

AGENDA

Monday, February 20, 2017

**Information Update
with John Roggeman, City Attorney
Council Conference Room
6:30PM**

**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**

February 06, 2017

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

A letter from the City Plan Commission regarding recommendations from their February 14, 2017 meeting.

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

P.O. NO. 2017-06 Additional Funds - LOIT Special Distribution - \$225,000.00

P.O. NO. 2017-07 City of Mishawaka and Habitat for Humanity Various Addresses Rezone from C-1 to R-1 for New Residential Homes - area of S. Merrifield Ave., E. Third St. and E. Fourth St.

P.O. NO. 2017-08 Rezone from R-1 to R-3 Multi-family for an Assisted Living Facility 1128 W. Dragoon Trail and Logan St.

P.O. NO. 2017-09 PUD Amendment Various Conditions for Development & Variance for Architectural Bldg. Materials - NW corner 3729 Bremen Highway & US 20 Bypass

P.O. NO. 2017-10 Rezone from C-1 to R-1 for Two New Houses Habitat for Humanity 2 Vacant Lots E. of 1612 LWE.

- 8. Resolutions**
- 9. Ordinances on Second Reading**
- 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

February 6, 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 February 6, 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 lead by Cub Scout Hutton Cochran followed by a moment of silence for former Councilmen Dorothy Wayne.



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 16, 2016 meeting were approved as received from the City Clerk's Office.

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

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 and 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 East of 1612

There was the matter of unpaid checks for a period of 2 years to be voided this was presented to the Council with no action required.

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

PROPOSED ORDINANCE NO. 2017-04

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

(Adopting Revised Rates and Charges for Wastewater)

(Assigned to Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2017-05

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

(Adopting Revised Rates and Charges)

(Assigned to the Budget and Finance Committee)

Clerk Block read the following Resolution and opened it for public hearing.

RESOLUTION NO. 2017-03

**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 AT:**

3634 and 3708 Hickory Road, Mishawaka, Indiana

(Use Variance R-3—119 Units for Senior Assisted Living Community—3634 & 3708 Hickory Rd)

Ari Parritz 401 Franklin Street Chicago, Illinois represented Vermillion Development. He said the site would contain 119 units with a combination of studio and one bedrooms for seniors in the Mishawaka area who have one or more disabilities. Mr. Parritz explained the communities were design to accommodate people across the income spectrum. He said their target market area typically made \$26,000 or less a year. Mr. Parritz expressed they were excited to move forward in the process after the acceptance from the BZA.

Mr. Banicki asked the following questions: At what age did they consider a senior, under what circumstance could someone under the age of 65 with disabilities be accepted, if most of the residents did not drive, and would there be a bus to shuttle residents to do any errands. Mr. Parritz said 65 and older. He explained 50's was accepted. Mr. Parritz said they mostly see the needs start to arise in the mid 60's. He mentioned there were communities that were designed to help people from the age of 25 to 64 who need assistance with any activity of daily living. Mr. Parritz explained the units were independent apartments that would have communal features to give people the assistance that they need. He said their communities also have common areas such as libraries, cafeterias, and medical suites to help people move forward with their daily lives and have staff on hand when needed. Mr. Parritz said majority of their resident did not drive. He said not being able to drive was one of the indications for a person ready to move into an assisted living community. Mr. Parritz said they did have shuttle buses.

Mr. Mammolenti asked the following questions: How many communities did they have, what was the occupancy rate, and were the residents responsible to pay or were there other funding accepted. Mr. Parritz said they had three in Indiana that were under construction in Hammond, Muncie, and Michigan City. He mentioned their first community opened in Peoria, Illinois, that was designed for ages 25 to 64. Mr. Parritz said the occupancy rate in Peoria was 70%. He said most of the funding goes through the Medicaid Waiver Program.

Mr. Tanner asked the ratio for care professional to the residents. Mr. Parritz said the community would have 35 full time care professionals. He explained there would be care professionals at the community 24 hours a day.

Mr. Canarecci asked the following questions: was there a possibility for couples to reside in the community, and what happens to the residents that go beyond the community's care level. Mr. Parritz replied, if a couple was interested in moving in, a one-bed room unit could support two people. He said it was unlikely that couples move into their community. Mr. Parritz explained a nursing home would be the next step if they were unable to continue care.

Mrs. Voelker asked the following questions: How long the community in Peoria, Illinois had been open, would Mr. Parritz manage the facilities, and did they plan to retain ownership. Mr. Parritz replied Peoria had been open since October. He said they had a management partnership with Gardant Management Solutions. Mr. Parritz mentioned Silver Burch Living Management Company would manage the property in Kokomo. Mr. Parritz said they would retain ownership of the properties.

Mr. Compton thanked Mr. Parritz for coming and said it sounded like an interesting endeavor and much needed in communities all around. Mr. Compton asked the following questions: In Mr. Parritz experience in building, did he hire locally, and the name and location of their contractor. Mr. Parritz replied it depended on the city. He said they work with seasoned general contractors who do their best to hire locally. Mr. Parritz said they were based out of Indianapolis called T.W.G, which would construct the projects in Hammond, Muncie and Michigan City.

Question was called for at 7:16 p.m. for **RESOLUTION NO. 2017-03**  **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 the following proposed ordinances and opened it for Public Hearings.

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.)

Mrs. Voelker reported the Land Use Planning Committee recommended this proposed ordinance

should be adopted and moved for acceptance of same upon a second by Mr. Banicki motion carried.

Todd Etsler with Family Express Corporation thanked the Council for approval of the two Family Express Stores in Mishawaka. Mr. Etsler said both locations in Mishawaka were doing very well. He said the plan was to do a similar Family Express on Union and Dragoon. He described the property to be a 1 ½ acre. Mr. Etsler said there would be a single store with a canopy and car wash. He explained the car wash would not be built immediately until they were sure there was enough land. Mr. Etsler mentioned the Engineering Department was helpful on feedback on the proposed structures and engineering. He said they were satisfied and would come to any agreements on what was necessary from the Engineering Department. Mr. Etsler continued to say the property would be similar to the others; they were going through a change in adding about 1,000 square feet of their store. He said it would continue to have the colonial flavor, high standards of architecture, and landscaping on the side.

Mrs. Voelker asked for the difference in size compared to the other two properties in Mishawaka. Mr. Etsler said the property was configured differently but similar in size.

Mr. Canarecci asked the following questions: If there was possibility of contamination with the removal of the old gas tanks; and would there be any concerns moving forward, would there be any risk of unexpected expense that could stop the construction, and did neighborhood gas stations do well. Mr. Etsler clarified they were not purchasing the abandoned gas station on the corner. He said they were purchasing the land around that parcel. Mr. Etsler continued to say they did not expect to have any environmental issues as they had done some borings on the property where they would be constructing. He said they have many years of experience doing remediation on sites similar. Mr. Etsler said the colonial style store started in a neighborhood in Valparaiso. He explained the developer was developing a high-end residential area in Valparaiso and they wanted to have a convenient store nearby. Mr. Etsler continued to explain they subsidized some of their improvements to permit them to build in a subdivision. He went on to say as they go on they look for residential neighborhoods because they end up becoming what use to be the corner grocery store. Mr. Etsler said they have found that the style of their building fit well in the neighborhoods. He mentioned the lighting they use at their facilities have been upgraded to LED Lighting so that it was directed exactly where it should be.

Mr. Bellovich asked where the primary entrance would be located. Mr. Etsler said there would be two primary entrances, one on Union Street directly across Kings Court and the other on Dragoon Trail as far away from the intersection as requested by the Engineering Department.

Mr. Emmons asked the following questions: Would there be access on 18th street, and what the plans were to have a car and pet wash at this location. Mr. Etsler said there was a plan to have access on 18th street but it would not be a primary entrance. He imparted a conversation with the Engineering Department was need to discuss the plan for that entrance. Mr. Etsler said they were asking for approval for the car wash but it would not be built immediately. Mr. Etsler explained the Pet Facility was not dependent of the car wash. He said they were still undecided on pet wash. Mr. Etsler stated Mishawaka and Valparaiso were the first facilities to have the Pet facility. He said not a lot of pet washing being done in the wintertime but hoped to see more use of the facilities in the summer time. Mr. Etsler went on to say if the pet facility does well in the summer, they would build one in the future at this location.

Mr. Emmons was concerned about outside storage. He mentioned the outside storage displaying the sale of salt, water softeners, ground covers, and wood. Mr. Emmons said they were not interested having material out in the open at the proposed facility due to the facility being in the neighborhood. He asked what other options they had to display items without being out in the open. Mr. Etsler said they would agree to keep products near the store as opposed to being out in the front property line.

Mr. Mammolenti had concerns regarding flooding. He mentioned a neighbor closed to the site had basement flooding in the past and was concerned. Mr. Mammolenti asked were there any plans for them or the city to help prevent flooding. Mr. Etsler said there was not much they could help to eliminate flooding on the other side of Union Street. He went on to say the city had a large detention retention pond immediately behind the site. Mr. Etsler said all water would be engineered to go in that direction.

