

AGENDA

Tuesday, January 3, 2017

**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**

Election of Officers

- 4. Approval of the Minutes of the Previous Regular Meeting**

December 19, 2016

- 5. Petitions, Communications, Remonstrance and Memorials**

Appeal No. 2017-01 Use Variance - Automotive Oriented - 1915 N. Cedar St.

Appeal No. 2017-02 Use Variance - R-13 - 119 Unit Senior Assisted Living Community - 3708 & 3634 Hickory Rd.

Petition No. 2017-01 Rezone from I-1 to R-1 - 403 W. 4th St.

Petition No. 2017-02 Rezone from I-1, C-1, R-1 to C-10 Convenience Store, Fuel Pumps, Car Wash, Pet Wash Facility - 1702 & 1720 Union St.

Petition No. 2017-03 Rezone from C-1 and C-6 to R-3 for a 119 Unit Senior Assisted Living Community - 3708 & 3634 Hickory Rd.

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

R2016-36 Honoring Linda Dotson for Years of Service

R2017-01 Honoring Penn Girls Soccer State Champions

- 9. Ordinances on Second Reading**
- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**

Council Committee
Council Attorney
Appointments to Various Boards and Commissions
Conflict of Interest
Swearing In of Deputy Clerk Boston

13. Adjournment

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

December 19, 2016

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Tuesday December 19, 2016, at 7:00 p.m. The meeting was called to order by President Ron Banicki all were asked to stand for the Pledge of Allegiance. President Banicki asked for a moment of silence for former Fire Chief Gene Goddard.



Roll Call.

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

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

The minutes from the December 5, 2016 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding recommendations from their December 13, 2016 meeting.

APPEAL NO. 2016-48 Use Variance for a 2826 Lincolnway East to permit a Tattoo and Body Piercing Studio.

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

Clerk Block read **PROPOSED ORDINANCE NO. 2016-38** by title.

PROPOSED ORDINANCE NO. 2016-38

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND THE MISHAWAKA FIREFIGHTERS ASSOCIATION LOCAL NO. 360 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL - CIO

(Collective Bargaining Agreement between the city and Mishawaka Firefighters local 360)
(Petitioner requesting second reading)

Mr. Mammolenti made a motion to suspend council rules to allow second reading on **PROPOSED ORDINANCE NO. 2016-38**, Mr. Canarecci second the motion.

Geoff Spiess, Law Department negotiated the agreement on behalf of the City. He said it was a one-year agreement due to the hiring of the new Fire Chief. Mr. Spiess explained after the chiefs first full year changes would be made for next year. He said the changes made this year were the

trading of days off. Mr. Spiess mentioned the good working relationship he had with James Elliott, President of Local 360.

Question was called for at 7:04 p.m. for **PROPOSED ORDINANCE NO. 2016-38**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.** Thus it becomes **ORDINANCE NO. 5554**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-39** by title.

PROPOSED ORDINANCE NO. 2016-39

AN ORDINANCE APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND THE EMPLOYEES OF THE CENTRAL SERVICES DEPARTMENT, REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL NO. 364

**(Collective Agreement between the City and Mishawaka Firefighters Local 360)
(Petitioner requesting for second reading)**

Mr. Mammolenti made a motion to suspend council rules to allow second reading on **PROPOSED ORDINANCE 2016-29**, Mr. Canarecci second the motion.

Geoff Spiess, Law Department thanked the Council for suspending the rules. He said it was a four-year agreement with the Teamsters of the City Central Service Department. Mr. Spiess explained the changes were the increase of their boot allowance from \$100 a year to \$150 a year and the way they could redeem their allowance.

Question was called for at 7:07 p.m. for **PROPOSED ORDINANCE 2016-39**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.** Thus it becomes **ORDINANCE NO. 5555**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-40** by title.

PROPOSED ORDINANCE NO,2016-40

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

**(Transfer Funds- Clerk's Office)
(Petitioner Requesting Second Reading)**

Mr. Deal made a motion to suspend council rules to allow second reading for **PROPOSED ORDINANCE NO. 2016-40**, Mr. Mammolenti second the motion.

Clerk Block explained the transfer was for getting the Clerk's Office and Council through the end of the year for any upcoming expenses.

Question was called for at 7:09 p.m. for **PROPOSED ORDINANCE NO. 2016-40**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.** Thus it becomes **ORDINANCE NO. 5556**

Clerk Block read the following **Resolutions by title.**

RESOLUTION NO. 2016-33

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT:

15057Cleveland Road and 15151Cleveland Road and vacant land on Cleveland Road, Granger,
IN 46530

Derek Spier, Planning Department said it was a Fiscal Plan for proposed annexation for land located on the Northside of Cleveland Road just west of Fir Road. He described the area was approximately three acres that included three individual parcels. Mr. Spier explained two parcels were currently vacant and the third parcel had a single family home. He said the total boundary of the site was over 1400 feet and 235 feet of the land was contiguous to the current city limits. Mr. Spier said the site would be developed into an owner occupied Residential Town Home Project. He explained it was a 4.5-million-dollar project. Mr. Spier said the first phase would be 2-million-dollar project that would consist of one of the three buildings. He mentioned the first phase was expected to be complete by next year and the future phases would be developed as the market demand dictates. Mr. Spier explained it was required for every Fiscal Plan for all departments to review the request to make sure the area could be serviced by the city. He said all departments were able to provide services to the site within their current budget as no additional expenditures were expected to serve the development. Mr. Spier went on to say the cost of any necessary utilities such as sewer and water extensions throughout the site would be paid through the developer. Mr. Spier said the Fiscal Plan also included increases on taxes that would be collected from the development due to the increase of the assess values.

Mrs. Voelker asked how many units were in each building. Mr. Speir said 29 units across the three building.

Mr. Mammolenti asked which departments were asked for services. Mr. Speir said Fire, Police Sewer, Water, Electric, and Trash.

Mr. Banicki asked was the property currently serviced by the Mishawaka Utilities Electric Department. Mr. Speir said they were currently under AEP jurisdiction.

Question was called for at 7:14 p.m. for **RESOLUTION NO. 2016-33**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton,**

Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.

Clerk Block read **RESOLUTION NO. 2016-34** by title

RESOLUTION NO. 2016-34

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT:
2826 Lincolnway East, Mishawaka, Indiana**

Michelle Hilbert, leaser of 2826 Lincolnway East said the property had been vacant for over four years. Mrs. Hilbert explained she would like to have three establishments in the building, Tattoo and Body Piercing Studio, which required the use variance, and a Dress Apparel Shop.

Mr. Compton asked was the Tattoo Shop required for approval from the Health Department. Mrs. Hilbert said yes, February 1st she would apply for a permit with the City of Mishawaka and a permit with the Health Department. Mrs. Hilbert explained the Use Variance was the first step.

Mr. Compton asked would the business be operated and ran by Mrs. Hilbert. Mrs. Hilbert replied yes.

Mr. Canarecci asked what businesses would be established. Mrs. Hilbert described a Dress and Apparel Shop, Tattoo and Body Piercing and the third establishment was undecided at this time.

Mr. Canarecci questioned the business hours. Mrs. Hilbert said she changed the hours to abide the city ordinance of operating hours.

