Street. Mr. Banicki said they would do their best on the enforcement side regardless of what happens.

Linda Bates, 131 E. Leyte, James Penn 203 Bastogne, Wendell Sheldor 14535 Day Road, and Jerry Enders 2507 N. Main voiced their concerns regarding increasing the speed limit on Main street. Those concerns being: speeding, children's safety, accidents, cars speeding down side streets and speed limit enforcement.

Mr. Deal asked if increased to 35, residents could live with the increase as long as it was enforced. Mr. Enders replied yes.

Mr. Deal said everything that he had read and heard the changes made sense. He expressed his sympathy to the residents. Mr. Deal believed they could achieve both goals if they implement the ordinance as written and ask for consistent enforcement.

Mr. Mammolenti asked by John Young Middle School was there a School Resource Officer throughout the day. Mr. Enders replied yes. Mr. Mammolenti suggested for the officer to park where it was more visible. Mr. Enders said he has given officers permission to park in his driveway.

Mr. Tanner stated the city is nothing if they are not a collection of neighborhoods and people. He said that was what the city was made of. He appreciated the residents making Normain Heights a Conservation District.

Tom and Judy Pauwels, 59302 Bremen Hwy voiced their concerns on increasing the speed limit on Bremen Highway. The Pauwels enter their driveway off Walter Street. They do not want the speed increased from 35mph and asked that a turn lane be installed.

Mr. Canarecci said the city has done a lot of due diligence and hard work. He sympathized with the residents and their concerns of their safety. Mr. Canarecci said he lived a block off Main St. and he sees how frustrating it was to see people driving faster than 30mph. He agreed if the speed limits were raised drivers would drive faster. Mr. Canarecci did not have confidence of

enforcement in the long term would resolve the issue. He expressed he was not in support of the ordinance.

Mr. Tanner said he lived on Calhoun St. a block east of Logan and he agreed with Mr. West that on Wilson Blvd. most of the traffic was subsided with rise of pedestrian crossings along the River Walk. He mentioned on Calhoun St. there were cars going 50mph avoiding stoplights on Logan and Mishawaka Ave. Mr. Tanner said whether there were speed limit signs or not the speed limit in a neighborhood was 30mph. He commented speed limit signs do not change the driver's behavior; it was the way streets were designed and the driver tendency to get to point A to point B as fast as they can. Mr. Tanner agreed they would not see enforcement in the long term. He felt consistency was needed in the speed limits. He believed it would be easier for the police to enforce if the speed limits were consistent. Mr. Tanner stated he was in support of the ordinance.

Mrs. Voelker asked if the Council could amend and change the proposed ordinance. Clerk Block said yes.

Amendments were proposed and discussions took place regarding Main Street's speed limit with no motions receiving a vote. Council Members expressed many concerns.

Mr. Emmons moved that the PO 2016-30 be tabled indefinitely, Mr. Canarecci seconded the motion. The motion failed by a 3-5 vote with Mr. Mammolenti, Mr. Emmons and Mr. Bellovich voting YES.

Mr. Tanner moved that PO Ordinance 2016-30 be continued until the December 5th meeting, Mrs. Voelker seconded the motion. Upon a voice vote the motion passed unanimously.

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

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)

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

Gary West, Director of Engineering said in 1979 he spoke with a resident on Lincolnway that had a sewer lateral that went into the middle off Lincolnway 18 feet deep. Mr. West stated at the time there was no sewer Insurance program to help repair her sewer lateral. He said in 1984 Mayor Bob Beutter wanted to develop a Sewer Insurance Program to minimize the extreme cost of sewer lateral repair for property owners. Mr. West stated the program started out with a $500

deductible to build up the fund then changed to $250. He said now they pay $1.50 per month. Mr. West explained the ordinance was written for owner occupied single-family homes, the problem was the city was accumulating more rental properties that are single family. He said they asked utilities not to assess sewer insurance if the property was a rental. Mr. West went on to say as they migrate through the real estate industry a rental property sometime gets sold and converted back to a single family home then the utilities record would show sewer insurance was not being paid. He said he was proposing to make a change to the language in the ordinance. Mr. West said if it was a rental property the deductible would increase to $500. He felt they were doing property management firm with multiple rental properties a great favor.

Mrs. Voelker asked if the property owner of the rental properties was responsible to pay the Insurance. Mr. West said it did not matter.

Mr. Canarecci expressed Mr. West would be greatly missed when he retires.

Question was called for at 9:05 p.m. for **PROPOSED ORDINANCE 2016-29** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki. Thus it becomes **ORDINANCE NO. 5552**

NEW BUSINESS

Mr. Mammolenti announced the next Twin Branch meeting would be January 18th.

Mr. Tanner announced the next Oaks Neighborhood meeting to take place in March.

ADJOURNMENT 9:06 p.m.

Deborah S. Block_____/s/ Ronald S. Banicki_____/s/
Deborah S. Block, IAMC, MMC, City Clerk Ronald S. Banicki, President

THIS IS NOT A FILL-IN FORM, BUT A SAMPLE APPEAL TO BE USED AS A GUIDE WHEN PREPARING YOUR APPEAL.

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 29 2016
CITY CLERK
MISHAWAKA, IN

DATE:

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, ***Twin Branch Retail Center LLC,*** am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to- wit:

(PROVIDE ACCURATE LEGAL DESCRIPTION AND ALSO THE COMMON ADDRESS—A TAX KEY NUMBER IS NOT A LEGAL DESCRIPTION)

2826 Lincoln Way East

2. The above-described real estate presently has a zoning classification of Parcel I: Part of the West Half of the Northwest Quarter of Section 13, Township 37 North, Range 3 East, Mishawaka, Indiana, described as follows: Commercing at the point of intersection of the West line of Section 13, Township 37 North, Range 3 East, with the center line of Lincoln Highway East, a distance of 990.67 feet to a point of curvature in said center line; thence easterly, on a curve to the left having a radius of 309.7 feet, a distance of 122.16 feet to the point of tangency; thence Northeasterly, tangent to said curve, a distance of 270.82 feet to the point of beginning; thence left (North) 83 degrees 33 degrees and on the Westerly line of land heretofore conveyed to George F. Laing and Carrie M. Laing, his wife, to the St. Joseph and Elkhart Power Company (now owned by Indiana and Michigan Electric Company) by Warranty Deed dated July 26, 1902 and recorded July 28, 1902, in St. Joseph County, Indiana, Deed Record 122, at page 482, a distance of 825 feet, more or less, to the low water line of the St. Joseph River; thence Southwesterly following the low water line of the St. Joseph River, to the point of intersection with a line that is 306.14 feet perpendicularly West of and parallel with the said Westerly line of the St. Joseph County and Elkhart Power Company property (now owned by Indiana and Michigan Electric Company); thence South, on said parallel line, a distance of 738 feet, more or less, to a point on the aforementioned curve in the center line of Lincoln Highway East, thence Easterly on said curved center line, a distance of 37.13 feet, to the point of tangency; thence Northeasterly, tangent to said curve, a distance of 270.82 feet to the point of beginning. C-2 Shopping Center Commercial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies (*or proposes to occupy)* the above-described property in the following manner: A women's dress apparel and accessories store and a tattoo and body piercings studio

4. Appellant desires to *(Explain what is proposed that violates the Ordinance.) have the building and the property zoned for a tattoo studio in addition to the women's retail dress shop.*
5. The Zoning Ordinance of the City of Mishawaka requires *Currently section 137-326 does not list tattoo establishments a permitted use for the building or property.*
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. Commercial zoning states a tattoo and body piercing studio is not a permitted use for the building in that district.

