

AGENDA

Monday, February 6, 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**
- 4. Approval of the Minutes of the Previous Regular Meeting**

January 16, 2017

5. Petitions, Communications, Remonstrance and Memorials

Petition No. 2017-05 City of Mishawaka & Habitat for Humanity Various Addresses Rezone from C-1 to R-1 for New Residential Homes - area of S. Merrifield Ave. and E. Third St.

Petition No. 2017-06 Rezone from R-1 to R-3 Multi-family for an Assisted Living Facility - 1128 W. Dragoon Trail and Logan St.

Petition No. 2017-07 PUD Amendment Various Conditions for Development & Variance for Architectural Bldg. Materials - NW corner 3729 Bremen highway & US 20 Bypass

Petition No. 2017-08 Rezone from C-1 to R-1 for Two New Houses Habitat for Humanity 2 Vacant Lots E. of 1612 LWE.

Outstanding and unpaid checks for a period of 2 years to be voided.

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

P.O. NO. 2017-04 Adopting Revised Rates and Charges for Wastewater

P.O. NO. 2017-05 Adopting Revised Rates and Charges for Water

8. Resolutions

R2017-03 Use Variance R-3 - 119 Units for Senior Assisted Living Community - 3634 & 3708 Hickory Rd.

9. Ordinances on Second Reading

P.O. 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.(Assigned to Land Use Planning Committee)

P.O. NO. 2017-03 Rezone from C-1 and C-6 to R-3 for a 119 Unit Senior Assisted Living Community - 3634 & 3708 Hickory Rd. (Assigned to land Use Planning Committee)

- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**

12. New Business

13. Adjournment

At this time I know of no other business to come before the Council.

Deborah S. Block, IAMC, MMC, City Clerk

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

January 16, 2017

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday January 16, 2017, at 7:00 p.m. The meeting was called to order by President Ross Deal all were asked to stand for the Pledge of Allegiance.



Roll Call.

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

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

The minutes from the January 3, 2016 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter regarding **RESOLUTION 2016-02** H and G Real Estate LLC for all Platted and Dedicated Streets at Ridgemont Crossing Section Two PUD, **Petitioner requested withdrawal.**

Mr. Banicki made a motion to withdraw **RESOLUTION 2016-02**, Mr. Compton second the motion.

Clerk Block read letters from the Board of Zoning Appeals and the Plan Commission regarding recommendations from their January 10, 2017 meeting

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

PROPOSED ORDINANCE NO. 2017-01

**AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL
CODE OF THE CITY OF MISHAWAKA, INDIANA AS FROM TIME TO TIME
AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF
THE CITY OF MISHAWAKA, INDIANA
(Rezone from I-1 to R-1 403 W. 4th St.)
(Petitioner Requested Second Reading)**

Mr. Mammolenti made a motion to suspend Council Rules to allow second reading on **PROPOSED ORDINANCE NO. 2017-01**, Mr. Banicki second the motion.

Deric Eggleston 403 W. 4th Street said he would like to acquire the second half of the funds to continue remodeling the property. Mr. Eggleston stated the completion of the remodeling was nearly finished.

Mr. Banicki asked would Mr. Eggleston be residing at the property. Mr. Eggleston replied correct.

Mr. Mammolenti thanked Mr. and Mrs. Eggleston for investing money to improve their property.

Mrs. Voelker also thanked Mr. and Mrs. Eggleston for investing in Mishawaka.

Question was called for at 7:09 p.m. for **PROPOSED ORDINANCE NO. 2017-01**,  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal. Thus it becomes **ORDINANCE NO. 5560**

PROPOSED ORDINANCE NO. 2017-02

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

(Rezone from I-1, C-1, R-1 to C-10 Convenience Store, Fuel Pumps– 1702 & 1720 Union St.)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2017-03

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

(Rezone from C-1 and C-6 to R-3 for a 119 Unit Senior Assisted Living Community– 3708 & 3634 Hickory Rd.)

(Assigned to Land Use Planning Committee)

Clerk Block read **RESOLUTION NO. 2016-35** in its entirety and opened it for public hearing.

RESOLUTION NO. 2016-35

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING MARIAN BOYS SOCCER TEAM
STATE CHAMPIONS**

Head Coach Ben Householter thanked the council for the recognition. He said it was their second State Championship in a row and hoped to win a third. Coach Householter stated they have now reached the success factor with the winning of the two championships. He said next year the team would be playing in a higher-class level. Coach Householter was proud of his team.

Mayor Wood said as a city, they were proud of the young men. He stated one of the difficult things to do in sports was to repeat championships while carrying high academic loads and being involved in various community organizations. Mayor Wood said they were proud of the athletes and their parents for making sure they live up to their commitments. He stated the City would be honoring the honorees with commemorative street signs that would be placed in strategic locations around the city.

Members of the Council congratulated the young men on their second State Championship in a row. They thanked the coaches and parents for their hard work and support. Members of the Council were proud to honor the young men for their accomplishments. They encouraged the young men to keep up the good work balancing academics and perform at high levels in their extra-curricular activities. Members of the Council expressed they see great success in their future.

Question was called for at 7:20 p.m. for **RESOLUTION NO. 2016-35**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

Clerk Block read **RESOLUTION NO. 2017-02** and opened it for public hearing.

RESOLUTION NO. 2017-02

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:

1915 North Cedar Street, Mishawaka, Indiana

Dale LeHue owner of 1915 North Cedar Street said he has run his business there for 30 years and purchased the property in 2010. Mr. LeHue stated there were six units in the building. He said he was having difficulties keeping tenants and leasing the units. Mr. LeHue expressed he and his wife keep up with the property and plan to make improvements. He went on to discuss the complaints he was unaware of. Mr. LeHue stated there was a lack of communication between him and his neighbors. He said in the past he was notified he would take care of any problems right away.

Mr. Mammolenti recalled Mr. LeHue had oppositions when he came before the Council two years ago. He asked Mr. LeHue did he reach out to the neighbors in opposition. Mr. LeHue said he had spoken with one neighbor concerning noise and he took care of the complaint right away. Mr. LeHue stated he delivered his business cards and he was doing his best to make himself available.

Mr. Mammolenti asked why was Mr. LeHue having difficulties leasing units. Mr. LeHue said potential tenants wanted to run automotive business.

Mr. Mammolenti questioned the hours of operation. Mr. LeHue said he was unaware of the hours of operation until recently, but he would abide and enforce the rules.

Mrs. Voelker asked how often was Mr. LeHue present on the property. Mr. LeHue said he would be at the property on the regular basis to monitor the property.

Mr. Canarecci asked was there a potential business in mind. Mr. LeHue introduced Tony, who would like to run an Auto Body Shop. He said they would abide by the rules and conditions.

Mr. Compton asked how many spaces were currently leased. Mr. LeHue said one of the six units were available.

Mrs. Voelker asked what the five units were being used for. Mr. LeHue said two units were used for a Wholesale Mail Order, he uses two for storage for his cars, and a friend also rents a unit for storage.

Mr. Mammolenti asked Tony's business operation hours. Mr. LeHue said hours would run from 7 or 8 in the morning to 5 or 6 in the evening Monday through Friday with an option of Saturday.

Mr. Mammolenti asked has a leased be signed. Mr. LeHue replied no.

Neighbors Jeff Wisler, Matthew Kopey, and Christen Hall all live on Margaret Ave. spoke in opposition to the Resolution. They expressed their concerns and complaints regarding Mr. LeHue's property. The Neighbors believe Mr. LeHue should do a better job monitoring the tenants in the building and follow city laws.

Members of the Council felt it was not the proper location to have an Auto Body Shop. They expressed why they would not support the resolution. Members of the Council recalled the neighbors that were in opposition when Mr. LeHue came before the Council two years ago. They said there needs to better communication between the neighbors and property owner. Members of the Council suggested for Mr. LeHue to keep up with the property, reach out to the neighbors and comeback with better conditions.

Question was called for at 8:00 p.m. for **RESOLUTION NO. 2017-02**  **Vote: Motion failed (summary: Yes = 0, No = 9, Abstain = 0). No: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

PRIVILEGE OF THE FLOOR

Chris and Sarah Hafer 24947 Adams Road South Bend spoke in regards to the City's pet limit law of three animals. Mr. and Mrs. Hafer said they were considering moving to Mishawaka. They said the limited pet laws was the determining factor on whether they would move into the city. Mr. and Mrs. Hafer mentioned they currently had four rescue dogs that they love. They suggested to look into making exceptions, possibly making annual fees per additional animal and inspections.

Mr. Emmons asked the location of the property. Mr. Hafer said Westwood Circle off Colfax and Division. He said the land was not large but there was a fenced in yard.

Mrs. Voeker asked did Mrs. Hafer still rescue. Mrs. Hafer replied no, with her expecting a child four dogs were enough.

Mr. Bellovich asked the size of the lot. Mr. Hafer said the lot was 8800 feet. He said there were neighbors on both sides that were reasonably close. Mr. Hafer also mentioned building a privacy fence on their potential new property.

Mr. Canarecci asked did Mr. and Mrs. Hafer know of any Mishawaka residents with the same concerns. Mrs. Hafer answered yes.

UNFINISHED BUSINESS

Clerk Block read a letter regarding **PROPOSED ORDINANCE NO. 2016-33** to Amend Ridgemont Crossing PUD NE corner Fir Road and Dragoon Trail to allow Multi-Family Residential Uses 360 Units and Club House **Petitioner requesting withdrawal.**

Mr. Compton made a motion to withdraw **PROPOSED ORDINANCE NO. 2016-33**, Mr. Banicki second the motion.

Clerk Block read a letter regarding **PROPOSED ORDINANCE NO. 2016-34** Vacation of Right of Way of all Platted & Dedicated Streets Ridgemont Crossing section two final PUD **Petitioner requesting withdrawal.**

Mr. Compton made a motion to withdraw **PROPOSED ORDINANCE NO. 2016-34**, Mr. Banicki second the motion.

NEW BUSINESS

Consideration of Suspension of Council Rules for presentation of the Mayor's State of the City.

Mr. Compton made a motion to suspend Council Rules to have the Mayor's State of the City on March 13th at Battell Center at 7:00PM, with a second by Mr. Banicki motion carried.

Mr. Emmons announced the 1st District Neighborhood meeting would be January 19th at 7:00PM at St. Bavos School. The speaker would be Sergeant Mark Fleming from the Mishawaka Police Department.

Mr. Mammolenti and Mr. Deal announced the Twin Branch Neighborhood Meeting would continue on January 18th at 7:00PM at Twin Branch school. The speakers would be Mishawaka's John Roggeman, Deputy City Attorney-Staff Attorney and Jacob Crawford from Park and Recreation.

ADJOURNMENT 8:20 p.m.

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

Ross Deal s/
Ross Deal, President

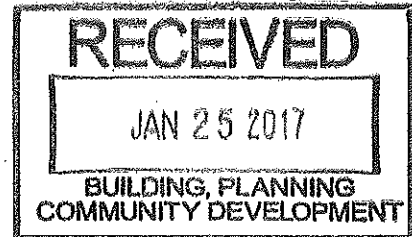
RECEIVED
DEBORAH S. BLOCK, MMC

FEB 01 2017

CITY CLERK
MISHAWAKA, IN

January 19, 2017

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



Pet 17-05

RE: PETITION TO REZONE

The undersigned, City of Mishawaka and Habitat for Humanity of St. Joseph County, 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:

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 25 AND 26 IN PARK'S ADDITION AS RECORDED IN PLAT BOOK 7, PAGES 76-76A (INSTR. #1900023) IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA.

LOT 24 IN SAID PARK'S ADDITION EXCLUDING THE WEST 5.84 FEET AND SOUTH 52 FEET OF SAID LOT.

LOTS 18 AND G IN SAID PARK'S ADDITION EXCLUDING LOTS 1 AND 2 IN CASEY'S MINOR SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 9508489 IN THE OFFICE OF SAID RECORDER.

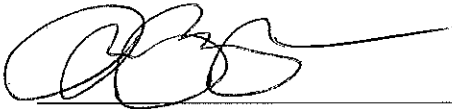
LOTS 1 AND 2 IN CASEY'S MINOR SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 9508489 IN THE OFFICE OF SAID RECORDER.

