

AGENDA

Tuesday, January 2, 2018

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

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

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**

ELECTION OF OFFICERS

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

December 18, 2017

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

Petition No. 2018-03 Rezone from C-7 to C-9 Auto Sales 3805 LWE

Petition No. 2018-04 Grandview PUD Amendment Mixed Use Multi-family and Commercial Development - W. Cleveland and Gumwood Rd.

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

P.O. NO. 2017-45 Rezone from C-1 to R-1 1007 S. Main St.(Assigned to Land Use Planning Committee)

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

P.O. NO. 2017-36 Letter Regarding Rezoning of 611 E. McKinley Ave.

- 12. New Business**

Council Committees, Council Attorney, Appointments to Various Boards and Commissions, HPC, MBA, Redevelopment, Plan Commission, Conflict of Interest

- 13. Adjournment**

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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals

make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
December 18, 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 December 18, 2017, at 7:00 p.m. The meeting was called to order by President Ross Deal all were asked to stand for the Pledge of Allegiance.

 Roll Call.

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

Absent: Mr. Compton.

The minutes from the November 20, 2017 meeting was approved as received from the City Clerk's Office.

Clerk Block read letter from the City Plan Commission regarding recommendations from their December 12, 2017 meeting.

PETITION 2017-29 A petition submitted by Patrick S. and Karen S. Brown and Kimberly D. Madera requesting to rezone **1003 West Lincoln way West** from R-3 Multi- Family Residential District to R-1 Single Family Residential District

The Commission, with a vote of 7-0, recommended approval.

PETITION 2017-30 A petition submitted by Ruth Hunt requesting to rezone **1007 South Main Street** from C-1 General Commercial District to R-1 Single Family Residential District.

The Commission, with a vote of 7-0, recommended approval.

Clerk Block read the following Proposed Ordinances by title and were assigned to committee and set for public hearing at next meeting.

PROPOSED ORDINANCE NO. 2017-44

**AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL
CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME
AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF
THE CITY OF MISHAWAKA, INDIANA
(Rezone from R-3 to R-1 1003 LWW)
(Petitioner Requested Second Reading)**

Mr. Banicki made a motion to suspend council rules to allow second reading on **PROPOSED NO. 2017-44** second by Mr. Mammolenti.

Kimberly Madera requested rezone **1003 Lincolnway West** to R-1 Residential in order to complete the transaction of purchase. She explained she would be moving into the home with her family, the bank required for the house to be rezoned to signal family residential.

Mr. Banicki asked would the home be owner occupied. Ms. Madera replied yes.

Mr. Canarecci asked prior to Ms. Madera, was the home used as multi-family. Ms. Madera said it was used as office space. She continued to say the property was set up as a signal residential home with a kitchen, living room, laundry room and 1 ½ baths. Ms. Madera said the home would be occupied by her and two children.

Patrick Brown, 626 Indiana Avenue and owner of property 1003 Lincoln Way West said when he bought the property 7 years ago he used it as his office. He mentioned the property was zoned R-3, he also had a professional office exemption acquired for the time he was there. Mr. Brown went on to say he now works from home; this was the first phase to getting ready for retirement. He said they requested second reading so they could proceed with the closing of the property before the end of the year and to also take advantage of the tax exemption for the buyer. Mr. Brown added this would bring another home ownership to Mishawaka.

Question was called for at 7:20 P.M. for **PROPOSED NO. 2017-44**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**
Thus, it becomes **ORDINANCE NO. 5600**

PROPOSED ORDINANCE NO. 2017-45
**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**
(Rezone from C-1 to R-1 1007 S. Main St.)
(Assigned to the Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2017-46
**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN
THE CITY OF MISHAWAKA AND THE EMPLOYEES OF THE SEWER
DEPARTMENT, REPRESENTED BY THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS LOCAL NO. 364**
(Collective Bargaining between City and local 364 Sewer Dept. 1-1-2018 thru 12-31-2020)
(Petitioner Requested Second Reading)

Mrs. Voelker made a motion to suspend council rules to allow second reading for **PROPOSED ORDINANCE NO. 2017-46** second by Mr. Banicki motion carried

Geoff Spiess, Corporation Counsel and Human Resource Director stated the sewer contract was a renewal. He continued to say there was a change in dates and the way they paid their boot allowance.

Question was called for at 7:23 for **PROPOSED ORDINANCE NO. 2017-46**  **Vote:**
Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal. Thus, it becomes **ORDINANCE NO. 5601**

PROPOSED ORDINANCE NO. 2017-47

**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN
THE CITY OF MISHAWKA AND THE INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, LOCAL NO. 1392**

(Collective Bargaining between City and local 1392 IBEW 1-1-2018 thru 12-31-2020)
(Petitioner Requested Second Reading)

Mr. Tanner made a motion to suspend council rules to allow second reading for **PROPOSED ORDINANCE NO. 2017-47** second by Mr. Canarecci motion carried

Mr. Mammolenti asked was there any major changes. Geoff Spiess, Corporation Counsel and Human Resource Director replied no. Mr. Spiess said there were some minor financial changes, such as an increased boot allowance of \$50 per year, and certain certification employees would get paid an extra .75 cents an hour. He also mentioned they added a swing shift at wastewater, and a shift differential. Mr. Spiess said there would be an additional .50 cents an hour for the employees that work the swing shift.