Mrs. Voelker asked Mrs. Hilbert did she currently operate a tattoo business. Mrs. Hilbert replied no.

Mrs. Voelker asked did Mrs. Hilbert need to go through training to operate the Tattoo Shop. Mrs. Hilbert answered yes, she would go through all the training and licensing that was required.

Mr. Mammolenti asked was Mrs. Hilbert a Tattoo Artist. Mrs. Hilbert said no, she was the business operator and she would hire a professional Artist.

Mr. Emmons asked the age limit for tattooing and body piercing an individual. Mrs. Hilbert said 18 years or older and or parent/guardian consent under the age of 18.

Mrs. Voelker thanked Mrs. Hilbert for wanting to open a business in Mishawaka.

Question was called for at 7:21 p.m. for **RESOLUTION NO. 2016-34**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.**

Clerk Block read **RESOLUTION NO. 2016-35** by title

RESOLUTION NO. 2016-35
**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING MARIAN BOYS SOCCER TEAM
STATE CHAMPIONS**

Clerk Block read a letter requesting postponement to the January 3rd meeting due to school canceling for bad weather.

Mr. Tanner made a motion to continue **RESOLUTION NO. 2016-35** at the January 3rd, 2017 meeting, Mr. Deal second the motion. Upon a voice vote the motion passed unanimously

Clerk Block read **RESOLUTION NO. 2016-36** by title

RESOLUTION NO. 2016-36
**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING LINDA DOTSON
FOR HER YEARS OF SERVICE**

Clerk Block requested postponement to the January 3rd, 2017 meeting due to a family emergency.

Mrs. Voelker made a motion to continue **RESOLUTION NO. 2016-35** at the January 3rd, 2017 meeting, Mr. Canarecci second the motion. Upon a voice vote the motion passed unanimously

Clerk Block read **RESOLUTION NO. 2016-36** in its entirety and opening it for public hearing.

RESOLUTION NO. 2016-37
**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING GARY WEST
FOR HIS YEARS OF SERVICE**

John Roggeman, City Attorney and former Council member said something that makes Mishawaka special were the people. He expressed Mr. West was one that made Mishawaka special and had a great impact on the City. Mr. Roggeman said he worked with Mr. West on many projects. He mentioned Mr. West had institutional knowledge that would truly be missed. Mr. Roggeman expressed Mishawaka was a far better city for having Mr. West in the role that he served.

Mr. Canarecci said in the short time he been on the council, he appreciated the impact Mr. West had on projects. He said Mr. West brought passion when coming before the council. Mr. Canarecci expressed Mr. West passion showed why he done so well over his 32 years of service.

Mr. Tanner expressed it was a privilege to work with Mr. West. He said he had the opportunity to get to know Mr. West outside of work. Mr. Tanner expressed Mr. West would be missed.

Mr. Deal thanked Mr. West for his service. He said serving on the Plan Commission Mr. West always had the answer. Mr. Deal wished Mr. West a great deal of appreciation. He went on to say Mr. West deserved it and to enjoy his retirement.

Mr. Mammolenti gave Mr. West a sincere thank you. He said he enjoyed working with Mr. West on the Redevelopment Commission. Mr. Mammolenti expressed his amazement of Mr. West memory, knowledge and all he has done for the city. He wished Mr. West and his family the best.

Mr. Compton said he appreciated Mr. West Input and support on projects. He encouraged Mr. West to enjoy retirement. Mr. Compton thanked Mr. West for all his hard work.

Mrs. Voelker said she learned a lot coming into her seat on the City Council as a novice of all things engineering. She expressed appreciation and thanked Mr. West for being a great teacher.

Mr. Bellovich said he had known Mr. West for many years. He expressed his appreciation and all that Mr. West done for the city.

Mr. Emmons extended his appreciation for Mr. West hard work and service. He wished Mr. West the best in his coming years of retirement and to enjoy his time with his family. Mr. Emmons went on to say thank you for his dedication to the city.

Mr. Banicki said he was an honored to have worked with Mr. West the 13 years he has been on the Council and Traffic Commission. He compared their streets to other cities, Mishawaka moves traffic well thanks to Mr. West. Mr. Banicki said Mr. West was committed to his work.

Question was called for at 7:36 p.m. for **RESOLUTION NO. 2016-37**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.**

Mr. West thanked everyone for their comments and well wishes. He said his job was not just a job it was his passion. Mr. West said he started working under Mayor Maggie. He mentioned working with limited resources when he started. Mr. West said programs have developed to manage and evaluate streets. He thanked the Council for their work relationship. Mr. West said the biggest thing they could be in government was staying consistent. He said they had great support from the Redevelopment Commission, Mayors, and Council. Mr. West expressed over the years of his service he has helped and watched the city transform and come together. He thanked everyone for the acknowledgement.

The following ordinances were given second reading and opened for public hearing.

Clerk Block read **PROPOSED ORDINANCE NO. 2016-25** by title.

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 & 15151 Cleveland Rd.)

VOTE ONLY

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

Question was called for at 7:44 p.m. for **PROPOSED ORDINANCE NO. 2016-35**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.** Thus it becomes **ORDINANCE NO. 5557**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-36** by title and opening it for public hearing.

PROPOSED ORDINANCE 2016-36

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2016**

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. Deal motion carried.

Rebecca Miller, City Controller said there were a few projects in need of funding for the end of the year. Ms. Miller mentioned curb and sidewalk and improvements at 11th street, Elizabeth street, 3rd street, and some ADA Compliance items at various locations. She said they had money available in State Grant Funds that was appropriate use to pay for the expenses.

Question was called for at 7:47 p.m. for **PROPOSED ORDINANCE NO. 2016-36**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.** Thus it becomes **ORDINANCE NO. 5558**

Clerk Block read **PROPOSED ORDINANCE NO. 2016-37** by title and opening it for public hearing.

PROPOSED ORDINANCE NO. 2016-37

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

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

Phil Blasko, Park Superintendent said many park fees were new and some had been updated due to new and expansion of their programming. He informed the Park Board approved the fees.

Mr. Mammolenti asked how much would be generated. Mr. Blasko explained it depends on the program, majority of the programs were a 70% to 30% split. He said 70% went to their General Fund and 30% to their Non- Reverting. Mr. Blasko stated funds in the Non-Reverting go towards the specific program or facility.

Mr. Mammolenti thanked Mr. Blasko for bringing new opportunities and ideas to the city. He appreciated Mr. Blasko creativity.

Mr. Tanner asked has Mr. Blasko been successful in keeping programs revenue neutral. Mr. Blasko said it was the plan, hoped to utilize the Non-Reverting funds to have their programs self-sustain themselves so they do not rely on their General Funds to pay for their programming.

Questioned was called for at 7:50 p.m. for **PROPOSED ORDINANCE NO. 2016-37**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Mammolenti, Mr. Deal, Mr. Tanner, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Banicki.** Thus it becomes **ORDINANCE NO. 5559**

NEW BUSINESS

Mr. Tanner announced the next Council meeting would be January 3rd, 2017 due the New year Holiday.

Mr. Mammolenti announced the next Twin Branch meetings would resume in January.

Mr. Emmons announced the 1st District neighborhood meeting would resume January 19, 2017.

Mr. Banciki thanked all for an enjoyable year as president of the Council. He was honored to work with everyone. Mr. Banicki wished all Merry Christmas and a Happy New year.

