

AGENDA

Wednesday, November 7, 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**
- 4. Approval of the Minutes of the Previous Regular Meeting**

October 08, 2018

October 15, 2018

October 22, 2018 Special Meeting

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2018-36 Developmental Variance to allow accessory structures (max 3 trailers) for commercial storage - Dicks Sporting Goods - 4520 Grape Road

Appeal No. 2018-38 Developmental Variances to allow outside storage and gravel parking area for proposed Fence Contractor - Vacant Parcel North of 55260 Fir Road

Petition No. 2018-30 Rezone from R-1 to C-1 Proposed Electrical Contractors Office & Warehouse - Northwest corner of N. Elder St. & Norton St.

Historic Preservation Commission Presentation of Main Jr. High Center Court Gym Floor to Mishawaka Historical Museum

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2018-21 Honoring members of the MABAS Division 201 Technical Rescue Team for their assistance in North Carolina during and following Hurricane Florence

R2018-22 Honoring Mishawaka Fire Fighters Joe Vogel, Nick Ponsler and Steve Newland for their assistance during and following Hurricanes Florence and Michael

9. Ordinances on Second Reading

P.O. NO. 2018-24 Rezone from C-1 to C-4 for Proposed Car Wash Facility - 4405 & 4415 Grape Road (Assigned to Land Use Planning Committee)

P.O. NO. 2018-25 Rezone from I-1 Heavy Industrial to R-1 Single Family - 2051 E. LaSalle (Assigned to Land Use Planning Committee)

P.O. NO. 2018-26 Rezone from C-1 General Commercial to R-1 Single Family Residential - 418 E. Mishawaka Ave. (Assigned to Land Use Planning Committee)

P.O. NO. 2018-27 Vacation of Public Right-of-Way a portion of Madison and Pine Streets- Center for Hospice and Palliative Care, Inc. (Assigned to Land Use Planning Committee)

P.O. NO. 2018-28 Rezone 209 N. Cedar and 602, 608 & 612 Madison Street from R-1 Single Family Residential to C-3 City Center Commercial (Assigned to Land Use Planning Committee)

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment

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

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
October 08, 2018

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 October 08, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.

 Roll Call.

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

Absent: Mr. Bellovich.

Minutes of the Regular Meeting of September 17, 2018 were approved as received from the Clerk's Office.

Clerk Block read the following Petitions from the City Plan Commission regarding their recommendations from their September 11, 2018 meeting.

Petition No. 2018-24 Rezone from I-1 Heavy Industrial to R-1 Single Family
2051 E. LaSalle

Petition No. 2018-25 Rezone from C-1 General Commercial to R-1 Single
Family Residential 418 E. Mishawaka Ave.

Petition No. 2018-27 Vacation of Public Right-Of-Way a portion of Madison
and Pine Streets – Center for Hospice and Palliative
Care, Inc.

Petition No. 2018-28 Rezone 209 N. Cedar and 602, 608 & 612 Madison Street
from R-1 Single Family Residential to C-3 City Center Commercial

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

PROPOSED ORDINANCE NO. 2018-19

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE
CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING
CLASSIFICATION THEREFORE**

(Annex 55946 Clover Rd. & 1828 E. McKinley – Rez 55946 Clover Rd. & 1828
E. McKinley)

(Assigned to the Land Use Planning Committee)
(Public Hearing No-Vote)

Terry Lang of Lang, Feeney & Associates represented the petitioners. He said in this case Hose Assemblies owned the property immediately east of the proposed property. Mr. Lang continued to say the company was looking to expand; they purchased the adjacent property and were

looking to annex the properties into the cities to allow them to build additional space for a storage warehouse. He said the petitioners currently leased property in Edwardsburg and they were looking to keep all of the business in Mishawaka and make logistics easier.

Public Hearing closed at 7:07 P.M. for **PROPOSED ORDINANCE 2018-18**

PROPOSED ORDINANCE NO. 2018-20

An Ordinance of the City of Mishawaka authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said City, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith

(Mishawaka Waterworks Bond Ordinance)
(Assigned to the Budget and Finance Committee)

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

Dave Majewski, Manager at Mishawaka Water Department said the project would be a win for the city and citizens of Mishawaka; it would give redundancy on the south side of town which currently had one single feed. He continued say the new booster station would give an additional feed on the south side of town. Mr. Majewski said in conjunction with the new booster and tank, it would give the city 2 million gallons of additional storage and the new tank would allow the city to take the current 3 million gallons off line for rehab. He said once the rehab was finished on the 3-million-gallon tank, they would have a total of 5 million gallons of storage on Ireland Trail. Mr. Majewski continued to explain this would not only give greater redundancy on the south side, but in the central pressure district as well as all of Mishawaka. He said in addition to the proposed project, there was an 8-thousand-foot water main that needed to run down Ireland Trail and Ireland Road to connect to the tank, which would give the city the second feed and redundancy. Mr. Majewski stated this would lead up to the city constructing the new Treatment Plant and wellfield at Juday Creek.

Mr. Banicki asked would the proposed tank be on city owned property. Mr. Majewski replied yes. He also added there were no rate increases.

Mr. Canarecci questioned the age of the current tank. Mr. Majewski said 90 years next year. He continued to say once the tank was off line they would be able to check the structure and begin the rehab. Mr. Canarecci recalled in the past the Water Department had a chance to look inside the tank, he asked did they see any major concerns that may encounter big capital expenses once they get a better look. Mr. Majewski said from what they saw, no. He continued to say when they placed ROV cameras in the tank, sometimes it was hard to see, but they did not see anything to lead them to believe there were any major concerns.

Mrs. Voelker asked how long it would take to construct the new tank. Mr. Majewski said approximately a year, they hoped to close on the loan and begin digging by November 1st, but it also determined on the weather conditions. He said they hoped to be on line by late next fall.

Mr. Tanner asked to clarify this was not inclusive to the Juday Creek Water Plant. Mr. Majewski replied no, the Juday Creek Facility would be a separate bond issue.

Mr. Emmons questioned the time frame for the rehabbing of the current tank. Mr. Majewski explained once the new tank was on line and working properly, they would drain the old tank for the engineers to take a look inside to see exactly what was needed. He said they were hoping to have something within a few months and the rehab would be the following spring and summer. Mr. Majewski said it would take a year.

Mr. Deal said the rate structure projected out over five years which included the Juday Creek Facility; he asked for clarification that this would not create additional rate increases outside of what had been given. Mr. Majewski replied correct, there would not be any further increases.

Mr. Mammolenti asked could there be a small chance the tank may have to be decommissioned once the engineers were able to better inspect the old tank. Mr. Majewski said he did not believe there would be, there were no sign of leaking. He continued to say their biggest concern was the whole system would be predicated off the 3-million-gallon tank. He explained if they drained the tank they would have no way of controlling the system. Mr. Majewski stated the best way was to rotate the tanks and clean. He continued to say they did not see anything that would point to serious structural deficiency. Mr. Mammolenti asked would the city lose the redundancy if it was the worst-case scenario. Mr. Majewski replied yes, they would lose the redundancy and additional storage. He expressed his confidence with rehab of the tank, he said with the right material and equipment they would be in good shape.

Mr. Canarecci questioned the maintenance schedule for tanks. Mr. Majewski said realistically they would inspect the tanks with a ROV Cameras or other equipment every 3 years and every 20 years there was an inner tank inspection. He said with the additional tank they would have the ability to switch over to the alternate tank if anything were to happen.

Question was called for at 7:16 P.M. PROPOSED ORDINANCE NO. 218-20  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5625**

PROPOSED ORDINANCE NO. 2018-21

AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019 (Assigned to the Budget and Finance Committee)

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

Mayor Wood spoke in support of Proposed Ordinance 2018-21 and Proposed Ordinance 2018-22. He said they were proposing raises for all elected officials and public employees who were not collectively bargaining. Mayor Wood said they were essentially asking for a 1.5% raise plus a \$500-dollar cash amount distributed through the 26-pay periods. He went to say for 2019 he wanted to accomplish preparing city employees for retirement and physical health long term by asking for a 1% match of the 457 B Program which was the cities Deferred Compensation. He explained if a staff member contributes 1% into the program, the city would match it at 1%. Mayor Wood said this was in addition to the PERF contribution the city already participants in. He expressed this was a nice benefit for the city's public servants. Mayor Wood said he wished he could give more of a raise, but this took them to the edge of their comfort level as far as what they could give as the city was preparing for the fiscal cliff. He continued to say the city was very fortunate to hire and keep good employees in every department, which said a lot about Mishawaka government. Mayor Wood said knew other municipal governments were not able to say the same.

Mrs. Voelker asked was the 1% Deferred Comp counted separately from PERF. Mayor Wood replied yes, it was counted separately. He said some employees take advantage more than others, but he believed it was a good investment for employees.

Mr. Canarecci asked was there currently a match for Deferred Comp. Mayor Wood replied no, this was the first time they were offering a match for the 457 B. He continued to say there was a 3% match for PERF for most departments excluding police who negotiated something different.