THE COMMON ADDRESSES OF THE ABOVE PARCELS: 850 AND 858 EAST 4TH STREET; 851, 852, 853, 854, 856, 858, 860, AND 862 EAST 3RD STREET; AND 119 AND 121 SOUTH MERRIFIELD AVENUE, CITY OF MISHAWAKA, 46544.

Petitioner(s) own one hundred (100%) percent of the above described parcels of land which carry a zoning classification of C-1 General Commercial District. Said properties are currently vacant undeveloped land.

Petitioner(s) desire said real estate to be rezoned to R-1 Single-Family Residential District. Petitioner(s) further state that they intend to utilize said land for single-family residential development.

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



Kenneth B. Prince, ASLA. AICP
City Planner

Jim Williams
Executive Director
Habitat for Humanity of St. Joseph
County

CONTACT PERSON:

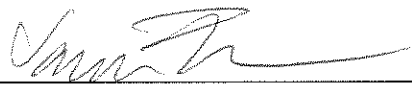
DEREK J. SPIER, AICP
PLANNING DEPARTMENT
600 E. 3RD STREET
MISHAWAKA, IN 46544
PH. 574-258-1625
FAX 574-968-6999
DSPIER@MISHAWAKA.IN.GOV

Petitioner(s) own one hundred (100%) percent of the above described parcels of land which carry a zoning classification of C-1 General Commercial District. Said properties are currently vacant undeveloped land.

Petitioner(s) desire said real estate to be rezoned to R-1 Single-Family Residential District. Petitioner(s) further state that they intend to utilize said land for single-family residential development.

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

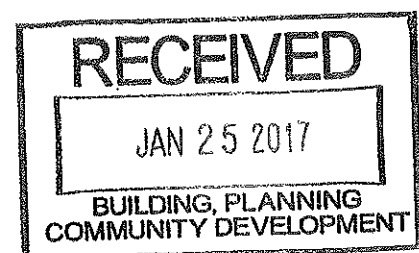
Kenneth B. Prince, ASLA. AICP
City Planner



Jim Williams
Executive Director
Habitat for Humanity of St. Joseph
County

CONTACT PERSON:

DEREK J. SPIER, AICP
PLANNING DEPARTMENT
600 E. 3RD STREET
MISHAWAKA, IN 46544
PH. 574-258-1625
FAX 574-968-6999
DSPIER@MISHAWAKA.IN.GOV



LINCOLNWAY EAST

PET 17-05 (HATCHED)

S MERRIFIELD AVE



E THIRD ST

E THIRD ST

S MERRIFIELD AVE

S MERRIFIELD AVE

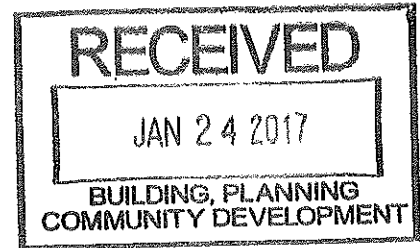
Location Map

PETITION 17-05

CITY OF MISHAWAKA &
HABITAT FOR HUMANITY
OF ST. JOSEPH COUNTY
VARIOUS ADDRESSES

REZONING FROM C-1 GENERAL
COMM. TO R-1 SF RES. TO ALLOW
FOR INFILL RESIDENTIAL HOMES

January 24, 2017



Ret 17-06

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

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 01 2017

CITY CLERK
MISHAWAKA, IN

RE: PETITION TO REZONE

Ladies and Gentlemen:

Margaret B. Conner is the owner of record (the "Owner"), as shown in the Office of the St. Joseph County Auditor, of the following described real estate in the City of Mishawaka, County of St. Joseph, State of Indiana (the "Property"), to wit:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION

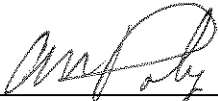
The Owner owns one hundred percent (100%) of the Property, which carries a zoning classification of R1 District. Said property is currently used for single family residential purposes. The Owner has consented to authorize AHEPA Affordable Housing Management Company, Inc. (the "Petitioner") to file a rezone petition for the Property. The Owner's consent is attached hereto as Exhibit "B".

Petitioner desires the Property be rezoned to R3 District. Petitioner further states that it intends to utilize the Property for the development of an affordable assisted living facility.

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.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Petitioner: **AHEPA Affordable Housing Management Company, Inc.**

By: 
Arthur N. Poly, President and CEO

CONTACT PERSON

Name: Courtney S. Figg, Esq.
Address: Quarles & Brady LLP
135 N. Pennsylvania Street, Suite 2400
Indianapolis, IN 46204
Phone: (317) 399-2859
Fax: (317) 957-5059
Email: Courtney.Figg@quarles.com

QB43517690.1

January 24, 2017

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

RE: CONSENT TO PETITION TO REZONE

Ladies and Gentlemen:

I am the owner of record, as shown in the Office of the St. Joseph County Auditor, of the following described real estate in the City of Mishawaka, County of St. Joseph, State of Indiana (the "Property"), to wit:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION

Please be advised that I hereby authorize AHEPA Affordable Housing Management Company, Inc., the Petitioner, to execute any and all documents necessary for the purpose of rezoning the Property, per the attached petition. The Property presently carries a zoning classification of R1 District. The Petitioner desires the Property to be rezoned to R3 District.

Owner: Margaret Conner

Signature: Margaret B. Conner

By POA Richard H. Conner
STATE OF INDIANA)

) SS:

COUNTY OF ST. JOSEPH)

Subscribed and sworn to me this 24th day of January, 2017.

My Commission Expires:

County of Residence:

Dianne M. Kazmierczak
Notary Public

Printed Name

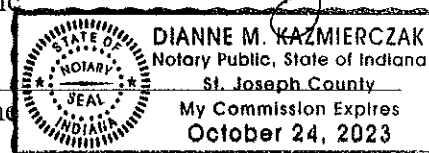


EXHIBIT A

to

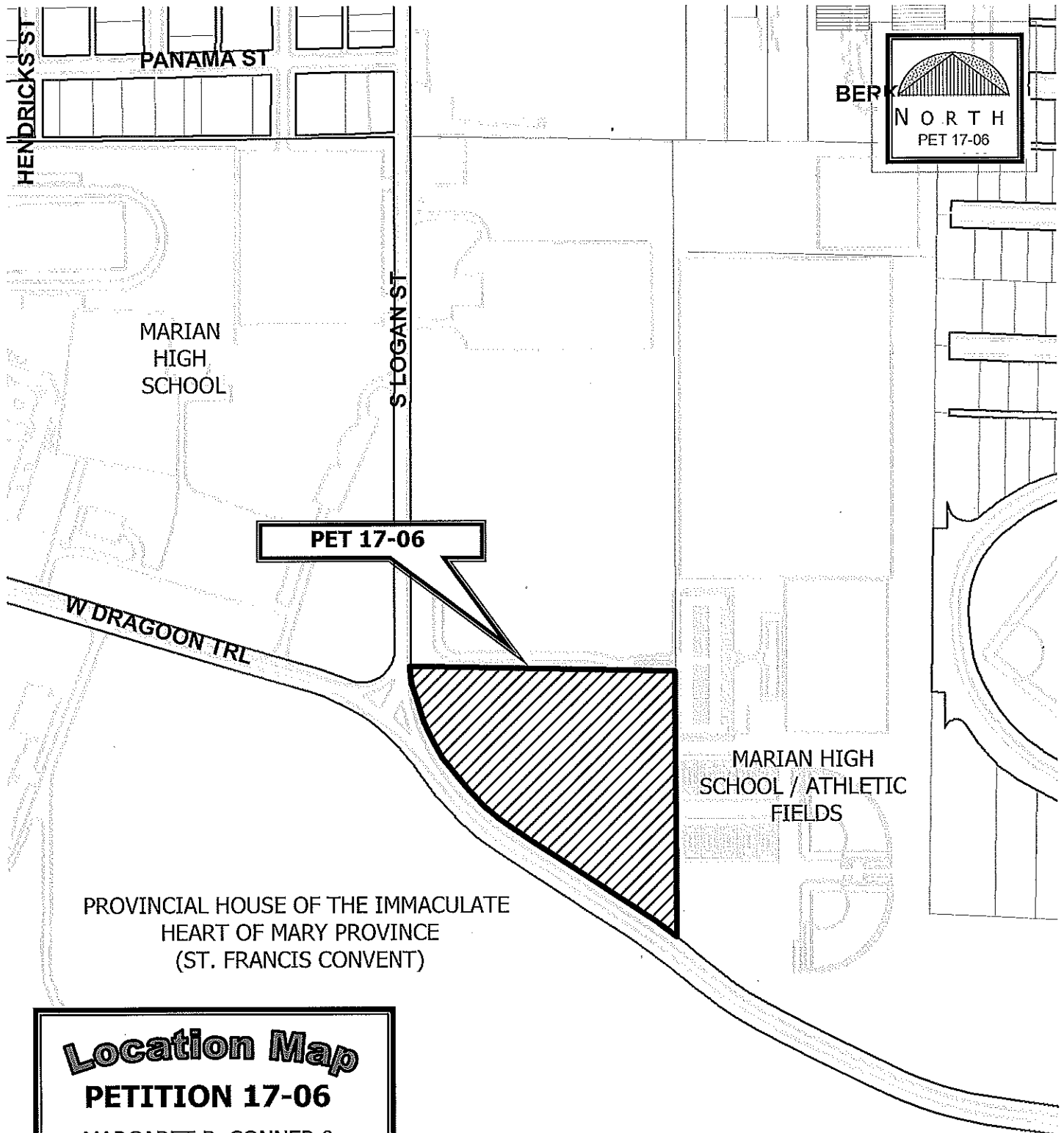
AHEPA Affordable Housing Management Company, Inc. Petition to Rezone

LEGAL DESCRIPTION OF PREMISES IN ST. JOSEPH COUNTY, INDIANA:

All that part of the West Half of the West Half of the Northwest Quarter of Section 21, Township 37 North, Range 3 East, that lies North of the Highway known as Dragoon Trail.

EXCEPTING THEREFROM Twenty (20) acres off of the North end described as follows:
Beginning at the Northwest corner of said Section 21, Township and Range aforesaid; thence running South 1308.69 feet; thence East 665.70 feet; thence North 1308.69 feet to the North line of said Section 21; thence West 665.80 feet to the place of beginning.

Premises Address: 1128 West Dragoon Trail
Mishawaka, IN 46544



Location Map

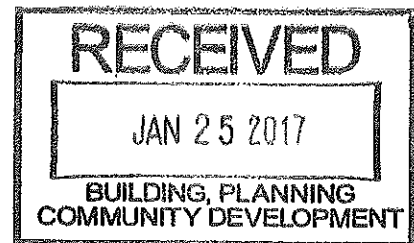
PETITION 17-06

MARGARET B. CONNER &
AHEPA AFFORDABLE HOUSING
MANAGEMENT COMPANY, INC.
1128 W. DRAGON TRAIL

REZONING FROM R-1 SINGLE FAMILY
RES. TO R-3 MULTI FAMILY RES.
FOR AN ASSISTED LIVING FACILITY

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 07 2017



DATE: January 24, 2017 **CITY CLERK**
MISHAWAKA, IN

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

RE: **PETITION FOR PUD AMENDMENT**
Gateway Plaza PUD
NW Corner of Bremen Highway and US 20 Bypass

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

THAT PART OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER THAT IS 1150.77 FEET SOUTH 89°34'43" EAST FROM SAID NORTH LINES INTERSECTION WITH THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°34'43" EAST, ALONG SAID NORTH LINE A DISTANCE OF 1268.58 FEET TO A WESTERLY LINE OF PROPERTY PURCHASED BY THE STATE OF INDIANA FOR THE U.S. 20 BYPASS; THENCE FOR THE NEXT FIVE COURSES ALONG SAID WESTERLY LINE AND THE NORTHERN LINE OF SAID U.S. 20 BYPASS: THE FIRST COURSE BEING SOUTH 52°42'24" WEST, A MEASURE DISTANCE OF 307.44 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 66°40'11" WEST, A DISTANCE OF 156.13 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3217.93 FEET, A CENTRAL ANGLE OF 11°00'00" AND LIMITED IN LENGTH BY A CHORD OF 616.85 FEET THAT BEARS SOUTH 79°12'07" WEST TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1172.45 FEET, A CENTRAL ANGLE OF 05°50'20" AND LIMITED IN LENGTH BY A CHORD OF 119.43 FEET THAT BEARS SOUTH 87°37'17" WEST TO A POINT OF TANGENCY; THENCE NORTH 89°27'33" WEST, A DISTANCE OF 152.45 FEET; THENCE NORTH 00°26'33" WEST, A DISTANCE OF 152.46 FEET; THENCE NORTH 00°28'33" WEST, PARALLEL WITH SAID WEST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 376.53 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH THE RIGHTS AND BENEFITS SET OUT IN A WARRANTY DEED BY AND BETWEEN BERTHA S. WEIS AND CARLTON MARKER AND MARY MARKER, ADULTS, HUSBAND AND WIFE, TENANTS RIGHTS ONLY, TO THE STATE OF INDIANA RECORDED JULY 21, 1975 AS DEED RECORD 803, PAGE 510 OF THE ST. JOSEPH COUNTY RECORDS.