ADJOURNMENT 7:52 p.m.

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

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

LeHue Realty LLC
1915 N. Cedar Street
Mishawaka, IN 46545

December 12, 2016

Planning Department
City Hall
600 East Third Street, Room 201
Mishawaka, IN 46544

Dear Sir or Madam:

We are applying for a Use Variance for said property. To allow automotive body shop, auto shop, and auto detailing use on the property located at 1915 North Cedar Street. The property is currently zoned I-1 Light Industrial, which does not allow the proposed automobile uses. The appellants states that for over 30 years the Le-Hue Machine was in business at this located and occupied roughly half of the building. The Le-Hue Machine now only occupies one bay of the building. We have had trouble leasing out bays to leasers that fall within the guidelines and The appellants desire to lease out other units for automotive body shop, auto shop, and auto detailing uses.

A. Approval will not be injurious to public health, safety, morals or general welfare of the community because the leasers wouldn't be any different than the other leasers we have.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, Recently vacant buildings in our area have been broken into, having more traffic and people around will actually improve the area.

C. I don't know if I would say that the variance arises from some condition peculiar to the property involved, it's a sign of the times. Le-Hue Machine was in business for almost 30 years and took up half of the building, now it's down to one bay.

D. Strict application of the terms of this chapter will constitute unnecessary hardship if applied to the property for which the variance is sought because it significantly cuts the amount of leasers that qualify to use the space, thereby causing a financial hardship for the owners.

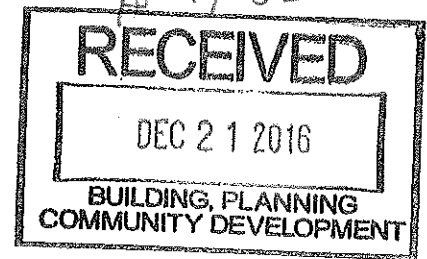
Sincerely,


Lincoln Dale LeHue
President

AP 17-01

December 21, 2016

Board of Zoning Appeals
City of Mishawaka, Indiana



The undersigned appellant respectfully shows the Board:

The undersigned, Rans Real Estate LLC, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

PARCEL I:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS, VIZ: BEGINNING ON THE WEST LINE OF SAID SECTION 4, AT A POINT 372 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 4, RUNNING THENCE EAST, A DISTANCE OF 495 FEET; THENCE SOUTH 78 FEET, THENCE WEST 495 FEET; THENCE NORTH 78 FEET TO THE PLACE OF BEGINNING, AND BEING KNOWN AS LOT NUMBER FIVE (5) IN THE PROPOSED PLAT OF FELIX DEGROOTE'S SUBDIVISION, EXCEPTING 8 FEET IN WIDTH, NORTH AND SOUTH, TAKEN OFF OF AND FROM THE ENTIRE LENGTH OF THE NORTH SIDE OF SAID PROPOSED LOT NUMBER 5.

PARCEL II:

BEGINNING AT A POINT 450 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST; THENCE EAST 495 FEET; THENCE SOUTH 86 FEET; THENCE WEST 495 FEET; THENCE NORTH 86 FEET TO THE PLACE OF BEGINNING AND BEING KNOWN AS LOT NUMBER SIX (6) IN THE PROPOSED PLAT OF FELIX DEGROOTE'S SUBDIVISION, IN ST. JOSEPH COUNTY, INDIANA, EXCEPTING THEREFROM THE FOLLOWING: THE EAST 20 FEET OF THE WEST 40 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 450 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST; THENCE EAST 495 FEET; THENCE SOUTH 86 FEET; THENCE WEST 495 FEET; THENCE NORTH 86 FEET TO THE PLACE OF BEGINNING.

PARCEL III:

THE NORTH 58 FEET OF LOT NUMBER 7 IN THE FELIX DEGROOTE AND CATHERINE DEGROOTE UNRECORDED PLAT IN PENN TOWNSHIP, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 536 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST; THENCE EAST 495 FEET; THENCE SOUTH 86 FEET; THENCE WEST 495 FEET; THENCE NORTH 86 FEET TO THE PLACE OF BEGINNING, IN ST. JOSEPH COUNTY, INDIANA.

PARCEL IV:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS BEGINNING AT A POINT 278 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 4; RUNNING THENCE EAST A DISTANCE OF 495 FEET; THENCE SOUTH 94 FEET; THENCE WEST 495 FEET; THENCE NORTH 94 FEET TO THE PLACE OF BEGINNING, AND BEING KNOWN AS LOT 4 AND THE NORTH 8 FEET OF LOT NUMBER 5 ON AN UNRECORDED PLAT OF DEGROOTE'S SUBDIVISION, EXCEPTING THEREFROM THE EAST 20 FEET OF THE WEST 40 FEET OF THE ABOVE DESCRIBED TRACT.

PARCEL V:

A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS BEGINNING AT POINT 192 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 4; RUNNING THENCE EAST 495 FEET, THENCE SOUTH 86 FEET, THENCE WEST 495 FEET, THENCE NORTH 86 FEET, TO THE POINT OF BEGINNING, AND BEING COMMONLY KNOWN AS LOT NUMBER THREE (3) IN FELIX AND CATHERINE DE GROOTE PROPOSED SUBDIVISION.

The parcels are commonly known as 3708 and 3634 Hickory Road, Mishawaka, IN.

Appellant owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 and C-6 District under the Zoning Ordinance of the City of Mishawaka. Said property is vacant and undeveloped with overgrown brush.

Appellant proposes to occupy the above-described property with a 119-unit senior assisted living community, a use that is not explicitly permitted by the existing zoning classification. Appellant desires to have the "use" of an assisted living community be permitted on the above-described property. A conceptual site plan of this community is attached to this appeal.

Appellant is simultaneously applying to the Plan Commission and Common Council to rezone the above-described property to R-3 from C-1 and C-6. Permitted uses in the R-3 classification (Sec. 137-216) include apartment complexes, nursing facilities, and health facilities, but not explicitly a senior assisted living community.

A strict adherence to the Ordinance requirements would create an unusual hardship in that it would prevent the construction of an assisted living community on a currently vacant parcel. The community will be an important and valued addition to Mishawaka.

The approval of this use variance will not be injurious to the public health, safety, morals, or general welfare of Mishawaka as it entails the construction of a thriving new assisted living community that serves the frail and elderly members of Mishawaka on a parcel that does not function with its highest and best use.

The use and value of adjacent properties will not be adversely affected by this variance or by the construction of a new assisted living community. The new community will be safe, practical, aesthetically pleasing inside and out, and separated from the adjacent properties through setbacks and landscaping. Traffic in and out of the community should also not adversely impact the adjacent properties as most of the community's residents no longer drive nor possess cars.

The need for this variance does not arise from a peculiar condition of the property.

The strict application of the existing zoning for this parcel would prevent the Appellant from constructing the assisted living community as its use is not explicitly mentioned in Sec. 137-216 of the zoning ordinance.