7. Answer the following necessary questions for a **USE VARIANCE:**

AP 16-48

RECEIVED
NOV 23 2016
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? *no it will not. All our employees and workers will adhere to the rules and guidelines of the U.S. Occupational Safety and Health Administration (29CFR 1910.1030), the Indiana State Department of Health (410 IAC 1-5), and the St. Joseph County Health Department (County Code 114).*

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *No, My goal for my business is to project the most professional business image possible. This will happen with contact, follow-up, and follow-through with customers, and surrounding businesses.*

(3) Does the need for the variance arise from some condition peculiar to the property involved? *.Yes the property is zoned, however it is not currently zoned for a tattoo parlor*

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? *Yes it would cause a hardship due to loss profits from the additional uses.*

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *I believe my small business plan will generate additional consumer traffic and spending which will in turn generate profits and additional tax income for our community and the city of Mishawaka*

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

Signature of Property Owner/Title Holder
Print Name Here

Second Property Owner/Title Holder
Print Name Here

CONTACT PERSON:
Name:
Address:
Day Phone Number:
Fax Number:
Email:

Michelle L. Hilbert
507 Loveland Pass Ct.
Osceola, IN. 46561

574-850-9162
michellehilbert17@gmail.com

Michelle L. Hilbert

Twin Branch Retail Center, LLC 9171 N. Milwaukee Avenue Niles, IL 60714 (847) 663.1170

November 3, 2016

Ref: 2826 Lincolnway East Mishawaka, IN 46544

To Whom It May Concern:

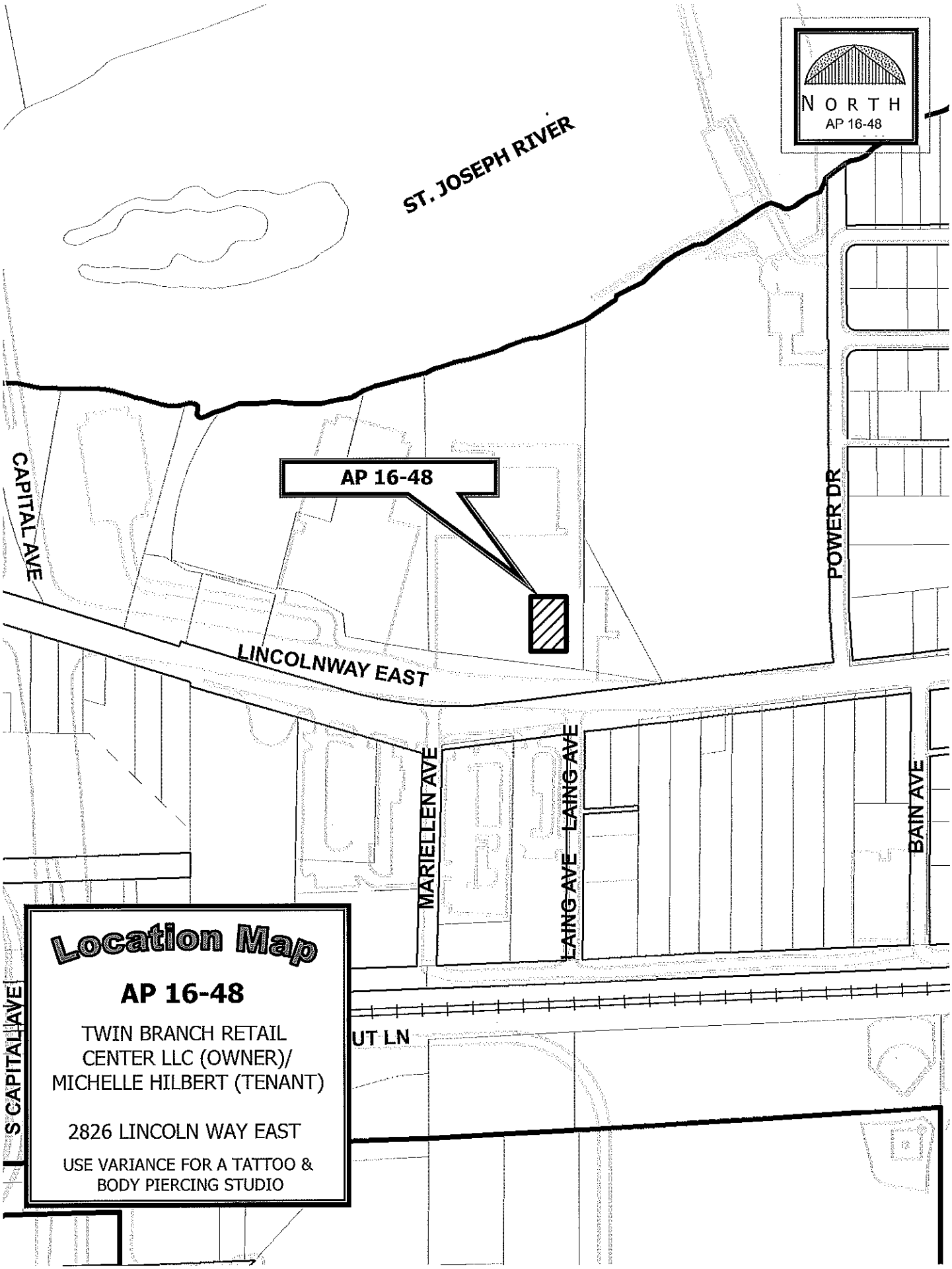
The purpose of this letter is to inform you that the prospective tenant name of Michelle Hilbert show sign of interest on renting the property locate at 2826 Lincolnway East Mishawaka, IN. She is pursuing this rental location to conduct three types of retail businesses where one of them involves in tattoo services. As of the property owner, I am okay with the proposition as long as she meets the guideline of the city codes and possess liability insurance according to the terms of the lease.

If you have any other questions or concerns, I can be reach at 847.663.1170.