The above described parcel of land contains the following property at the northwest corner of Bremen Highway and US 20 Bypass.

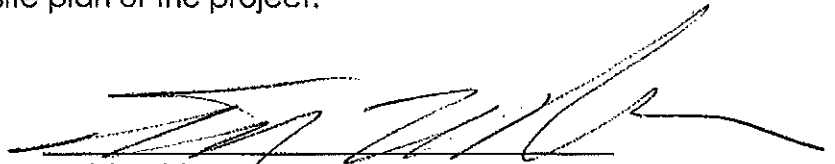
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 PUD and allows for a Light Industrial use.

Petitioner desires said real estate to be amended as follows:

1. Final site plans of the storage facility may be submitted to the City and construction may occur separately from any other development on properties contained within the Gateway Plaza PUD.
2. Temporary access to the storage facility shall be from Elmwood Avenue only until a future internal Gateway Plaza drive is constructed by Others to the storage facility's property line or to the existing private drive.
3. Developer agrees to construct temporary improvements to the existing private drive (i.e., widen same from 18' to 20' and resurface the pavement), and to create a left-in/right-out approach at Elmwood Avenue to help promote traffic towards Bremen Highway.
4. Once a future internal Gateway Plaza drive is provided by Others (pursuant to Item #2 above), the Developer agrees to connect to the new internal development drive and agrees to block off public traffic from using the private drive approach at Elmwood Avenue.
5. Architectural building standards/materials for the storage facility shall only apply to the easternmost building façade facing Bremen Highway. All other storage buildings shall not be required to comply with the minimum block or glass requirements identified in the City's Design Review Ordinance, and may consist of metal siding.
6. The Developer shall enter into an Agreement with the City, establishing that:
 - a. City shall pursue the State of Indiana to obtain the parcel containing the existing private drive that currently provides access to the subject property. To initiate this process, City agrees to compose a letter to the State requesting to take over their parcel and the Developer agrees to help with the process;
 - b. City shall annex the parcel obtained from the State of Indiana and the adjacent Elmwood Avenue right-of-way;
 - c. City agrees to deed over the parcel obtained from the State of Indiana after the annexation process is completed; and
 - d. Developer agrees to contribute to the City of Mishawaka for realigning Elmwood Road in the future to intersect Meijer Drive, including Developer to provide right-of-way for same

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

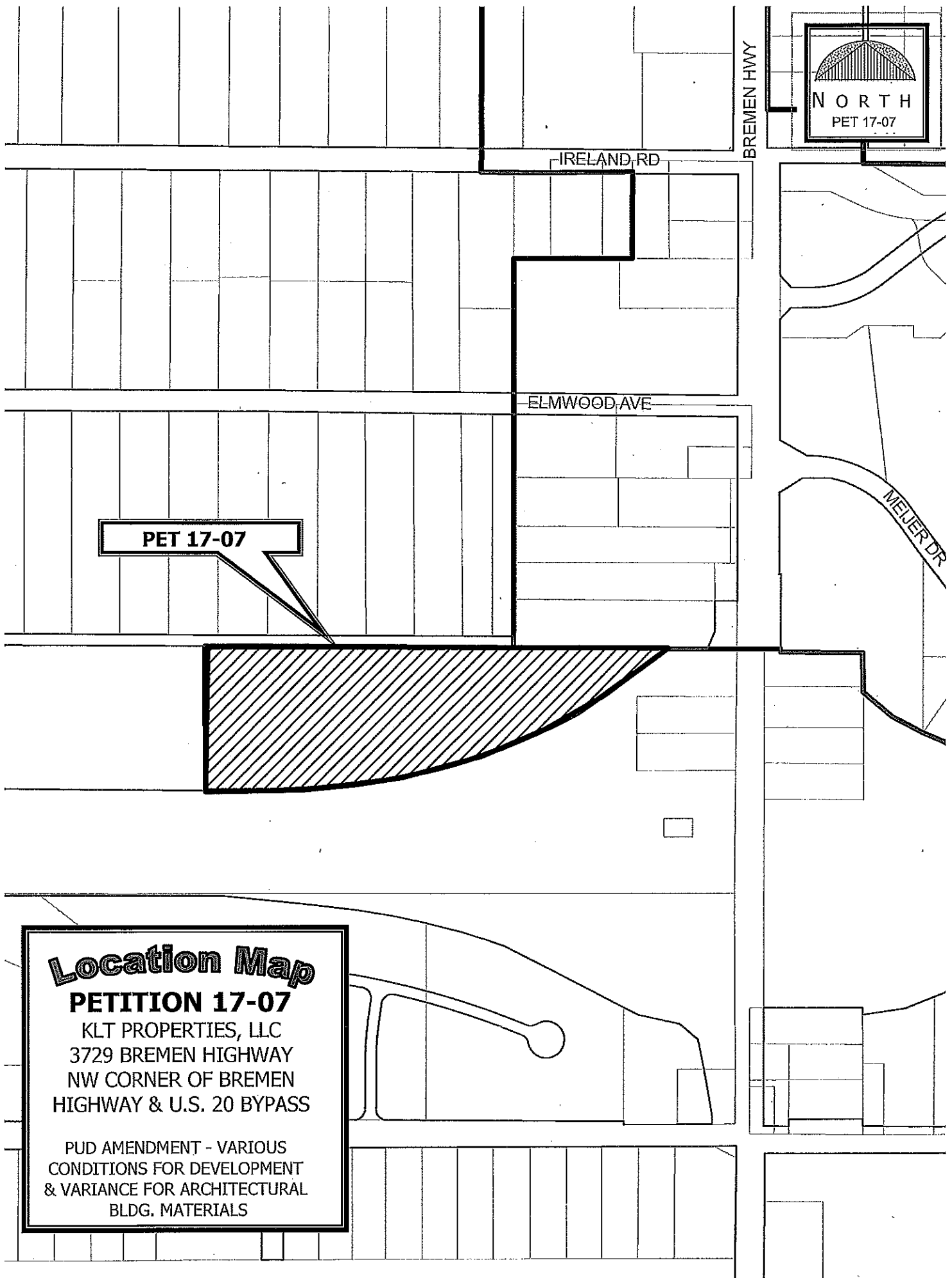
Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and preliminary site plan of the project.



Todd Veldman
KLT Properties, LLC
5222 Western Avenue
South Bend, IN 46619

CONTACT PERSON:

Brian McMorrow, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmcmorrow@abonmarche.com



PET 17-07



Location Map
PETITION 17-07
KLT PROPERTIES, LLC
3729 BREMEN HIGHWAY
NW CORNER OF BREMEN
HIGHWAY & U.S. 20 BYPASS

PUD AMENDMENT - VARIOUS
CONDITIONS FOR DEVELOPMENT
& VARIANCE FOR ARCHITECTURAL
BLDG. MATERIALS



Habitat for Humanity®

of St. Joseph County



DATE: January 25, 2017

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

RE: **PETITION FOR ZONING CLASSIFICATION**
Part of 1612 Lincoln Way East (Vacant Lots 9&10 Beiger Farms Addition)

The undersigned, Habitat for Humanity of St. Joseph County, 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:

Lots Numbered Nine (9) and Ten (10) in Beiger Farms Addition to the City of Mishawaka as per plat thereof recorded June 21, 1904 in the Office of the Recorder of Saint Joseph County, Indiana.

Parcel Number #016-1065-269301
Two (2) vacant lots adjacent and East of 1612 Lincoln Way East,
Mishawaka, IN
(Addresses to be determined)

Petitioner owns One Hundred (100%) percent of the above described parcel of land, which carries a "C-1" Commercial District zoning classification. Said property is currently vacant land.

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

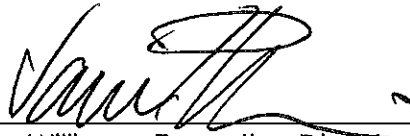
Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and conceptual development plan.

Wherefore, 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 with a "R-1" Residential District zoning classification.

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 07 2017

CITY CLERK
MISHAWAKA, IN



Jim Williams, Executive Director
Habitat for Humanity of St. Joseph County
402 E. South Street
South Bend, IN 46601
Phone: 574-288-6967

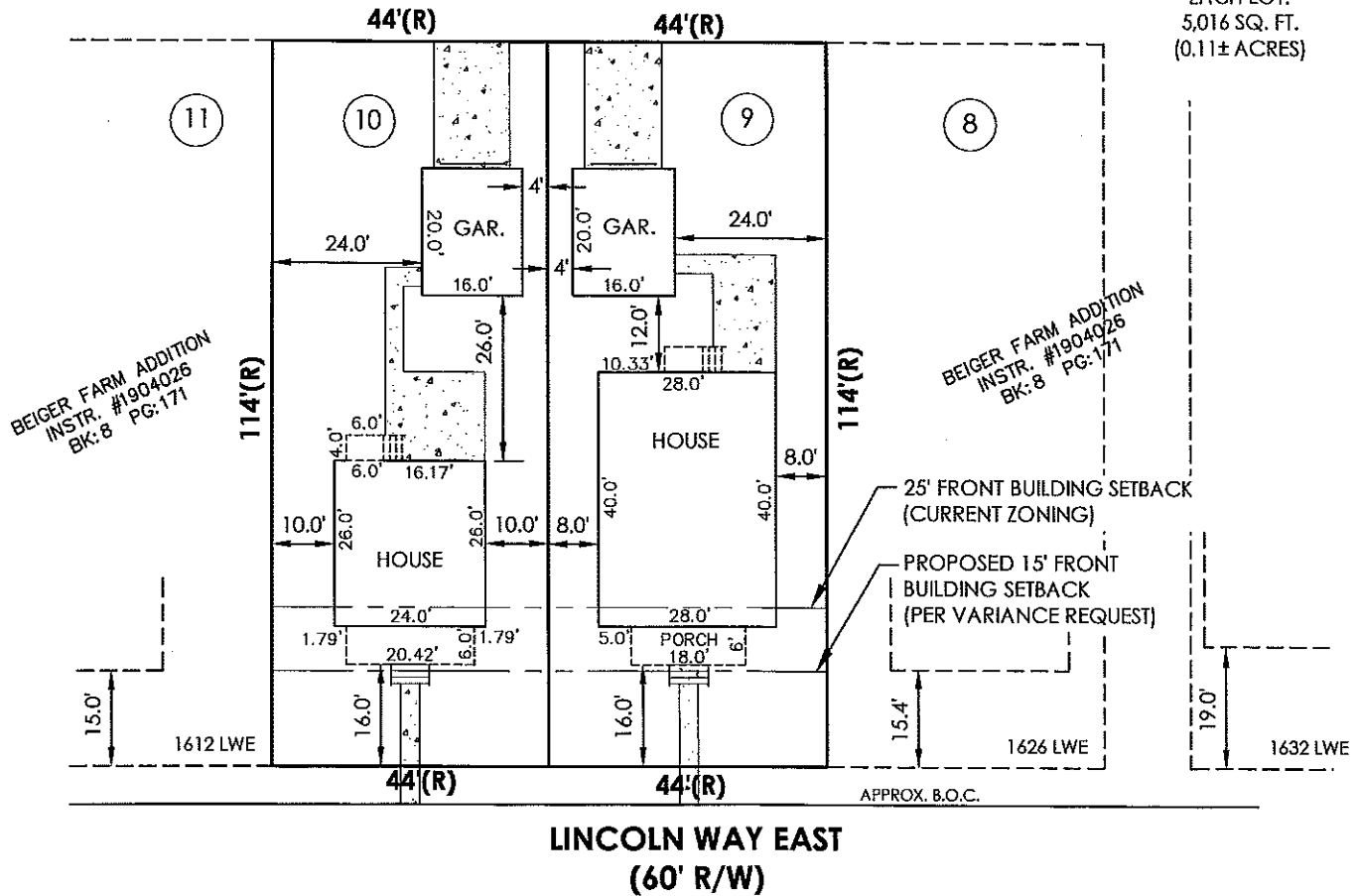
CONTACT PERSON:

Michael J. Rozycki, LS
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
mrozycki@abonmarche.com

EXHIBIT A
LOTS 9 & 10, BEIGER FARM ADDITION
PART OF SECTION 14, TOWNSHIP 37 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA,
PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA
ADDRESS: PART OF 1612 LWE, MISHAWAKA, IN 46544
 (ADDRESSES TO BE DETERMINED)



EACH LOT:
 5,016 SQ. FT.
 (0.11± ACRES)



SCALE: 1"=30'
 BAR SCALE IN FEET

LEGEND

B.O.C. BACK OF CURB

NOTES:

- FRONT & SIDE YARD SETBACK DIMENSIONS SHOWN ARE MEASURED TO HOUSE FOUNDATION.
- THIS DRAWING DEPICTS THE APPROXIMATE LAYOUT OF THE LOT. FOR ACTUAL DIMENSIONS, SEE THE RECORDED FINAL PLAT.