Question was called for at 7:27 for **PROPOSED ORDINANCE 2017-47**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.** Thus, it becomes **ORDINANCE NO. 5602**

PROPOSED ORDINANCE NO. 2017-48

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

(Collective Bargaining between City and Local 360 Firefighters 1-1-2018 thru 12-31-2018)
(Petitioner Requested Second Reading)

Mr. Banicki made a motion to suspend council rules to allow second reading for **PROPOSED ORDINANCE NO. 2017-47** second by Mr. Tanner motion carried

Geoff Spiess, Corporation Counsel and Human Resource Director expressed his appreciation on working together as they went through negotiations with the Police and Fire Department. He said they all knew under the pay aspect of fire fighters and police were under the count.

Mrs. Voelker questioned the changes made. Mr. Spiess said the biggest change came out to be a package deal. He explained they were increasing Fire pension base by \$2,000, they have eliminated out of rank pay and there was also two language changes to make it easier and flexible for the chief to go to a fourth ambulance without incurring a significant amount of overtime. Mr. Spiess said in the past there was some sort of arcane rule that made it prohibited to go to the fourth ambulance. He continued to say the fourth ambulance would bring more revenue in the future.

Mr. Emmons made the comment the negotiations with Fire Department was very professional, they gave and took propositions and were very courteous. He said it was one of the best negotiations he chaired in a long time.

Question was called for at 7:30 for **PROPOSED ORDINANCE 2017-48**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.** Thus, it becomes **ORDINANCE NO. 5603**

PROPOSED ORDINANCE NO. 2017-49

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MISHAWKA AND THE MISHAWKA FRATERNAL ORDER OF POLICE, LODGE 91

(Collective Bargaining between City and Lodge 91 Police 1-1-2018 thru 12-31-2020)
(Petitioner Requested Second Reading)

Mr. Canarecci made a motion to suspend council rules to allow second reading for **PROPOSED ORDINANCE NO. 2017-47** second by Mr. Tanner motion carried

Geoff Spiess, Corporation Counsel and Human Resource Director thanked the council for suspending the rules on all four ordinances. He also thanked the council, union and administration for their corporations.

Mr. Tanner commended and thanked Mr. Spiess for his time and commitment.

Mrs. Voelker expressed although she was not on the committee she had an opportunity to attended a lot of the negotiation meetings over the past few years. She said this year was a great experience with both the Police and Fire Department; it was organized from the beginning which made the outcome successful for everyone.

Mr. Mammolenti also thanked the council and Mr. Spiess for their time and effort. He expressed negotiations was the toughest part of his job, it was not a fun process deciding on what could be given but this year it sounded like it was very successful.

Mr. Deal wanted to first thank Mr. Emmons for taking the lead with police and fire negotiations. He went on to say he agreed with Mr. Spiess, when they have an all-inclusive group with the administration, the council and department heads sitting together and listening to the information first hand, it helped mitigate the potential from misinformation and with free exchange of ideas.

Mr. Deal commended all parties for a very flowing process. He went on to say when it came down to crunch time, City Controller Rebecca Miller was missed during her absence.

Question was called for at 7:30 for **PROPOSED ORDINANCE 2017-49**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**
Thus, it becomes ORDINANCE NO. 5604

PROPOSED ORDINANCE NO. 2017-50

**AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFER AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2017
(Transfer of Funds – CEDIT FUNDS- \$1,300,0000)
(Petitioner Requested Second Reading)**

Mr. Banicki made a motion to suspend council rules to allow second reading for **PROPOSED ORDINANCE NO. 2017-47** second by Mr. Canarecci motion carried.

Rebecca Miller, City Controller explained this was a transfer of funds in the CEDIT Fund to pay the Health Insurance claims. She continued to say the city was hit hard with a lot of insurance claims this last half of the year; October and November were each over 1.5 million dollars. Ms. Miller said if it was not for her absence she would have requested for an additional as appose to a transfer. She stated any funds that were not used would revert back into the fund. Ms. Miller said if CEDIT was short next year, she would be able to do an additional to cover any of the money that is used in the month of December.

Mr. Mammolenti questioned the savings the city saves with Activate Clinic. Ms. Miller said the city was saving the retail verses whole sale cost for labs, office visits, minor procedures, and prescriptions, they were especially seeing a cost saving for employees. She continued to say another benefit of the clinic was employees were missing less work because they could attend the clinic during work hours. Mr. Mammolenti expressed his appreciation for the clinic and spoke about the great experiences he has had.

Mr. Canarecci questioned the major claim, he asked Ms. Miller if they knew if some of the claims could have been done in house to save. Ms. Miller said most of the major claims were surgeries, cancers, things that could not be done at the clinic. She continued to say they have ran reports and seen the office visits and prescriptions in the market have decreased and most employees were going to the clinic.

Mr. Bellovich asked what percentage of city employees were utilizing the clinic. Mr. Spiess said 80% of city employees; it was even higher for spouses and 60% of dependents used the clinic. He continued to say Activate informed the city this was the highest participation they have had.

Mr. Tanner asked would the items in the CEDIT Fund would continue to be funded. Mrs. Millers said a couple of the items had been earmarked in previous years for the pool liner and

slide; they probably will not need to use those funds. She continued to say some of the funds were for current projects; she would make sure they were funded.

Question was called for at 7:43 for **PROPOSED ORDINANCE 2017-50**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.** Thus, it becomes **ORDINANCE NO. 5605**

Clerk Block read the following resolution by title and was opened for public hearing.

RESOLUTION NO. 2017-28

Honoring Penn's Girl Soccer Team State Champions

Dr. Jerry Thacker, Superintendent of Penn Harris Madison School corporation thanked the council for recognizing Americas best team, the girls were truly champions in every sense of the word; they were great ambassadors, great role models for Penn High school. He continued to say in the Penn Harris Madison School Corporation they had a vision of excellence, this team certainly exemplified excellence throughout the entire season. Dr. Thacker said the girls brought great honor to Penn High School, the Corporation, the Community and to the entire state. He spoke on behalf of the board of School Trustees to extend congratulations to this great team. Dr. Thacker expressed they admired the team's commitment to excellence and they could not possibly be prouder of the team and coaches, staff and parents, they were truly the best.