Regards,

Haemin Chong
The president, Twin Branch Retail Center, LLC

RECEIVED
NOV 23 2016
BUILDING, PLANNING
COMMUNITY DEVELOPMENT



Location Map

AP 16-48

TWIN BRANCH RETAIL CENTER LLC (OWNER)/ MICHELLE HILBERT (TENANT)

2826 LINCOLN WAY EAST

USE VARIANCE FOR A TATTOO & BODY PIERCING STUDIO

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

Mishawaka Common Council
Mr. Ronald S. Banicki - President
600 East Third Street
Mishawaka, Indiana 46544

December 1, 2016

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

Dear Mr. Banicki:

On behalf of our clients, we are requesting a tabling of the above amended PUD and Street Vacation Petition request until the January 16, 2017 meeting of the Mishawaka Common Council. This request is to allow our clients time to attempt to address issues which were brought up by concerned residents at the Mishawaka Plan Commission meeting.

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.

RECEIVED
DEBORAH S. BLOCK, MMC
DEC 01 2016
CITY CLERK
MISHAWAKA, IN

Cc: Ken Prince-Mishawaka Planning

File No. 160215 "C" Md.

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: November 30, 2016

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Additional Appropriation State Grants Fund

In finishing up projects for this year there is a need for funding for some necessary concrete work. I am requesting approval to appropriate approximately $70,000 that is contained in the State Grants Fund. The projects include:

- Eleventh St – curb and sidewalk work to resolve drainage issues
- Elizabeth St – curb improvements
- Third St – curbs around street trees and replace sidewalk
- ADA compliance – various locations

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 30 2016
CITY CLERK
MISHAWAKA, IN

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 3 02016
CITY CLERK
MISHAWAKA, IN

1st Reading 12-5-16
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2016-36

ORDINANCE NO._____

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE 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 appropriation of additional funds for the fiscal year ending December 31, 2016 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the State Grants Fund of the City of Mishawaka the sum of $70,146.54 for assignment as follows:

State Grants

Capital Outlays		
243-50-442-04	Street/Sewer/Sidewalk/Curb	$70,146.54

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.

_____
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

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: November 30, 2016

To: Honorable Members of the Common Council

From: Rebecca Miller

Re: Park Non Reverting fund

For your approval is the updated Park fee schedule for the Non Reverting fund which is updated from time to time. The Park Board has approved all updates.

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

c: David A. Wood, Mayor
Phil Blasko, Park Director

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MISHAWAKA, IN

1st Reading 12-5-16
2nd Reading
Passed
Failed
Continued To

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NOV 3 02016
CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2016-37

ORDINANCE NO._____

AN ORDINANCE AMENDING ORDINANCE 3592 AS AMENDED ESTABLISHING A SPECIAL NON-REVERTING OPERATION FUND AND A SPECIAL NON-REVERTING CAPITAL FUND WITH THE MISHAWAKA PARK AND RECREATION DEPARTMENT BUDGET

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

Section 1. Ordinance No. 3592 as amended, Section 4 is hereby deleted in its entirety and replaced with the following.

Section 4. The following improvement fees now in use by the Department of Parks and Recreation are to hereby be deposited into either the "Parks and Recreation Special Non-Reverting Operating Fund" or the "Park and Recreation Non-Reverting Capital Fund" as directed by the Park Board:

SEE ATTACHED SCHEDULE

Section 2. This ordinance shall be in full force and effect after its passage, signing, attestation and 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

Mishawaka Parks and Recreation Fee Structure

POOL RATES

Season Passes	**General PLPS**	**N/R Park NRPP**	**Total**
Adult Resident (ages 18+)	$42.00	$18.00	$60.00
Adult Non-Resident (ages 18+)	$66.50	$28.50	$95.00
Family Resident	$87.50	$37.50	$125.00
Family Non-Resident	$129.50	$55.50	$185.00
Youth Resident (ages 5-17)	$38.50	$16.50	$55.00
Youth Non-Resident (ages 5-17)	$63.00	$27.00	$90.00
Senior Resident (ages 62+)	$38.50	$16.50	$55.00
Senior Non-Resident (ages 62+)	$63.00	$27.00	$90.00
Daily Rates	**General MFAD**	**N/R Park NRPA**	**Total**
Toddler (ages 0-4)	$0.00	$0.00	$0.00
Youth (ages 5-17)	$2.45	$1.05	$3.50
Adult (ages 18+)	$3.15	$1.35	$4.50
Family (Monday-Friday)	$7.00	$3.00	$10.00
Senior (ages 62+)	$2.80	$1.20	$4.00
Re-Entry (6:00 pm-9:00 pm)	$1.40	$0.60	$2.00
Lap Swim	$1.75	$0.75	$2.50
Group Rates			
Base Rate (10+ people)	$1.40	$0.60	$2.00
Supervisor (1 required per every 10 people)	$2.80	$1.20	$4.00
Other Fees			
Swimming Lessons **(SWIM)**	$24.50	$10.50	$35.00
Merrifield Pool Rental (per hour) **(PLRT)**	$56.00	$24.00	$80.00

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GOLF RATES

Season Passes	**General**	**N/R Park**	**N/R Str Plan**	**Total**
	GCPS	**NRGP**	**NRSP**	
Junior Resident (ages 7-22 w/ valid College ID)	$87.50	$22.50	$15.00	$125.00
Junior Non-Resident (ages 7-22 w/ valid College ID)	$122.50	$37.50	$15.00	$175.00
Adult Resident (ages 18+)	$297.50	$112.50	$15.00	$425.00
Adult Non-Resident (ages 18+)	$402.50	$157.50	$15.00	$575.00
Adult Couple Resident (ages 18+)	$350.00	$135.00	$15.00	$500.00
Adult Couple Non-Resident (ages 18+)	$472.50	$187.50	$15.00	$675.00
Family Resident (those claimed on Federal 1040)	$385.00	$150.00	$15.00	$550.00
Family Non-Resident (those claimed on Federal 1040)	$490.00	$195.00	$15.00	$700.00
Senior Resident (62+ & fully retired)	$234.50	$85.50	$15.00	$335.00
Senior Non-Resident (62+ & fully retired)	$332.50	$127.50	$15.00	$475.00
Senior Couple Resident (62+ & fully retired)	$262.50	$97.50	$15.00	$375.00
Senior Couple Non-Resident (62+ & fully retired)	$385.00	$150.00	$15.00	$550.00