Question was called for at 7:22 P.M. for **PROPOSED ORDINANCE NO. 2018-21**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5626**

PROPOSED ORDINANCE NO. 2018-22

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2019.

(Assigned to the Budget and Finance Committee)

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

Mayor Wood reiterated his remarks from the previous proposed ordinance.

Question was called for at 7:25 for PROPOSED ORDINANCE 2018-22  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5627**

PROPOSED ORDINANCE NO. 2018-23

CIVIL CITY BUDGET AND TAX LEVY FOR 2019

(Assigned to the Budget and Finance Committee)

(PRE-ADOPTION – NO VOTE)

(AMENDING NEEDED)

Mr. Compton made a motion to amend Proposed Ordinance 2018-23 second by Mr. Banicki motion carried.

Mayor Wood spoke in support of the proposed Civil City Budget for 2019. He discussed some changes from last year's budget. Mayor Wood went on to say not a lot changed, part of their process for trying to meet the fiscal cliff challenges were trying to budget conservative and set the city out a plan and stick to it, this was part of the multi-year plan. He said he believed they were making good progress but there were still some challenges ahead. Mayor Wood said the biggest part of the budget were the raises, the only variant was the IT System 4 position was changed, there was some discrepancy, the salary would increase in the next two years. He went on to say one encouraging thing about the budget was insurance cost were stable, which was not the case in the past. Mayor Wood said they would also see significant public safety capital assets purchases such as a new ladder truck at the cost of \$957,000.00 that would be paid through the city Bond Bank and payments through the Cum Cap Fund. He said they would also be purchasing mandatory turn out gear. Mayor Wood went on to discuss major investments for the Police Department which included 13 already equipped SUV'S priced at the same price as sedans, replacing Tasers, updated record management system at \$1.1 million dollars which was being paid back through the public safety LOIT Fund at 110 thousand per year. He said they were purchasing a lot in public safety based on the needs the city had as a community which was stressing out the public safety LOIT; they were getting to the point where it was beginning to impact their ability to make decisions. Mayor Wood added PSAP was continuing to increase, they continue to be very vigilant for Mishawaka and advising them. He said they believe they offer outstanding advice. Mayor Wood said the overall bill continued to increase to the city, next year it was priced at \$270,000.00 which was also paid though LOIT. He went on to say another encouraging thing in the budget was the increase of money they received from the state, specifically in the MVH Fund and Community Crossings, which had a direct impact of the quality in the city's roads. Mayor Wood said they had \$1 million dollars budgeted for Community Crossings. He continued to say if they were successful in receiving the grant for next year, it would double to \$2 million dollars. He went on to discuss the Parks Department budget, they continued to invest \$250,000.00 into a featured park, this year they budgeted to begin Twin Branch phase 3 then next year they will determine the next park in the most need. Mayor Wood also mentioned they were budgeting for \$130,000.00 for a new pool liner. He explained the Merrifield pool was deteriorating badly and they felt it was best to invest in a pool liner now, it would be several years before the Merrifield project, but this would add years to the service life of Merrifield Pool.

Mayor Wood said the city would also be investing in better security, spending a lot for IT Core Equipment and particularly concerned with cyber security needs. He went on to discuss the Circuit Breaker, which was estimated to increase to 7 million dollars, which was in losses from an estimated \$5.4 million dollars a year ago. Mayor Wood said the last projection for 2020 would be estimated to \$10.1 million dollars in Circuit Breaker lost. He continued to say they would continue to budget conservatively, they were strategizing to increase cash balances as much as possible. Mayor Wood shared the Fiscal Cliff was pushed back to 2022 but they had to continue to prepare. He said at some point they would need new revenue, or they would have to make massive cuts. Mayor Wood continued to say growth was helping and hoped they continue to grow.

Mr. Mammolenti questioned Insurance rates. Mayor Wood explained rates were locked in for 2019. He said they made significant changes last year which put the city in a better condition for this year. Mayor Wood continued to say the claims for this year were down compared to last year. He said the end of the year was the time employees decide to have procedures before their deductible start over. Mayor Wood said they were also seeing great usage of the clinic.

Members of the council thanked City Controller Rebecca Miller and Department Heads for their efforts and corporation.

Public hearing closed at 7:41 P.M. for **PROPOSED ORDINANCE NO. 2018-23**

NEW BUSINESS

Mr. Emmons announced 1st District meeting would be October 18, 2018 at 7 P.M. He said they were taking a tour of the 911 Call Center.

Mr. Deal announced the 3rd District Neighborhood meeting would be October 17, 2018 at 7 P.M. He said guest speaker would be Lt. Beckham, giving a narcotics presentation.

ADJOURNMENT 7:43 P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
October 15, 2018

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 October 15, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.



Roll Call.

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

Absent: Mr. Bellovich.

Minutes for the Regular Meeting of October 08, 2018 would be submitted at the November 07, 2018 meeting.

Clerk Block read the following letter from the City Plan Commission regarding their recommendations from their October 09, 2018 meeting.

PETITION NO.18-21 A petition submitted by Garatoni Holdings LP V requesting to rezone **4405 and 4415 Grape Road** from C-1 General Commercial District to C-4 Automobile Oriented Commercial District.

The Commission, with a vote of 6-1, recommended approval.

PETITION NO. 18-24 A petition submitted by Heather Coleman requesting to rezone **2051 East LaSalle Avenue** from I-2 Heavy Industrial District to R-1 Single Family Residential District.

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

PETITION NO. 18-25 A petition submitted by Jack and Amanda Dorman requesting to rezone **418 East Mishawaka 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 NO. 18-2 A petition submitted by Foundation for the Center for Hospice and Palliative Care, Inc., and Robert L. and Patricia Kay requesting to vacate right-of-way within the City of Mishawaka.

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

PETITION NO. 18-28 A petition submitted by Foundation for the Center for Hospice and Palliative Care, Inc. and City of Mishawaka Department of Redevelopment seeking to rezone **209 North Cedar Street and 602, 608, and 612 Madison Street** from R-1 Single Family Residential District to C-3 City Center Commercial District.

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

Clerk Block presented the Justice Assistance Grant (JAG) letter to the Council. Mr. Deal made a motion to accept JAG letter second Mr. Canarecci motion carried.

Mrs. Voelker questioned E-Tickets. Chief Witkowski said it would eventually be a State requirement. He explained the E-tickets go directly into the State files. Chief Witkowski continued to say all new cars had the E-ticket machines, the officers with older vehicles would hand write the tickets, the tickets were then taken to records where they had a E-ticket machine. He said as they move forward all officers would have the machine. Chief Witkowski added the machine saved a lot of time, it partially filled out accident reports and scanned driver's license and registration.

PROPOSED ORDINANCE NO. 2018-24

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.

(Res C-1 to C-4 for Car Wash 4405 & 4415 Grape Rd.)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-25

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.

(Rez I-1 to R-1 2051 E. LaSalle)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-26

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.

(Rez C-1 to R-1 418 E. Mishawaka Ave.)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-27

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.

(Vaca Right-of-way portion Madison & Pine Streets)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-28

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.

(Rez 209 N. Cedar St and 602, 608 & 612 Madison St. from R-1 to C-3)
(Assigned to Land Use Planning Committee)

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

RESOLUTION NO. 2018-20

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

Rear/northern part of 1828 E. McKinley Avenue, 55960 Clover Road, and the rear/eastern part of 55946 Clover Road, Mishawaka, IN 46545.

Ken Prince, City Planner said state law requires a fiscal plan for each annexation to identify that the city had the means to provide city services to the property being annexed. He continued to say the property was a .72-acre property made up of 3 parcels located at the northeast corner of Clover Rd. and McKinley Ave. Mr. Prince said the minimum contiguity was 12.5%, this annexation was 33%. He continued to say with such a small parcel they did not anticipate any additional revenue required to serve the property.

Question was called for at 7:12 P.M. for **RESOLUTION NO. 2018-20**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Canarecci, Mr. Mammolenti.**

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

PROPOSED ORDINANCE NO. 2018-19

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE
CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING
CLASSIFICATION THEREFORE**

(Annex 55946 Clover Rd. & 1828 E. McKinley – Rez 55946 Clover Rd. & 1828
E. McKinley)
(Assigned to the Land Use Planning Committee)
(Vote Only)

Question was called for at 7:14 P.M. for **PROPOSED ORDINANCE 2018-18**,  **Vote:**
Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr.
Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Canarecci, Mr.
Mammolenti. Thus, it becomes **ORDINANCE NO. 5628**

NEW BUSINESS

Mr. Emmons announced 1st District meeting would be October 18, 2018 at 7 P.M. He said they were taking a tour of the 911 Call Center.

Mr. Deal announced the 3rd District Neighborhood meeting would be October 17, 2018 at 7 P.M. He said guest speaker would be Lt. Beckham, giving a narcotics presentation.

Mr. Compton reminded the Regular meeting for November 05, 2018 was changed to November 07, 2018 due to election.

Mr. Tanner announced the Park Department was hosting Spooktacular event on October 19th through the 21st.