Sean Galiher, Principal Penn High School also thanked the council for recognition. He went on to say the girls represented Penn High School on and off the field with class. Mr. Galiher said the girls averaged a 3.7 GPA as a team and 11 of the girls made the NIC All-Academic Team. He appreciated the team, coaches and staff for all of their efforts.

Mr. Mammolenti and Mr. Tanner said they were proud for their outstanding achievement with back to back championships and managing a high GPA. They congratulated the team, coaches and staff.

Question was called for at 7:12 P.M. for **RESOLUTION NO. 2017-29**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.**

Clerk Block read the following proposed ordinance by title and was opened for public hearing.

PROPOSED ORDINANCE NO. 2017-43

**AN ORDINANCE DECLARING AND EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE**

CALENDAR YEAR ENDING DECEMBER 31, 2017
(Transfer funds Public safety \$75,000- CEDIT \$45,000)

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

Rebecca Miller, City Controller, said due to the great utilizations of the clinic they ran short in the certain lines. She said Public Safety, CEDIT, and the Utility fund payed all shares of the cost for the clinic. Ms. Miller stated this transfer would get the city through the end of the year.

Mr. Deal asked Ms. Miller to clarify when they budget in the year prior, they were guesstimating in terms of the usage. Ms. Miller replied correct. She said her budget amount of \$700,000 was based on the previous year usage, next year the budget for 2018 would be for \$850,000. Mr. Deal was happy to hear more employees were using the clinic. He said this money was a short-term cost but to a longer term saving. Ms. Miller added this money pays for everything at the clinic.

Question was called for at 7:47 P.M. for **PROPOSED ORDINANCE 2017-50**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).Yes: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.** Thus, it becomes **ORDINANCE NO. 5606**

PRIVILEGE OF THE FLOOR

Mayor Dave Wood first thanked the council, the administration and negotiating team for all the contract negotiations, it was great team work all around. He said his overlying goal for every negotiation was job security; he wants to provide a decent wage, benefits but also felt it was the cities responsibilities to provide long-term health and job security for all of his staff. Mayor Wood continued to say he felt that goal was accomplished again this year, he appreciated everyone involved. He went on to give an update on PSAP; they have come a long way in a very short period of time thanks to some Mishawaka leadership. Mayor Wood continued to say Ray Shultz has successfully negotiated and adopted with an adoption of a contract, they have done cross training and they have seen savings since the budget was turned around. He said they almost successfully migrated over to the new statewide radio system; the final migration would be Wednesday December 20, 2017 at 10:30. Mayor Wood said the Fire Department successfully migrated over to the new system as well. He continued to say for the first time all agencies would be on one system; he believed it would be a great accomplishment. Mayor Wood stated with the first snow fall, they answered 863 calls in 7 hours as a team. He said Ray Shultz was honored to receive the OPS Board recommendation to take the interim off of his job description, which passed unanimously. Mayor Wood explained now it was up to the executive board to recommend and then openly go to the commissioners, their goal was to have it completed by the end of the year. He anticipated they would be looking for an Assistant Chief for the Fire Department in the next few weeks. Mayor Wood said they were not at the point to declare victory but they have come a long way in a short period of time for probably the most painful issue.

Mr. Mammolenti thanked Mayor Wood for the update. He recalled through the process the requiring comment or question was the length of training for a dispatcher, he asked has anyone had the time to speed up the process or implement anything new. Mayor Wood replied yes, Ray made some personnel changes that have aided in the process and have come up with some new procedures. He stated they have used the talent they had from the different agencies that had prepared plans. Mayor Wood said there was still a lot of work to do but they were headed in the right directions.

Mr. Bellovich asked have they seen a decrease in the amount of mandatory overtime. Mayor Wood said yes, most of the hours were not mandatory but were voluntary. He continued to say it was all a part of the negotiation process. Mayor Wood said in a large part it was also due to groups not being cross trained, one group had a large amount of overtime while the other may not have had any overtime at all. He stated it was improving with the cross-training process.

Mr. Canarecci questioned the improvement of the morals with the union and dropped calls. Mayor Wood believed there was improvement; he was hearing less from the dispatchers and the media. He mentioned Ray Shultz presence at the center; he said he was there a lot. Mayor Wood said one of Ray's goals was to be visible on the floor to evaluate and get to know the dispatchers. Mayor Wood went on to say since they converted to the new phone system the dropped calls dropped from 10,000 to 3,000, which was below national average. He said when they looked at the dropped calls prior to consolidation, it was higher than 10,000. Mayor Wood said dropped calls were consisted of administrative, an accidental call or more than one calling with the same accident and not each of the getting through.

Mr. Emmons asked if Ray Shultz had enough time to retire. Mayor Wood replied yes, he had enough time to retire from the Fire Department; once he was hired by the commissioners Ray would retire from the Fire Department then become a County Employee.

Rebecca Miller, City Controller thanked the council, the Clerk's Office, the board, Department Heads and Mayor in her absence with the adoption of the budget and for their thoughts and prayers. She said the budget process went smoothly again this year.

ADJOURNMENT 7:58P.M.

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

Ross Deal /s/
Ross Deal, President

Date: December 1, 2017

To the: Honorable Members of the Common Council,
City of Mishawaka, Indiana:

RE: J2K Investments, Ind. Petition for Rezoning:

The undersigned, for J2K Investments, Inc., respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

That part of the Northeast Quarter of Section 13, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Lots # 13 and # 14 of the Plat of "Smalley's Addition to the City of Mishawaka" as recorded in the records of the St. Joseph County, Indiana Records Office.