ABONMARCHÉ

750 Lincoln Way East
 South Bend, IN. 46601
 T 574.232.8700
 F 574.251.4440
 abonmarche.com

Battle Creek
 Benton Harbor
 Marquette
 South Haven
 Goshen
 Hobart
 Lafayette
 South Bend
 Valparaiso

Engineering • Architecture • Land Surveying

PREPARED FOR:
 HABITAT FOR HUMANITY
 PROPERTY ADDRESS:
 PART OF 1612 LWE
 MISHAWAKA, INDIANA
 COPYRIGHT 2017 ABONMARCHÉ CONSULTANTS, INC.

SCALE: 1"=30'

JOB #: 17-0003-05

SHEET 1 OF 1



HOMEWOOD AVE

PET 17-08

N VIRGIL ST

LINCOLNWAY EAST

BEIGER
ELEMENTARY
SCHOOL

Location Map

PETITION 17-08

HABITAT FOR HUMANITY
OF ST. JOSEPH COUNTY
2 VACANT LOTS E. OF 1612
LINCOLN WAY EAST

REZONING FROM C-1 GENERAL COMM.
TO R-1 SF RESIDENTIAL FOR TWO
NEW INFILL SINGLE-FAMILY HOUSES

E THIRD ST

MELVILLE ST

S VIR



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: January 18, 2017
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Presentment of voided two year old checks**

Pursuant to IC 5-11-10.5, all checks outstanding and unpaid for a period two years as of December 31st of each year are voided and receipted back into their original fund. This list is to be presented to the fiscal body by March 1st of each year.

Please contact me with any questions.

c: David A. Wood

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
KBGN-KB General - Key/Bank General									
Check									
101540	01/21/2014	Open			Accounts Payable	SWEETSER, TODD, H	\$28.66		
101612	01/22/2014	Open			Accounts Payable	FORSYTHE, SHAWN, R	\$85.47		
101619	01/22/2014	Open			Accounts Payable	HAZEN, STARLA, ANN	\$12.43		
101685	01/22/2014	Open			Accounts Payable	SUN, JIAYIN	\$56.41		
101753	02/04/2014	Open			Accounts Payable	BISHOP, DANIELA, R	\$7.28		
101754	02/04/2014	Open			Accounts Payable	BOTELLO, JOSE, ALEXANDER	\$0.16		
101760	02/04/2014	Open			Accounts Payable	DEAVERS, RYAN, LEE	\$60.42		
101767	02/04/2014	Open			Accounts Payable	GRISSOM, KAREN, ANN	\$5.41		
101803	02/04/2014	Open			Accounts Payable	SEATON, DANIEL	\$1.14		
101808	02/04/2014	Open			Accounts Payable	TOLAND, COURTNEY	\$7.68		
102366	02/19/2014	Open			Accounts Payable	WHITEFIELD, AARON, E	\$21.99		
102440	03/04/2014	Open			Accounts Payable	EVANS, JULIE, E	\$9.15		
102445	03/04/2014	Open			Accounts Payable	GRZELAK, JENNIFER, R	\$6.56		
102462	03/04/2014	Open			Accounts Payable	LEE, JIHYUN	\$29.21		
102463	03/04/2014	Open			Accounts Payable	LEE, SANG-HYUN	\$8.73		
102476	03/04/2014	Open			Accounts Payable	REDMON, JAMAR, A	\$1.42		
102757	03/18/2014	Open			Accounts Payable	BOLIN, AMBER CE	\$7.52		
102758	03/18/2014	Open			Accounts Payable	BRANDY, AMANDA, A	\$3.29		
103060	04/02/2014	Open			Accounts Payable	DOSS, SHARON, K	\$10.56		
103067	04/02/2014	Open			Accounts Payable	GARCIA, ONECIMA	\$0.77		
103073	04/02/2014	Open			Accounts Payable	HOLCOMB, MARY, E	\$3.09		
103108	04/02/2014	Open			Accounts Payable	PROUT, MATTHEW, T	\$2.81		
103407	04/15/2014	Open			Accounts Payable	LE, LY, THI	\$42.47		
103437	04/15/2014	Open			Accounts Payable	TIROTTA, MARK, A	\$16.07		
103688	04/29/2014	Open			Accounts Payable	ARNDT, KENNETH, W	\$27.60		
103689	04/29/2014	Open			Accounts Payable	BAILEY, JENNIFER, A	\$2.46		
103712	04/29/2014	Open			Accounts Payable	FULBRIGHT, LINDA	\$6.68		
103723	04/29/2014	Open			Accounts Payable	JOHNSON, RACHEL, J	\$1.41		
103773	04/29/2014	Open			Accounts Payable	ZIMMERMAN, STEPHANIE, M	\$1.39		
103977	04/29/2014	Open			Accounts Payable	YODER, CHRISTIAN	\$50.00		
104083	05/13/2014	Open			Accounts Payable	OTT, PATRICK	\$63.82		
104362	05/27/2014	Open			Accounts Payable	BARRIER III, HENRY, R	\$88.19		
104373	05/27/2014	Open			Accounts Payable	CRAINE, JOSEPH, C	\$2.70		
104406	05/27/2014	Open			Accounts Payable	HASHIMOTO, JUN	\$67.33		
104419	05/27/2014	Open			Accounts Payable	JOHNSON, ERIK, C	\$56.99		
104425	05/27/2014	Open			Accounts Payable	KING, LAURA, B	\$1.99		
104442	05/27/2014	Open			Accounts Payable	MASON, MICHAEL, L	\$4.13		
104449	05/27/2014	Open			Accounts Payable	MOHAMMED, MAJED	\$48.92		
104452	05/27/2014	Open			Accounts Payable	MUHYODDIN, SARDAR	\$67.70		
105035	06/10/2014	Open			Accounts Payable	KINNETT, JAMES, R	\$40.35		
105038	06/10/2014	Open			Accounts Payable	LIN, LAN	\$28.17		

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Type Check Totals:									
KBBGN-KB General - KeyBank General Totals					41 Transactions		\$988.53		

LCGN - LCB GENERAL

Check

Check	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
10037	06/24/2014	Open			All	BAILON, LEANNA, M			
10044	06/24/2014	Open			Checks	BRIMMER, COURTNEY			
10046	06/24/2014	Open			Open	BROWN, MARQUITA, J	\$988.53	\$0.00	
10048	06/24/2014	Open			Total	BUTTS, MARIA, C	\$988.53	\$0.00	
10086	06/24/2014	Open			All	HAINES, KELLI, D			
10103	06/24/2014	Open			Status	IMHOFF, LAUREN, E			
10108	06/24/2014	Open			Open	JONES, DESEREA, S	\$988.53	\$0.00	
10112	06/24/2014	Open			Total	KALNEUS, EVGENII, V	\$988.53	\$0.00	
10120	06/24/2014	Open			Count	KIM, HYENG, I	\$988.53	\$0.00	
10140	06/24/2014	Open			Count	MATTESON, JESSICA, N	\$988.53	\$0.00	
10156	06/24/2014	Open			Count	NAGY, AARON, M	\$988.53	\$0.00	
10162	06/24/2014	Open			Count	PRYOR, JORDAN, D	\$988.53	\$0.00	
10170	06/24/2014	Open			Count	ROUSSEAU, UYSHEKAI, L	\$988.53	\$0.00	
10184	06/24/2014	Open			Count	SINK, SEAN, K	\$988.53	\$0.00	
10207	06/24/2014	Open			Count	WEIST II, ROBERT, T	\$988.53	\$0.00	
10496	07/08/2014	Open			Count	BLASKO, JOHN, A	\$988.53	\$0.00	
10510	07/08/2014	Open			Count	CRIDER, LARRY, A	\$988.53	\$0.00	
10522	07/08/2014	Open			Count	FERNANDEZ, DANIEL, P	\$988.53	\$0.00	
10523	07/08/2014	Open			Count	FISHER, KERI	\$988.53	\$0.00	
10526	07/08/2014	Open			Count	GARCIA, JOSHUA, G	\$988.53	\$0.00	
10540	07/08/2014	Open			Count	KELLEY, CHRISTOPHER, M	\$988.53	\$0.00	
10551	07/08/2014	Open			Count	LOPEZ, JR., SALVADOR	\$988.53	\$0.00	
10595	07/08/2014	Open			Count	THOMAS, DE CARLO	\$988.53	\$0.00	
11056	07/23/2014	Open			Count	SWEETSER, TODD, H	\$988.53	\$0.00	
11105	07/23/2014	Open			Count	ALBAQAMI, MOHAMMAD, D	\$988.53	\$0.00	
11139	07/23/2014	Open			Count	DESROSIERS, LAUREN, A	\$988.53	\$0.00	
11168	07/23/2014	Open			Count	HAMLETT, KATHLEEN	\$988.53	\$0.00	
11184	07/23/2014	Open			Count	HUNTER, LOYELL	\$988.53	\$0.00	
11206	07/23/2014	Open			Count	MC DANIEL, ANTWAN, L	\$988.53	\$0.00	
11237	07/23/2014	Open			Count	SHAW, ROBBIN, S	\$988.53	\$0.00	