Appellant also requests a variance for parking requirements. The parking requirements under the R-3 classification are either 1.5 spaces/unit for an apartment building or 1 space/1000sf of gross floor area (for a nursing facility). Appellant proposes to build 60 parking spaces, which is appropriate for the

residents and staff at the community and is consistent with many other assisted living communities. This figure is derived from a formula used for other assisted living projects: 1 space per 6 resident rooms ($119/6 = 19.8$) + 1 space for each employee at peak employment (25 spaces) + 20 spaces for visitors = 65 spaces. This figure is rounded down to 60 to account for unique features of this parcel and the surrounding area.

By approving this request the board of zoning appeals should not be interfering substantially with the Mishawaka 2000 Comprehensive Plan. In fact, the above-described parcels were contemplated to have a "service commercial" / residential use, of which assisted living would be a terrific fit.

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



Ryan Rans

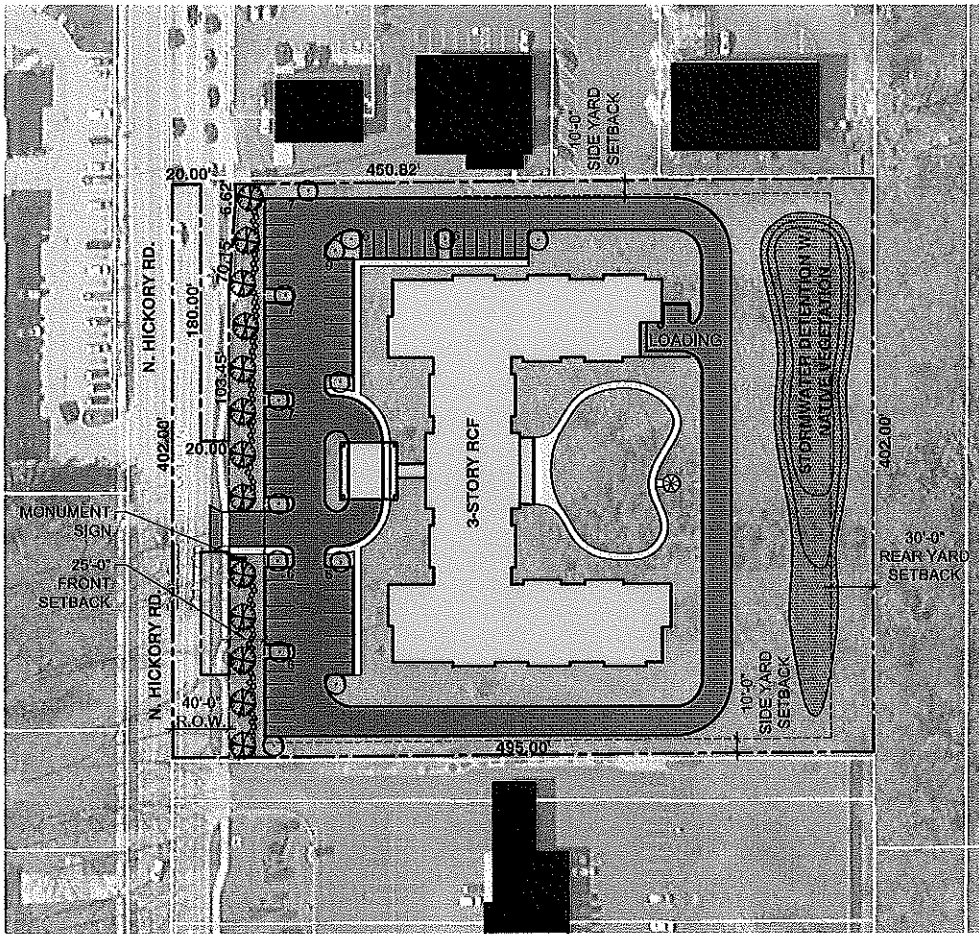
CONTACT PERSON:

Name: Ari Parritz

Address: 401 N Franklin St, Suite 4 South, Chicago, IL 60654

Day Phone Number: 312-239-3535

Email: Ari.Parritz@VermilionDevelopment.com



ZONING CHARACTERISTIC	R-3 DISTRICT REQUIREMENTS	PROPOSED PROJECT
PROPOSED USE	APTS, NURSING FACILITIES, ETC.	RESIDENTIAL CARE FACILITY (ASSISTED LIVING)
HEIGHT	10 STORIES, 120'	3 STORIES, 48'
FRONT YARD	25'	25'
INT. SIDE YARD	10' (FOR 3 STORIES)	10'
REAR YARD	30' (FOR 3 STORIES)	30'
MINIMUM LOT AREA	119 x 1500 SF = 178,500 SF	193,459 SF
MINIMUM LOT WIDTH	90' (OVER 4 UNITS)	402'
MAXIMUM LOT COVERAGE	60% = 116,075 SF	44% = 85,000 APPROX.
PARKING	1 PER 1,000 GSF (APPROX. 95)	60

RESIDENTIAL CARE FACILITY (119 UNITS)		
SITE AREA	193,459 SF (4.44 ACRES)	
PER FLOOR AREA	31,400 SF (APPROX.)	
TOTAL BUILDING AREA	94,200 SF (APPROX.)	
TOTAL PARKING SPACES	60 (3 ACCESSIBLE)	

UNIT COUNT	STUDIO	1-BED	TOTAL
3RD FLOOR	30	21	51
2ND FLOOR	30	21	51
1ST FLOOR	9	8	17
TOTAL	69	50	119

PROPOSED SITE PLAN



VERMILION DEVELOPMENT - MISHAWAKA, IN - RCF

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BEHLES+BEHLES
ARCHITECTS
11111 N. HICKORY RD.
MISHAWAKA, IN 46545
(219) 223-1111
www.bhlehse.com

2/15/16

2/15/16

December 12, 2016

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

RE: Petition to Rezone

The undersigned, Deric Eggleston and Jenifer Eggleston, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

3 ½ rds E Side Lot 34 4th St O P St Joseph Iron Works.
403 W 4th Street, Mishawaka, Indiana 46544.

Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of ~~A-1~~ District. Said property is residential.

~~F-1~~

Petitioners desire said real estate to be rezoned to R-1 District. Petitioners further state that they intend to utilize said land for residential.

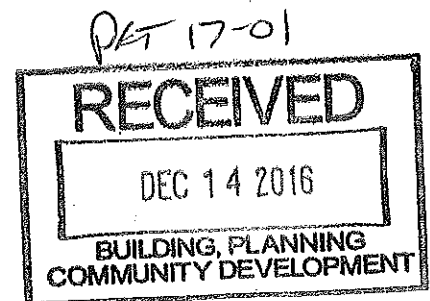
Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.