Daily Fees	**General**	**N/R Park**	**N/R Str Plan**	**Total**
	GCGF	**NRGF**	**NRSP**	
Toddler (ages 0-6)	$0.00	$0.00	$0.00	$0.00
Junior 9 or 18 Hole - M-F (Ages 7-17)	$9.00	$2.00	$1.00	$12.00
Adult 9 Hole - M-F (ages 18+)	$9.00	$2.00	$1.00	$12.00
Adult 18 Hole - M-F (ages 18+)	$13.50	$3.50	$1.00	$18.00
Senior 9 or 18 Hole - M-F (ages 62+)	$9.00	$2.00	$1.00	$12.00
Twilight 9 or 18 Holes (after 4 p.m.)	$9.00	$2.00	$1.00	$12.00
9 Holes Only (all ages)	$9.00	$2.00	$1.00	$12.00
Weekend/Holiday 9 or 18 Hole (all ages)	$15.75	$4.25	$1.00	$21.00
League Fees 9 or 18 Hole	$9.00	$2.00	$1.00	$12.00

Cart Fees (Includes Applicable Tax)	**General**	**N/R Park**	**N/R Str Plan**	**Total**
	GCCR	**NRCR**	**NRSP**	
Cart 9 Holes	$6.00	$2.00	$0.00	$8.00
Cart 18 Holes	$10.50	$3.50	$0.00	$14.00

Fall Special Rates	**General**	**N/R Park**	**N/R Str Plan**	**Total**
Fall 18 Hole w/ 1/2 Cart	$19.50	$5.50	$1.00	$26.00
Fall 18 Hole (Without Cart)	$9.00	$2.00	$1.00	$12.00

Other Fees	**General**	**N/R Park**	**N/R Str Plan**	**Total**
	GCEQ			
Pull Cart 9 Holes	$2.00	$0.00	$0.00	$2.00
Pull Cart 18 Holes	$3.00	$0.00	$0.00	$3.00

Mishawaka Parks and Recreation Fee Structure

ICE RINK RATES

Season Passes	**General**	**N/R Park**	**Total**
	IRPS	**NRPP**	
Adult Resident (ages 18+)	$24.50	$10.50	$35.00
Adult Non-Resident (ages 18+)	$31.50	$13.50	$45.00
Youth Resident (ages 5-17)	$21.00	$9.00	$30.00
Youth Non-Resident (ages 5-17)	$28.00	$12.00	$40.00
Family Resident	$35.00	$15.00	$50.00
Family Non-Resident	$45.50	$19.50	$65.00
Senior Resident (ages 62+)	$21.00	$9.00	$30.00
Senior Non-Resident (ages 62+)	$28.00	$12.00	$40.00
Daily Rates	**General**	**N/R Park**	**Total**
	ICER	**NRIR**	
Toddler (ages 0-4)	$0.00	$0.00	$0.00
Youth (ages 5-17)	$2.10	$0.90	$3.00
Adult (ages 18+)	$2.80	$1.20	$4.00
Senior (ages 62+)	$2.45	$1.05	$3.50
Re-Entry (4:30 pm-9:00 pm)	$1.40	$0.60	$2.00
Skate Sharpening **(SKSP)**	$2.10	$0.90	$3.00
Skate Rental **(SKRT/NRSR)**	$1.40	$0.60	$2.00
Skate Lessons **(SKLS)**	$14.00	$6.00	$20.00
Skate Aid Trainers **(SATR)**	$1.40	$0.60	$2.00
Group Rates			
Base Rate (10+ people w/ supervisor)	$1.40	$0.60	$2.00
Field Trip	$0.70	$0.30	$1.00
Special Events	**General**	**N/R Park**	**Total**
Family Night	$10.50	$4.50	$15.00
Valentine's Couples Skate	$7.00	$3.00	$10.00
New Year's Eve	$7.00	$3.00	$10.00
Rink Rental	**General**	**N/R Park**	**Total**
	RKRT	**NRRR**	
Ice Rink Rental per hour	$77.00	$33.00	$110.00

WILSON DISC GOLF AND TUBING RATES

Season Passes	**General**	**N/R Park**	**Total**
Individual Resident	$31.50	$13.50	$45.00
Individual Non-Resident	$42.00	$18.00	$60.00
Family Resident	$70.00	$30.00	$100.00
Family Non-Resident	$105.00	$45.00	$150.00
Disc Golf	**General**	**N/R Park**	**Total**
	WDAD		
Admission	$2.10	$0.90	$3.00
Group Rates 10+ w/ Supervisor	$0.70	$0.30	$1.00
Disc Sales	**General**	**N/R Park**	**Total**
	DISC	**NRDS**	
Innova DX	$7.00	$3.00	$10.00
Innova DX Glow Dynamic Classic/Soft	$9.10	$3.90	$13.00
Innova Pro	$9.80	$4.20	$14.00
Dynamic Bio Fuzion	$10.50	$4.50	$15.00
Innova I-Dye Innova Champion/Blizzard Dynamic Lucid	$11.90	$5.10	$17.00
Innova Star/Gstar	$12.60	$5.40	$18.00
Innova Champion Glow	$13.30	$5.70	$19.00
George Wilson Golf Towel	$5.60	$2.40	$8.00
Tubing	**General**	**N/R Park**	**Total**
Admission **(WHAD/NRTA)**	$2.10	$0.90	$3.00
Group Rates 10+ w/ Supervisor **(WHAD/NRTA)**	$0.70	$0.30	$1.00
Tube Rental **(TUBE/NRTR)**	$1.40	$0.60	$2.00