Mr. Banicki asked the following questions: Were there plans to build more Family Expresses in Mishawaka, would this site be the only one built at this time, and how did the pet wash operate and what chemicals were used. Mr. Estler said they would like to build many in the Mishawaka, South Bend, and Elkhart area. He said they find it was a nice place to do business and they had been well accepted in the area. Mr. Estler said they did not always build two at a time. He felt it was best for the trucks to serve to multiple stores at the same time. Mr. Estler explained the pet wash works like a self-serve car wash; the chemicals were no different from what people use at home for their pets. He said the water goes to the City utilities.

Mr. Banicki spoke in regards to the outside storage. He said they did a good job correcting the removal of outside storage on the front property line on the other properties and hoped they would do the same on 18th street. Mr. Banicki also mentioned the delivery trucks coming through the neighborhoods. He said the Council and the neighbors would prefer the trucks enter off the main roads and not through the neighborhoods. Mr. Estler said they did have some control of their vendors. He went on to say they have minimized the number of trucks that come to the store because of their centralized logistics. Mr. Banicki said they were doing a great job

Mr. Mammolenti assumed the tank security system would be the same as the others. Mr. Estler replied yes.

Question was called for at 7:34 p.m. for **PROPOSED ORDINANCE NO. 2017-02**  **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. Belovich, Mr. Canarecci, Mr. Deal.** Thus, it becomes **ORDINANCE NO. 5561**

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.)

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

Ari Parritz 401 N. Franklin street Chicago, Illinois said the proposal for the rezone competent was relative to the use variance component that was spoken about previously.

Mr. Mammolenti was interested at looking at the other facilities online. Mr. Parritz gave a web address for the property in Peoria Illinois. He said the other facilities did not have an active web address at this time. Mr. Parritz explained once the other facilities open the web address would be available.

Mr. Canarecci asked the following questions: When Mr. Parritz becomes the property owner, was there a system to monitor the management company to make sure they were adequately managing the property properly and if not, what were the contingencies., and who was responsible for liability. Mr. Parritz replied yes, they do have a system to monitor them. He said they were in touch with Gardant on the weekly bases. Mr. Parritz went on to say when they move on with Silver Burch Management Company, it would be more intensive than with Gardant because it would come in-house. He said it would be a closely monitored relationship with the companies. Mr. Parritz spoke on the contingencies if something were not to work out. He said there were other senior assisted living operators that were eligible to manage any of the communities. Mr. Parritz said there were complex layers of insurance, and it would be on case-by-case bases depending on the situation.

Mrs. Voelker asked was there accreditation. Mr. Parritz responded yes, through the state agency.

Mrs. Voelker assumed they were accredited by the State of Indiana. Mr. Parritz said yes.

Mr. Tanner asked was a three story forty-eight foot building a firm building. Mr. Parritz said yes. He showed the Council the design layout.

Mr. Banicki welcomed Mr. Parritz to the city.

Question was called for at 7:40 p.m. for **PROPOSED ORDINANCE NO. 2017-03**  **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. 5562**

NEW BUSINESS

Mr. Mammolenti announced the Twin Branch Neighborhood Meeting would be February 15th at 7:00pm. Speaker was to be determined.

Mr. Emmons announced the 1st District Neighborhood Meeting would be February 16th at 7:00 p.m. at St. Bavos School. The speaker would be John Roggeman speaking in regards to his position as City Attorney.

Mr. Tanner stated “The Oaks” Neighborhood Meeting was the 2nd Wednesday of each month. He said due to conflicts, the next meeting would be announced at a later date.

Mike Compton thanked Cub Scout Hutton Cochran and the Mayor’s Youth Council for attending the meeting.

ADJOURNMENT 7:44 p.m.

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

Ross Deal _____s/
Ross Deal, President



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

February 15, 2017

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 16 2017

CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
February 14, 2017, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed Ordinances were considered:

PETITION #17-05 A petition submitted by the City of Mishawaka and Habitat for Humanity of St. Joseph County requesting to rezone **850 and 858 East Fourth Street, 851, 852, 853, 854, 856, 858, 860, and 862 East Third Street, and 119 and 121 South Merrifield Avenue** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 8-0, recommended approval.

PETITION #17-06 A petition submitted by Margaret B. Conner requesting to rezone **1128 West Dragoon Trail** from R-1 Single Family Residential District to R-3 Multi-Family Residential District.

The Commission, with a vote of 8-0, recommended approval.

PETITION #17-07 A petition submitted by KLT Properties, LLC, requesting to amend the Gateway Plaza Planned Unit Development for various conditions for development and waiver from architectural building materials.

The Commission, with a vote of 5-3, recommended approval subject to the following conditions which shall both modify and be in addition to the conditions of the original planned unit development:

1. The self-storage component of the PUD shall be permitted to proceed as the first phase of the planned unit development without the approval and written consent of all property owners within the Planned Unit Development subject to the completion of following prior to starting construction:

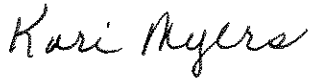
- A. The Developer of the self-storage component shall provide design development level drawings of the proposed extension of Meijer Drive and re-alignment of Elmwood Avenue as depicted in the Developer's petition, subject to the review and approval of the City of Mishawaka Director of Engineering. The drawings need to identify the right-of-way necessary for the completion of the project including grading, utilities, storm drainage, and other associated improvements.
 - B. The Developer shall obtain and dedicate all necessary additional right-of-way and easements to allow for the extension of Meijer Drive and re-alignment of Elmwood Avenue as depicted in the developers petition.
 - C. The Developer shall prepare and submit a development agreement proposal for the review and approval of both the City of Mishawaka Redevelopment Commission and the City of Mishawaka Board of Public Works and Safety. The agreement shall include the estimated timing and phasing of the road re-alignment as well as the acquisition, use, and improvement associated with using the current INDOT created access road currently located in unincorporated St. Joseph County. This agreement shall be approved at the sole discretion of the City of Mishawaka Redevelopment Commission and Board of Public Works and Safety. This condition is in no way intended to commit or bind either the Commission or the Board relative to any matter contained herein.
 - D. If temporary access is provided to the self-storage component, as part of the development agreement or other legal instrument, the developer shall waive any legal or implied right to the land associated with the temporary access drive once the permanent access as proposed is extended to the north property line of the developer's site.
2. The Architectural standards for the PUD shall only apply to the office component of the self lock storage. The storage units may be constructed out of all metal siding and roofing, but shall meet all other applicable architectural standards.

PETITION #17-08 A petition submitted by Habitat for Humanity of St. Joseph County requesting to rezone two (2) vacant lots adjacent and **east of 1612 Lincolnway East** from C-1 General Commercial District to R-1 Single Family Residential.

The Commission, with a vote of 8-0, recommended approval.

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

Respectfully,



Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Michael Rozycki
Courtney Figg
Brian McMorrow

STAFF REPORT

Location: Various parcels in the 800 block of E. 3rd and E. 4th Street
and the 100 block of S. Merrifield Avenue

Date: February 14, 2017

Petition: 17- 05

Prepared By: DJS

GENERAL INFORMATION

Applicant: City of Mishawaka and Habitat for Humanity

Status: Property Owners

Request: Rezone from C-1 General Commercial to R-1 Single Family Residential

Zoning Classification: C-1 General Commercial

Lot Size: Various and subject to change based upon future residential development

Applicable Regulations: Sec. 137-164 / Residential R-1 District, Sec. 137-40 / Plan Commission, & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential (Residential) & R-2 Two-Family Residential (Multi-Family Residential) – Properties along south side of Lincoln Way East

South: R-1 Single Family Residential (Residential) & R-2 Two-Family Residential (Single-Family Residential) – Properties along south side of E. 4th Street

East: C-1 General Commercial (Single & Multi-Family Residential, and Bar/Tavern), C-4 Auto-Oriented Commercial (Vacant/Former Gas Station & Auto Repair), and R-1 Single-Family (Residential)

West: R-1 Single Family Residential (Residential)

Thoroughfare: E. 3rd Street, E. 4th Street, and S. Merrifield Avenue

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities area available to the properties

Comprehensive Plan: Low Density Residential (Single-Family Homes)

ANALYSIS

The Petitioners, the City of Mishawaka and Habitat for Humanity of St. Joseph County, are requesting to rezone nine vacant parcels of property located within the 800 block of E. 3rd and E. 4th Street and the 100 block of S. Merrifield Avenue from C-1 General Commercial to R-1 Single Family Residential. The parcels are near the E. 3rd/E. 4th Street and S. Merrifield Avenue intersections and had prior common addresses of 851, 852, 853, 854, 856, 858, 860, and 862 E. 3rd Street; 850 and 858 E. 4th Street; and 119 and 121 S. Merrifield Avenue.