Containing 0.28 acres more or less.

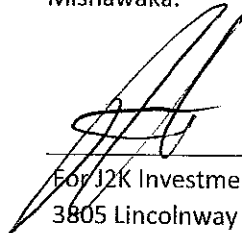
Subject to all legal highways, Easements and restrictions of record.

Also, commonly known as 3805 Lincolnway East, Mishawaka, Indiana 46544.

The above described parcel is presently zoned: C-7 Commercial District.

Petitioners desire said real estate to be rezoned to C-9 Commercial District. The purpose for the rezoning is to allow for the operation of automotive sales lot.

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

 John M. Criles
For J2K Investments, Inc. – Property Owner
3805 Lincolnway East
Mishawaka, Indiana 46544

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



RECEIVED
DEBORAH S. BLOCK MMC

DEC 28 2017

CITY CLERK
MISHAWAKA, IN



Danch, Harner & Associates, Inc.

Michael J. Danch, L.A., ASLA
Ron Harner, P.S.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Honorable Members of the Common Council,
City of Mishawaka, Indiana
600 East 3rd Street
Mishawaka, Indiana 46544

December 1, 2017

RE: J2K Investments, Inc. Petition for Rezoning:

Dear Council Members;

Please accept this letter as written confirmation that we have granted Danch, Harner & Associates, Inc. to represent us at all required Council meetings for our rezoning request for property at 3805 Lincolnway East, Mishawaka, Indiana.

If you have any questions concerning this matter please feel free to give me a call at
574-535-8242.

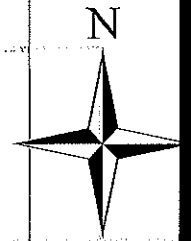
Sincerely,

A handwritten signature in black ink, appearing to read 'John M. Ceides', is written over a horizontal line.

John M. Ceides

For J2K Investments, Inc.
3805 Lincolnway East
Mishawaka, Indiana 46544

VISTULA RD



PET 18-03

LINCOLNWAY EAST

RAY ST

Location Map

PET 18-03

3805 LINCOLNWAY EAST

REZONE FROM
C-7 AUTOMOBILE ORIENTED
RESTAURANT COMMERCIAL
TO C-9 AUTOMOBILE
SALES COMMERCIAL

December 19, 2017

Mr. Kenneth B. Prince, ASLA, AICP, City Planner
City of Mishawaka
600 East Third Street
Mishawaka, IN 46544

RECEIVED
DEBORAH S. BLOCK, MMC

DEC 28 2017

CITY CLERK
MISHAWAKA, IN

RE: **GrandView Flats, LLC & Gumwood Acquisitions, LLC**
Petition for PUD Zoning Amendment

Dear Mr. Prince:

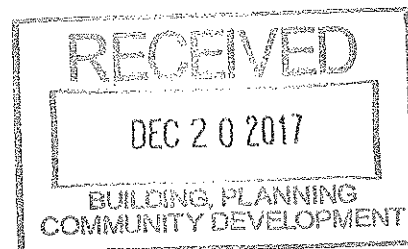
On behalf of the current property owners, GrandView Flats, LLC, and Gumwood Acquisitions, LLC, we are submitting for your review and processing a petition to amend the PUD which was approved in 2014.

The properties included in the approved PUD have tax identification numbers of 029-2017-037007 in the name of GrandView Flats, LLC and 029-2017-037008 and 029-2017-037022 in the name of Gumwood Acquisitions, LLC. Contiguous properties included for addition to the PUD have tax identification numbers of 029-2017-037023, 029-2017-037024, and 029-2017-037025 in the name of Gumwood Acquisitions, LLC. The tract is bounded to the north by the Gumwood Crossing development, to the east by Gumwood Road, to the south by Cleveland Road and to the west by the Centennial Place shopping plaza.

We are respectfully requesting that the PUD be amended as follows:

- Refine the plan dated 11/12/13 to propose instead the enclosed plan dated 12/19/17;
- Redefine the boundary of the PUD to include parcels 029-2017-037023, 029-2017-037024, and 029-2017-037025;
- Delete the option of constructing assisted living housing and nursing homes;
- Reduce by one (1) the number of curb cuts on Gumwood Road;
- Reduce the minimum distance of "throat/stacking area" from 200' to 75';
- Permit building heights up to four (4) stories and forty-eight feet (48'); and
- Allow "fiber cement" as an exterior building material.

This mixed-use development will continue to include construction of public and private roadways and utilities, and a drainage detention system to provide storage for storm water runoff as it is released at a rate into existing drainage facilities.



P5 18-04

If you have any questions or require additional information, please do not hesitate to contact our office at (574) 314-1022.

Sincerely,

Abonmarche Consultants, Inc.



Brian McMorrow
Senior Project Manager

CC: Ryan Rans, GrandView Flats, LLC/Gumwood Acquisitions, LLC
Kristen Sawdon, Great Lakes Capital, LLC
Anson Keller, DkGr Architects
Daryl S. Knip, Abonmarche Consultants, Inc.