Deric Eggleston

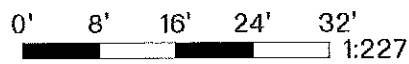
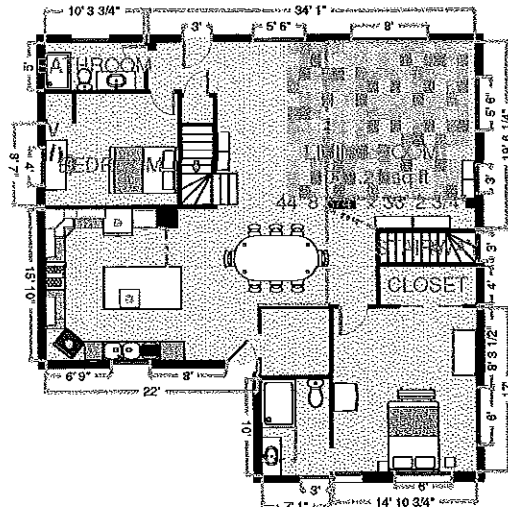

Jenifer Eggleston

Contact Person:

Jenifer Eggleston
403 W 4th Street
Mishawaka IN 46544
(574) 229-7910
jeneggo@mac.com



1st Floor



Plan 1

2016-03-18

4023 sq ft

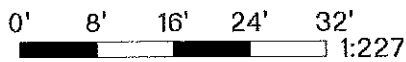
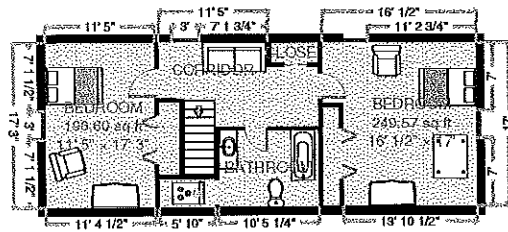
3 Floors

6 Bedrooms

4 Bathrooms

THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSORIA DISCLAIMS ANY WARRANTY, INCLUDING WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

2nd Floor



THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSORIA DISCLAIMS ANY WARRANTY, INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

Plan 1

2016-03-18

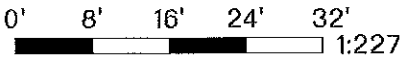
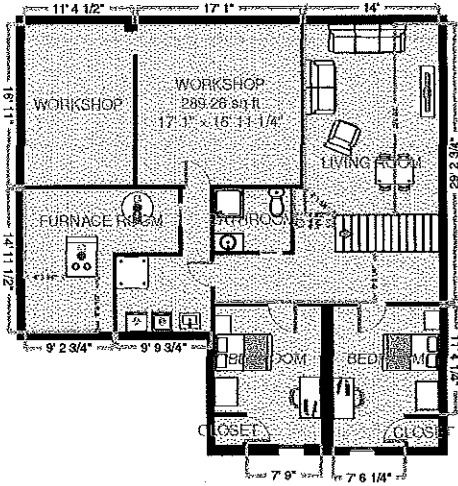
4023 sq ft

3 Floors

6 Bedrooms

4 Bathrooms

Basement



Plan 1

2016-03-18

4023 sq ft

3 Floors

6 Bedrooms

4 Bathrooms

THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSORIA DISCLAIMS ANY WARRANTY (INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS).

December 20, 2016

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

RE: PETITION TO REZONE

The undersigned, respectfully show that they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

See Legal Description, attached as Exhibit A
Commonly known as 1702 and 1720 Union, Mishawaka, IN 46544.

Petitioner owns one hundred (100%) percent of the above described real estate which carries zoning classifications of I-1 Industrial District, C-1 Commercial District, and R-1 Residential District. Said real estate is currently vacant land.

Petitioner desires said real estate to be rezoned to a C-10 Commercial District. The purpose for rezoning is to allow for the real estate to be purchased by an interested party who desires to build a convenience store with fuel pumps, a carwash facility, and a pet wash facility on the site.

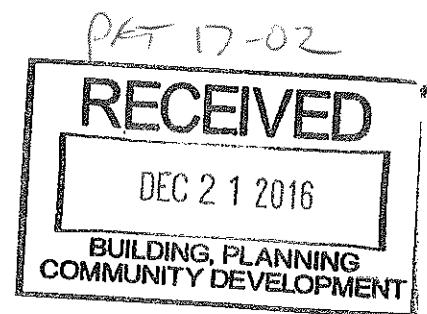
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above-described parcel of land located in the City of Mishawaka.

Mishawaka LLC

By: [Signature] TRUSTEE

Its: TRUSTEE FOR JAMES G. JOHNSON TRUST

Contact Person:
Todd A. Etzler, General Counsel
Family Express Corporation
213 South State Road 49
Valparaiso, IN 46388
(219) 462-0144 x 207
tetzler@familyexpress.com



[Signature]

December 20, 2016

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

RE: Mishawaka, LLC
Petition to Rezone

Dear Council Members,

This letter is to inform the Board Members that we have granted authority to Family Express Corporation and Danch, Harner & Associates to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Rezoning Request will be heard.

If you have any questions concerning this matter, please feel free to give me a call at (765) 463-1585.

Sincerely,

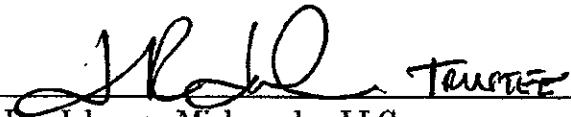

Jim Johnson, Mishawaka, LLC
JAMES G. JOHNSON TRUST



Exhibit A
Legal Description

PARCEL I: A parcel of land being a part of the West Half of Section 22, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana, and being more particularly described as follows: Commencing at the intersection of South right of way line of Eighteenth Street (a 51.5 foot right of way) and the East right of way line of Union Street (a 60 foot right of way); thence South 0°00'00" West (bearing assumed) along said East right of way line of Union Street, a distance of 155.00 feet to the place of beginning; thence South 89°27'17" East, a measured distance of 35.56 feet; thence South 0°27'50" West, a measured distance of 25.45 feet; thence South 89°27'17" East, a measured distance of 82.61 feet; thence South 0°27'50" West, a measured distance of 8.68 feet; thence South 88°17'20" East, a measured distance of 125.74 feet; thence South 0°00'17" West, a measured distance of 158.94 feet to the North right of way line of Dragoon Trail; thence North 78°39'16" West, along said North right of way of Dragoon Trail a measured distance of 102.79 feet; thence North 0°55'31" East, a measured distance of 94.45 feet; thence North 89°04'29" West, a measured distance of 144.00 feet to the East right of said Union Street, thence North 0°00'00" East along said East right of way line, a measured distance of 80.96 feet to the place of beginning.

EXCEPTING THEREFROM a part of the West Half of Section 22, Township 37 North, Range 3 East, St. Joseph County, Indiana, described as follows: Commencing at the Southwest corner of the Northwest Quarter of said section; thence South 77°44'26" East 235.05 feet along the centerline of Dragoon Trail; thence along said centerline Southeasterly 44.72 feet along an arc to the right and having a radius of 2,291.83 feet and subtended by a long chord having a bearing of South 77°10'53" East and a length of 44.72 feet to the Southeast corner of the owner's land; thence North 0°05'59" West 30.84 feet along the East line of the owner's land to the boundary of said Dragoon Trail Northwesterly 38.12 feet along an arc to the left and having a radius of 2,321.83 feet and subtended by a long chord having a bearing of North 77°16'12" West and a length of 38.12 feet; thence North 77°44'26" West 13.05 feet; thence North 47°43'26" East 67.35 feet to the East line of the owner's land; thence South 0°05'59" East 56.48 feet along said East line to the point of beginning.