ADJOURNMENT 7:18 P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President

SPECIAL MEETING OF THE MISHAWAKA COMMON COUNCIL

October 22, 2018

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, October 22, 2018 at 7:00 p.m. for a Special Meeting. The meeting was called to order by President Mammolenti, and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following;

Dale "Woody" Emmons 1st District Councilman – (Vice President) Present

Mike Bellovich 2nd District Councilman – Present

Ross Deal 3rd District Councilman - Present

Kate Voelker 4th District Councilman - Present

Michael Compton 5th District Councilman - Present

Ronald Banicki 6th District Councilman – Present

Joe Canarecci, Councilman At Large –Present

Matt Mammolenti, Councilman At Large – Present - (President)

Bryan Tanner, Councilman at Large – Present

A quorum was obtained.

Others present; Deborah S. Block, City Clerk; Council Attorney Mike Trippel.

President Mammolenti asked for Proof of the Certificate of Service. Clerk Block presented the Certificate of Service.

Clerk Block stated the public hearing for **PROPOSED ORDINANCE NO. 2018-23** had already been held and this would be a Council discussion and vote.

PROPOSED ORDINANCE NO. 2018-23

CIVIL CITY BUDGET FOR 2019

As Amended

(Assigned to Budget and Finance Committee)

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

Mr. Deal thanked the Budget and Finance Committee, Mayor Wood and Controller Miller and the Controller's Staff for all the work put into the preparation of the 2019 Budget. He stated that the Council Budget meetings with Department Heads had been a great opportunity to meet and see where they are at and where they want to go. Mr. Deal said the meetings were very informative.

Mrs. Voelker thanked Controller Miller for the information that was sent out to the Council.

Mr. Mammolenti thanked everyone involved in the process for their hard work. He said the one-on-one meetings with Department Heads were very good. He gave special thanks to Mr. Emmons and the Wage Negotiation Team for all of their work.

Mr. Emmons thanked the Council Wage Negotiation Team and the Police and Fire Negotiation Teams for their professionalism.

Questioned was called for at 7:05 P.M. for **PROPOSED ORDINANCE NO. 2018-23 Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr.. Mammolenti.** Thus, it becomes **ORDINANCE NO. 5629.**

At this time no other business can come before the Council according to Council Rules, Section 3 – Special Meetings.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:06 p.m.

Deborah S. Block /s/

Deborah S. Block, IAMC, MMC

City Clerk

Matt Mammolenti /s/

Matt Mammolenti

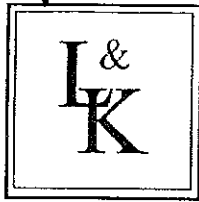
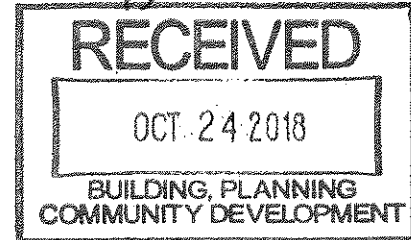
President

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 01 2018

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ATTORNEYS AT LAW

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Tammy L. Ortman

Director

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October 21, 2018

Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. The appellant is Dick's Sporting Goods, a tenant of IRC Princess City Plaza, L.L.C. This petition is made with the affirmative consent of the property owner, by its duly authorized representative, Executive Vice President, Michael Fitzgerald.

The subject property is located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to wit:

That part of the Southeast Quarter of Section 33, Township 38 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana, which is described as:

Beginning at a point on the centerline of Juday Creek which is North 79° 31' 37" East, 455.07 feet from a point on the North and South Quarter line of said Section and centerline of Grape Road which is North 00° 00' 29" East, 2371.31 feet from a P.K. Nail found marking the South Quarter Post of said Section; thence along the centerline of Juday Creek North 79° 31' 37" East, 135.72 feet; thence North 79° 33' 27" East, 300.00 feet; thence North 78° 24' 42" East, 405.24 feet to the West line of Main Street; thence along said West line South 00° 05' 58" West, 578.89 feet; thence South 89° 54' 02" East 5.00 feet; thence South 00° 05' 58" West, 425.78 feet; thence North 90° 00' 00" West, 597.61 feet; thence South 00° 11' 24" East, 246.48 feet to the North line of Day Road; thence along said North line South 89° 48' 36" West, 50.00 feet; thence North 00° 11' 24" West, 246.64 feet; thence North 90° 00' 00" West, 107.28 feet; thence North 00° 00' 00" East, 219.82 feet; thence North 90° 00' 00" West, 31.50 feet; thence North 00° 00' 00"

East, 190.91 feet; thence South 79° 03' 17" West, 9.56 feet; thence North 04° 19' 43" West, 436.56 feet to the point of beginning.

Commonly known as: 4520 Grape Road, Mishawaka, Indiana 46545

Parcel ID: 029-2024-059105

State ID: 71-04-33-402-002.000-005

2. This real estate presently has a zoning classification of S-2, Planned Unit Development and is surrounded by properties with zoning classification of C-1, General Commercial.
3. The Appellant currently occupies a portion of the premises for retail services as Dick's Sporting Goods, pursuant to a lease continuing through 2022.
4. Appellant requests a use variance to maintain the location and use of three (3) storage trailers located at the north side of the building and abutting its delivery area. An aerial view of the site is provided as Exhibit 1. The storage trailers are positioned outside of the travel lanes and do not impair ingress/egress. The use and location of such storage trailers is within Sec. 137-302(5)(c), which states:

No accessory building or accessory building area shall be used for commercial storage purposes

(Code 1985, § 161.58; Ord. No. 4469, 12-20-1999)

5. The Zoning Ordinance of the City of Mishawaka requires that such utility service areas be located where they are not visible from the public right-of-way. Although the storage trailers are visible from the service driveway access from North Main Street, this driveway is distinct from each of the consumer access ways on Grape Road and North Main Street. Area photos of the site are provided on Exhibit 2.
6. Strict adherence to the visibility restrictions of Sec. 137-302(5)(c) creates an unusual hardship for the operation of this commercial/retail store because of:
 - a. The limited access area, all of which is visible to the Main Street access way, because of the angle at which the improvements are located on the site and the structural depth of the Dick's Sporting Goods leasehold space vis-à-vis the adjoining spaces;
 - b. The inventory variety maintained by Dick's Sporting Goods requires prompt access to larger items, i.e. kayaks, basketball goal systems, exercise equipment, resulting in necessary storage beyond what can be displayed and/or stored within the limited dock area servicing this space.

7. Questions relevant to Use Variance:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community:

No, the requested variance will not be injurious to public health, safety, morals or general welfare of the community. It will make a contribution to the benefit of the commercial/retail services provided to the community by Dick's Sporting Goods, allowing it to accommodate its customers in the most timely way, with products and services available at the time of purchase. This use variance seeks only to use a 30' x 45' area for storage that will remain minimally visible from the service entrance to Princess City Plaza. The storage trailers are consistent with existing view from the unrelated loading docks, also facing North Main Street.

- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

No, the requested variance will not negatively affect the adjacent properties, all zoned C-1. Juday Creek lies north of the subject area and separates this property from Lowe's Home Improvement store, directly facing its utility service area, despite not being visible through the tree line during much of the year.

- (3) Does the need for the variance arise from some condition peculiar to the property involved?

Yes, the site development maximizes the use and parking areas such that the positioning of the building leaves little space for utility areas to the rear of the building. Dicks Sporting Goods operates from one of the larger retail spaces, which extends further north than any other area of the building, and is located near the east end of the shopping center.

- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

Yes, the line of sight restriction, in strict application, would preclude the best use of Dick's Sporting Goods retail space by limiting its ability to inventory, stock, and make available products that require large cartons, display materials and storage space.

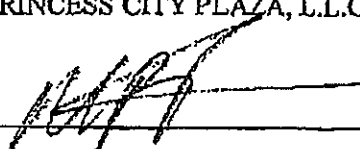
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

No, the approval of this use variance will not substantially, or in fact at all, interfere with the Mishawaka 2000 Comprehensive Plan.