Mishawaka Parks and Recreation Fee Structure

GARDEN & PAVILION RENTALS/OTHER RENTALS

Weddings/Gardens	**General**	**N/R Park**	**Total**
Bandshell **(BBSR)**	$100.00	$0.00	$100.00
Bandshell-Non-Profit **(BBSR)**	$55.00	$0.00	$55.00
Battell Rock Garden (per 2 hrs) **(NRBP)**	$0.00	$100.00	$100.00
Kate's Garden (per 2 hrs) **(NRKG)**	$0.00	$75.00	$75.00
Shiojiri Garden (per 2 hrs) **(NRSG)**	$0.00	$150.00	$150.00
Robert C. Beutter Riverfront Park (per 2 hrs) **(NRBT)**	$0.00	$225.00	$225.00
Run/Walks	**General**	**N/R Park**	Total
Beutter Park-Non-Profit (per 4 hrs) **(NRBT)**	$0.00	$200.00	$200.00
Beutter Park-For-Profit (per 4 hrs) **(NRBT)**	$0.00	$300.00	$300.00
Pavilions	**General**	**N/R Park**	**Total**
	PAVL	**NRPV**	
Bendix	$65.00	$5.00	$70.00
Central Park-Large **(NRCP)**	$75.00	$75.00	$150.00
Central Park-Ballband, Bendix, Dodge, Wheelabrator **(NRCP)**	$50.00	$50.00	$100.00
Henry Frank	$65.00	$5.00	$70.00
Hillis Hans	$65.00	$5.00	$70.00
Crawford	$65.00	$5.00	$70.00
Normain	$65.00	$5.00	$70.00
Prickett	$65.00	$5.00	$70.00
Rose North or South	$65.00	$5.00	$70.00
Twin Branch Bicentennial	$65.00	$5.00	$70.00
All Pavilions Non-Profit (except Central Park)	$50.00	$5.00	$55.00
Building Rentals	**General**	**N/R Park**	**Total**
Castle Manor **(CMRR)**	$225.00	$0.00	$225.00
Castle Manor - Non-Profit M-Th **(CMRR)**	$100.00	$0.00	$100.00
Eberhart Clubhouse Banquet Hall **(RRNT)**	$275.00	$0.00	$275.00
George Wilson Warming Room **(WHWS)**	$175.00	$0.00	$175.00
George Wilson Warming Room - Non-Profit, M-Th **(WHWS)**	$75.00	$0.00	$75.00
George Wilson Warming Room - Non-Profit, F-S **(WHWS)**	$175.00	$0.00	$175.00
Public Events Park Usage	**General**	**N/R Park**	**Total**
	PEPK		
Beutter Park (Non-Profit)	$350.00	$0.00	$350.00
Beutter Park (For-Profit)	$550.00	$0.00	$550.00
Central Park (Non-Profit)	$750.00	$0.00	$750.00
Central Park (For-Profit)	$1,000.00	$0.00	$1,000.00
Kamm Island (Non-Profit)	$900.00	$0.00	$900.00
Kamm Island (For-Profit)	$1,200.00	$0.00	$1,200.00
Wilson Park Rental	**General**	**N/R Park**	**Total**
Park Rental **(WLWL)**	$200.00	$0.00	$200.00
Stage **(MISP)**	$200.00	$0.00	$200.00
Electric (per panel) **(MISP)**	$80.00	$0.00	$80.00
Additional Items	**General**	**N/R Park**	**Total**
Barricade Rental (sets of 10)	$50.00	$0.00	$50.00
Trash Cans (10)	$0.00	$0.00	$0.00
Picnic Table Rental (sets of 10)	$100.00	$0.00	$100.00

Mishawaka Parks and Recreation Fee Structure

BALL DIAMOND RENTAL

Diamond/Field Rentals	**General DMLT**	**N/R Park NRSB**	**Total**
Lighted Diamonds (per 2 hrs)	$0.00	$10.00	$10.00
Non-Lighted Diamonds (per 2 hrs)	$0.00	$10.00	$10.00
Little League Diamonds (per 2 hrs)	$0.00	$5.00	$5.00
Tournament Rental (per Diamond, per Day)	$0.00	$150.00	$150.00

SPORT LEAGUES

Summer Softball	**General SMSB**	**N/R Park NRSB**	**Total**
Men's 12" Slow Pitch League Fee	$300.00	$0.00	$300.00
Women's Slow Pitch League Fee	$300.00	$0.00	$300.00
Coed League Fee	$300.00	$0.00	$300.00
Roster Fees (per League Team)	$0.00	$100.00	$100.00

Fall Softball	**General FLSB**	**N/R Park NRSB**	**Total**
Men's 12" Slow Pitch League Fee	$340.00	$0.00	$340.00
Women's Slow Pitch League Fee	$300.00	$0.00	$300.00
Coed League Fee	$320.00	$0.00	$320.00
Roster Fees per League Team	$0.00	$100.00	$100.00

Volleyball Co-Ed	**General**	**N/R Park**	**Total**
Adult Volleyball (ages 18+)	$84.00	$36.00	$120.00

YOUTH ATHLETICS

	General	**N/R Park**	**Total**
Youth Tackle Football (Qualifying Child)	$87.50	$37.50	$125.00
Youth Tackle Football (Qualifying 1st Sibling)	$70.00	$30.00	$100.00
Youth Tackle Football (Qualifying 2nd Sibling)	$52.50	$22.50	$75.00
Youth Flag Football	$38.50	$16.50	$55.00
Track/Cross Country, Co-Ed	$31.50	$13.50	$45.00
Youth Soccer	$38.50	$16.50	$55.00
Basketball, Co-Ed	$38.50	$16.50	$55.00
Winter Clinics (Baseball, Basketball, Soccer & T-Ball)	$10.00	$0.00	$10.00
Youth T-Ball (age 3)	$17.50	$7.50	$25.00
Youth T-Ball (ages 4-5)	$24.50	$10.50	$35.00
Youth T-Ball (ages 6-7)	$31.50	$13.50	$45.00

MISCELLANEOUS FEES			
Daddy/Daughter Dance	**General DANC**	**N/R Park**	**Total**
Daddy Daughter Dance Fee	$30.00	$0.00	$30.00
Each Additional Daughter	$5.00	$0.00	$5.00

DAY CAMP			
Recreation Camp	**General CAMP**	**N/R Park**	**Total**
Activity/Registration Fee	$0.00	$25.00	$25.00
Weekly Attendance Fee (1st qualifying child)	$80.00	$10.00	$90.00
Weekly Attendance Fee (2nd qualifying child)	$70.00	$10.00	$80.00
Weekly Attendance Fee (3rd qualifying child)	$60.00	$10.00	$70.00
Morning Care (7:30 am-8:00 am)	$10.00	$0.00	$10.00
Afternoon Care (3:00 pm-5:30 pm)	$20.00	$0.00	$20.00
Basic Daily Drop In Fee	$30.00	$0.00	$30.00
Morning & Afternoon Care Combined	$25.00	$0.00	$25.00
Battell Center Camp	**General**	**N/R Park**	**Total**
Activity/Registration Fee	$0.00	$25.00	$25.00
Weekly Attendance Fee (1st qualifying child)	$70.00	$10.00	$80.00
Weekly Attendance Fee (2nd qualifying child)	$60.00	$10.00	$70.00
Weekly Attendance Fee (3rd qualifying child)	$50.00	$10.00	$60.00
Morning Care (7:30 am-8:00 am)	$10.00	$0.00	$10.00
Afternoon Care (3:00 pm-5:30 pm)	$20.00	$0.00	$20.00
Morning & Afternoon Care Combined	$25.00	$0.00	$25.00