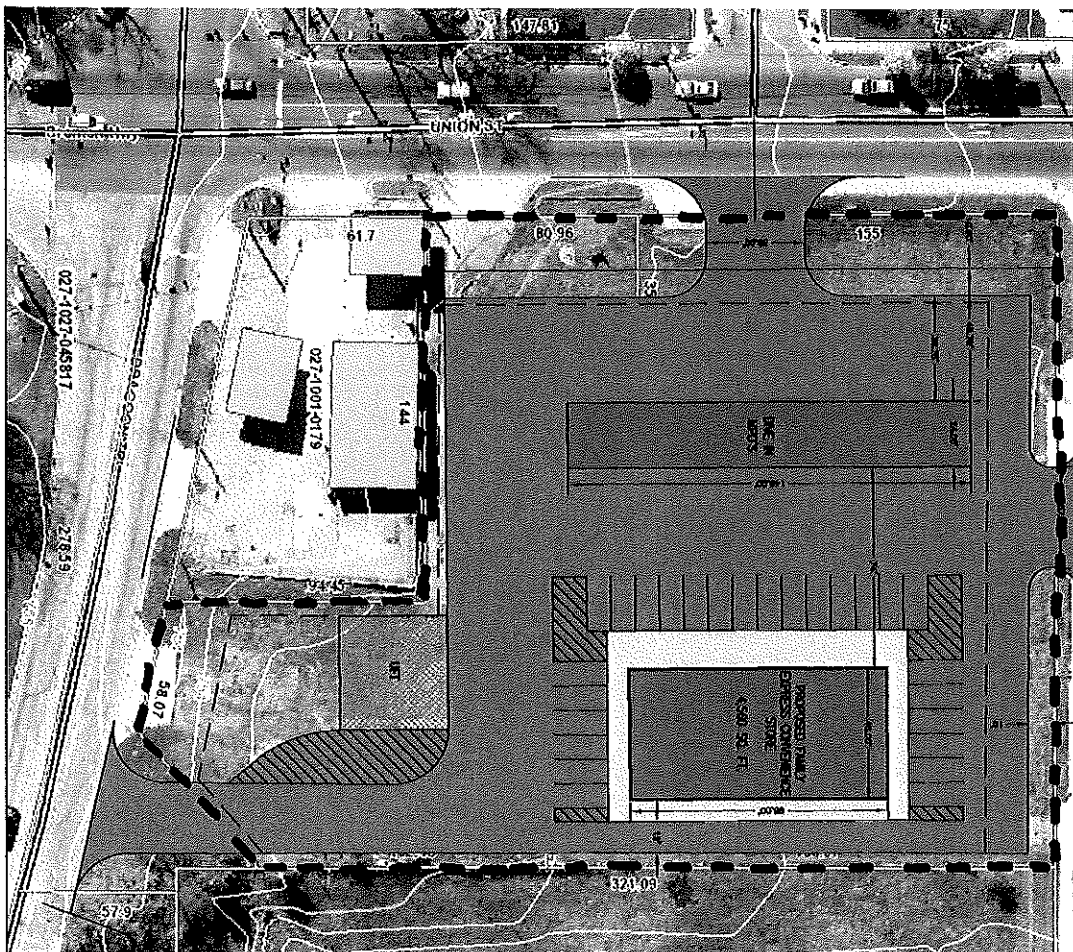
JLB

PARCEL II: A parcel of land being a part of the West Half of Section 22, Township 37 North, Range 3 East, City of Mishawaka, Penn Township, St. Joseph County, Indiana, and being more particularly described as follows: Beginning at the point of intersection of the South right of way line of Eighteenth Street (a 51.5 foot right of way) and the East right of way line of Union Street (a 60 foot right of way), said beginning point being the Northwest corner of a parcel of land conveyed to Seven-Up Bottling Company of Indiana, Inc. by Warranty Deed recorded in Deed Record 726, page 621 in the Office of the Recorder of St. Joseph County, Indiana; thence South $89^{\circ}04'29''$ East, along said South right of way line, a measured distance of 244.01 feet; thence South $0^{\circ}07'17''$ West a measured distance of 190.07 feet; thence North $88^{\circ}17'20''$ West, a measured distance of 125.74 feet; thence North $0^{\circ}27'50''$ East, a measured distance of 8.68 feet; thence North $89^{\circ}27'17''$ West, a measured distance of 82.61 feet; thence North $0^{\circ}27'50''$ East, a measured distance of 25.45 feet; thence North $89^{\circ}27'17''$ West, a measured distance of 35.56 feet to the East right of way line of said Union Street; thence North $0^{\circ}00'00''$ East along said East right of way line, a measured distance of 155.00 feet to the place of beginning.

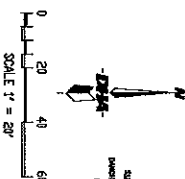
Property Owners

ANDERSON DEANE R	5015 Seminole Blvd Lot 235	Reddington Shores	FL	33708
BLACK THOMAS A	125 Virginia St	Mishawaka	IN	46544
BONNELL ROBERT R & JILL D	307 Kings Ct	Mishawaka	IN	46544
BRYCE PETERS FINANCIAL CORPSEE TRANS NOTES	2790 Wronde! Way	Reno	NV	89602
CALLANDER FORREST C JR & LOIS J	426 E 18th St	Mishawaka	IN	46544
CITY OF MISHAWAKA % CITY HALL	600 E 3rd St	Mishawaka	IN	46544
DAVIS KELLI B	1626 S Union	Mishawaka	IN	46544
EAKINS AUSTIN E W/LIFE ESTATE FOR SCHOEN EMMA J	1624 Kings Ct	Mishawaka	IN	46544
ESTRADA ANTONIO B & GABRIEL GARCIA R	314 Kings Court	Mishawaka	IN	46544
FARHAN ABDAL RAHMAN	P. O. Box 11664	South Bend	IN	46634
GULATTA VICTOR J & WANDA N	501 E 18th St	Mishawaka	IN	46544
HAMAN DANIELLE R	1630 Kings Ct	Mishawaka	IN	46544
HODSON RONALD L AND JOLENE K	508 E Dragoon Tr	Mishawaka	IN	46544
KLOPFENSTEIN WILLIE R	450 E 18th	Mishawaka	IN	46544
KLOPFENSTEIN JAMES G	436 E 18th St	Mishawaka	IN	46544
MAGRAMES JOHN F & ANGELIKA	16025 Chandler Blvd	Mishawaka	IN	46544
MARTIN BOYD ALLEN & JANICE ELAINE	1723 S Union St	Mishawaka	IN	46544
MATHIS JOHN D & DELORES J	1701 Union St	Mishawaka	IN	46544
MCCLURE JOHNATHAN J AND STACY SAMANTHA N	1624 Union St	Mishawaka	IN	46544
NASH WILLIAM L & CHARLOTTE A	1635 Union St	Mishawaka	IN	46544
PENROD RICK L AND MICHAEL W AND SKORA LORI J AND RODTS SUSAN M	1615 S Union St	Mishawaka	IN	46544
RIFFLE DANIEL L & TERESA A	233 Kings Ct	Mishawaka	IN	46544
SMITH DAVID S	1629 Union St	Mishawaka	IN	46544
ST PETER LUTHERN CHURCH INC	437 Dragoon Tr Po Box 196	Mishawaka	IN	46544
STOPCZYNSKI KYLE	418 E 18th St	Mishawaka	IN	46544
UMBAUGH TIMOTHY J & KATIE L	1702 Kings Ct	Mishawaka	IN	46544
WILEMON JOHN JR	232 Kings Ct	Mishawaka	IN	46544
WINGEART HARMON	1638 Kings Ct	Mishawaka	IN	46544

FAMILY EXPRESS – DRAGOON & UNION
MISHAWAKA, INDIANA
SITE CONCEPT

[illegible][illegible]

REVISIONS		DATE	REASON
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EXHIBITS & INFORMATION
DANIEL WALKER & ASSOCIATES, INC.
1645 COLLEGEWAY DRIVE
SOUTH BEND, IN 46708
(219) 234-0000
ATTN: MARGIE DAWSON

DHA **Dunch, Harner & Associates, Inc.**
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
Office: 301-241-1000 / 301-241-1001 • Fax: 301-241-1010
1000 North 17th Street, Suite 200, Silver Spring, MD 20910

TABULATED SITE DATA

1). ACREAGE OF SITE 1.51 AC.