The impetus for rezoning the parcels is Habitat for Humanity's intent to construct a single-family house at 850 E. 4th Street (Tax Parcel #016-1029-1201). Exhibit A, as attached to the petition, shows the proposed house to be built at this location. A developmental variance is also being requested from the Board of Zoning Appeals to allow a front yard setback of 20' instead of the required 25' (Appeal 17-05). The house will be one of Habitat's next builds with construction expected to start in early spring 2017.

Of the nine parcels to be rezoned, Habitat owns only one parcel at 850 E. 4th Street. The City owned parcels will be retained until either Habitat for Humanity or another private developer desires to build new single-family residential homes. Planning staff felt that the City owned properties should be included in the rezoning petition as single-family residential is preferred over any type of commercial use currently permitted within the C-1 General Commercial District. Prior use of the parcels varied greatly and included single and multi-family residential and numerous commercial/retail uses. The City acquired the parcels between 2008 and 2012 and subsequently demolished all the existing structures. In January 2015, the City transferred the parcel at 850 E. 4th Street to Habitat for Humanity.

The subject parcels are located within a predominantly single-family residential area with limited adjacent multi-family and commercial uses. To the north are single and multi-family residential uses zoned R-1 Single-Family Residential and R-2 Two-Family Residential. To the south are single-family residential uses zoned R-1 Single-Family Residential and R-2 Two-Family Residential. To the east are single and multi-family residential uses zoned C-1 General Commercial and R-1 Single-Family Residential, a bar/tavern zoned C-1 General Commercial, and a vacant commercial building previously used as a gas station/auto repair business zoned C-4 Auto-Oriented Commercial.

All pertinent City Departments have reviewed the proposed rezoning and recommend approval.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 17-05 to rezone nine vacant parcels of property located within the 800 block of E. 3rd and E. 4th Street and the 100 block of S. Merrifield Avenue from C-1 General Commercial to R-1 Single Family Residential. This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject properties are located within a predominantly single-family residential area with limited adjacent multi-family and commercial uses.
2. Character of the Buildings in the Area – A majority of the existing buildings in the area are single-family residential structures with limited multi-family and commercial structures located along Lincoln Way East to the north and S. Merrifield Avenue to the east.
3. The most desirable/highest and best use - Because the parcels are located in an area consisting of primarily single-family residences, the rezoning to R-1 Single-Family Residential for the proposed and future single-family residential development is the most desirable and best use.
4. Conservation of property values - As opposed to the type of commercial development that could potentially occur with the current zoning classification, rezoning the parcels to the R-1 Single-Family Residential District to permit single-family residential use will have a favorable and stabilizing impact on the neighborhood and will conserve property values in the immediate and surrounding residential neighborhood.
5. Comprehensive Plan - The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

ATTACHMENTS

Aerial Photograph, Photographs, Petition, Location Map



Aerial Photograph - Various Parcels in the 800 block of E. 3rd and E. 4th Street and the 100 block of S. Merrifield Avenue



P1. 850 E. 4th Street & V/L to East - Looking northerly toward the site for the proposed Habitat home and vacant lots at the northwest corner of E. 4th Street and S. Merrifield Avenue.



P2. 851 & 853 E. 3rd Street - Looking westerly toward the vacant parcels at the southwest corner of E. 3rd Street and S. Merrifield Avenue.



P3. 852-862 E. 3rd Street & 119-121 S. Merrifield Avenue - Looking northwesterly toward the vacant parcels at the northwest corner of E. 3rd Street and S. Merrifield Avenue.

STAFF REPORT

Location: 1128 W. Dagoon Trail

Date: February 14, 2017

Petition: 17- 06

Prepared By: DJS

GENERAL INFORMATION

Applicant: Margaret B. Conner / AHEPA Affordable Housing Management Company, Inc.

Status: Property Owner / Contingent Purchaser

Request: To rezone from R-1 Single Family Residential to R-3 Multiple Family Residential to allow for the construction of a 136 unit affordable assisted living facility

Zoning Classification: R-1 Single Family Residential

Lot Size: Approximately 6.21 acres

Applicable Regulations: Section 137-216 thru 137-217 / R-3 Multiple Family Residential & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: I-2 Heavy Industrial (Vacant & Capital Improvements Staging Area/City of Mishawaka Utilities)

South: R-1 Single Family Residential (Institutional & Office/Sisters of St. Francis Convent & Franciscan Alliance Corporate Offices for Commercial Healthcare & Hospital Operations)

East: R-1 Single Family Residential (Recreational/Marian High School Athletic Fields)

West: R-1 Single Family Residential (Institutional/Marian High School)

Thoroughfare: W. Dagoon Trail & S. Logan Street

School District: Penn-Harris-Madison School Corporation

Township: Penn Township

Public Utilities: All utilities are available and/or will be extended/connected to the site at the developer's expense

Comprehensive Plan: Industrial (Manufacturing, Warehousing & Distribution)

ANALYSIS

The Petitioners, Margaret B. Conner and AHEPA Affordable Housing Management Company, Inc., are requesting to rezone an approximate 6.21 acre parcel of land at 1128 W. Dagoon Trail from R-1 Single Family Residential to R-3 Multiple Family Residential to allow for the construction of a 136 unit affordable assisted living facility. Margaret B. Conner is the current property owner while AHEPA Affordable Housing Management Company, Inc. is the contingent purchaser and developer.

The parcel is primarily undeveloped agricultural land with an approximate 1,600 sq. ft. single-family house and 1,900 sq. ft. accessory structure/barn. The property slopes northerly from an elevation of +/-764 ft. south of the house adjacent to W. Dragoon Trail to an elevation of +/-728 ft. along the northern property line. All on-site structures will be demolished with the development of the assisted living facility.

Per the conceptual site plan submitted with the rezoning petition, AHEPA Affordable Housing Management Company, Inc. is proposing to construct a three-story building with a first floor area of 33,810 sq. ft., an eighty-three (83) space parking lot, and other required infrastructure (access drives, stormwater detention basin, etc.). The building will include 136 units. One access is currently proposed along W. Dragoon Trail near the southeast corner of the site. The developer also contacted Marian High School on the potential of providing sole access from the north by connecting to the existing private drive to Marian's athletic fields. This option is being considered as it may be difficult to provide direct access along W. Dragoon Trail due to the significant change in grade between the site and road, and close proximity to the S. Logan Street intersection. Due to these reasons, the location of the access drive may differ when refinements are made to the final site plan and upon further review by the Engineering Department. Although landscaping is not shown on the conceptual site plan, the site shall comply with the commercial landscaping requirements. The development is proposed to be constructed in one phase.

The conceptual site plan shows that the development will comply with all the required height, area and developmental regulations for the R-3 Multiple Family Residential district except for the required number of parking spaces. Therefore, the Petitioner will have to submit a developmental variance petition to the Board of Zoning Appeals to allow a reduction in the required number of parking spaces from either 1.5 spaces/unit (204 spaces) for an apartment building or 1 space/ 1,000 sq. ft. for a nursing home (101 spaces) to 83 spaces. Based upon the developer's experience with similar projects, the proposed number of spaces should provide adequate parking for residents, staff and guests.

With this petition, the contingent purchaser is only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, landscaping, and all other required improvements pertinent to the proposed development. A variance for a reduction in the required number of parking spaces shall also be submitted for Board of Zoning Appeals approval concurrently with the final site plan.

Although the property is currently zoned for single family residential use and identified in the Mishawaka 2000 Comprehensive Plan for industrial use, Staff supports the request for rezoning. The proposed assisted living facility is not out of character and is compatible with the existing adjacent land uses including Marian High School to the west, a vacant and capital improvements staging area to the north, Marian High School athletic fields to the east, and the Sisters of St. Francis convent and Franciscan Alliance corporate offices to the south.

All pertinent City Departments have reviewed and approved the rezoning request providing no additional comments.