BATTELL CENTER RENTAL RATES			
Room Rentals	**General BCRT**	**N/R Park (See Descr)**	**Total**
Community Room-M-F (per hour) **(NRRT)**	$12.50	$12.50	$25.00
Community Room-S-Su (per day) **(NRRT)**	$125.00	$125.00	$250.00
Gymnasium-Sports Rental-M-F **(NRGR)**	$25.00	$25.00	$50.00
Gymnasium-S-Su (0-4 hrs) **(NRGR)**	$75.00	$75.00	$150.00
Gymnasium-S-Su (5-8 hrs) **(NRGR)**	$150.00	$150.00	$300.00
Meeting Rooms-M-F (per hour) **(NRRT)**	$7.50	$7.50	$15.00
Meeting Rooms-Non-Profit (per hour) **(NRRT)**	$5.00	$5.00	$10.00
Meeting Rooms-S-Su (0-4 hrs) **(NRRT)**	$40.00	$40.00	$80.00
Meeting Rooms-S-Su (5-8 hrs) **(NRRT)**	$80.00	$80.00	$160.00
Party Package: Community Room & Gymnasium: Saturday or Sunday	**General BCRT**	**N/R Park NRGR**	**Total**
Community Room & (0-2 hrs) Gym Rental	$245.00	$105.00	$350.00
Community Room & (2-4 hrs) Gym Rental	$280.00	$120.00	$400.00
Community Room & (4-6 hrs) Gym Rental	$315.00	$135.00	$450.00
Community Room & (6-8 hrs) Gym Rental	$350.00	$150.00	$500.00
Lobby Rental	**General BCRT**	**N/R Park NRRT**	**Total**
Special Events (0-4 hrs)	$140.00	$60.00	$200.00
Special Events (4-8 hrs)	$210.00	$90.00	$300.00
Includes use of Community Room Kitchen (0-4 hrs)	$210.00	$90.00	$300.00
Includes use of Community Room Kitchen (4-8 hrs)	$280.00	$120.00	$400.00
Auditorium Rentals	**General**	**N/R Park**	**Total**
Non-Profit Rates	**BCDN**	**NRAR**	
Half Day (Non-Performance) Event	$70.00	$30.00	$100.00
Full Day (Non-Performance) Event	$105.00	$45.00	$150.00
Performance with Per-Day Rehearsal	$210.00	$90.00	$300.00
Per-Rehearsal Breakdown	$35.00	$15.00	$50.00
One Performance with 5 Day (M-F) Rehearsal	$245.00	$105.00	$350.00
One Performance with 10 Day (M-F) Rehearsal	$490.00	$210.00	$700.00
Additional Performances added to Options C-E	$140.00	$60.00	$200.00
Additional Room Use (Day of Performance) added to Options A-E	$21.00	$9.00	$30.00
For-Profit Rates			
Half Day (Non-Performance) Event	$140.00	$60.00	$200.00
Full Day (Non-Performance) Event	$175.00	$75.00	$250.00
Performance with Per-Day Rehearsal	$420.00	$180.00	$600.00
Per-Rehearsal Breakdown	$35.00	$15.00	$50.00
One Performance with 5 Day (M-F) Rehearsal	$525.00	$225.00	$750.00
One Performance with 10 Day (M-F) Rehearsal	$700.00	$300.00	$1,000.00
Additional Performances added to Options C-E	$280.00	$120.00	$400.00
Additional Room Use (Day of Performance) added to Options A-E	$21.00	$9.00	$30.00
Auditorium Performance 1 wk of Advertisement on BCC Watch Fire Sign (per week)	$17.50	$7.50	$25.00
Additional Rental	**General**	**N/R Park**	**Total**
Custodial/Maintenance OT **(REPK)**	$40.00	$0.00	$40.00

BATTELL CENTER RATES			
Special Events	**General**	**N/R Park**	**Total**
Breakfast w/ Santa, Family Nights, etc.	**BCSE**		
Per Person	$2.80	$1.20	$4.00
Couple	$4.20	$1.80	$6.00
Family	$7.00	$3.00	$10.00
Parents Night Out (per child)	$21.00	$9.00	$30.00
Auditorium Movie Showing Admission			
Youth (ages 5-17)	$1.40	$0.60	$2.00
Adult (ages 18+)	$2.80	$1.20	$4.00
Family	$7.00	$3.00	$10.00
Dinner/Movie Combo - Youth (ages 5-17)	$0.70	$0.30	$1.00
Dinner/Movie Combo - Adult (ages 18+)	$2.10	$0.90	$3.00
Dinner/Movie Combo - Family	$6.30	$2.70	$9.00
Preschool	**General**	**N/R Park**	**Total**
	BCEN		
Preschool Education (4 wks, 2x per week session, per child)	$21.00	$9.00	$30.00
Preschool Play Classes (4 sessions)	$10.50	$4.50	$15.00
Preschool Play Classes (drop-in, per child)	$3.50	$1.50	$5.00
Community Talent Show Ticket Fee	**General**	**N/R Park**	**Total**
Youth (ages 5-17)	$3.50	$1.50	$5.00
Adult (ages 18+)	$7.00	$3.00	$10.00
Youth Athletics	**General**	**N/R Park**	**Total**
Basketball (ages 3-6) **(BCRF/NRRF)**	$21.00	$9.00	$30.00
Soccer (ages 3-6) **(BCRF/NRRF)**	$21.00	$9.00	$30.00
Miscellaneous Fees	**General**	**N/R Park**	**Total**
Storage Fee Quarterly **(BSTR)**	$40.00	$0.00	$40.00
Storage Fee Annually **(BSTR)**	$100.00	$0.00	$100.00

RECEIVED
DEBORAH S. BLOCK, MMC
NOV 17 2016
CITY CLERK
MISHAWAKA, IN

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

PETITION 16-27

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-33

ORDINANCE NO. _____

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has 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

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-	Maximum of 21.33 Acres
	Uses-	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-	Minimum of 13.0 Acres
	Uses-	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 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 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 calander 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.

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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.