DATE: December 19, 2017

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

RE: **PETITION FOR PUD ZONING AMENDMENT**

The undersigned, Gumwood Acquisitions, LLC respectfully show that they are the owner of the following described real estate which was the subject of a PUD established by Ordinance No. 5434 on January 21, 2014, amended on December 7, 2015 by Ordinance No. 5509 and located in the County of St. Joseph, State of Indiana, to-wit:

LOT 2 AND A PART OF LOT 1 IN GUMWOOD ROAD DEVELOPMENT P.U.D. SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 1518561 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AND ALSO BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2 EXTENDED, 912.90 FEET; THENCE NORTH 89°27'41" EAST, 782.68 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2; THENCE NORTH 00°28'12" WEST ALONG THE WEST LINE OF SAID LOT 2, 562.65 FEET; THENCE NORTH 68°36'22" EAST, 327.80 FEET; THENCE SOUTH 21°40'35" EAST, 37.48 FEET; THENCE NORTH 89°46'50" EAST, 171.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°31'05" EAST ALONG THE EAST LINE OF SAID LOTS 1 AND 2, 1531.34 FEET; THENCE SOUTH 44°28'18" WEST, 35.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID LOT 2, 1249.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 33.80 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

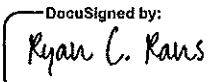


PET 18-04

Petitioner owns One Hundred (100%) percent of the above described land, excluding the right-of-way of Cleveland Road, and is located within a part of the east half of Section 21, Township 38 North, Range 3 East, Harris Township, St. Joseph County, and that the Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with an "S-2" Planned Unit Development District zoning classification desired. Petitioner further states they intend to utilize said land for a mixed-use multi-family residential and commercial development.

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

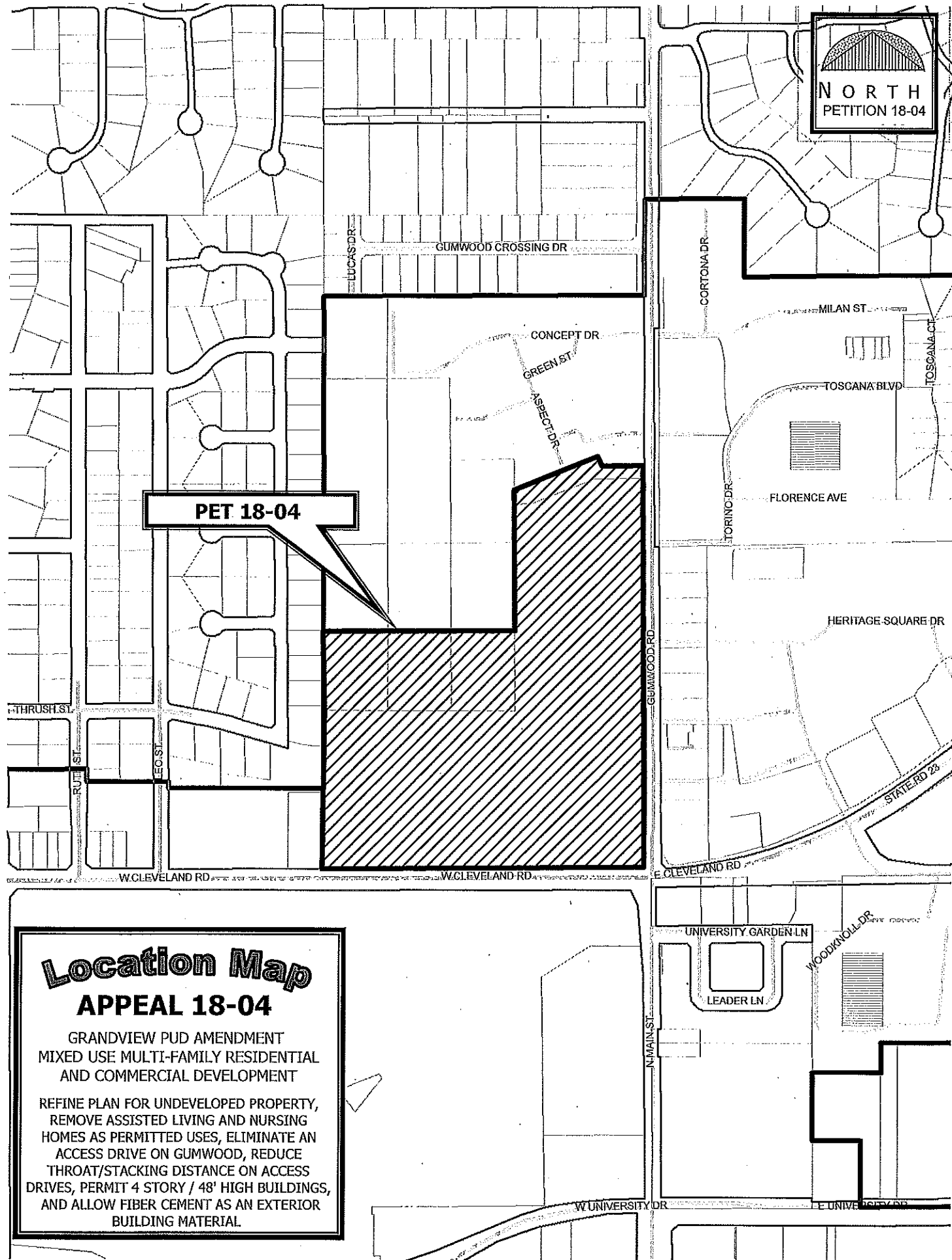
For: **Gumwood Acquisitions, LLC**

DocuSigned by:
 _____
7529A3DF4918416... Managing Partner

Date: 12/19/17

CONTACT PERSON:

Brian McMorro
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 314-1022
bmcmorrow@abonmarche.com



LEGAL DESCRIPTION:

LOT 2 AND A PART OF LOT 1 IN GUMWOOD ROAD DEVELOPMENT P.U.D. SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 1518561 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AND ALSO BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2 EXTENDED, 912.90 FEET; THENCE NORTH 89°27'41" EAST, 782.68 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 2; THENCE NORTH 00°28'12" WEST ALONG THE WEST LINE OF SAID LOT 2, 562.65 FEET; THENCE NORTH 68°36'22" EAST, 327.80 FEET; THENCE SOUTH 21°40'35" EAST, 37.48 FEET; THENCE NORTH 89°46'50" EAST, 171.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE SOUTH 00°31'05" EAST ALONG THE EAST LINE OF SAID LOTS 1 AND 2, 1531.34 FEET; THENCE SOUTH 44°28'18" WEST, 35.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2; THENCE SOUTH 89°27'41" WEST ALONG THE SOUTH LINE OF SAID LOT 2, 1249.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 33.80 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

LEGEND

- (A) 50 FOOT BUILDING SETBACK LINE
- (B) 25 FOOT BUILDING SETBACK LINE
- (C) 35 FOOT BUILDING SETBACK LINE
- (D) 25 FOOT PARKING SETBACK LINE
- (E) 10 FOOT PARKING SETBACK LINE
- (F) 10 FOOT BUILDING/PARKING SETBACK LINE
- (G) 10 FOOT UTILITY & ROAD MAINTENANCE EASEMENT PER INSTR. NO. 1418937
- (H) 35 FOOT GREEN BUFFER (EASEMENT)
- (I) 20 FOOT PUBLIC UTILITY & ACCESS EASEMENT INSTR. NO. 8910265
- (J) 4 FOOT EASEMENT FOR ELECTRIC LINES PER INSTR. NO. 9002091
- (K) AT&T EASEMENT PER INSTR. NO. 1418937

LINE	BEARING	DISTANCE
L1	S33°18'24"W	46.75
L2	S89°59'28"W	165.89
L3	S89°31'48"W	70.08
L4	S44°28'18"W	35.36
L5	S21°40'35"E	37.48
L6	N89°46'50"E	171.07

INTERNAL SETBACKS

DESCRIPTION	BUILDING	PARKING
INTERNAL ROADS	10'	0'

LEGEND

- DEVELOPMENT SIGN
- MONUMENT SIGN

PARKING REQUIREMENTS
MULTI-FAMILY RES: 1.5 SPACES/UNIT (2 OR MORE BEDROOMS PER UNIT)
MULTI-FAMILY RES: 1.25 SPACES/UNIT (1-BEDROOM UNITS)
(INCLUDES GARAGES, PARKING LOTS & ON-STREET PARKING)

OFFICE PER ORDINANCE
RETAIL PER ORDINANCE

CURRENTLY OR PREVIOUSLY
JOHN C SHEA SR. AND ROSEMARY SHEA, TRUSTEES
TRUST AGREEMENT DATED 10/7/02
INSTR. NO. 0423901

CENTENNIAL PLAZA

CURRENTLY OR PREVIOUSLY
JOHN C SHEA SR. AND ROSEMARY SHEA, TRUSTEES
TRUST AGREEMENT DATED 10/7/02
INSTR. NO. 0423901

FARMINGDALE DRIVE

COUNTRY SIDE ESTATES SECTION THREE

COUNTRY SIDE ESTATES SECTION TWO

COUNTRY SIDE ESTATES SECTION ONE

WEST LINE OF THE EAST 1/2, SE. 1/4, SEC. 21-T38N-R3E

CURRENTLY OR PREVIOUSLY
MISHAWAKA MUNICIPAL WATER UTILITY
INSTR. NO. 8910267

CURRENTLY OR PREVIOUSLY
MISHAWAKA MUNICIPAL WATER UTILITY
INSTR. NO. 8910267

CURRENTLY OR PREVIOUSLY
MISHAWAKA MUNICIPAL WATER UTILITY
INSTR. NO. 8910267

AREA ADDED TO P.U.D. BOUNDARY
ON 12/07/15, ORD. NO. 5509
(5.75 ACRES)

CITY OF MISHAWAKA WELL FIELD

CURRENTLY OR PREVIOUSLY
MISHAWAKA MUNICIPAL WATER UTILITY
INSTR. NO. 8910267

CURRENTLY OR PREVIOUSLY
MISHAWAKA MUNICIPAL WATER UTILITY
INSTR. NO. 8910267

ORIGINAL
P.U.D. BOUNDARY

CURRENTLY OR PREVIOUSLY
MISHAWAKA MUNICIPAL WATER UTILITY
INSTR. NO. 8910265

CURRENTLY OR PREVIOUSLY
MISHAWAKA MUNICIPAL WATER UTILITY
INSTR. NO. 8910267

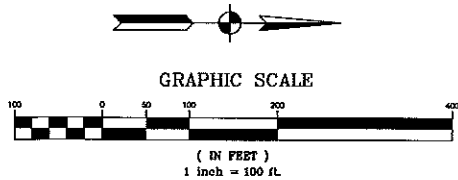
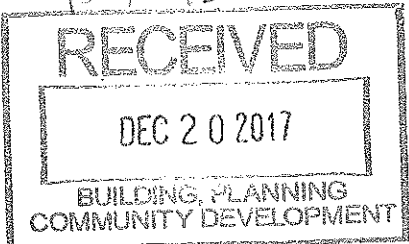
CURRENTLY OR PREVIOUSLY
DOLORES Z. MASON
INSTR. NO. 9725258

EAST LINE SOUTHEAST QUARTER SECTION 21, T38N, R3E GUMWOOD ROAD (50' HALF R/W)

P.O.C.
SOUTHEAST CORNER
SEC. 21-T38N-R3E
FD. HARRISON MON.