RECOMMENDATION

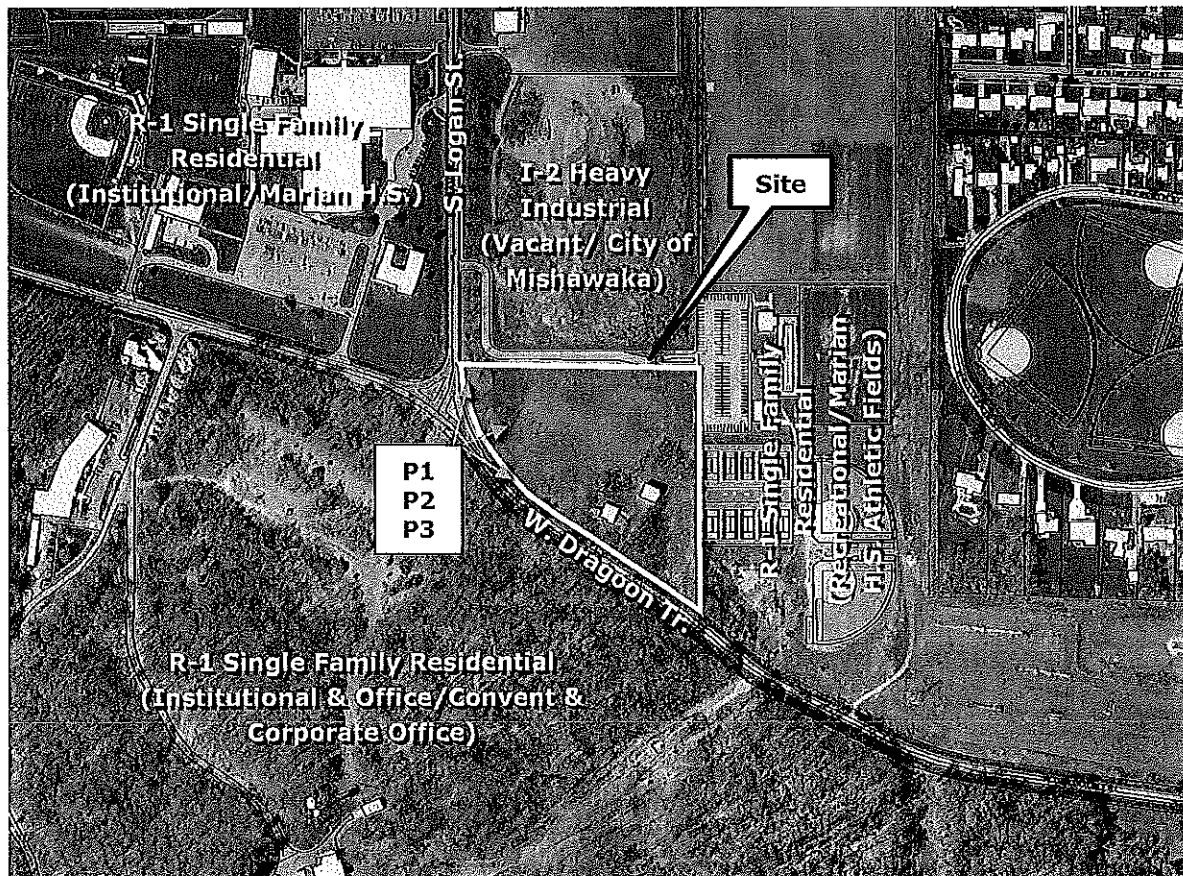
Staff recommends in **favor** of Petition 17-06 to rezone approximately 6.21 acres located at 1128 W. Dragoon Trail from R-1 Single Family Residential to R-3 Multiple Family Residential to allow for the construction of a 136 unit assisted living facility. This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property, located at the northeast corner of W. Dragoon Trail and S. Logan Street, is primarily undeveloped agricultural land with a single-family house and an accessory structure/barn. The adjacent roadways are lesser travelled corridors providing north-south and east-west access throughout the City of Mishawaka. Adjacent land uses include Marian High School to the west, City-owned vacant property and a capital improvements staging area to the north, Marian High School athletic fields to the east, and Sisters of St. Francis convent and Franciscan Alliance corporate offices to the south.

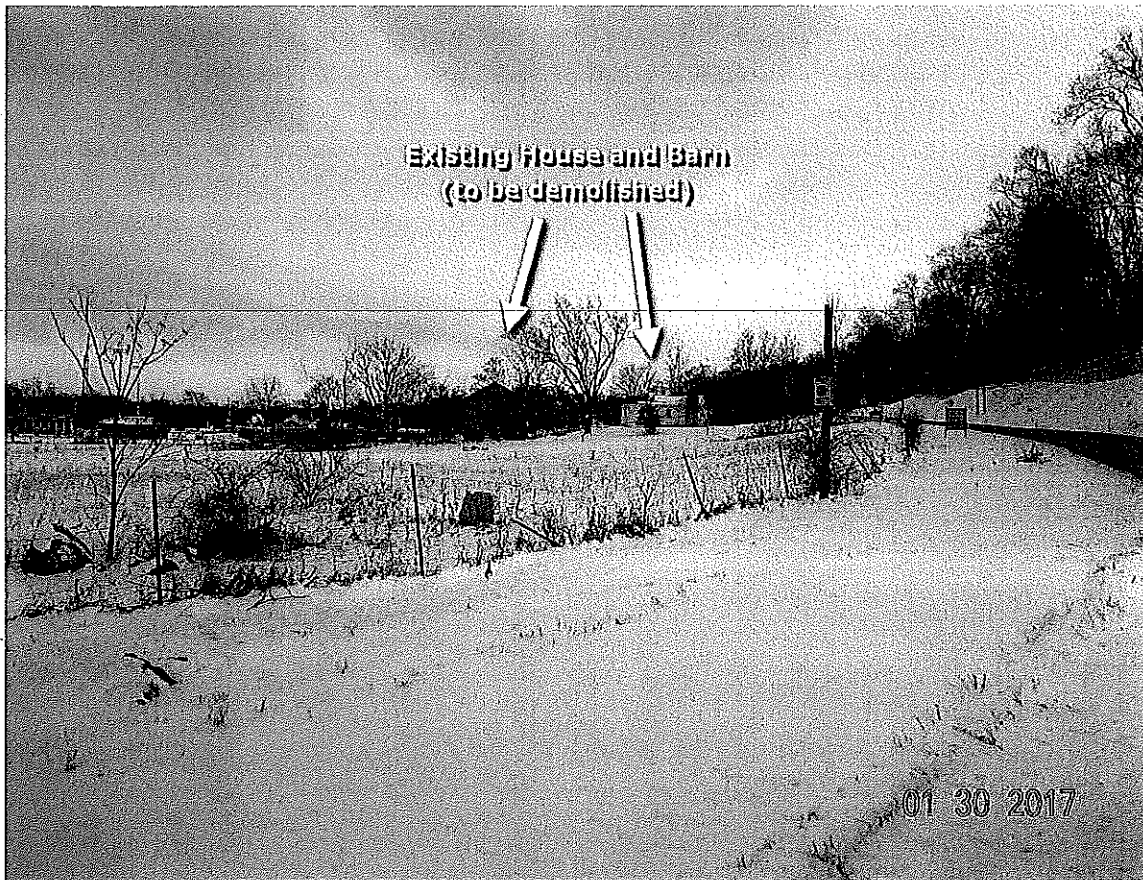
2. Character of Buildings – The adjacent properties include a limited number of existing buildings that are visible from the public right-of-way. Marian High School is visible to the west while small recreational structures and associated facilities are visible to the east. The buildings on the Sisters of St. Francis property to the south cannot be viewed from the street due to the severe change in elevation and it being heavily wooded.
3. The most desirable/highest and best use – Due to the property's location adjacent to various low intensity land uses, including a private school, recreational fields, convent, and corporate offices, the most desirable use of the property is a similar low intensity commercial or residential use.
4. Conservation of property values – The rezoning should not be injurious to property values in the area. The proposed assisted living facility and other permitted uses in the R-3 Multiple Family Residential District are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided industrial development within this property as an extension of the industrial zoned land to the north. However, industrial use is not ideal due to the existing adjacent uses. Since the proposed assisted living facility is less intensive than an industrial use and residential in nature, it is more compatible with the adjacent land uses and does not conflict with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Photographs, Petition, Location Map, Preliminary/Conceptual Site Plan



Aerial Photograph – 1128 W. Dagoon Tr.
Proposed 136-unit Assisted Living Facility



P1. Looking southeasterly toward the property to be rezoned from the W. Dragoon Tr. & S. Logan St. intersection.



P2. Looking northerly toward the northwest corner of the property to be rezoned from the W. Dragoon Tr. & S. Logan St. intersection.



P3. Panoramic view of entire property to be rezoned.

STAFF REPORT

Location: Northwest Corner of US 20 Bypass & Bremen Hwy

Date: February 14, 2017

Petition: 17 07

Prepared By: KBP

GENERAL INFORMATION

Applicant: KLT Properties LLC

Status: Property Owner

Request: Amend Gateway PUD

Zoning Classification: S-2 Planned Unit Developments

Lot Size: 8.3 acres +/-

Applicable Regulations: Section 137-671 to 137-679 S-2 Planned Unit Development District
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: US 20 Bypass
East: C-1 General Commercial
West: Single Family Residential (Unincorporated St. Joseph County)

Thoroughfare: Bremen Highway

School District: Penn-Harris-Madison School Corporation

Township: Penn

Public Utilities: All utilities are available or can be extended to the site at the developer's expense

Comprehensive Plan: General and service commercial

ANALYSIS

The petitioner has tried twice in the last two years to amend the Gateway PUD to allow for the immediate construction of a self-lock storage facility on the southernmost portion of the PUD. The last attempted amendment of this PUD occurred in June of 2016. The request was ultimately withdrawn at that time. Prior to that, a similar request was filed in the fall of 2014. That amendment request was also ultimately withdrawn. Staff had recommended against each of the last two petitions. Unlike the last two petitions, there has been a significant change in the nature of this request. The applicant is in the process of purchasing properties that were originally included in the PUD in addition to the proposed self-lock storage site. Concurrently with the requested amendment to the PUD to allow the self-lock storage to move forward, the applicant has also proposed a plan to provide both short term and long term access to the self-lock storage site, as well as the other properties located in the planned unit development. The applicant is still proposing to use the access drive that was constructed by INDOT to service the property for agricultural/residential uses until such a time as the permanent solution is provided. The permanent solution now being proposed provides access to the signal at Meijer Drive and would provide for the ability to re-align Elmwood Avenue to provide access to the signal. The Petitioners plan also would include the

dedication of right-of-way to allow for the reconfiguration. This makes the proposed plan actionable and is the factor that separates it from previous requests. The developer is requesting that the City perform the actual reconstruction of the intersection given the costs they will have incurred in acquiring the property required for the right-of-way. The Administration has indicated that the City is willing to participate, but the actual timing, cost sharing, and details have yet to be worked out and are in part dependent on the outcome of the current proposed PUD amendment.