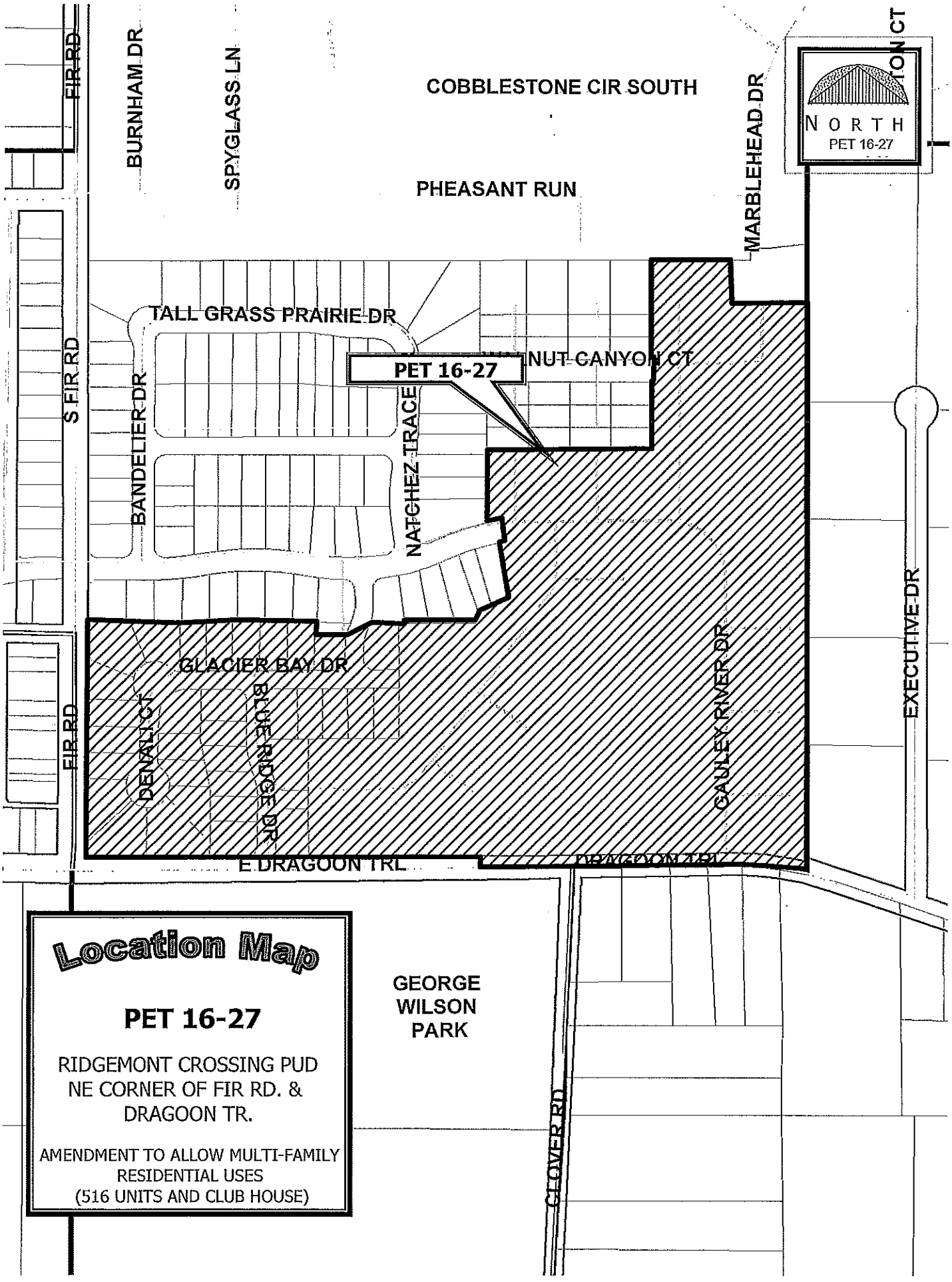
CONTAINING 44.77 ACRES MORE OR LESS.

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


FIR RD
BURNHAM DR
SPYGLASS LN
COBBLESTONE CIR SOUTH
MARBLEHEAD DR
NORTH
PET 16-27
PHEASANT RUN
TALL GRASS PRAIRIE DR
PET 16-27
NUT CANYON CT
S FIR RD
BANDELIER DR
NATCHEZ TRACE
GLACIER BAY DR
DENALI CT
BLUE RIDGE DR
GAULEY RIVER DR
EXECUTIVE DR
FIR RD
E DRAGOON TRL
DRAGOON TRL
GEORGE WILSON PARK
CLOVER RD
Location Map
PET 16-27
RIDGEMONT CROSSING PUD
NE CORNER OF FIR RD. &
DRAGOON TR.
AMENDMENT TO ALLOW MULTI-FAMILY
RESIDENTIAL USES
(516 UNITS AND CLUB HOUSE)

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

RECEIVED
DEBORAH S. BLOCK, MMC
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.

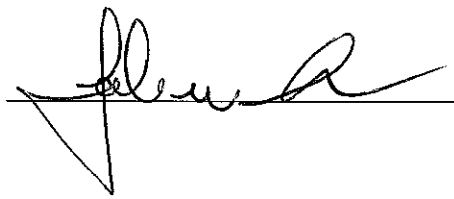
6) A portion of 60-foot right-of-way running East from the centerline of Blue Ridge Drive for approximately 115.00-feet, commonly known as Muir Woods Drive, as platted within the Ridgemont Crossing Section Two Final P.U.D. Plat, Document No. 0635283.

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

Pet 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.



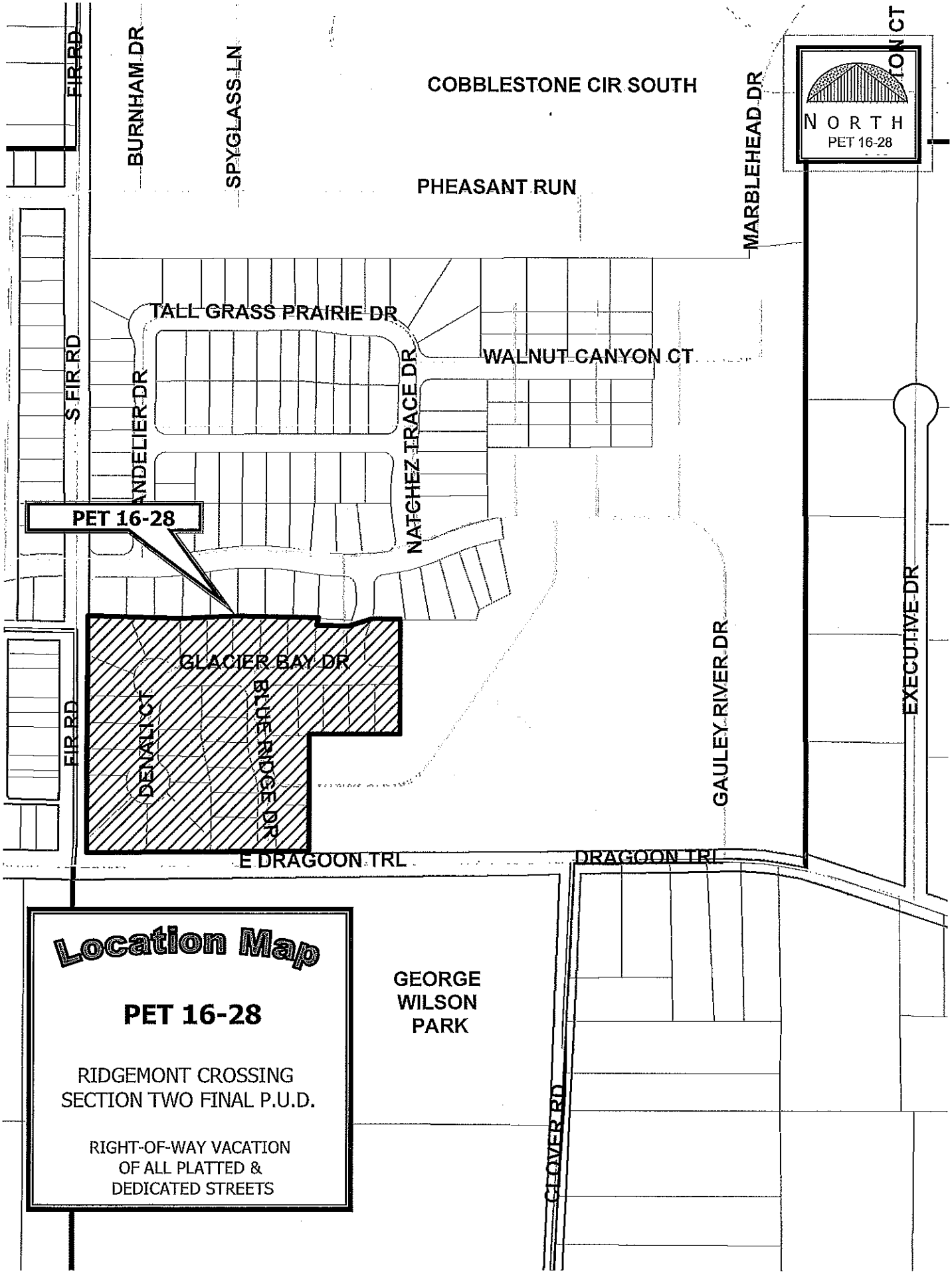
(Signature)