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

IRC PRINCESS CITY PLAZA, L.L.C., *

DICK'S SPORTING GOODS


Name _____
Title Michael Fitzgerald
Executive Vice President

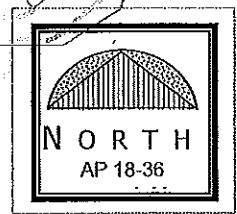

Name _____
Title Senior Corporate Counsel

Contact Person:

Tammy L. Ortman, Esq.
LEWIS & KAPPES, P. C.
One American Square, Suite 2500
Indianapolis, IN 46282
P: 317-639-1210
E: tortman@lewis-kappes.com

*a Delaware limited liability company

By: IRC Retail Centers LLC,
a Delaware limited liability company,
its manager



GRAPE RD

N MAIN ST

AP 18-36

E DAY RD

Location Map

APP 18-36

INLAND PRINCESS CITY
PLAZA LLC (OWNER)

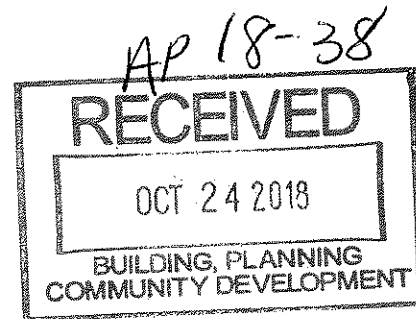
DICK'S SPORTING GOODS
4520 GRAPE ROAD

DEVELOPMENTAL VARIANCE - ALLOW
ACCESSORY STRUCTURES (MAX. 3
TRAILERS) TO BE USED FOR
COMMERCIAL STORAGE

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 01 2018

CITY CLERK
MISHAWAKA, IN



DATE: October 24, 2018

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, **Robert L. Miller**, am the owner of the following described real estate located within the City of Mishawaka, Township, St. Joseph County, State of Indiana, to-wit:

Vacant property north of 55260 Fir Road and south of the railroad tracks, with the following legal description:

A parcel of land being a part of the Northwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St Joseph County, Indiana and being more particularly described as follows:

Beginning at a point on the west line of said Section 2 that is 606.7 feet north of the southwest corner of the North Half of the Northwest Quarter of said Section 2; thence South along said west line a distance of 183.9 feet to the northeast corner of a tract of land conveyed to Albert Cecil Mangold Estate and identified as Tax key No. 14-1018-0212.02, Deed No. 850487; thence east along the north line of said tract a distance of to the northeast corner of said Mangold tract of land; thence south along the east line of said Mangold tract of land to the southeast corner of said Mangold tract of land; thence east along the north line of a tract of land that was conveyed to David Allen Santuro by Warranty Deed No. 9953984 and identified by Tax key No. 14-1018-0212.04, to the northeast corner of said tract of land; thence north along the east line of said Santuro tract of land projected north, said line being the east line of the Northwest Quarter of the said Northwest Quarter to the point of intersection with southerly right of way line for the Grand Trunk and Western Railroad spur, thence northwesterly along said southerly right of way line to its point of intersection with the projection of the north line of parcel of land conveyed to Carlos D. Macan and identified by Tax key No 27-1001-0227.15, thence East along said projected line to the intersection with the northerly right-of-way of said railroad; thence northwesterly along said northerly right-of-way line to it's intersection with said east line of the Northwest Quarter of the Northwest Quarter; thence north along said east line to the southeast corner of a parcel of land coveyed to Joseph & Julia Ciszczon on April 14, 1972 and identified by Tax key no 14-1018-0212.03, said point being 841.6 feet south of the north line of said Section 2; thence west along the south line of said Ciszczon parcel, a distance of 1440 feet to the point of beginning containing 8.17 acres more or less.

2. The above-described real estate presently has a zoning classification of I-1 Industrial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant proposes to occupy the above-described property in the following manner:

Milestone Fence is purchasing the property to relocate their primary business operation from the current location on McKinley Avenue. Business operations will include equipment and materials storage for the fencing contractor.

4. Appellant desires to:

As a part of the business operations, Milestone is proposing outside storage of materials and equipment necessary for the regular operation of the fence contractor business. Additionally,

Milestone is seeking a developmental variance for relief from the required all-weather paved surface for off-street parking.

5. The Zoning Ordinance of the City of Mishawaka requires

General contractors with no outside storage are permitted uses under the I-1 Zoning District in Sec 137-586 of the City of Mishawaka Zoning ordinance, however, Milestone Fence is proposing to have outside storage of materials and equipment, bringing the need for the variance. Sec 137-587 requires off-street parking areas to be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

The nature of the materials and equipment required for the operation of the fence contractor business do not easily suit themselves for storage inside of buildings. The size and cost of constructing buildings to accommodate the storage of the materials and equipment would be cost prohibitive to the development of the proposed site location. Similarly, the cost of providing a paved surface to accommodate parking of equipment and storage of materials for the proposed use would be cost prohibitive for the development of the site

USE VARIANCE:

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

NO - Granting the use variance and allowing outside storage on the property will not impact the public health, safety, morals or general welfare of the community. The materials and equipment that will be stored do not pose any risks to public health.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

NO - The areas surrounding the property to the east and the north are also primarily zoned I-1 or I-2 Industrial zoning. This fits with the presence of the adjacent rail spur accommodating additional industrial development for future land uses. The proposed use is consistent with these uses, and would enhance the area rather than adversely impact the area

(3) Does the need for the variance arise from some condition peculiar to the property involved?

NO - However, the parcel is long and narrow toward the Fir Rd frontage, with additional width toward the rear of the property adjacent to I-1 zoned property at the east. This will help to minimize the visual impact of the outside storage at the far rear of the property.

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

YES - The nature of the materials and equipment required for the operation of the fence contractor business do not easily suit themselves for storage inside of buildings. The size and cost of constructing buildings to accommodate the storage of the materials and equipment would be cost prohibitive to the development of the proposed site location.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

NO – The Mishawaka 2000 Comprehensive Plan calls for Industrial development for the proposed property and adjacent properties.

DEVELOPMENTAL VARIANCE

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

NO - Granting the use variance and allowing relief from the paved parking requirements will not have a negative impact to the public health, safety, morals or general welfare of the community.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

NO - The areas surrounding the property to the east and the north are also primarily zoned I-1 or I-2 Industrial zoning. Additionally, the parcel is long and narrow toward the Fir Rd frontage, with additional width toward the rear of the property adjacent to I-1 zoned property at the east. This will help to minimize the visual impact of the outside storage at the far rear of the property.

(3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property?

YES - the cost of providing a paved surface to accommodate parking of equipment and storage of materials for the proposed use would be cost prohibitive for the development of the site.

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

Robert L. Miller Sr. Trustee

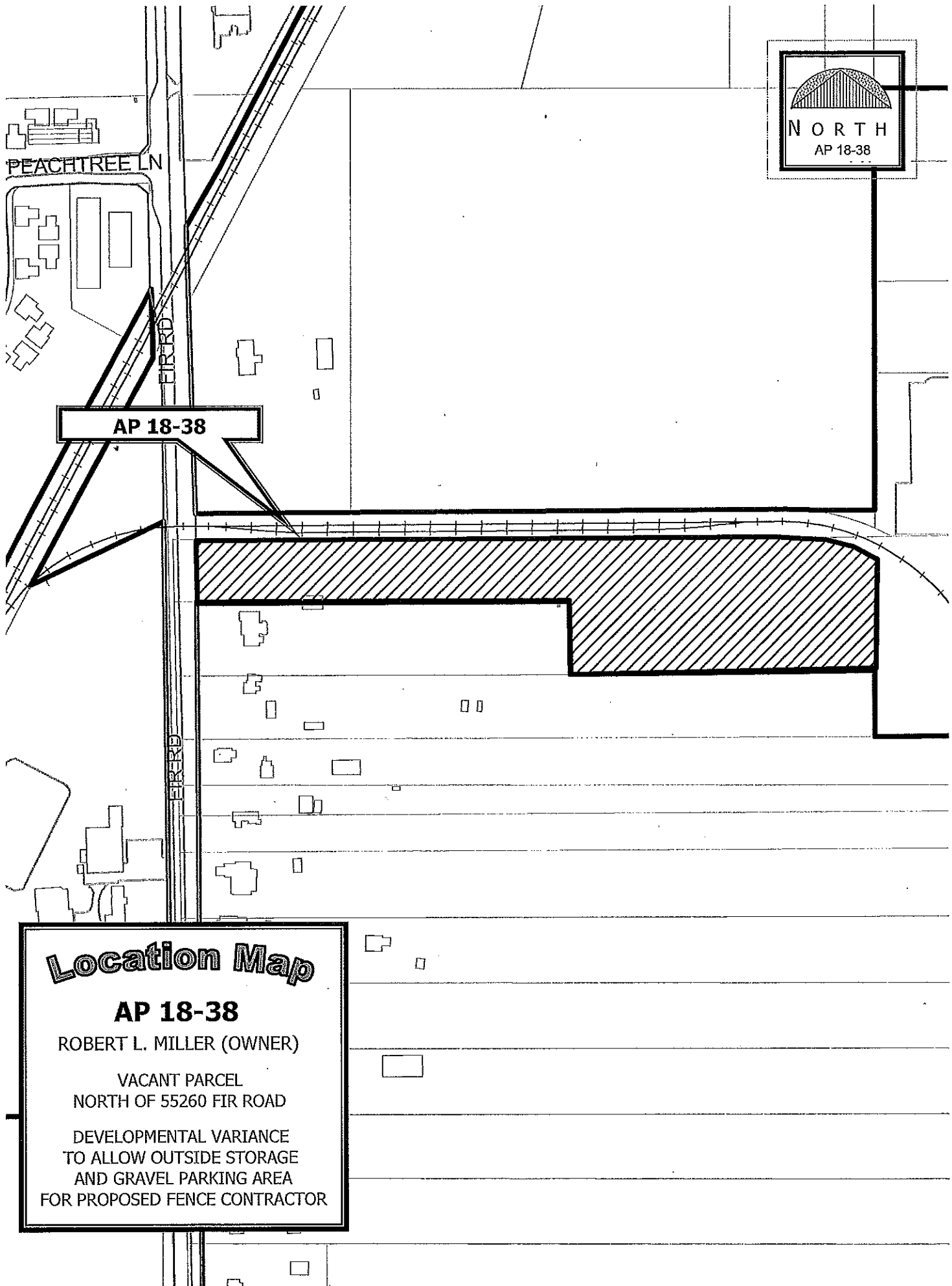
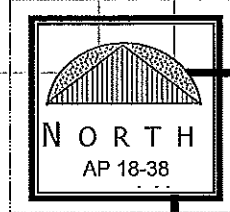
Signature of Property Owner/Title Holder