Specifically, the petitioner is requesting 6 changes from the currently approved PUD which are 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 provided 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 toward 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 shall 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 re-aligning Elmwood Road in the future to intersect Meijer Drive, including Developer to provide right-of-way for same.

As many of the Commission member's recall, in 2006, the 16.8 acre site located northwest of Bremen Hwy and the US 20 Bypass and extending just north of Elmwood Road was rezoned to S-2 Planned Unit Development (Gateway Plaza PUD). At that time, this property consisted of nine different properties that contained single family residences; many of these homes were and continue to be longstanding family homes. The six property owners at that time pursued the collective redevelopment of this site. The property owners worked together with realtors to market and sell all 9 properties for development. All property owners had signed the planned unit development request. The 2006 original PUD preliminary plan showed commercial outlots along the Bremen Hwy frontage with more strip retail type of developments to the rear. Self-lock storage was proposed along the by-pass where high tension power lines are located. This plan was ultimately approved by the City. The issues since that original approval have related predominantly to phasing and access, not use. To date, nothing has been constructed in the PUD. Beyond market forces and the great recession, the most significant cause of the lack of construction likely relates to the difficulty in assembling the necessary properties to address the long term access and redevelopment of home sites over time.

This proposed PUD amendment is in regards to the self-storage facility located along the by-pass and at the high tension wires, the southern half of the PUD. When the original PUD was approved in 2006, one of the conditions established regarding phasing of development was as follows:

Phasing:

1. *As proposed, all properties would be acquired cleared and developed at one time. If the proposed development is to be phased, a phasing plan must be submitted that includes the*

signatures/written approval of all property owners within the 16.8 acre site. The intent is to allow property owners a chance to review interim screening buffering and noise issues where single family residences may be remaining on a temporary basis. The first phase of the development must also address the reconfiguration of the intersection of Meijer Drive and the Closure of Elmwood Avenue as may be directed by the City Department of Engineering.

The petitioner is requesting to amend the PUD to allow the subject (self-storage) property to be developed Independently from the previous PUD that included multiple parcels. The approval of this amendment would allow the storage facility to be constructed without the signatures/written approval all property owners within the 16.8 acre PUD site.

The petitioner is also requesting to amend the PUD to allow a reduction in required architectural building standards/materials for the self-lock storage units. These units are typically constructed out of metal and staff concurs that this reduction is appropriate for the storage units. Staff feels that the office component should comply with the architectural standards and that will be applicable to three sides of the proposed building as currently situated on the draft plan.

As mentioned in the previous staff reports, one of the hurdles to overcome in providing the temporary access to the self-lock storage is the access road that is being proposed that was constructed by and is still owned by INDOT currently located within unincorporated St. Joseph County. The State has identified a willingness to deed the property to the City of Mishawaka, and the developer has identified that they are willing to improve and maintain this access road as necessary for their temporary use. The details of that transfer and maintenance responsibilities have yet to be worked out and if approved, staff has included the completion of these items as part of the recommended conditions of approval. Staff's primary concern is that the City is willing to accept the transfer but not the underlying maintenance since this was never intended to be a public road and was not constructed to public road standards.

Staff believes that although the short term access is not ideal, we believe the overall plan as presented serves both the long term public and private interests and should be approved at this time subject to the following conditions. These conditions shall both modify and be in addition to the conditions of the original planned unit development:

1. The self-storage component of the PUD shall be permitted to proceed as the first phase of the planned unit development without the approval and written consent of all property owners within the Planned Unit Development subject to the completion of following prior to starting construction:
 - A. The Developer of the self-storage component shall provide design development level drawings of the proposed extension of Meijer Drive and re-alignment of Elmwood Avenue as depicted in the Developer's petition, subject to the review and approval of the City of Mishawaka Director of Engineering. The drawings need to identify the right-of-way necessary for the completion of the project including grading, utilities, storm drainage, and other associated improvements.
 - B. The Developer shall obtain and dedicate all necessary additional right-of-way and easements to allow for the extension of Meijer Drive and re-alignment of Elmwood Avenue as depicted in the developers petition.
 - C. The Developer shall prepare and submit a development agreement proposal for the review and approval of both the City of Mishawaka Redevelopment Commission and the City of Mishawaka Board of Public Works and Safety. The agreement shall include the estimated timing and phasing of the road re-alignment as well as the acquisition, use, and improvement associated with using the current INDOT created access road currently located in unincorporated St. Joseph County. This agreement shall be approved at the sole discretion of the City of Mishawaka Redevelopment Commission and Board of Public Works and Safety. This condition is in no way intended to commit or bind either the Commission or the Board relative to any matter contained herein.
 - D. If temporary access is provided to the self-storage component, as part of the development agreement or other legal instrument, the developer shall waive any legal or implied right to the land associated with the temporary access drive once the permanent access as proposed is extended to the north property line of the developer's site.

2. The Architectural standards for the PUD shall only apply to the office component of the self lock storage. The storage units may be constructed out of all metal siding and roofing, but shall meet all other applicable architectural standards.

RECOMMENDATION

Staff recommends the approval of Petition #17-07 to amend the Bremen Hwy/Gateway Plaza PUD subject to the staff recommended conditions. This recommendation is based on the following findings of fact:

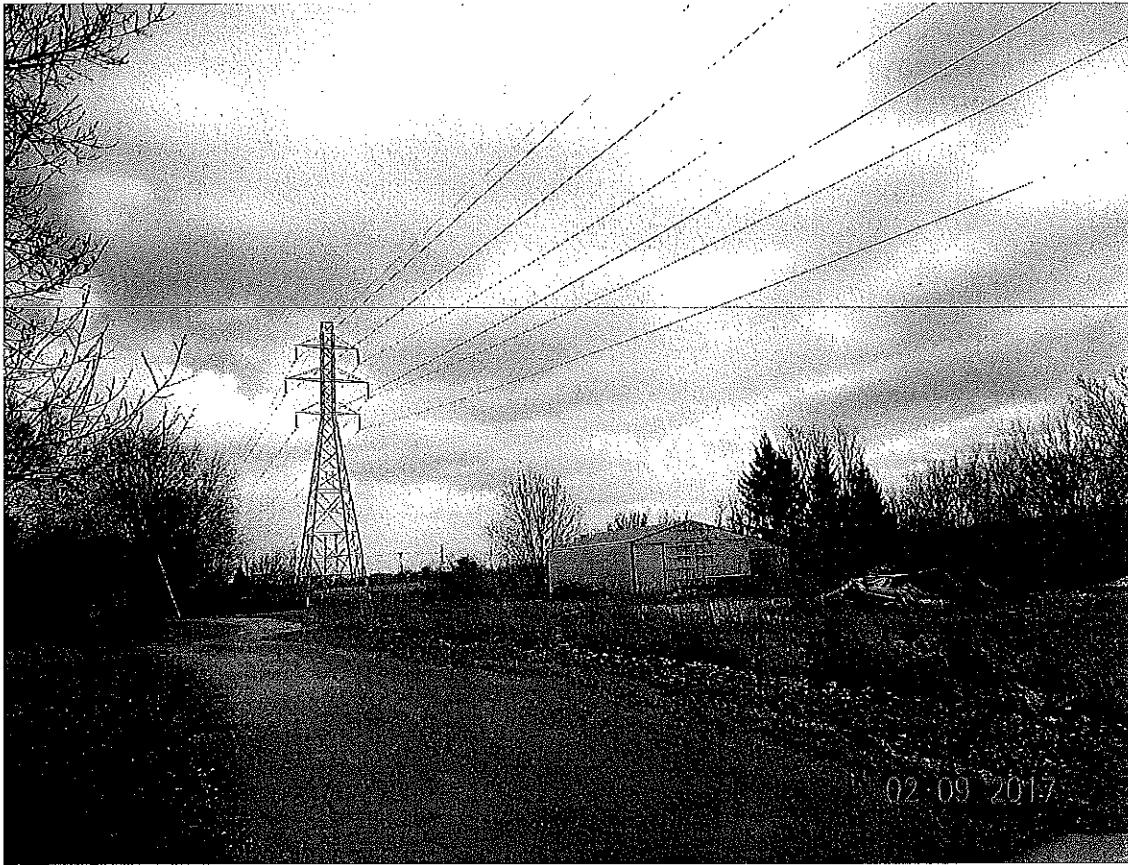
1. Existing Conditions - The subject parcel is located on Bremen Highway at the intersection of the US 20 By-Pass. The high volumes of traffic, high tension electric wires and the lack of immediate access make this parcel suitable for a self-lock storage use.
2. Character of Buildings in Area - The character of buildings surrounding the parcel are currently residential in nature. The area adjacent to Bremen Highway is zoned for higher intensity commercial uses. The proposed self-lock storage units will provide for a transitional use between the residential and more intensive commercial uses planned for along Bremen Highway.
3. The most desirable/highest and best use - With the property's location along the US 20 By Pass and high tension power lines, the most desirable use for the property is a low intensity commercial or industrial storage use.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed development site will be disconnected from the adjacent residential uses long-term both by access and by screening with landscaping and fencing.
5. Comprehensive Plan- This property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan, the proposed self-lock storage use is reasonably consistent with that guided use.