HERITAGE PLAZA

TOSCANA PARK



ABONMARCHÉ
Certificated By Design
Engineering
Surveying
Land Development
Architectural
Landscape Architecture
Development Services
Bridges, N. Indiana
500 Peach Way, Suite 200
St. Joseph, MO 64503
T 574.233.8700
F 574.231.4440
COMPLIANT WITH ABONMARCHÉ, INC.

PROJECT:
GRANDVIEW P.U.D.
F.K.A. GUMWOOD ROAD DEVELOPMENT P.U.D.
CITY OF MISHAWAKA
ST. JOSEPH COUNTY, INDIANA

SHEET TITLE:
PRELIMINARY SITE PLAN

DRAWN BY:
SEG
DESIGNED BY:
SEG
PWA REVIEW:
BMc
QA/QC REVIEW:
DSK
DATE:
SEAL:

SIGNATURE:

DATE:

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES

SCALE:
HORIZ: 1" = 100'
VERT: N/A

ACRJOB #
17-1697

SHEET NO.

1 of 1

NO. REVISION DESCRIPTION: BY: DATE:

DEC 13 2017

1st Reading 12-18-17
2nd Reading
Passed
Failed
Continued To

PETITION 17-30

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2017-45

CITY CLERK
MISHAWAKA, IN

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:

Lot 150 and 11.5' east side of Lot 149 excluding the North 56.33' of Gaylor's 3rd Addition

COMMON ADDRESS: 1007 South Main Street

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 is mainly R-1 zoning in the immediate vicinity and most of the structures are residential in use. This property's historic use as a single family dwelling 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 a commercial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2017-45

Ordinance No: _____

4. As opposed to the range of potential commercial uses 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 will allow the property owner to sell the home; and,
5. The City's Comprehensive Plan identifies the area as Low Density Residential and its historical use as a single family home is consistent with the Plan.

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

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

Date: 11-21-17

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



RE: Petition to Rezone

The undersigned, Ruth Hunt, respectfully show that 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:

Lot 150 and 11.5' east side of Lot 149 excluding the North 56.33' of Gaylor's 3rd Add.
1007 South Main Street

Petitioners(s) own 100% of the above described parcel of land which carries a zoning classification of C-1 District . Said property is a home.

Petitioner(s) desire said real estate to be zoned to R-1 District. Petitioner(s) further state that they intend to utilize said land for a home.

A Colonial style house built in 1922 on a lot size of 71' X 59'/4189 square feet. There is 1,352 square feet living space which includes a kitchen, Dining room, Living room, Foyer, 3 bedrooms and 1 bath.
Basement includes a laundry/storage room, 1 bath and a partially finished sitting room.
There is a deck on the back of the house and a porch in the front.
Also includes a double wide detached garage.

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.

Ruth Hunt

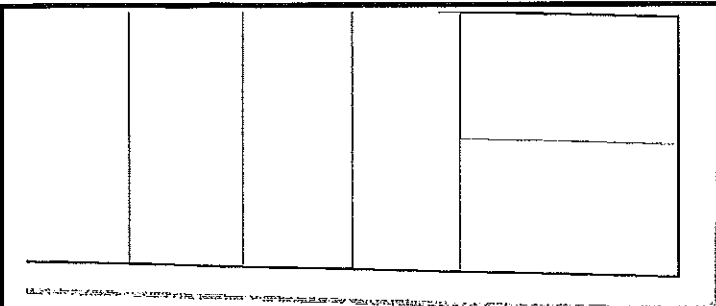
Contact Person:
Ruth Hunt
1007 South Main
574-210-4910
max_rth@yahoo.com

RECEIVED
DEBORAH S. BLOCK MMC

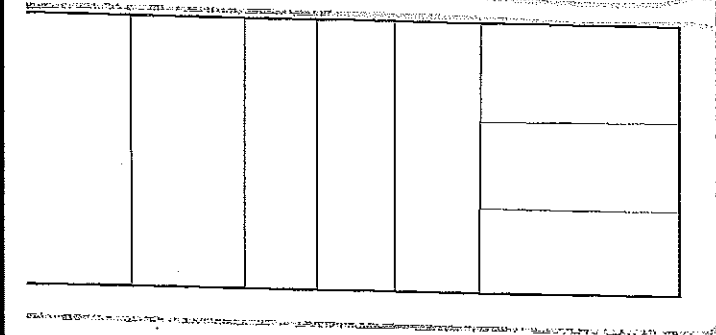
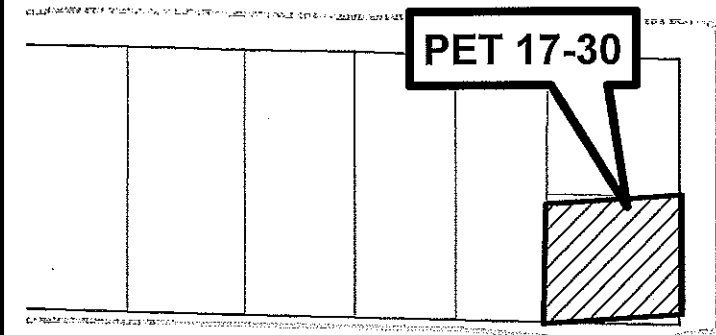
NOV 30 2017