CITY OF MISHAWAKA

Payment Register

From Payment Date: 1/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
11244	07/23/2014	Open			Accounts Payable	SPRINGMAN, JAMES, A	\$1.54		
11261	07/23/2014	Open			Accounts Payable	WAGNER, PAM, M	\$0.27		
11265	07/23/2014	Open			Accounts Payable	WILLIAMS, EMILIE, A	\$24.16		
11266	07/23/2014	Open			Accounts Payable	WISNIEWSKI, KATHLEEN, F	\$1.63		
11268	07/23/2014	Open			Accounts Payable	WOLKIEWICZ, KRISTY, A	\$1.69		
11379	08/05/2014	Open			Accounts Payable	DOZIER, TERRY, W	\$1.86		
11404	08/05/2014	Open			Accounts Payable	MORIN, SHANNON, L	\$102.39		
11418	08/05/2014	Open			Accounts Payable	TEWOLDE, NICOLE, S	\$29.09		
11707	08/19/2014	Open			Accounts Payable	BATES, CASSIE, M	\$65.21		
11710	08/19/2014	Open			Accounts Payable	BISHOP, JASMINE, J	\$2.22		
11731	08/19/2014	Open			Accounts Payable	FISK, BRETT, A	\$28.19		
11738	08/19/2014	Open			Accounts Payable	GILVIN, MATTHEW, J	\$42.10		
11743	08/19/2014	Open			Accounts Payable	GRIFFEY, BETH, A	\$41.51		
11795	08/19/2014	Open			Accounts Payable	RAMPY, JUSTIN, C	\$5.12		
11796	08/19/2014	Open			Accounts Payable	REDDY, JENNIFER	\$1.47		
11811	08/19/2014	Open			Accounts Payable	SNYDER, JULIE, A	\$5.96		
11838	08/19/2014	Open			Accounts Payable	ZAPPA, NICHOLAS	\$4.12		
12095	09/02/2014	Open			Accounts Payable	CARRICO, JANINE, L	\$2.16		
12128	09/02/2014	Open			Accounts Payable	WILLIAMS, EMILY, A	\$20.37		
12404	09/16/2014	Open			Accounts Payable	BOCKHEIM, ANGELA, D	\$121.77		
12416	09/16/2014	Open			Accounts Payable	CASSEL, AARON, A	\$2.05		
12435	09/16/2014	Open			Accounts Payable	CRONIN, MARGARET	\$30.18		
12447	09/16/2014	Open			Accounts Payable	DUDECK, ANDREW, M	\$83.73		
12463	09/16/2014	Open			Accounts Payable	GUENTHER, NATASHA	\$4.57		
12554	09/16/2014	Open			Accounts Payable	QUINLAN, ALEXA, R	\$28.70		
12576	09/16/2014	Open			Accounts Payable	SIEROTNIK, JR., JOHN, J	\$68.37		
12610	09/16/2014	Open			Accounts Payable	WEST, DONNA, J	\$22.35		
12611	09/16/2014	Open			Accounts Payable	WHITMORE II, LAWRENCE, F	\$9.31		
12618	09/16/2014	Open			Accounts Payable	YUN, CHANDAVY, S	\$30.35		
12872	09/30/2014	Open			Accounts Payable	AMERICAN TRANSPORTATION ON TIME INC.	\$176.91		
12901	09/30/2014	Open			Accounts Payable	MARLEY, SCOTT, T	\$15.40		
12917	09/30/2014	Open			Accounts Payable	SHELEY, AMANDA, C	\$68.04		
13172	10/14/2014	Open			Accounts Payable	HALL HOWELL, BRE-ANNA	\$0.02		
13175	10/14/2014	Open			Accounts Payable	HICKEY, MEGAN, C	\$88.39		
13185	10/14/2014	Open			Accounts Payable	LIN, JAN, LI	\$79.48		
13515	10/28/2014	Open			Accounts Payable	COFFIN, JAMISON, M	\$0.80		
13580	10/28/2014	Open			Accounts Payable	SPENCER, MICHAEL, A	\$64.23		
13582	10/28/2014	Open			Accounts Payable	SQUIRES, DAVID, P	\$0.89		
13588	10/28/2014	Open			Accounts Payable	SWETCOFF, TIMOTHY, S	\$31.73		
13663	10/28/2014	Open			Accounts Payable	HERSHEY, SHAUN	\$5.00		
13766	10/28/2014	Open			Accounts Payable	SWEETSER, TODD, H	\$59.96		
13793	10/28/2014	Open			Accounts Payable	WROBLEWSKI, KURT	\$5.00		
13859	11/12/2014	Open			Accounts Payable	ADURI, SRIKANTH	\$56.27		
13860	11/12/2014	Open			Accounts Payable	ALAHMARI, SAAD	\$7.37		
13864	11/12/2014	Open			Accounts Payable	BAILEY, VIOLET, R	\$65.71		
13884	11/12/2014	Open			Accounts Payable	DIEDIKER, MATTHEW, C	\$14.95		
13898	11/12/2014	Open			Accounts Payable	FOX, CURTIS, J	\$32.07		
13918	11/12/2014	Open			Accounts Payable	K & L HOME RENTALS	\$183.12		
13952	11/12/2014	Open			Accounts Payable	REDDINGTON II, TONY, M	\$154.05		

Payment Register

From Payment Date: 1/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
14271	11/25/2014	Open			Accounts Payable	CROMER, DONALD, LEE	\$6.07		
14289	11/25/2014	Open			Accounts Payable	HEVERLY, DONNA, T	\$27.10		
14322	11/25/2014	Open			Accounts Payable	PADULA, SALVATORE, N	\$78.68		
14343	11/25/2014	Open			Accounts Payable	SHANE, JR., TIMOTHY, C	\$11.02		
14515	11/25/2014	Open			Accounts Payable	SWEETSER, TODD, H	\$70.00		
14531	11/25/2014	Open			Accounts Payable	WEAVER, PATRICIA, A	\$74.25		
14578	12/09/2014	Open			Accounts Payable	CLAYTON, BARBARA, E	\$2.53		
14600	12/09/2014	Open			Accounts Payable	KRASKA, PATRICIA	\$385.30		
14612	12/09/2014	Open			Accounts Payable	RICHARDSON, TROY	\$4.16		
14613	12/09/2014	Open			Accounts Payable	RICHTER, JASON, L	\$95.17		
14711	12/23/2014	Open			Accounts Payable	ISALAH J FREET	\$120.00		
14866	12/23/2014	Open			Accounts Payable	ALNEMER, ABDULHAKHEEM, A	\$38.14		
15013	12/23/2014	Open			Accounts Payable	ZWILLING, RACHEL, A	\$95.49		
15217	12/23/2014	Open			Accounts Payable	SWEETSER, TODD, H	\$13.74		
15370	12/30/2014	Open			Accounts Payable	WRIGHT, JACQUELYN, RENA	\$13.15		
Type Check Totals:									
LCGN - LCB GENERAL Totals							\$4,100.61		

Grand Totals:

Checks		Status	Count	Transaction Amount	Reconciled Amount
		Open	94	\$4,100.61	\$0.00
		Total	94	\$4,100.61	\$0.00
All		Status	Count	Transaction Amount	Reconciled Amount
		Open	94	\$4,100.61	\$0.00
		Total	94	\$4,100.61	\$0.00
Checks		Status	Count	Transaction Amount	Reconciled Amount
		Open	135	\$5,089.14	\$0.00
		Total	135	\$5,089.14	\$0.00
All		Status	Count	Transaction Amount	Reconciled Amount
		Open	135	\$5,089.14	\$0.00
		Total	135	\$5,089.14	\$0.00

PAYMENT DATE

01/13/2017

COLLECTION STATION

Controller

RECEIVED FROM

Receipt in 2014 O/S
Checks

DESCRIPTION

Receipt in 2014 O/S Checks

QUIETUS

OFFICE OF CITY CONTROLLER

Rebecca S Miller-Controller-Mishawaka IN

(574) 258-1622

Approved by:

State Board of Accounts 2011

BATCH NO.

2017-01000024

RECEIPT NO.

2017-00000152

CASHIER

Melanie Wroblewski

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
MISG	Misc revenue general Key Bank - Receipt in 2014 O/S Checks 101.00.399.00 Miscellaneous \$78.66	\$78.66						
ELOR	Electric Other Revenue Key Bank - Receipt in 2014 O/S Checks 610.00.381.40 Miscellaneous Revenue \$909.87	\$909.87						
MISG	Misc revenue general Lake City - Receipt in 2014 O/S Checks 101.00.399.00 Miscellaneous \$231.15	\$231.15						
MISP	Misc revenue Park Lake City - Receipt in 2014 O/S Checks 204.00.399.00 Miscellaneous \$125.00	\$125.00						
ELOR	Electric Other Revenue Lake City - Receipt in 2014 O/S Checks 610.00.381.40 Miscellaneous Revenue \$3,744.46	\$3,744.46						
Payments:	<table> <tr> <th>Type</th><th>Detail</th><th>Amount</th></tr> <tr> <td>Other</td><td>OLD</td><td>\$5,089.14</td></tr> </table>	Type	Detail	Amount	Other	OLD	\$5,089.14	
Type	Detail	Amount						
Other	OLD	\$5,089.14						
Total Amount:		\$5,089.14						

PROPOSED ORDINANCE NO. 2017-04

ORDINANCE NO. _____

**AN ORDINANCE AMENDING PART I, CHAPTER 62, OF
THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA,
INDIANA, AS FROM TIME TO TIME AMENDED.**

WHEREAS, the City of Mishawaka, Indiana, has heretofore constructed and has in operation a sewage works for the purpose of collecting sewage and waste and conveying the same away from the premises where produced and disposing of the same in a sanitary manner; and

WHEREAS, the Common Council believes that it is necessary to amend the schedule of rates and charges in three phases so as to produce sufficient revenue to pay expenses of maintenance and operation, to provide funds for necessary replacements and improvements to the sewage works, to provide adequate money for working capital, and to pay the principal and interest on the outstanding and proposed revenue bonds in accordance with the applicable bond ordinances; and

WHEREAS, Indiana Code 36-9-23-1 et seq., requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by Ordinance, finally adopted after due notice and public hearing; and

WHEREAS, the Common Council held a public hearing after due notice at which users of the sewage works, owners of property served or to be served by the works, and other interested persons were heard concerning the proposed fees set forth below;

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

Section 1. Section 62-147 WASTEWATER DISCHARGE LIMITATIONS, Section 62-183 RATES BASED ON WATER USAGE, STRENGTH OF DISCHARGE, Section 62-184 SCHEDULE OF RATES: MISHAWAKA WASTEWATER UTILITY and Section 62-362 TIF CREDIT shall be amended as follows:

62-147 WASTEWATER DISCHARGE LIMITATIONS

Any waters or wastes containing metallic ions, or other toxic ions as determined and established from time to time by the board of public works and safety. Chemical constituents shall not exceed the following concentrations for grab or composite samples:

Mercury	0.0003 mg/l
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62-183 RATES BASED ON WATER USAGE, STRENGTH OF DISCHARGE.

The surcharges to be charged for the treatment of extra strength sewage shall be determined by the following table. The surcharge shall become effective should the concentration of Carbonaceous BOD₅ (Biochemical Oxygen Demand), TSS (Total Suspend Solids), P (Phosphorus) or N-NH₃ (Ammonia Nitrogen) exceed the concentrations listed in 62-147 (8).

The surcharge shall be charged for each pound of the particular pollutant in excess of these concentrations –

Phase One effective upon passage of the amending rate ordinance; Phase Two effective January 1, 2018; Phase Three effective January 1, 2019; Phase Four effective January 1, 2020; Phase Five effective January 1, 2021 in the amounts as follows:

<u>Pollutant</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
cBOD5	\$0.430	\$0.443	\$0.492	\$0.536	\$0.539
TSS	0.370	0.381	0.423	0.461	0.463
P	10.352	10.662	11.834	12.899	12.963
N-NH ₃	1.253	1.290	1.432	1.561	1.569

62-184 SCHEDULE OF RATES

- (A) Every person whose premises are served by the Wastewater Utility shall be charged for the service provided. Notwithstanding the provisions of 62-181, the sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use plus a customer charge, and plus a base charge based on the size of water meter installed as adjusted by the Meter Equivalency Factor, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). If for any reason the monthly meter reading is not available, a bill will be prepared, based on the estimated usage, and a correction will be made when meter readings are available. The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

- (1) Flow charges – Phase One effective upon passage of the amending rate ordinance; Phase Two effective January 1, 2018; Phase Three effective January 1, 2019; Phase Four effective January 1, 2020; Phase Five effective January 1, 2021 in the amounts as follows:

<u>Flow rate per month</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Rate per 100 cubic feet	\$1.72	\$1.77	\$1.96	\$2.14	\$2.15

- (2) Customer charges – Phase One effective upon passage of the amending rate ordinance; Phase Two effective January 1, 2018; Phase Three effective January 1, 2019; Phase Four effective January 1, 2020; Phase Five effective January 1, 2021 in the amounts as follows:

<u>Customer Charge</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Per month	\$1.93	\$1.99	\$2.21	\$2.41	\$2.42

- (3) Base charges – Phase One effective upon passage of the amending rate ordinance; Phase Two effective January 1, 2018; Phase Three effective January 1, 2019; Phase Four effective January 1, 2020; Phase Five effective January 1, 2021 in the amounts as follows:

Meter Size	Equivalency Factors	Phase One	Phase Two	Phase Three	Phase Four	Phase Five
Residential	1.0	\$44.59	\$45.93	\$50.98	\$55.57	\$55.85
5/8"	1.0	44.59	45.93	50.98	55.57	55.85
1"	2.5	111.48	114.82	127.45	138.92	139.61
1 1/4"	4.0	178.36	183.71	203.92	222.27	223.38
1 1/2"	5.8	258.62	266.38	295.68	322.29	323.90
2"	10.0	445.90	459.28	509.80	555.68	558.46
3"	23.0	1,025.56	1,056.33	1,172.53	1,278.06	1,284.45
4"	41.0	1,828.21	1,883.06	2,090.20	2,278.32	2,289.71
6"	92.0	4,102.32	4,225.39	4,690.18	5,112.30	5,137.86
8"	164.0	7,312.83	7,532.21	8,360.75	9,113.22	9,158.79
10"	256.0	11,415.14	11,757.59	13,050.92	14,225.50	14,296.63

- (4) Single family residential properties served by a water meter smaller than 1 1/4" shall be billed based on a Meter Equivalency Factor of 1.
- (5) The Base Charge shall be based on a meter size of not more than one size smaller than the service line in which the meter is installed.
- (6) The monthly sewer bill for any service where the user is not a metered water customer shall be estimated and determined by means and methods satisfactory to the Authority.