Robert L. Miller Sr Trustee

Print Name Here

CONTACT PERSON:

Name: Michael Huber
Address: 750 Lincoln Way East
South Bend, IN 46601
Day Phone Number: 574.232.8700
Fax Number:
Email: mhuber@abonmarche.com



Location Map

AP 18-38

ROBERT L. MILLER (OWNER)

VACANT PARCEL
NORTH OF 55260 FIR ROAD

DEVELOPMENTAL VARIANCE
TO ALLOW OUTSIDE STORAGE
AND GRAVEL PARKING AREA
FOR PROPOSED FENCE CONTRACTOR

October 23, 2018

RECEIVED
DEBORAH S. BLOCK, MMC

NOV 01 2018

CITY CLERK
MISHAWAKA, IN



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

RE: PETITION TO REZONE

The undersigned John A. Piraccini & Jayne L. Piraccini respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Parcel 2 N End Nortons Sub Prop of Lots 19-20 Wards Sub Prop S of L W E

Parcel 2 50 Ft S End Nortons Sub Prop of Lots 19-20 Wards Sub Prop S of L W E

Parcel 11 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E

Parcel 12 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E

Parcel 13 Nortons Sub Prop of Lots 19-20 Sub Prop S of L W E

Above Parcels have address close to 121 S Elder St, Mishawaka, IN 46544

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 Single Family Residential District. Said property is vacant.

Petitioner(s) desire said real estate to be rezoned to C-1 General Commercial District. Petitioner(s) further state that they intend to utilize said land for an electrical contractor's office and warehouse.

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.

Signature(s) of Property Owner(s)

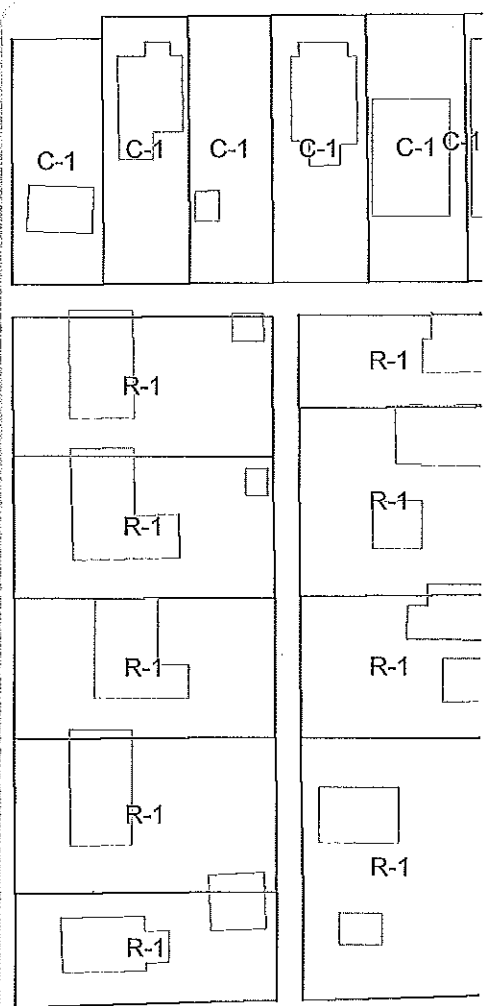
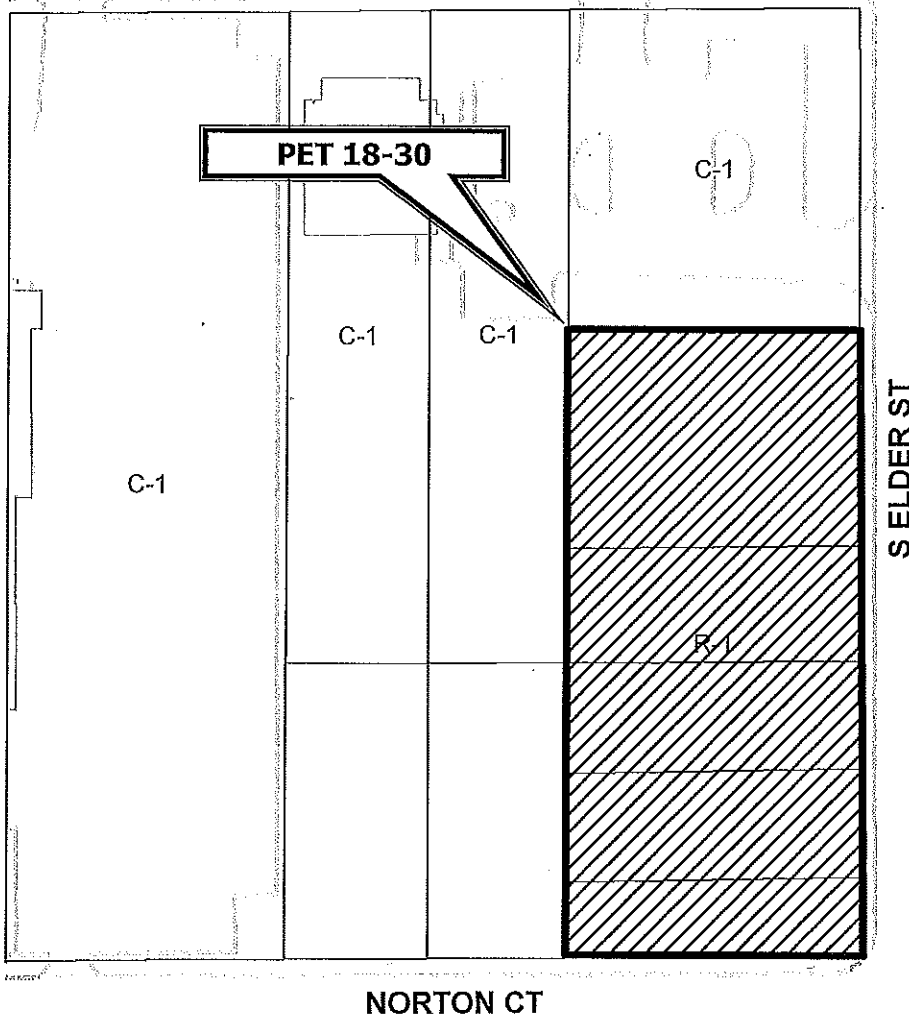
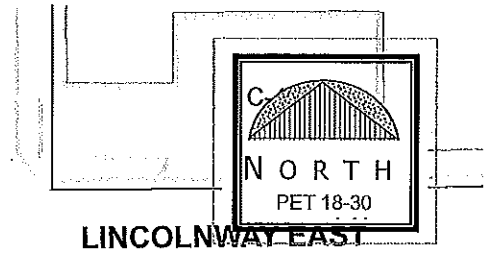
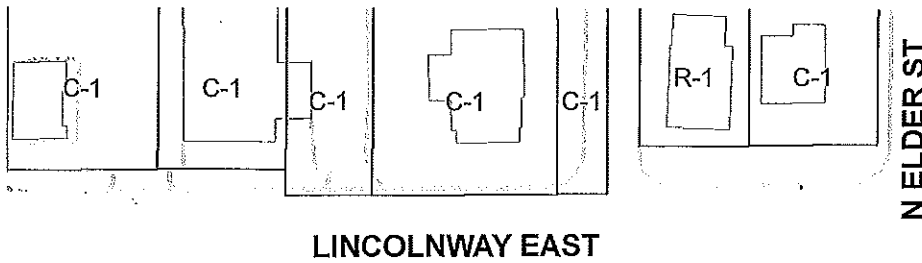
John A. Piraccini

Signature(s) of Property Owner(s)

Jayne L. Piraccini

CONTACT PERSON:

Jason Roth
30438 S Meadowbrook Ln, Elkhart, IN 46514
Cell: 574-215-8479
Jason.scott.roth@gmail.com



Location Map

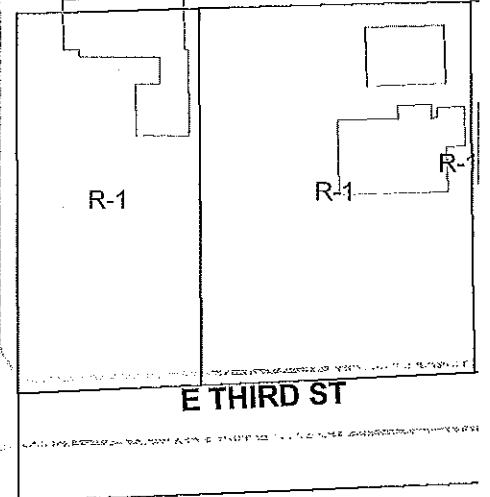
PET 18-30

JOHN A. & JAYNE L. PIRACCINI

NW CORNER OF N. ELDER ST. & NORTON ST. - VACANT PARCELS IN NORTON'S SUB UNREC. OF LOTS 19 & 20 IN WARD'S SUB UNREC.