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



Location Map

PET 16-28

RIDGEMONT CROSSING
SECTION TWO FINAL P.U.D.

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

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 public 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 Enterprise** 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, 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.

PET 16-28

Sincerely,

Michael J. Danch

DL
emailed to Council & J Sitz
on 9-14-16

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

File No. 160215 "C" Md.

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.

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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.

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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

RECEIVED
DEBORAH S. BLOCK, MMC
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

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

OCT 19 2016

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

RE: PETITION FOR ANNEXATION & REZONING FOR:

Ret 16-32

LARRY M. & CHRISTINE A. COLE

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

OCT 18 2016

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

Pet 16 32

OCTOBER 18, 2016

RE: ANNEXATION PETITION
15000 BLOCK CLEVELAND ROAD:

COMMON COUNCIL AND PLANNING COMMISSION MEMBERS,

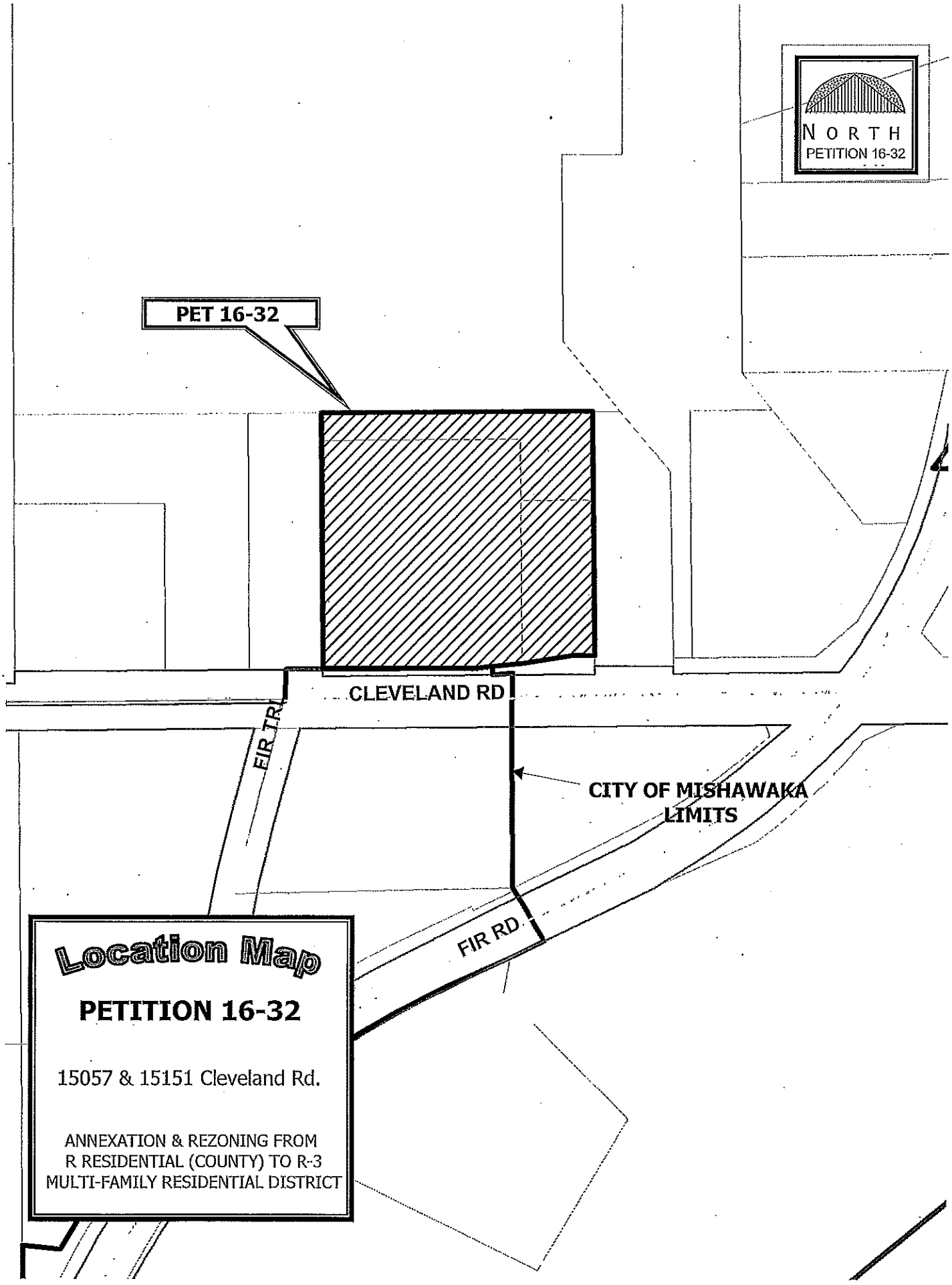
THIS LETTER IS TO INFORM THE MEMBERS THAT I (WE) HAVE GRANTED AUTHORITY TO DANCH, HARNER & ASSOCIATES TO REPRESENT ME (US) AT THE PLANNING COMMISSION AND COMMON COUNCIL MEETING(S) AT WHICH MY (OUR) PETITION WILL BE HEARD.

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~~
160936


NORTH
PETITION 16-32
PET 16-32
CLEVELAND RD
EIR TR
CITY OF MISHAWAKA
LIMITS
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 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

Proposed Ordinance No: 2016-30

Ordinance No: _____

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
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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