62-362 TIF CREDIT

- (A) Wastewater Utility customers whose premises are served by the utility and are located within the City limits shall receive a credit applied towards their monthly sewer bill in recognition of the portion of the principal and interest on Wastewater Utility bonds paid by the City from TIF revenues.

- (B) The monthly credit shall be as follows:
- (1) Flow Rate Credit - \$.232 per 100 cubic feet
 - (2) Base Rate Credit

<u>Meter Size</u>	<u>Equivalency Factors</u>	<u>Monthly Credit</u>
Residential	1.0	\$10.00
5/8"	1.0	10.00
1"	2.5	25.00
1 1/4"	4.0	40.00
1 1/2"	5.8	58.00
2"	10.0	100.00
3"	23.0	230.00
4"	41.0	410.00
6"	92.0	920.00
8"	164.0	1,640.00
10"	256.0	2,560.00

- (C) Single family residential properties serviced by a water meter smaller than 1 1/4" shall receive a Base Charge TIF Credit based on a Meter Equivalency Factor of 1.
- (D) The TIF Credit shall be in effect upon passage of the amending rate ordinance.

Section 2. This ordinance shall be in full force and effect from and after its passage, signing by the Mayor, and legal publication as provided by law.

PASSED and adopted by the Common Council of the City of Mishawaka on the ____ day of _____, 2017, at ____ o'clock __.m.

Presiding Officer

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka on the ____ day of _____, 2017, at ____ o'clock __.m.

Deborah S. Block, City Clerk

APPROVED by me this ____ day of _____, 2017, at ____ o'clock __.m.

David A. Wood, Mayor

PROPOSED ORDINANCE NO. 2017-05

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING REVISED RATES AND CHARGES FOR
WATER SERVICES FURNISHED BY THE CITY OF MISHAWAKA'S
MUNICIPAL WATER UTILITY**

WHEREAS, the City of Mishawaka, Indiana, operates a municipal water utility through its agency Mishawaka Utilities (the "Utility") for the purpose of acquiring and distributing water to aid City and surrounding areas; and,

WHEREAS, the existing rates and charges for water services provided by the Utility were placed into effect following approval by the Common Council in Ordinance 5381 on March 4, 2013; and,

WHEREAS, the Utility engaged H.J. Umbaugh & Associates to study the Utility's revenue requirements for water service under IC 8-1.5-3.8 and IC 8-1.5-2-28, and develop, in addition to other information, annual pro forma revenues and expenses for the test year ended November 30, 2015; and,

WHEREAS, H.J. Umbaugh & Associates has studied the Utility's annual revenue requirements and determined that the Utility's annual pro forma operating revenues from water service do not produce an adequate net operating income, and such revenues need to be increased to provide income for the revenue requirements set forth in IC 8-1.5-3-8 and IC 8-1.5-2-28; and,

WHEREAS, the Utility Board of the City of Mishawaka has recommended to the Common Council that it approve by Ordinance the revised rates and charges for water service developed by H.J. Umbaugh & Associates, which rates and charges are set forth as part of Exhibits "A" and "B" attached hereto; and,

WHEREAS, the Common Council of the City of Mishawaka, Indiana now finds that (i) the Utility's annual revenues from rates and charges for water service should be increased with the Utility's annual revenues from water service increasing by \$1,874,600 in Phase One and \$2,105,300 in Phase Two; and (ii) the rates and charges for water service attached hereto as part of Exhibits "A" and "B" have been set to recover the necessary increases in the Utility's annual revenues from water service and so that they are non-discriminatory, "reasonable and just charges" for services within the meaning of IC 8-1.5-3-8;

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

Section 1. The rates and charges for water service attached hereto as part of Exhibits "A" and "B" are hereby adopted as and for the rates and charges to be utilized by the Utility when charging customers for water service, effective as set forth below.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed; provided, however, that the existing rates and charges for water service shall remain in full force and effect until the rates and charges fixed by this Ordinance shall be approved by the Commission, and until such time as the Order of said Commission approving said new rates and charges shall direct.

Section 3. This Ordinance shall be in full force and effect from and after its passage; provided, however, that the rates and charges for water service shall not become effective unless and until approved by the Indiana Utility Regulatory Commission in Cause No. _____, or until such time as said Commission shall direct.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ON THIS ____ DAY OF _____, 2017

Common Council
City of Mishawaka, Indiana

Ross Deal, President

ATTEST:

Deborah S. Block, City Clerk

Presented by me, the undersigned City Clerk of the City of Mishawaka, Indiana, to the Mayor of the City of Mishawaka, Indiana, for approval on the ____ day of _____, 2017 at _____ o'clock __.m.

Deborah S. Block, City Clerk

Having examined the foregoing Ordinance, I do as the Mayor of the City of Mishawaka, Indiana, approve said Ordinance and return the same to the City Clerk of the City of Mishawaka, Indiana, this ____ day of _____, 2017.

Dave Wood, Mayor
City of Mishawaka, Indiana

EXHIBIT A

SCHEDULE OF RATES AND CHARGES

MISHAWAKA UTILITY - INSIDE CITY

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

For the use of and the service rendered by the Water Utility of the City of Mishawaka, Indiana, the following rates and charges based upon the amount of water supplied by said Water Utility.

Residential and Multi-Unit:

- (a) Metered rates - Phase One effective January 1, 2018 and Phase Two effective January 1, 2021 in the amounts as follows:

<u>Metered Rates per Month</u>	<u>Phase One</u>	<u>Phase Two</u>
Rate per 100 Cubic Feet	\$2.08	\$2.52

- (b) Customer base charge - Phase One effective January 1, 2018 and Phase Two effective January 1, 2021 in the amounts as follows:

<u>Size of Meter *</u>	<u>Phase One</u>	<u>Phase Two</u>
5/8" to 3/4"	\$6.83	\$8.26
1"	\$6.83	\$8.26

*Meters over 1 inch are reclassified to commercial and industrial rates

- (c) Fire Protection charge - Phase One effective January 1, 2018 and Phase Two effective January 1, 2021 in the amounts as follows:

<u>Customer Charge</u>	<u>Phase One</u>	<u>Phase Two</u>
Per month	\$5.03	\$6.09

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

Small Non-Residential

(a) Metered Rates Per Month

	<u>Phase One</u>	<u>Phase Two</u>
All consumption per 100 cubic feet	\$2.12	\$2.57

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>
5/8" – 3/4"	\$6.83	\$8.26
1"	13.78	16.67
1 1/2"	25.34	30.66
2"	39.18	47.41
3"	71.52	86.54

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>
5/8" - 3/4"	\$5.03	\$6.09
1"	12.58	15.22
1 1/2"	25.15	30.43
2"	40.25	48.70
3"	75.46	91.31

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

Large Non-Residential

(a)	<u>Metered Rates Per Month</u>	<u>Phase One</u>	<u>Phase Two</u>
	First 7,750 cubic feet	\$2.21	\$2.67
	Over 7,750 cubic feet	1.40	1.69
(b)	<u>Customer Base Charge</u>		

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

	Phase	Phase
<u>Size of Meter</u>	<u>One</u>	<u>Two</u>
4"	\$117.71	\$142.43
6"	233.27	282.26
8"	371.89	449.99
10"	533.64	645.70

(c) Fire Protection Charge

	Phase	Phase
<u>Size of Meter</u>	<u>One</u>	<u>Two</u>
4"	\$125.74	\$152.15
6"	251.54	304.36
8"	402.46	486.98
10"	578.53	700.02

Hydrant Rental

	<u>Phase One</u>	<u>Phase Two</u>
Private hydrants - per annum	\$648.11	\$784.21

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

Private Fire Protection Service

Sprinkler connection - per annum

	Phase <u>One</u>	Phase <u>Two</u>
1"	\$18.01	\$21.79
1 1/2"	40.59	49.11
2"	72.03	87.16
3"	162.06	196.09
4"	288.12	348.63
6"	648.11	784.21
8"	1,152.17	1,394.13
10"	1,800.28	2,178.34
12"	2,592.45	3,136.86

Non-Recurring Charges

Refer to Appendix "B".

Current rate effective March 5, 2013.

EXHIBIT B

SCHEDULE OF RATES AND CHARGES

MISHAWAKA UTILITY - OUTSIDE RATES

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

For the use of and the service rendered by the Water Utility of the City of Mishawaka, Indiana, the following rates and charges based upon the amount of water supplied by said Water Utility.

Residential & Multi-Unit:

- (a) Metered rates - Phase One effective January 1, 2018 and Phase Two effective January 1, 2021 in the amounts as follows:

<u>Metered Rates per Month</u>	<u>Phase One</u>	<u>Phase Two</u>
Rate per 100 Cubic Feet	\$2.41	\$2.92

- (b) Customer base charge - Phase One effective January 1, 2018 and Phase Two effective January 1, 2021 in the amounts as follows:

<u>Size of Meter *</u>	<u>Phase One</u>	<u>Phase Two</u>
5/8" to 3/4"	\$8.06	\$9.75
1"	\$8.06	\$9.75

*Meters over 1 inch are reclassified to commercial and industrial rates

- (c) Fire Protection charge - Phase One effective January 1, 2018 and Phase Two effective January 1, 2021 in the amounts as follows:

<u>Customer Charge</u>	<u>Phase One</u>	<u>Phase Two</u>
Per month	\$5.03	\$6.09

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

Small Non-Residential

	Phase <u>One</u>	Phase <u>Two</u>
(a) <u>Metered Rates Per Month</u>		
All Consumption	\$2.42	\$2.93

(b) **Customer Base Charge**

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	Phase <u>One</u>	Phase <u>Two</u>
5/8" - 3/4"	\$8.06	\$9.75
1"	16.85	20.39
1-1/2"	31.49	38.10
2"	49.08	59.39
3"	90.10	109.02

(c) **Fire Protection Charge**

<u>Size of Meter</u>	Phase <u>One</u>	Phase <u>Two</u>
5/8" - 3/4"	\$5.03	\$6.09
1"	12.58	15.22
1 1/2"	25.15	30.43
2"	40.25	48.70
3"	75.46	91.31

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

Large non-Residential

	Phase <u>One</u>	Phase <u>Two</u>
(a) <u>Metered Rates Per Month</u>		
First 7,750 cubic feet	\$2.07	\$2.50
Over 7,750 cubic feet	1.60	1.94

(b) **Customer Base Charge**

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	Phase <u>One</u>	Phase <u>Two</u>
4"	\$148.71	\$179.94
6"	295.20	357.19
8"	470.97	569.87
10"	676.07	818.04

(c) **Fire Protection Charge**

<u>Size of Meter</u>	Phase <u>One</u>	Phase <u>Two</u>
4"	\$125.74	\$152.15
6"	251.54	304.36
8"	402.46	486.98
10"	578.53	700.02

Hydrant Rental

	Phase <u>One</u>	Phase <u>Two</u>
Private hydrants - per annum	\$648.11	\$784.21

Private Fire Protection Service

	Phase <u>One</u>	Phase <u>Two</u>
Sprinkler connection - per annum		
1"	\$18.01	\$21.79
1 1/2"	40.59	49.11
2"	72.03	87.16
3"	162.06	196.09
4"	288.12	348.63
6"	648.11	784.21
8"	1,152.17	1,394.13
10"	1,800.28	2,178.34
12"	2,592.45	3,136.86

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

Non-Recurring Charges

Refer to Appendix "B".

Current rate effective March 5, 2013.