REZONING FROM R-1 TO C-1

PROPOSED ELECTRICAL CONTRACTOR'S OFFICE & WAREHOUSE



RESOLUTION NO. 2018-21

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA RECOGNIZING AND THANKING THE LOCAL MEMBERS OF THE
MABAS DIVISION 201 TECHNICAL RESCUE TEAM FOR THEIR ASSISTANCE IN NORTH CAROLINA
DURING AND FOLLOWING HURRICANE FLORENCE

Whereas, The MABAS 2001-Indiana District 2 US&R/Technical Rescue Team was started in 2001 and is comprised of eighty-six (86) members from surrounding area fire departments. Clay Fire Territory, Elkhart FD, Goshen FD, Mishawaka FD, City of Niles FD, Notre Dame FD, Penn Township FD, South Bend FD and Warsaw FD deployed members to assist victims of Hurricane Florence; and

Whereas, The Rescue Team was deployed to North Carolina for ten (10) days with eighteen (18) members performing swift water rescues and boat assisted evacuations during and following Hurricane Florence; and

Whereas, On the first (1st) day of deployment, the team rescued one hundred nine (109) people; and

Whereas, Overall the team performed over one hundred sixty (160) water rescues and evacuations in the towns of Havelock, Pender County Greensborough, Wilmington, and Burgaw, North Carolina between September 11, 2018 and their return on September 21, 2018; and

Whereas, The team also saved twenty (20) dogs; and

Whereas, After the recent deployment, the swift water rescue team, already well known among their peers for their elite training and abilities in water rescues, became well known and appreciated by the public nationwide for their skills and dedication; and

Whereas, No words will ever be adequate to express the City’s appreciation for all first responders who willingly rush into harm’s way to protect others. The members of The Rescue Team Include:

<u>Clay Fire Territory</u> Lucas Gluchowski Brian Hester	<u>Goshen Fire Dept.</u> Steffen Schrock	<u>South Bend Fire Dept</u> Chris Baker Brent VanBruaene Jared Pearish	<u>Warsaw Fire Dept</u> Nate Iden Brent Fifer
<u>Elkhart Fire Dept.</u> Marty Dyer Will Kornrumph Adam Kuspa	<u>Mishawaka Fire Dept</u> Ian Jarrett Lane Detweiler	Steve Pritz Dave Pritz Dave Jester Mike Humphrey Mike Jameison	

Now, Therefore, be it resolved, by the Common Council of the City of Mishawaka, Indiana, as follows:

Section I. The Mishawaka Common Council proudly recognizes and expresses its gratitude to the MABAS 2001-Indiana District 2 US&R/Technical Rescue Team.

Section II. The Common Council also expresses its appreciation to all first responders who sacrifice their safety for the safety of others.

Section III. May you all remain safe from harm.

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

RESOLUTION NO. 2018-22

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA HONORING
MISHAWAKA FIRE FIGHTERS JOE VOGEL, NICK PONSLE
AND STEVE NEWLAND FOR THEIR ASSISTANCE IN NORTH CAROLINA
AND FLORIDA FOLLOWING HURRICANES FLORENCE AND MICHAEL**

WHEREAS, Mishawaka Fire Fighters Joe Vogel and Nick Ponsler went above and beyond the call of duty to go the Lumberton, North Carolina on a rescue mission after Hurricane Florence; and

WHEREAS, Fire Fighters Vogel and Ponsler while on their rescue mission worked with Cajun Navy and helped to evacuate a nursing home at the peak of the storm and averaged about 80 rescues an hour during a four day period; and

WHEREAS, Mishawaka Fire Fighters Joe Vogel and Steve Newland went above and beyond the call of duty to go to Tallahassee, Florida in the wake of Hurricane Michael to help in the relief effort there. The two volunteered with Operation Barbecue Relief, a nonprofit group that gives meals to displaced residents and relief workers, they helped serve over 38,000 meals. They also assisted the Red Cross; and

WHEREAS, Vogel, Ponsler and Newland used vacation days and traveled at their own expense to help their fellow citizens with the help of fellow firefighters pitching in to cover shifts and giving monetary donations.

NOW THEREFORE, Let it be known and Resolved by the City of Mishawaka’s Common Council, Mayor and Clerk, that we call upon all of our citizens to join us in saluting these truly remarkable Fire Fighters and thank them for their efforts on behalf of the proud citizens of Mishawaka, and the State of Indiana.

**PASSED BY THE COMMON COUNCIL, APPROVED BY THE MAYOR AND
ATTESTED BY THE CLERK** on the _____ day of November, 2018.

Dale “Woody” Emmons,
Vice President,
1st District

Ron Banicki, 6th District

Mike Bellovich, 2nd District

Joe Canarecci, At Large

Ross Deal, 3rd District,

Matt Mammolenti,
President, At Large

Kate Voelker, 4th District

Bryan J. Tanner At Large

S. Michael Compton
5th District

Deborah S. Block, IAMC, MMC
City Clerk

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC

OCT 11 2018

CITY CLERK
MISHAWAKA, IN

PETITION 18-21

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-24

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, Clay Township, St. Joseph County, State of Indiana, to-wit:

Lot 3AA Second Replat of Healthquest-Grape Road Minor Subdivision, City of Mishawaka, Clay Township, St. Joseph County, State of Indiana

COMMON ADDRESS: 4405 and 4415 Grape Road

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-4 Automobile Oriented Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The subject property consists of a vacant parcel of land with a large retention basin and wooded area, and is located along Grape Road, a highly travelled commercial corridor providing major north-south access through the City. Adjacent land uses include a multi-tenant commercial shopping center across Grape Road to the east, a restaurant to the south, and an assisted living facility to the west.
2. Character of Buildings – The character of the buildings in the area are predominantly multi-family residential and commercial.
3. The most desirable/highest and best use – Because of the parcel's location adjacent to an existing assisted living facility, it is the Staff's opinion that the

Proposed Ordinance No: _____

Ordinance No: _____

most desirable use of the property is a less intensive commercial use such as those currently permitted in the C-1 General Commercial District. However, the Plan Commission stated that the highest and best use was the proposed car wash facility due to the existing commercial uses along the Grape Road corridor, lack of development within the northern part of the site that will provide a natural buffer between the assisted living facility and Grape Road, and the provisions for additional fencing and landscaping between the site and the assisted living facility.

4. Conservation of property values – It is the Staff's opinion that the proposed rezoning may be injurious to property values in the area. However, due to the above stated reasons, the Plan Commission believes that the adjacent property values will not be negatively impacted.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. With the proposed fencing, landscaping, and lack of development within the northern part of the site, the proposed use is consistent with the general policies of encouraging compatible adjacent land uses.

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 _____, 2018, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock ____M.

David A. Wood, Mayor

July 24, 2018

RECEIVED
DEBORAH S. BLOCK, MMC

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

JUL 31 2018

CITY CLERK
MISHAWAKA, IN

RE: PETITION TO REZONE

The undersigned Garatoni Holdings LP V respectfully show they are the owners of the following described real estate, and the undersigned Wyant Properties LLC respectfully show they are the contract purchasers of the following described real estate, located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

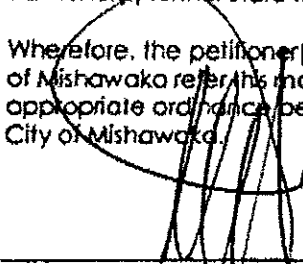
Lot 3AA Second Replat of Healthquest-Grape Rd Minor NP #2297 04-05-11

Address: 4405 & 4415 Grape Road, Mishawaka, IN 46545
Parcel ID: 029-1001-001311

Garatoni Holdings LP V owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1, General Commercial District. Wyant Properties LLC will own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1, General Commercial District. Said property is a vacant commercial lot.

Petitioner(s) desire said real estate to be rezoned to C-4, Auto-Oriented Commercial District. Petitioner(s) further state that they intend to utilize said land for a car wash facility.

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.