ATTACHMENTS

Photographs, Petition, PUD Plan



View looking south on the access drive constructed by INDOT from Elmwood to serve the subject property



View from the proposed self-lock storage area looking east



View from the proposed self-lock storage site looking west



View from the self-lock storage site looking north at the access drive constructed by INDOT and the adjacent single family home located west of with driveway access to the drive.



View from Meijer Drive looking west

STAFF REPORT

Location: (2) vacant lots adjacent to 1612 Lincolnway East

Date: February 14, 2017

Petition: 17 08

Prepared By: KM

GENERAL INFORMATION

Applicant: Habitat for Humanity of St. Joseph County

Status: Property Owner

Request: Rezone from C-1 General Commercial to R-1 Single Family Residential District

Zoning Classification: C-1 General Commercial

Lot Size: (2) lots, each 44' X 114'

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District
South: R-1 Single Family Residential District (Beiger Elementary School)
East: C-1 General Commercial District (single family residence)
West: R-1 Single Family Residential District

Thoroughfare: Lincolnway East

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone two vacant lots east and adjacent to 1612 Lincolnway East from C-1 General Commercial District to R-1 Single Family Residential District. The property is located on Lincolnway East between Virgil and Beiger Streets. The area is primarily residential in nature and located across the street from Beiger Elementary School.

Prior to the 1980's residential uses were permitted in the C-1 General Commercial District. Around 1986 the C-1 General Commercial District was amended to prohibit residential uses. Petitioner states the property will be used to construct two (2) single family homes for Habitat for Humanity.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 17-08 to rezone two (2) lots adjacent to 1612 Lincolnway East from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are commercial zonings to the east of this property, but the neighborhood surrounding the property is primarily residential in nature, and its proposed use as two single family dwellings would be compatible to the area;

2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an commercial project, staff feels that the most desirable use for this property is single-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential which is compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PHOTOGRAPHS, PETITION, SITE PLAN, AERIAL, LOCATION MAP



View of vacant lots



View of property to the east



View of property to the west

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 09 2017

CITY CLERK
MISHAWAKA, IN

1st Reading 2-20-17

2nd Reading

Passed

Failed

Continued To

PROPOSED ORDINANCE NO. 2017-06

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2017

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

Section 1. An emergency exists which requires the appropriation of additional
funds for the fiscal year ending December 31, 2017 in addition to that set out in detail in the
published budget.

Section 2. There is hereby appropriated from the LOIT Special Distribution Fund
of the City of Mishawaka the sum of \$225,000.00 for assignment as follows:

LOIT Special Distribution

Capital Outlays

257-50-445-02

Highway Equipment

\$225,000.00

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

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

On this _____ day of _____, 2017 at _____ o'clock, _____. M.

Ross Deal, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: February 9, 2017
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: Additional Appropriation LOIT Special Distribution Fund

I am requesting approval of an additional appropriation from the LOIT Special Distribution fund for first reading on February 20, 2017. A Street Sweeper was in Commissioner Ryan's capital requests for the 2017 budget, however, its omission went unnoticed until after the budget was approved.

This ordinance uses funding from the new LOIT fund that is earmarked for street improvements and street equipment. You may remember in 2016, we appropriated \$182,500.00 for consulting and \$767,500.00 to transfer to the Local Matching Bridge and Road fund to match the grant awarded by the State.

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

c: David A. Wood, Mayor
Tim Ryan, Street Department Commissioner
Chris Jamrose, Director of Engineering

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 09 2017

CITY CLERK
MISHAWAKA, IN



CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATION

Notice is hereby given the taxpayers of Mishawaka, St. Joseph County, Indiana, that the Common Council will meet in City Hall, 600 East Third Street at 7:00 p.m. on the 6th day of March 2017 and will consider the following additional appropriations in excess of the budget for the current year.

PROPOSED ORDINANCE 2017-06

LOIT Special Distribution

Capital Outlays

257-50-445-02 Highway Equipment \$225,000.00

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board shall issue a written determination within 15 days of receipt of the proposal.

Deborah S. Block, IAMC, MMC, City Clerk
Publish 02-23-2017

FEB 16 2017

CITY CLERK
MISHAWAKA, IN

PETITION 17-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2017-07

ORDINANCE NO. _____

1st Reading 2-20-17
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:

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 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 RECORDER 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.

COMMON ADDRESSES: 851, 852, 853, 854, 856, 858, 860, and 862 East Third Street; 850 and 858 East Fourth Street; and 119 and 121 South Merrifield Avenue

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

Proposed Ordinance No: 17-07

Ordinance No: _____

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

1. Existing Conditions – The subject properties are located within a predominantly single-family residential area with limited adjacent multi-family and commercial uses.
2. Character of the Buildings in the Area – A majority of the existing buildings in the area are single-family residential structures with limited multi-family and commercial structures located along Lincoln Way East to the north and S. Merrifield Avenue to the east.
3. The most desirable/highest and best use - Because the parcels are located in an area consisting of primarily single-family residences, the rezoning to R-1 Single-Family Residential for the proposed and future single-family residential development is the most desirable and best use.
4. Conservation of property values - As opposed to the type of commercial development that could potentially occur with the current zoning classification, rezoning the parcels to the R-1 Single-Family Residential District to permit single-family residential use will have a favorable and stabilizing impact on the neighborhood and will conserve property values in the immediate and surrounding residential neighborhood.
5. Comprehensive Plan - The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.

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

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

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

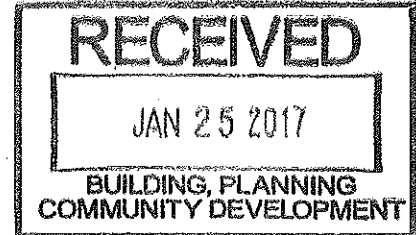
RECEIVED
DEBORAH S. BLOCK, MMC

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.

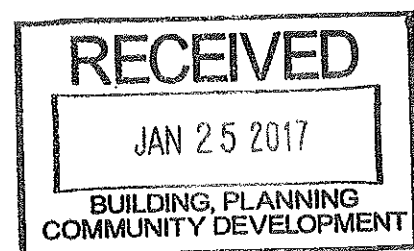
Kenneth B. Prince, ASLA. AICP
City Planner



Jim Williams
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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

FEB 16 2017

CITY CLERK
MISHAWAKA, IN

PETITION 17-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. **2017-08**

ORDINANCE NO. _____

1st Reading 2-20-17
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:

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 Dagoon 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.

COMMON ADDRESS: 1128 West Dagoon Trail

which real estate is now classified as R-1 Single Family Residential 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, located at the northeast corner of W. Dagoon Trail and S. Logan Street, is primarily undeveloped agricultural land with a single-family house and an accessory structure/barn. The adjacent roadways are lesser travelled corridors providing north-south and east-west access throughout the City of Mishawaka. Adjacent land uses

Proposed Ordinance No: 2017-08

Ordinance No: _____

include Marian High School to the west, City-owned vacant property and a capital improvements staging area to the north, Marian High School athletic fields to the east, and Sisters of St. Francis convent and Franciscan Alliance corporate offices to the south.

2. Character of Buildings – The adjacent properties include a limited number of existing buildings that are visible from the public right-of-way. Marian High School is visible to the west while small recreational structures and associated facilities are visible to the east. The buildings on the Sisters of St. Francis property to the south cannot be viewed from the street due to the severe change in elevation and it being heavily wooded.
3. The most desirable/highest and best use – Due to the property's location adjacent to various low intensity land uses, including a private school, recreational fields, convent, and corporate offices, the most desirable use of the property is a similar low intensity commercial or residential use.
4. Conservation of property values – The rezoning should not be injurious to property values in the area. The proposed assisted living facility and other permitted uses in the R-3 Multiple Family Residential District are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided industrial development within this property as an extension of the industrial zoned land to the north. However, industrial use is not ideal due to the existing adjacent uses. Since the proposed assisted living facility is less intensive than an industrial use and residential in nature, it is more compatible with the adjacent land uses and does not conflict with the goals and objectives of the Comprehensive Plan.