APPENDIX B

NON-RECURRING CHARGES

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

- A. Water Account Service Charge - \$20.00
- B. Sprinkling Meters Turn-on Charge \$20.00
- C. Service Deposits- Service deposits are set by the Utility and can be up to one-sixth of normal annual bill per service location
- D. Failure to Meet Appointment Scheduled Charge - \$15.00
- E. Dishonored Negotiable Instrument Charge - \$20.00
- F. Processing/Disconnect Charge
 - Disconnect During Office Hours—\$25.00
 - Additional Reconnect charges after hours—\$70.00
 - Additional Reconnect charges on Sundays & Holidays— \$90.00
- G. After Hours Service Charge
 - After hours & Saturdays - \$70.00 minimum 1st 2 hours
 - After 2 hours call out time an additional \$35.00 per hour per man
 - Sundays and Holidays - \$90.00 minimum 1st 2 hours
 - After 2 hours call out time an additional \$45.00 per hour per man
- H. Turn Water Services Off/On (For Repair or To Test Plumbing). No charge during office hours 8-5

For after hour charges, refer to item G
- I. Late Penalty – 10% of the first \$3.00 plus 3% of the balance
- J. Meter Tampering Charge
 - First Offense – Actual cost of parts, labor, equipment and overhead plus cost of service estimated to have been used, based on prior history - \$75.00 + damages and a police report filed with police.
 - Second Offense – Same as above, plus \$250.00 + damages.
 - Subsequent Offenses – Same as second offense, plus disconnection of service

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

K. Violation of Fire Service Agreement – Illegal use of fire hydrant

First Offense - \$500.00

Subsequent Offense - \$1,000.00 and subject to criminal charges

L. Construction Permit Fees

150 day Residential – \$65.00

240 day Commercial – \$135.00 Per Building or \$5.00 per unit (whichever is larger)

320 day Industrial – \$600.00 Per Building

M. New Service Address Meter Charges –

Contact Water Department for current cost – 574-258-1652

Meter Size	Charge
5/8" — 3/4" (touch pad)	Actual Current Cost
1"	Actual Current Cost
1 1/2"	Actual Current Cost
2"	Actual Current Cost
3" & Larger	Actual Current Cost

Damage to Existing System Actual cost of repair

N. Meter Test at Customer Request

(No charge for first & second meter testing if second test has been requested after twelve months of the first testing)

Meter Size	Test Fee
5/8" — 1"	\$25.00
1 1/2" - 2"	\$48.00
3" & larger	Actual Cost

NON-RECURRING CHARGES

O. Hydrant Use Agreement

Hydrant Permit Charge – \$35.00

Deposit \$750.00

Damages to hydrant - repair cost to be deducted from deposit before refund, plus cost of water used, or per month (whichever is larger) \$ 50.00 minimum.

Township Hydrant Use (Fire Department Use Only) \$ 25.00 plus cost of water.

P. Tapping Permit

Existing taps never used and no fee paid at time of installation

Residential	
3/4"	\$1,198.00
1"	\$1,203.00
1 1/2"	\$1,564.00
2"	\$1,738.00
Commercial	
3/4"	Actual Current Cost
1"	Actual Current Cost
1 1/2"	Actual Current Cost
2"	Actual Current Cost
Commercial/Industrial	
4"	Actual Current Cost
6"	Actual Current Cost
8"	Actual Current Cost
10"	Actual Current Cost
12"	Actual Current Cost

All New Taps – Actual Current Cost

Contact Water Department for current pricing – 574-258-1652

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

Q. Lead Service Line Replacement Tap Costs

(Does Not Include Meter)

Size	Cost
5/8" — 3/4"	\$1,198.00
1"	\$1,203.00
1 1/2"	\$1,564.00
2"	\$1,738.00

R. Land Improvement Charges

Non-Residential	
Water Main	Charge / Linear Foot
6"	\$12.00
8"	\$16.00
10"	\$20.00
12"	\$24.00
14"	\$28.00
16"	\$32.00
20"	\$40.00
24"	\$48.00
Residential	
1/2 of the current cost of a 6" water main (100 feet maximum)	

Revised on 03/05/2012

JAN 12 2017

APPEAL #17-02

RESOLUTION NO. 2017- 03

CITY CLERK
MISHAWAKA, IN

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:

3634 and 3708 Hickory Road, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **3634 and 3708 Hickory Road, Mishawaka, Indiana**, more particularly known and described as follows:

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 Use Variance, if approved, will permit an assisted living facility in R-3 Multi-Family Residential District.

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

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed senior assisted living facility is compatible with the adjacent commercial/retail uses and is similar in intensity and use to other permitted uses in the R-3 Multiple Family District.

- Based upon the developer's experience with similar assisted living facilities, the reduction in the required number of parking spaces will provide an adequate number of spaces for the residents, employees, and guests.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner as the proposed assisted living facility is compatible with the existing land uses. Furthermore, the proposed use is less intensive and will not generate as much traffic as many of the permitted uses allowed on the property. Adequate parking will still be provided with the reduction in the number of spaces.
 3. The need for the Use Variance arises from some condition peculiar to the property involved because the proposed zoning allows for various multiple family residential and senior care uses, but does not explicitly permit an assisted living facility.
 4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The Zoning Ordinance does not allow an assisted living facility in the R-3 Multiple Family Residential District though such a use is similar to many of the permitted uses in this district. Furthermore, the number of parking spaces required per ordinance is excessive since many of the facility's residents no longer possess or drive automobiles.
 5. The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. Although more residential in nature, the proposed use for an assisted living facility is consistent with the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2017, at _____ o'clock _____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2017-03
3634 and 3708 Hickory Road
Page 4 of 4

PRESENTED by me to the Mayor this _____ day of _____ 2017,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2017, at
_____ o'clock ____m.

David A. Wood, Mayor

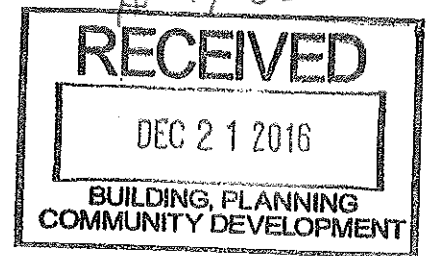
RECEIVED
DEBORAH S. BLOCK, MMC

December 21, 2016

DEC 29 2016

Board of Zoning Appeals
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN



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

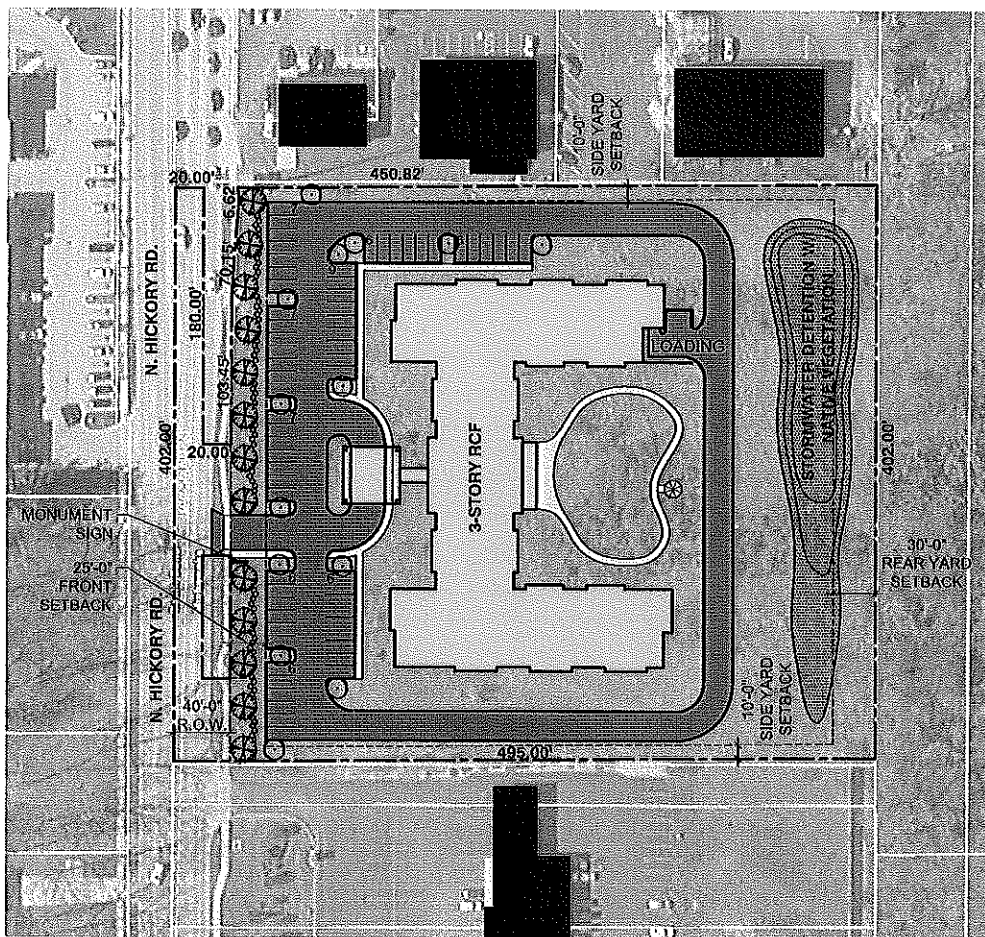
CONTACT PERSON:

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

0 100' 200'



VERMILION DEVELOPMENT - MISHAWAKA, IN - RCF

CERTIFIED BY BEHLES + BEHLES
The owner and architect have agreed to the proposed project and the proposed project is in compliance with the applicable zoning and subdivision laws of the City of Mishawaka, Indiana.

BEHLES + BEHLES
2024
2024.11.19

JAN 12 2017

PETITION 17-02

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2017-02

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

1st Reading 1-16-17
2nd Reading
Passed
Failed
Continued To

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

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

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

PARCEL 1: 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

Proposed Ordinance No: 2017-02

Ordinance No: _____

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.

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°04'29" East, along said South right of way line, a measured distance of 244.01 feet; thence South 0°07'17" West a measured distance of 190.07 feet; thence North 88°17'20" West, a measured distance of 125.74 feet; thence North 0°27'50" East, a measured distance of 8.68 feet; thence North 89°27'17" West, a measured distance of 82.61 feet; thence North 0°27'50" East, a measured distance of 25.45 feet; thence North 89°27'17" West, a measured distance of 35.56 feet to the East right of way line of said Union Street; thence North 0°00'00" East along said East right of way line, a measured distance of 155.00 feet to the place of beginning.

COMMON ADDRESS: 1702 and 1720 Union Street

which real estate is now classified as R-1 Single Family Residential District, C-1 General Commercial District, and I-1 Light Industrial District shall hereafter be within and a part of that District known as C-10 Filling Station Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The subject property consists of two vacant parcels located near the intersection of Union Street and Dragoon Trail. These arterial roads are highly travelled corridors providing major north-south and east-west access through the City. A majority of the adjacent properties along this portion of Union Street are single-family residential with a vacant convenience store/gas station located to the south. Although currently undeveloped, the property was previously occupied with various industrial and commercial uses prior to 2005.
2. Character of Buildings – The character of the buildings in the area are predominantly single-family residential with a vacant convenience store/gas station located to the south at the northeast corner of Union Street and Dragoon Trail.

Proposed Ordinance No: 2017-02

Ordinance No: _____

3. The most desirable/highest and best use – Because of the properties location and the prior industrial and commercial uses, the most desirable use for the property is commercial. Although single-family residential properties are adjacent to the west and north, the high traffic volumes along Union Street and Dragoon Trail make long-term use of the properties undesirable for residential purposes. Furthermore, portions of the property fronting Union Street are currently zoned for both commercial and industrial use.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding neighborhood as the existing I-1 Light Industrial and C-1 General Commercial zoning classifications permit industrial and commercial uses on a majority of the property. Landscaping and screening will be required per the C-10 Filling Station/Carwash Commercial district to adequately buffer the proposed use from the adjacent residential properties.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with 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 _____, 2017, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2017, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2017, at _____ o'clock ____M.

David A. Wood, Mayor

December 20, 2016

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 29 2016

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

CITY CLERK
MISHAWAKA, IN

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

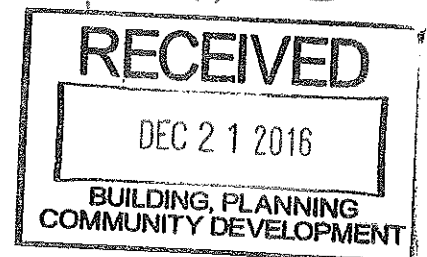
By:

 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 46383
(219) 462-0144 x 207
tetzler@familyexpress.com





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.