Garatoni Holdings LP V

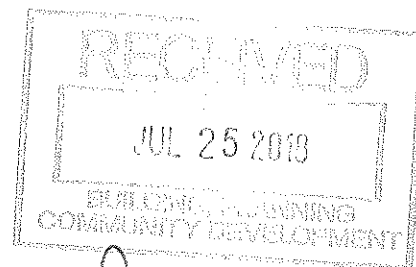


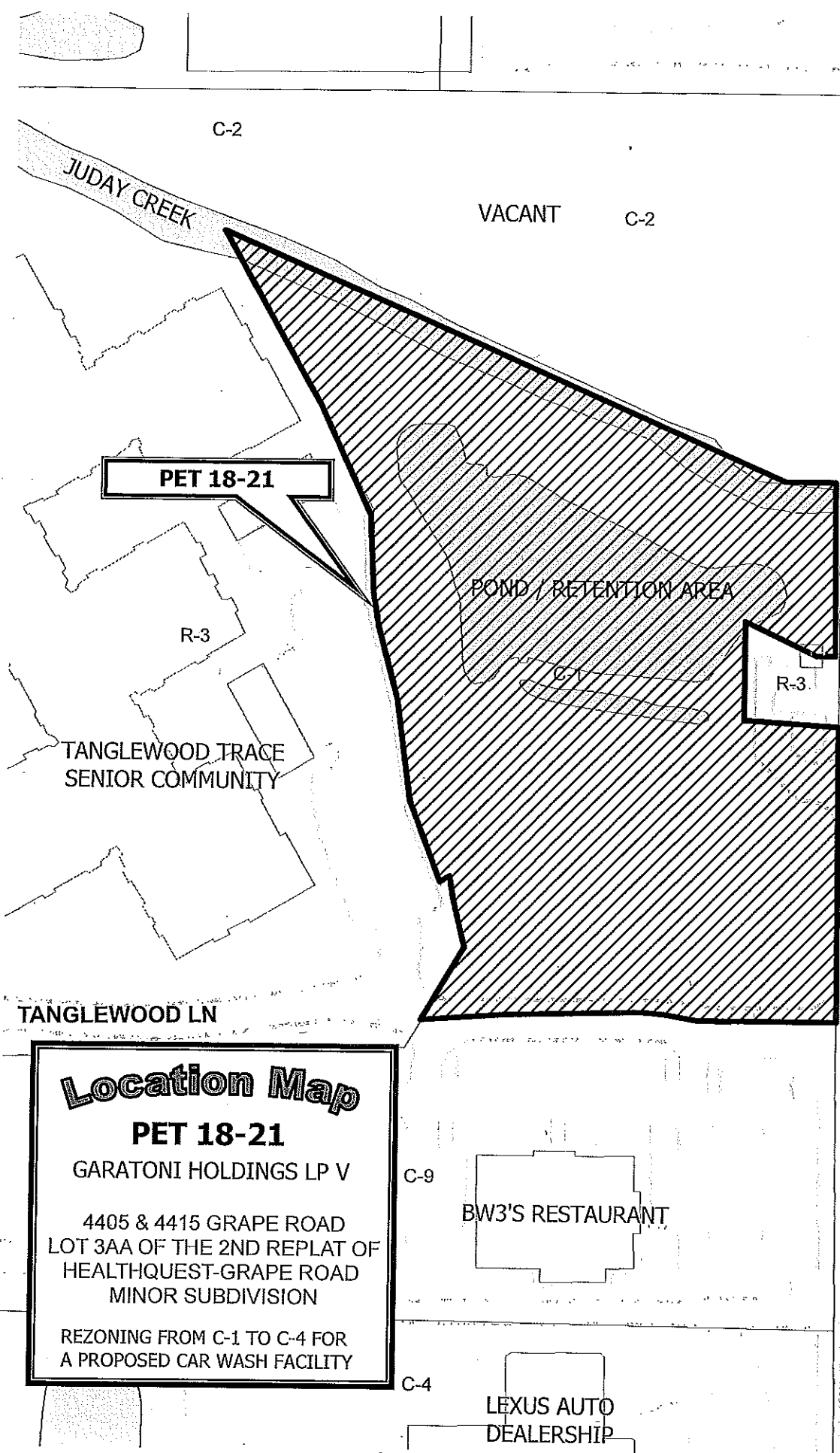
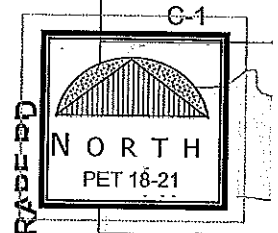
John Wyant, Wyant Properties LLC

CONTACT PERSON:
Abonmarche Consultants, Inc. (Attn, Brian McMorrow)
750 Lincoln Way East
South Bend, IN 46601
574.314.1022
bmcmorrow@abonmarche.com

Garatoni Holdings Limited Partnership V
By: The Garatoni Holdings Management, LLC, General Partner
By: Garatoni Holdings Irrevocable Trust, Sole Member
By:

Steven L. Garatoni, Trustee





PET 18-21

POND / RETENTION AREA

TANGLEWOOD TRACE
SENIOR COMMUNITY

TANGLEWOOD LN

Location Map

PET 18-21

GARATONI HOLDINGS LP V

4405 & 4415 GRAPE ROAD
LOT 3AA OF THE 2ND REPLAT OF
HEALTHQUEST-GRAPE ROAD
MINOR SUBDIVISION

REZONING FROM C-1 TO C-4 FOR
A PROPOSED CAR WASH FACILITY

BW3'S RESTAURANT

LEXUS AUTO
DEALERSHIP

GRAPE RD

OCT 11 2018

CITY CLERK
MISHAWAKA, IN

PETITION 18-24

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-25

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 111, Citizens Home Co. McKinley Highway Plat, City of Mishawaka, Penn
Township, St. Joseph County, State of Indiana

COMMON ADDRESS: 2051 East LaSalle Avenue

which real estate is now classified as I-2 Heavy Industrial 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 industrial uses south of the property, but the neighborhood
surrounding the property to the north, west, and east are used as single
family dwellings, and its 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 an industrial project, staff feels that the most
desirable use for this property is its historical single-family use;

Proposed Ordinance No: _____

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 industrial 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 industrial use, however, its historic use as a single family home 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 _____, 2018, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock ____M.

David A. Wood, Mayor

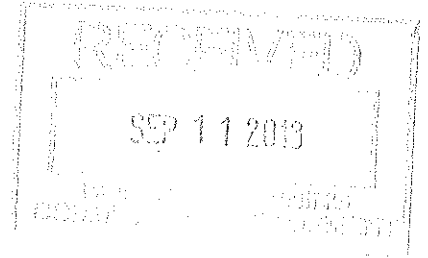
RECEIVED
DEBORAH S. BLOCK, MMC

August 31, 2018

SEP 27 2018

CITY CLERK
MISHAWAKA, IN

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



RE: PETITION TO REZONE

The undersigned Heather Coleman respectfully show she is the owner of the following
Described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana,
to-wit:

Lot 111 Citizens Home Co
McKinley Highway Plat

2051 East Lasalle Avenue
Mishawaka, Indiana 46545

Petitioner(s) owns one hundred (100%) percent of the above described parcel of land which
carries a zoning classification of Industrial District. Said property is Residential – Single Family
Structure.

Petitioner(s) desire said real estate to be rezoned to Residential District. Petitioner(s) further
state that they intend to utilize said land for Permanent Family Residence.

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.

Heather Coleman

CONTACT PERSON:

Heather Coleman
2051 East Lasalle Avenue
Mishawaka, Indiana 46545
574-310-0806
Heatherc1083@gmail.com

Pet 18-24

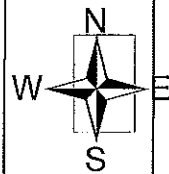
I will not be able to attend the meetings as I am moving out of town and will be represented by my mother

Angela Whitfield of Mishawaka, Indiana
55681 Elder Rd,
574-309-8506

46545

Heather
Coleman

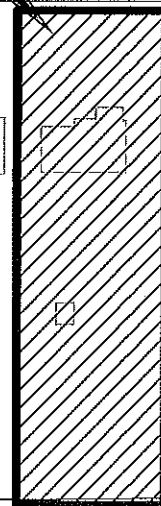




PET 18-24

E LASALLE AVE

N HOME ST



Location Map

PET 18-24

2051 E LASALLE

REZONING FROM
I-2 HEAVY INDUSTRIAL TO
R-1 SINGLE FAMILY RESIDENTIAL

OCT 11 2018

PETITION 18-25

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2018-26

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 3, G W R Fowlers 1st, City of Mishawaka, Penn Township, St. Joseph
County, State of Indiana

COMMON ADDRESS: 418 East Mishawaka 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.

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

1. There are commercial uses east of the property, but the neighborhood
surrounding the property is primarily residential in nature, and its 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 uses, the rezoning to R-
1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: _____

Ordinance No: _____

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 residential and its historic use as a single family home 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 _____, 2018, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock _____.M.

David A. Wood, Mayor

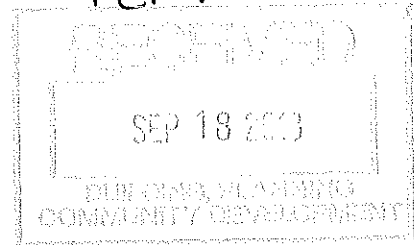
DATE: September 5, 2018

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

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 27 2018

CITY CLERK
MISHAWAKA, IN



RE: PETITION TO REZONE

The undersigned, Jack and Amanda Dorman 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:

418 East Mishawaka Avenue in Township St. Joseph County, Mishawaka, Indiana, 46545- 6820. Lot 3 G W R Fowlers 1st. Parcel ID 016-2081-2749, Tax Type: Residential. Parcel Stat: 71-09-10-359-009.111-023.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 Commercial. Said property is R-1 Single Family Residential.