2). PROPOSED LAND USE: CONVENIENCE STORE WITH GAS PUMPS,
A PET WASH FACILITY, AND A CARWASH FACILITY.

3). PARKING RATIO REQUIRED BY ORDINANCE;

A. AUTOMOTIVE USES; 5.5 SPACES PER 1,000 SQ.FT. OF GROSS
FLOOR AREA;
NUMBER OF SPACES REQUIRED FOR 4,560 SQ.FT. OF
GROSS FLOOR AREA 26 SPACES
NUMBER OF SPACES PROVIDED..... 26+ SPACES

4). PROPOSED LAND COVERAGE:	SQUARE FOOTAGE	% OF SITE
A. BUILDINGS	8,136	8.12
B. PARKING, WALKS AND DRIVES.....	64,536	64.41
C. OPEN SPACE	27,500	27.45
TOTAL	100,172	100.00

5). BUILDINGS SHOWN ARE 1 STORY.

6). BUILDINGS WILL BE CONNECTED TO MISHAWAKA UTILITIES.

7). DRIVEWAY OPENINGS SHOWN ARE EXISITING.

8). LANDSCAPING AND SIGNAGE PER MISHAWAKA ZONING STANDARDS.

TABULATED SITE DATA

1). ACREAGE OF SITE 1.51 AC.

2). PROPOSED LAND USE: CONVENIENCE STORE WITH GAS PUMPS,
A PET WASH FACILITY, AND A CARWASH FACILITY

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A. AUTOMOTIVE USES; 5.5 SPACES PER 1,000 SQ.FT. OF GROSS
FLOOR AREA:
NUMBER OF SPACES REQUIRED FOR 4,560 SQ.FT. OF
GROSS FLOOR AREA 26 SPACES
NUMBER OF SPACES PROVIDED..... 26+ SPACES

4). PROPOSED LAND COVERAGE:	<u>SQUARE FOOTAGE % OF SITE</u>	
A. BUILDINGS	8,136	8.12
B. PARKING, WALKS AND DRIVES.....	TBD	TBD
C. OPEN SPACE	TBD	TBD
TOTAL	TBD	TBD

5). BUILDINGS SHOWN ARE 1 STORY.

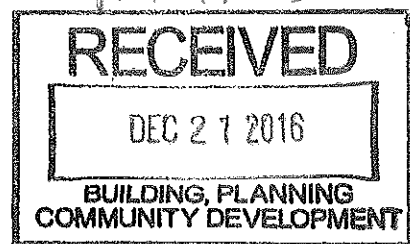
6). BUILDINGS WILL BE CONNECTED TO MISHAWAKA UTILITIES.

7). DRIVEWAY OPENINGS AS SHOWN.

8). LANDSCAPING AND SIGNAGE PER MISHAWAKA ZONING STANDARDS.

December 21, 2016

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



RE: PETITION TO REZONE

The undersigned, Rans Real Estate LLC, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

PARCEL I:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS, VIZ: BEGINNING ON THE WEST LINE OF SAID SECTION 4, AT A POINT 372 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 4, RUNNING THENCE EAST, A DISTANCE OF 495 FEET; THENCE SOUTH 78 FEET, THENCE WEST 495 FEET; THENCE NORTH 78 FEET TO THE PLACE OF BEGINNING, AND BEING KNOWN AS LOT NUMBER FIVE (5) IN THE PROPOSED PLAT OF FELIX DEGROOTE'S SUBDIVISION, EXCEPTING 8 FEET IN WIDTH, NORTH AND SOUTH, TAKEN OFF OF AND FROM THE ENTIRE LENGTH OF THE NORTH SIDE OF SAID PROPOSED LOT NUMBER 5.

PARCEL II:

BEGINNING AT A POINT 450 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST; THENCE EAST 495 FEET; THENCE SOUTH 86 FEET; THENCE WEST 495 FEET; THENCE NORTH 86 FEET TO THE PLACE OF BEGINNING AND BEING KNOWN AS LOT NUMBER SIX (6) IN THE PROPOSED PLAT OF FELIX DEGROOTE'S SUBDIVISION, IN ST. JOSEPH COUNTY, INDIANA, EXCEPTING THEREFROM THE FOLLOWING: THE EAST 20 FEET OF THE WEST 40 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 450 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST; THENCE EAST 495 FEET; THENCE SOUTH 86 FEET; THENCE WEST 495 FEET; THENCE NORTH 86 FEET TO THE PLACE OF BEGINNING.

PARCEL III:

THE NORTH 58 FEET OF LOT NUMBER 7 IN THE FELIX DEGROOTE AND CATHERINE DEGROOTE UNRECORDED PLAT IN PENN TOWNSHIP, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 536 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST; THENCE EAST 495 FEET; THENCE SOUTH 86 FEET; THENCE WEST 495 FEET; THENCE NORTH 86 FEET TO THE PLACE OF BEGINNING, IN ST. JOSEPH COUNTY, INDIANA.

PARCEL IV:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS BEGINNING AT A POINT 278

FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 4; RUNNING THENCE EAST A DISTANCE OF 495 FEET; THENCE SOUTH 94 FEET; THENCE WEST 495 FEET; THENCE NORTH 94 FEET TO THE PLACE OF BEGINNING, AND BEING KNOWN AS LOT 4 AND THE NORTH 8 FEET OF LOT NUMBER 5 ON AN UNRECORDED PLAT OF DEGROOTE'S SUBDIVISION, EXCEPTING THEREFROM THE EAST 20 FEET OF THE WEST 40 FEET OF THE ABOVE DESCRIBED TRACT.

PARCEL V:

A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 37 NORTH, RANGE 3 EAST, DESCRIBED AS BEGINNING AT POINT 192 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 4; RUNNING THENCE EAST 495 FEET, THENCE SOUTH 86 FEET, THENCE WEST 495 FEET, THENCE NORTH 86 FEET, TO THE POINT OF BEGINNING, AND BEING COMMONLY KNOWN AS LOT NUMBER THREE (3) IN FELIX AND CATHERINE DE GROOTE PROPOSED SUBDIVISION.

The parcels are commonly known as 3708 and 3634 Hickory Road, Mishawaka, IN.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 and C-6 District. Said property is vacant and undeveloped with overgrown brush.

Petitioner desires said real estate to be rezoned to R-3 District. Petitioner further states that the party to whom they intend to sell these parcels intends to utilize said land to construct a 119-unit senior assisted living community. An analysis of the current and proposed zoning is attached to this petition, as is a conceptual site plan of the parcel.