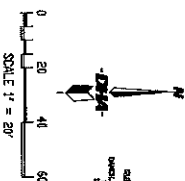
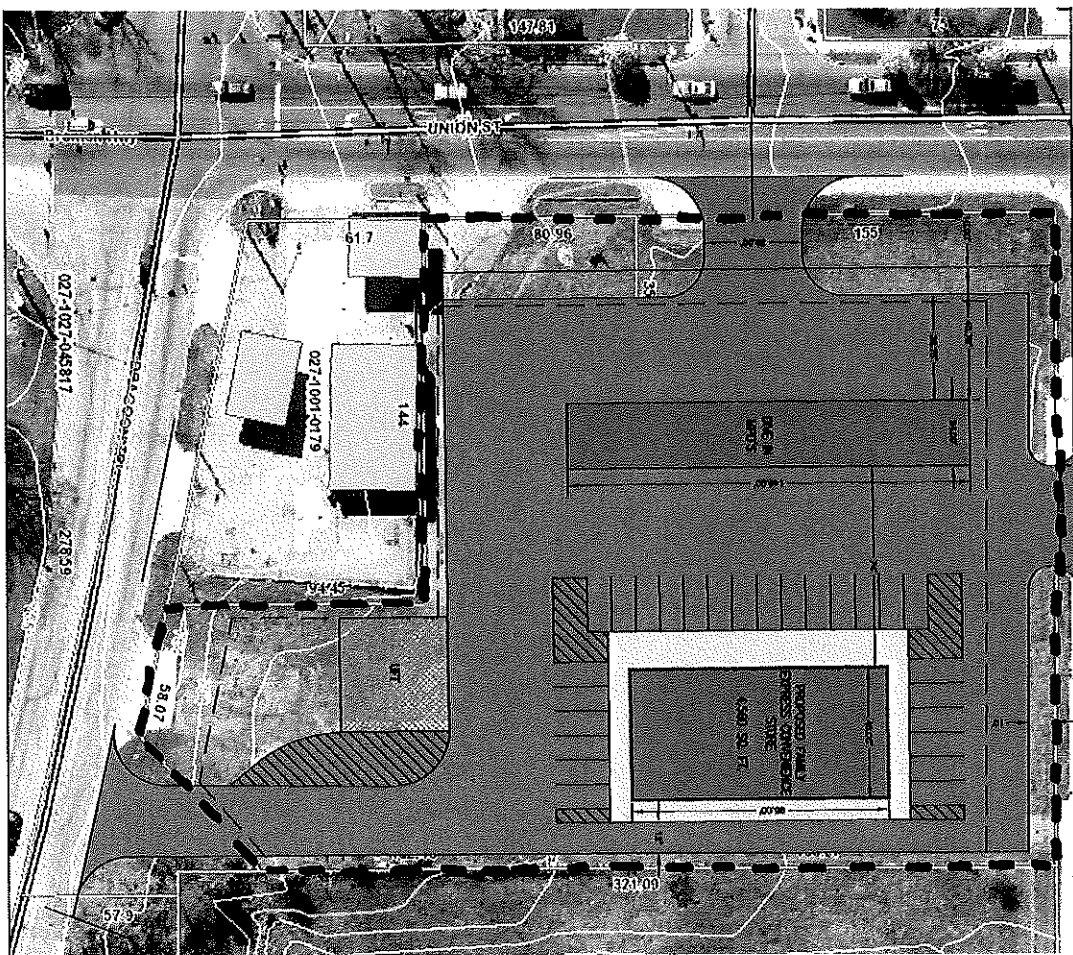
JMB

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 Wendel Way	Reno	NV	89502
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
KLOPFENSTINE 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 186	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]

DEACON, JAMES & ASSOCIATES, INC.
1845 COLLEGE DRIVE
SOUTH BEND, IN 46708
(219) 234-4000
ATTN: MICHAEL DEACON

DHA **Dunck, Harmer & Associates, Inc.**
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
2850 E. Spruce • Suite 100 • Englewood • CO • 801-733-0800 • 8170
1403 Broadway • Suite 200 • South Salt Lake • UT 84143

DATE		CHANGES BY		DATE		BY	
DATE	CHANGES BY	DATE	BY	DATE	BY	DATE	BY
1"	POOL MANAGER						
FILE #							

REVISIONS

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.

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C. OPEN SPACE	TBD	TBD
TOTAL	TBD	TBD

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8). LANDSCAPING AND SIGNAGE PER MISHAWAKA ZONING STANDARDS.

Fwd: Family Express Issues

Deb Block

Thu 1/5/2017 11:15 AM

To: Mary Ellen Hazen <mhazen@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>;

Sent from my iPhone

Begin forwarded message:

From: Ken Prince <kprince@mishawaka.in.gov>
Date: January 5, 2017 at 10:59:20 AM EST
To: DL-Council <DL-Council@mishawaka.in.gov>, "David A. Wood" <dwood@mishawaka.in.gov>
Cc: Christa Hill <chill2@mishawaka.in.gov>, Geoffrey Spiess <gspiess@mishawaka.in.gov>
Subject: Family Express Issues

Good morning all,

I have received complaints from a Council Member regarding outside storage at the Family Express locations on Edison and Douglas Roads. Specifically, a skid of water softener salt in each location.

I then received an e-mail from Family Express's corporation counsel this morning that a Council Member had just contacted them about the violation.

Before Christmas I personally visited each location with Christa Hill in my office who handles most of the enforcement for the Department. We had sent letters prior to that time but they were returned because all mail must be sent to corporate and not the store location. This was our issue, not Family Express's.

Following this week's Council meeting, I reached out to their counsel since they had not been moved. I was assured that Family Express was aware of the violation and they were working to correct it. In this case, the salt is provided by an outside vendor who moves the skids by fork lift. Given the weather, they did not want to make their employees haul the bags and move the skid themselves. The vendor is supposed to have the skids moved back this week. I accepted the explanation and we are just providing additional time for them to be moved before moving to any further enforcement action. Family Express has been good to work with and we have no reason to believe that compliance will not be achieved in short order.

The other item is that the representatives for Family Express were told that they cannot have any outside storage/display by the Council member who contacted them directly. On these sites, that is not the case. In a few instances (Kroger on McKinley and Martin's at Heritage Square) we did place extra conditions as part of the use variance or PUD zoning. These properties have a straight C-10 zoning. They are allowed to have outside storage/display. It just needs to meet the building

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JAN 12 2017

CITY CLERK
MISHAWAKA, IN

1st Reading 1-16-17
2nd Reading
Passed
Failed
Continued To

PETITION 17-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2017-03

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
recommended the reclassification of the zoning as herein set forth of the real estate
hereinafter described.

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

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

The following described real estate in the City of Mishawaka, Penn Township,
St. Joseph County, State of Indiana, to-wit:

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.

Proposed Ordinance No: 2017-03

Ordinance No: _____

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.

COMMON ADDRESS: 3634 and 3708 Hickory Road

which real estate is now classified as C-1 General Commercial District and C-6 Linear Office Commercial District shall hereafter be within and a part of that District known as R-3 Multi-Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The subject property consists of a vacant parcel of land located near the intersection of Hickory Road and Edison Road. These arterials roads are highly travelled corridors providing major north-south and east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include commercial/retail to the north, commercial and single family residential to the west in the City of South Bend, a credit union to the south, and vacant land zoned for commercial use to the east. Although currently undeveloped, the property was previously occupied with several single-family residences until the 1990s and has remained vacant since being rezoned for commercial use in 2001.
2. Character of Buildings – The character of the buildings in the area vary greatly from single-use commercial buildings to the north, a multi-tenant strip commercial building and single-family residential to the west, and a single-use commercial building with drive-thru to the south. The proposed assisted

Proposed Ordinance No: 2017-03

Ordinance No: _____

living facility will be consistent with the character of both the adjacent commercial and residential buildings.

3. The most desirable/highest and best use – Due to the property's location on Hickory Road, a highly travelled arterial roadway, and the adjacent commercial/retail uses, the most desirable use for the property is commercial or multi-family residential.
4. Conservation of property values – The rezoning should not be injurious to property values in the area. The rezoning is essentially a down zoning as the proposed assisted living facility is less intensive than many of the permitted uses allowed within the C-1 General Commercial district.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. Although more residential in nature, the proposed use for an assisted living facility is consistent with 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 _____, 2017, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2017, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2017, at _____ o'clock _____.M.

David A. Wood, Mayor

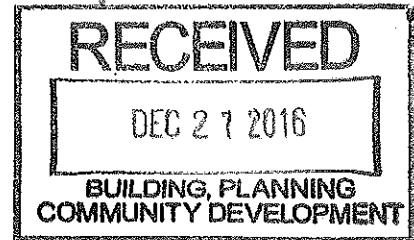
RECEIVED
DEBORAH S. BLOCK, MMC

PET 17-03

December 21, 2016

DEC 29 2016

CITY CLERK
MISHAWAKA, IN



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

RE: PETITION TO REZONE

The undersigned, 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.

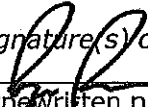
The approval of this rezoning will not be injurious to the public health, safety, morals, or general welfare of Mishawaka as it entails the construction of a thriving new community on a parcel that does not function with its highest and best use.

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)

Type/Written 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

BEHLES+BEHLES

architectureinteriordesignplanning

818 CHURCH STREET
EVANSTON, ILLINOIS 60201
T 847.854.0440
F 847.854.0441
WWW.BEHLESBEHLES.COM

ZONING ANALYSIS

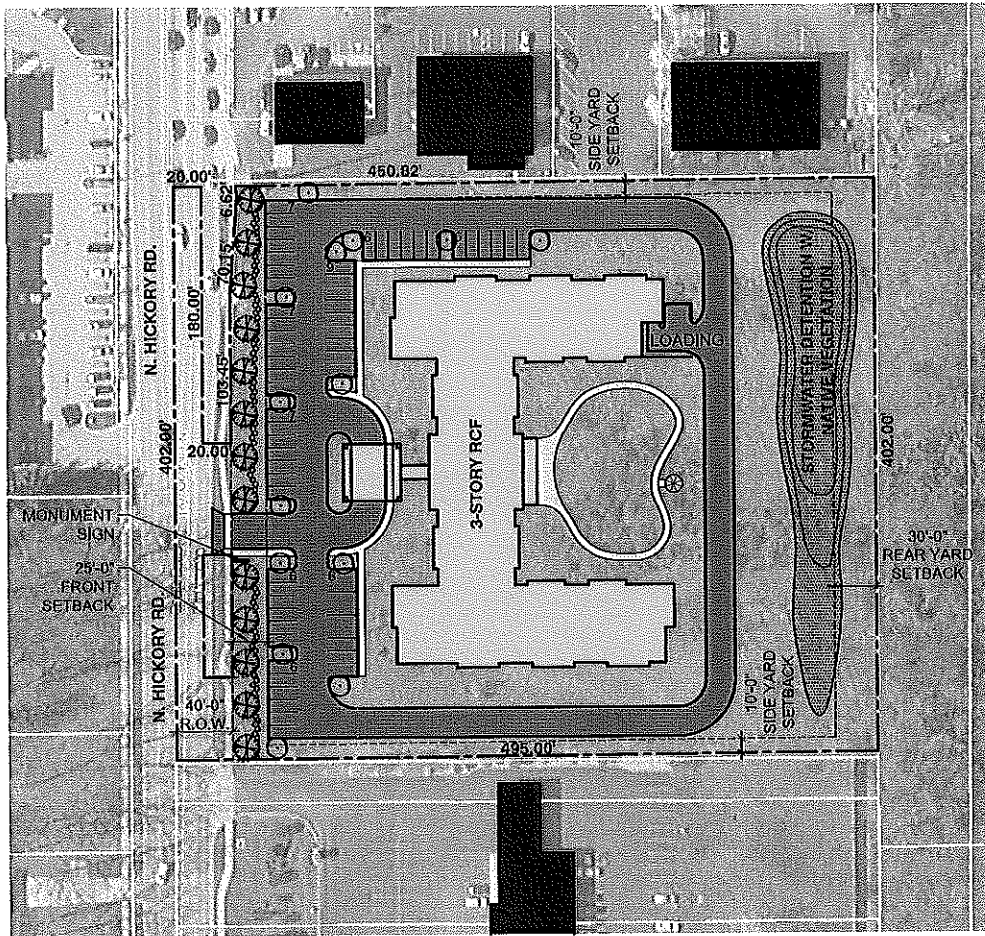
Re. Vermilion Development – Mishawaka, IN
Residential Care Facility (Assisted Living)
December 16, 2016

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		



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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