CITY CLERK
MISHAWAKA, IN

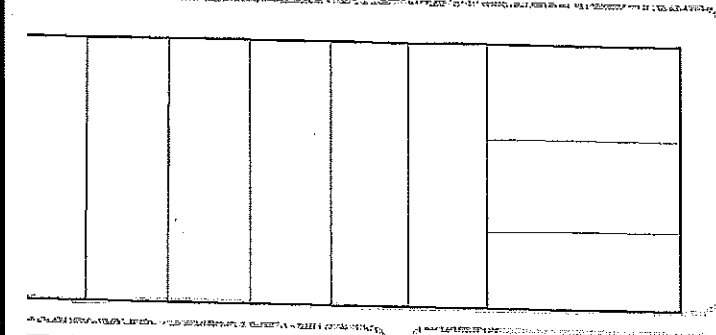
Ret 17-30



W ELEVENTH ST



W TWELFTH ST



Location Map

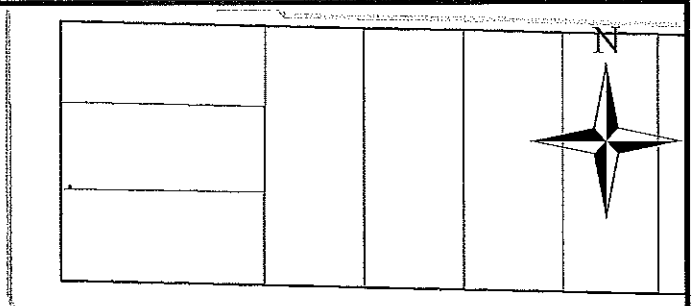
PETITION 17-30

RUTH HUNT
1007 S MAIN STREET

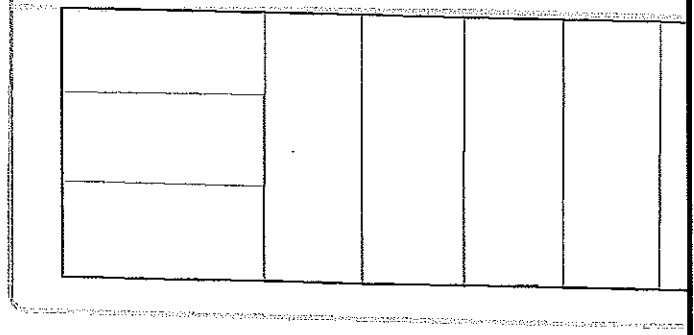
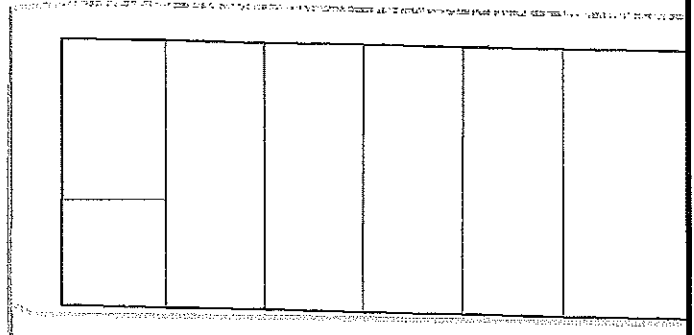
REZONE FROM C-1 TO R-1

S MAIN ST

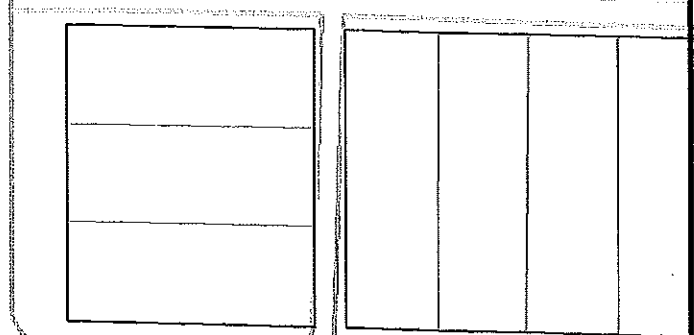
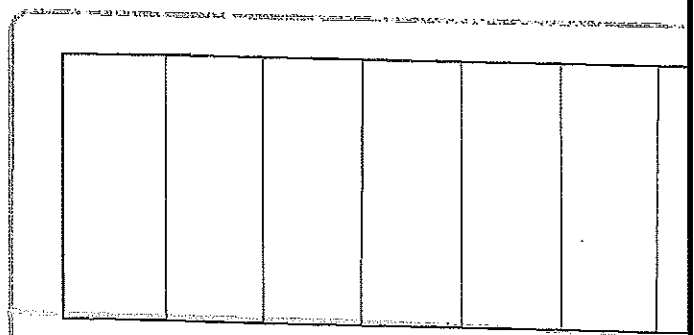
S MAIN ST



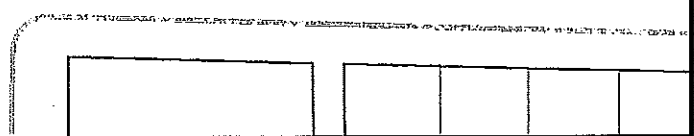
E ELEVENTH ST



E TWELFTH ST



E THIRTEENTH ST





Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers
Landscape Architects ■ Land Planners

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

1643 Commerce Drive ■ South Bend, IN 46628

City of Mishawaka Common Council
Attn: Mr. Ross Deal- Council President
600 East Third Street
Mishawaka, Indiana 46544

December 27, 2017

RE: Bill No. 17-36, Plan Commission Petition No. 17-23
Rezoning Petition for 611 West McKinley Avenue,
Mishawaka, Indiana:

Dear Mr. Deal:

On behalf of our clients, we are requesting that Bill No. 17-36, Plan Commission Petition No. 17-23, a Rezoning request for property located at 611 West McKinley Avenue, Mishawaka, Indiana be brought up for a public hearing at the January 15, 2018 meeting of the Mishawaka Common Council. The issues that were brought up at the Mishawaka Plan Commission meeting have been resolved.

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

Sincerely,

Michael J. Danch

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

Cc: Steve Ellison

RECEIVED
DEBORAH S. BLOCK MMC

DEC 27 2017

CITY CLERK
MISHAWAKA, IN