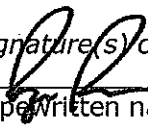
The approval of this rezoning will not be injurious to the public health, safety, morals, or general welfare of Mishawaka as it entails the construction of a thriving new community on a parcel that does not function with its highest and best use.

Adjacent properties will not be adversely affected by this rezoning or by the construction of a new assisted living community. The new community will be safe, practical, aesthetically pleasing inside and out, and separated from the adjacent properties through setbacks and landscaping. Traffic in and out of the community should also not adversely impact the adjacent properties as most of the community's residents no longer drive nor possess cars.

The strict application of the existing zoning for this parcel would prevent the Petitioner from constructing the community in an efficient and economical manner.

The petitioner also includes a more complete analysis of the existing and proposed zoning features, as well as a conceptual site plan.

Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

Ryan Rans
Type/written name also

Signature(s) of Property Owner(s)

Typewritten name also

CONTACT PERSON:

NAME: ARI PARRITZ

ADDRESS: 401 N FRANKLIN ST, SUITE 4 SOUTH, CHICAGO, IL 60654

PHONE NUMBER: 312-239-3535

EMAIL: ARI.PARRITZ@VERMILIONDEVELOPMENT.COM

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ZONING ANALYSIS

Re. Vermilion Development -- Mishawaka, IN
Residential Care Facility (Assisted Living)
December 16, 2016

Existing Site Characteristics:	1 parcel 495' deep x 402' wide, fronting Hickory Road (includes half of R.O.W width) Total area: 193,459 SF
Existing Zoning District:	C-1 Commercial:
Proposed Use	Residential Care Facility (Assisted Living)
Proposed Zoning District	R-3 Residential -- Use Variance required for Residential Care Facility (Assisted Living).

Zoning Characteristics	C-1	R-3	Proposed Project
Use	Various Commercial uses	Various residential Uses	Residential Care Facility (Assisted Living)
Height:	3 stories, 48'	10 stories, 120'	3 stories, 48'
Front Yard:	25'	25'	25'
Interior Side Yard:	5'	10' (for 3 stories)	10'
Rear Yard:	15% lot depth, but not > 30'	30' for 3 stories)	30'
Minimum Lot Area:	6,600 SF (sewer/water available)	119 x 1500 SF = 178,500 SF	193,459 SF
Minimum Lot Width:	60' (sewer/water available)	90' (over 4 units)	402'

ZONING ANALYSIS
Vermilion Development – Mishawaka, IN
Residential Care Facility (Assisted Living)

Zoning Characteristics	C-1	R-3	Proposed Project
Maximum Lot Coverage:	75%	60% or 116,075 SF	44% or 85,000 (approx.)
Parking	4 per 1,000 GSF	1 per 1,000 GSF (approx. 95) Parking space = 180 SF (min) Parking space = 8.5' wide (min)	60
Landscape Requirements			
Street Trees (Deciduous):	locate within R.O.W. @ 30' o/c; Ginko Biloba (preferred); 3.5" caliper;		
Parking Screening from Street:	evergreen shrubs in continuous hedge between lot & street; 24" height Supplement with vertical plantings: ornamental or deciduous shade trees		
Parking Lots:	locate deciduous shade trees within parking lot not > 100' apart Curbed landscaped islands shall be min. 10' wide (with curbs); min. 180 SF		
Signage Requirements			
Sign Type:	Low profile freestanding identification signs are encouraged		
Size:	not >6' high; not > 20' long; Letters not > 18" high;		
Quantity:	maximum of one freestanding sign shall be permitted per street frontage		
Lighting:	internal illumination or uplighting of identification signs shall be encouraged		

PROPOSED SITE PLAN



VERMILION DEVELOPMENT - MISHAWAKA, IN - RCF

ZONING CHARACTERISTIC	R-3 DISTRICT REQUIREMENTS	PROPOSED PROJECT
PROPOSED USE	APTS, NURSING FACILITIES, ETC.	RESIDENTIAL CARE FACILITY (ASSISTED LIVING)
HEIGHT	10 STORIES, 120'	3 STORIES, 48'
FRONT YARD	25'	25'
INT. SIDE YARD	10' (FOR 3 STORIES)	10'
REAR YARD	30' (FOR 3 STORIES)	30'
MINIMUM LOT AREA	119 x 1500 SF = 178,500 SF	193,459 SF
MINIMUM LOT WIDTH	90' (OVER 4 UNITS)	402'
MAXIMUM LOT COVERAGE	60% = 116,075 SF	44% = 85,000 APPROX.
PARKING	1 PER 1,000 GSF (APPROX. 95)	60

RESIDENTIAL CARE FACILITY (119 UNITS)	
SITE AREA	193,459 SF (4.44 ACRES)
PER FLOOR AREA	31,400 SF (APPROX.)
TOTAL BUILDING AREA	94,200 SF (APPROX)
TOTAL PARKING SPACES	60 (3 ACCESSIBLE)

UNIT COUNT	STUDIO	1-BED	TOTAL
3RD FLOOR	30	21	51
2ND FLOOR	30	21	51
1ST FLOOR	9	8	17
TOTAL	69	50	119

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architecture, interior design, planning

2.1.1.2

City of Mishawaka

RESOLUTION NO. R2016-36

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING LINDA J. DOTSON
FOR SERVICE TO THE CITY OF
MISHAWAKA

WHEREAS, Retiring Deputy City Clerk Linda J. Dotson served the citizens of Mishawaka with dedication and respect, and

WHEREAS, Linda J. Dotson served as secretary to Mayor Robert Kovach from September 1981 to December 1983 and served as Deputy City Clerk to Clerk Deborah Ladyga-Block from June 1996 to November 2016 performing those duties faithfully and impartially,

WHEREAS, Mrs. Dotson worked with six different Councils: 1996, 2000, 2004, 2008, 2012 and 2016; four Mayors: Mayors Kovach, Beutter, Rea and Wood, countless Department Heads, City Staff, Firefighters, Police Officers, Street, Parks, Utilities just to name a few always with a smile on her face and a kind word to all;

WHEREAS, Mrs. Dotson shared her many artistic talents by always making beautiful city baskets, wreaths and more.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL, CLERK AND MAYOR OF THE CITY OF MISHAWAKA, INDIANA THAT:

1. Such dedication to her fellow workers and citizens should be gratefully acknowledged.
2. The Council, Clerk and Mayor publicly commends Mrs. Dotson for her dedicated interest in the welfare of the City of Mishawaka and its citizens.
3. The Council, Clerk and Mayor wishes Mrs. Dotson well in her retirement.
4. Clerk Debbie Ladyga-Block, Chief Deputy Mary Ellen Hazen and Deputy Raven Boston thank Mrs. Dotson for the friendship and love that they have shared for all these years.

PASSED by the Common Council of the City of Mishawaka, Indiana on this third day of January, 2017.

Dale “Woody” Emmons,
1st District

Mike Bellovich, 2nd District

Ross Deal, President
3rd District

Kate Voelker, 4th District

S. Michael Compton
5th District

Deborah S. Block IAMC, MMC,
City Clerk

Ron Banicki, 6th District

Matt Mammolenti, Vice President
At Large

Bryan Tanner, At Large

Joe Canarecci, At Large

David A. Wood, Mayor