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

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 17-08

Ordinance No: _____

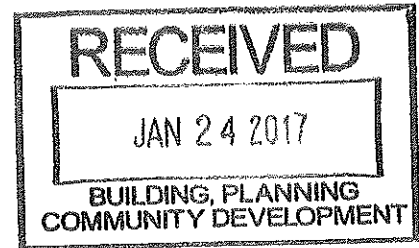
PRESENTED by me to the Mayor this _____ day of _____,
2017, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

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

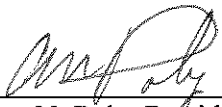
The Owner owns one hundred percent (100%) of the Property, which carries a zoning classification of R1 District. Said property is currently used for single family residential purposes. The Owner has consented to authorize AHEPA Affordable Housing Management Company, Inc. (the "Petitioner") to file a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

QB\43517690.1

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 Rechel K. 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

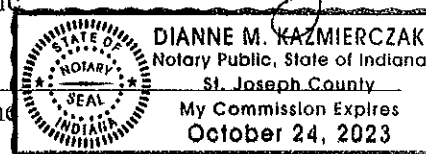


EXHIBIT A

to

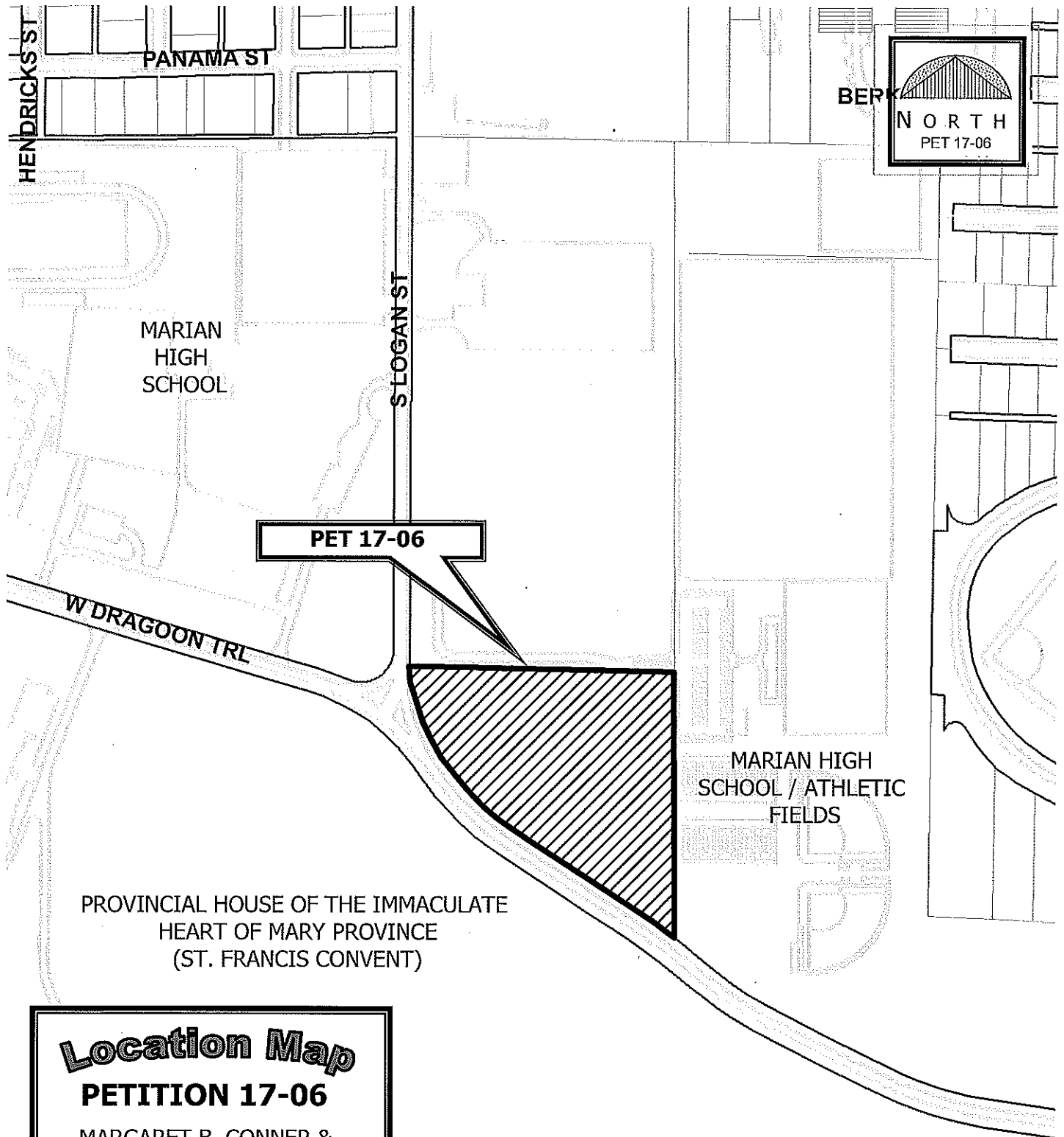
AHEPA Affordable Housing Management Company, Inc. Petition to Rezone

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

FEB 16 2017

1st Reading 2-20-17
2nd Reading
Passed
Failed
Continued To

PETITION 17-07
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2017-09
ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

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.

Proposed Ordinance No: 17-09

Ordinance No: _____

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.

COMMON ADDRESS: Northwest Corner of US 20 Bypass and Bremen Highway

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for the immediate construction of a self-lock storage facility on the southernmost portion of the PUD, subject to the following conditions which shall both modify and be in addition to the conditions of the original planned unit development:

1. The self-storage component of the PUD shall be permitted to proceed as the first phase of the planned unit development without the approval and written consent of all property owners within the Planned Unit Development subject to the completion of following prior to starting construction:
 - A. The Developer of the self-storage component shall provide design development level drawings of the proposed extension of Meijer Drive and re-alignment of Elmwood Avenue as depicted in the Developer's petition, subject to the review and approval of the City of Mishawaka Director of Engineering. The drawings need to identify the right-of-way necessary for the completion of the project including grading, utilities, storm drainage, and other associated improvements.
 - B. The Developer shall obtain and dedicate all necessary additional right-of-way and easements to allow for the extension of Meijer Drive and re-alignment of Elmwood Avenue as depicted in the developers petition.
 - C. The Developer shall prepare and submit a development agreement proposal for the review and approval of both the City of Mishawaka Redevelopment Commission and the City of Mishawaka Board of Public Works and Safety. The agreement shall include the estimated timing and phasing of the road re-alignment as well as the acquisition, use, and improvement associated with using the current INDOT created access road currently located in unincorporated St. Joseph County. This agreement shall be approved at the sole discretion of the City of Mishawaka Redevelopment Commission and Board of Public Works and Safety. This condition is in no way intended to commit or bind either the Commission or the Board relative to any matter contained herein.
 - D. If temporary access is provided to the self-storage component, as part of the development agreement or other legal instrument, the developer shall waive any legal or implied right to the land associated with the temporary access drive once the permanent access as proposed is extended to the north property line of the developer's site.
2. The Architectural standards for the PUD shall only apply to the office component of the self lock storage. The storage units may be constructed out

Proposed Ordinance No: 17-09

Ordinance No: _____

of all metal siding and roofing, but shall meet all other applicable architectural standards.

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

1. Existing Conditions - The subject parcel is located on Bremen Highway at the intersection of the US 20 By-Pass. The high volumes of traffic, high-tension electric wires and the lack of immediate access make this parcel suitable for a self-lock storage use.
2. Character of Buildings in Area - The character of buildings surrounding the parcel are currently residential in nature. The area adjacent to Bremen Highway is zoned for higher intensity commercial uses. The proposed self-lock storage units will provide for a transitional use between the residential and more intensive commercial uses planned for along Bremen Highway.
3. The most desirable/highest and best use - With the property's location along the US 20 Bypass and high-tension power lines, the most desirable use for the property is a low intensity commercial or industrial storage use.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed development site will be disconnected from the adjacent residential uses long-term both by access and by screening with landscaping and fencing.
5. Comprehensive Plan- This property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan, the proposed self-lock storage use is reasonably consistent with that guided use.

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

Proposed Ordinance No: 17-09

Ordinance No: _____

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

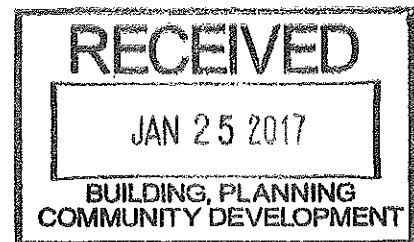
Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 01 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.

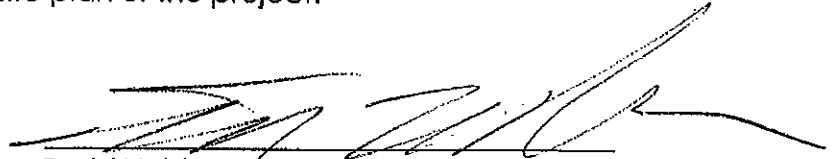
Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 PUD and allows for a Light Industrial use.

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.

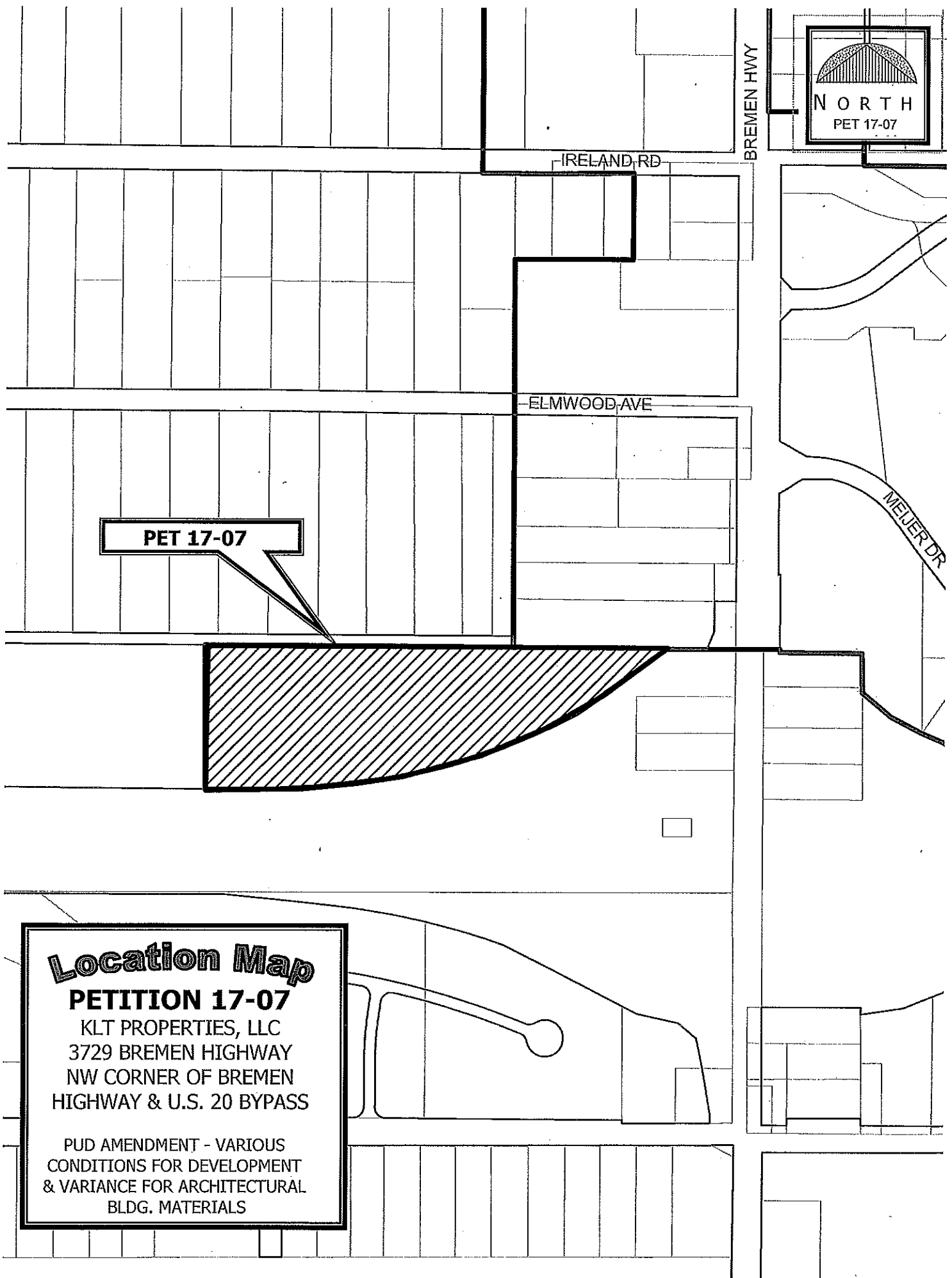
Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and preliminary site plan of the project.

A handwritten signature in black ink, appearing to read 'Todd Veldman', is written over a horizontal line.

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
bmcmmorrow@abonmarche.com



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

FEB 16 2017

CITY CLERK
MISHAWAKA, IN

1st Reading 2-20-17
2nd Reading
Passed
Failed
Continued To

PETITION 17-08

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2017-10

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:

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 St. Joseph County, Indiana.

COMMON ADDRESS: Two (2) vacant lots adjacent and east of 1612 Lincolnway East

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

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

1. There are commercial zonings to the east of this property, but the neighborhood surrounding the property is primarily residential in nature, and its proposed use as two single family dwellings would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an commercial project, staff feels that the most desirable use for this property is single-family use;

Proposed Ordinance No: 14-10

Ordinance No: _____

3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential which is compatible and consistent with the historic residential uses in the area.

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

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



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



Habitat for Humanity®

of St. Joseph County

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

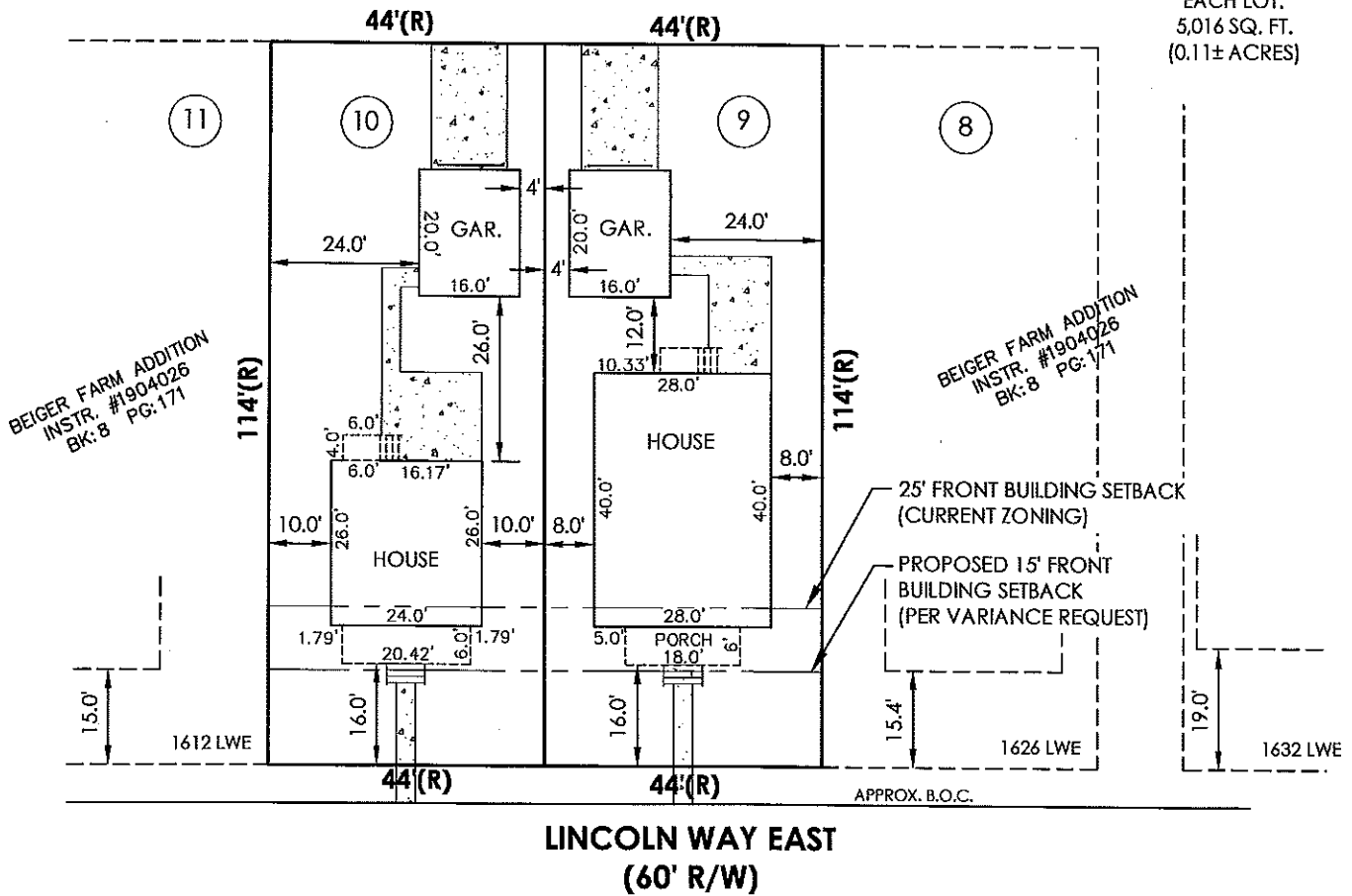
CONTACT PERSON:

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

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South Bend, IN. 46601
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abonmarche.com

Battle Creek
Benton Harbor
Manistee
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

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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