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

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.

Signature(s) of Property Owner(s)

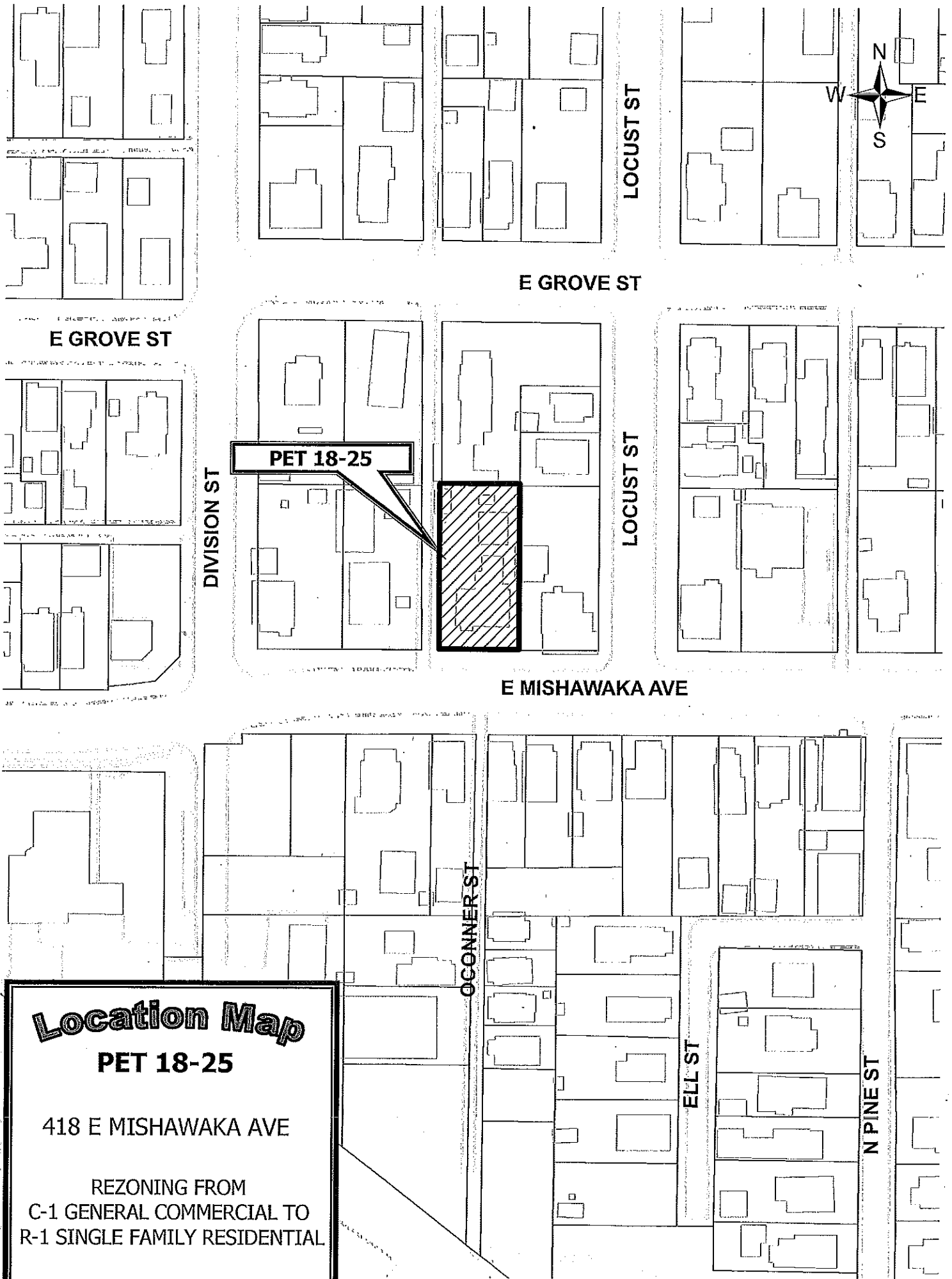
Jack B. Dorman Jr.

Signature(s) of Property Owner(s)

Amanda Dorman

CONTACT PERSON:

NAME: AMANDA DORMAN
ADDRESS: 418 E. MISHAWAKA AVE. MISHAWAKA, IN 46545
PHONE NUMBER: 574-323-0922
EMAIL: ADORMAN@HOPEBRIDGE.COM



OCT 11 2018

CITY CLERK
MISHAWAKA, IN

PETITION #18-27

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-27

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 Foundation for the Center for Hospice and Palliative Care, Inc., and Robert L. and Patricia Kay Goeller have filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioners own all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as hereinafter described.

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

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

(North Alley Description)

A part of the recorded plat of Riverside Addition to the City of Mishawaka, Indiana, the plat of which recorded in Plat Book 8, page 178 in the Office of the Recorder of St. Joseph County, Indiana, said Plat being located in the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the northwest corner of Lot 6 in said Addition; thence North

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. _____

0 degrees 42 minutes 38 seconds East a distance of 14.34 feet to the southwest corner of Lot 9 in said Addition; thence South 76 degrees 51 minutes 17 seconds East along the south line of said Lot a distance of 128.98 feet to the southeast corner of said Lot; thence South 0 degrees 19 minutes 29 seconds West a distance of 14.36 feet to the northeast corner of Lot 8 in said Addition; thence North 76 degrees 51 minutes 17 seconds West along the north line of Lots 8, 7 and 6 a distance of 129.08 feet to the point of beginning and containing 1,806 square feet, more or less.

(A portion of Madison and Pine Streets)

A part of the recorded plat of Riverside Addition to the City of Mishawaka, Indiana, the plat of which recorded in Plat Book 8, page 178 in the Office of the Recorder of St. Joseph County, Indiana, and the Center for Hospice Subdivision, the Plat of which is recorded in Instrument No. 1407853, said Plats being located in the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the northeast corner of Lot 1A in the Center for Hospice Subdivision, and further being the southwest corner of the intersection of Cedar Street and Madison Street; thence North 77 degrees 03 minutes 19 seconds West along the south line of Madison Street 308.82 feet to its intersection with the west line of Pine Street; thence North 0 degrees 42 minutes 38 seconds East along the west line of Pine Street 179.68 feet; thence South 89 degrees 37 minutes 28 seconds East 50.00 feet to the east line of Pine Street to the southwest corner of Lot 9 in Riverside Addition to the City of Mishawaka; thence South 00 degrees 42 minutes 38 seconds West along the east line of Pine Street 129.42 feet to the southwest corner of Lot 6 in said Addition and further being the intersection of the east line of Pine Street and the north line of Madison Street; thence South 77 degrees 03 minutes 19 seconds East along the north line of Madison Street and further being the south line of Lots 6 thru 8 in said Riverside Addition 114.98 feet; thence South 13 degrees 16 minutes 18 seconds West 30.00 feet; thence South 77 degrees 03 minutes 19 seconds East 151.73 feet to the northern prolongation of the west line of Cedar Street; thence South 05 degrees 05 minutes 44 seconds West along said northern prolongation 30.28 feet to the point of beginning and containing 20,377 square feet, more or less.

COMMONLY KNOWN AS: Portions of North Pine Street and Madison Street, and a 14' wide east-west alley lying east of Pine between Madison Street and Comfort Place

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow a new parking lot, access drives, and sidewalks to be constructed for the adjacent Center for Hospice campus.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. An ingress/egress easement shall be established and recorded to provide legal access to an existing garage located to the north of the vacated alley.
- 3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.
- 4) The proposed vacation will not hinder the use of any public way, utility or place.

PROPOSED ORDINANCE NO. _____

ORDINANCE NO. __

- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2018.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock _____M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 27 2018

CITY CLERK
MISHAWAKA, IN

September 18, 2018

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

RE: PETITION FOR VACATION OF PUBLIC RIGHT OF WAY

The undersigned, Foundation for the Center for Hospice and Palliative Care, Inc., respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public rights of way located in the City of Mishawaka, St. Joseph County, Indiana:

(Please see the attached sheet for legal descriptions)

Petitioners further state they are the owners of the property immediately adjacent to the above-described rights of way.

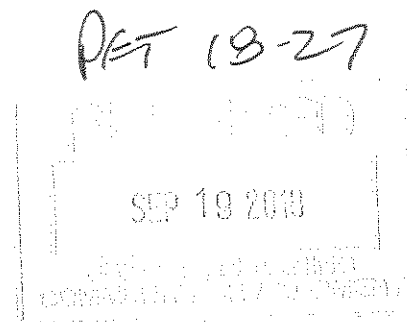
Wherefore, the Petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacated the above described rights of way located in the City of Mishawaka.


Foundation for the Center for Hospice and
Palliative Care, Inc.
Lots 6-8, Riverside Addition
Lot 1A, Center for Hospice Subdivision


Robert L. & Patricia Kay Goeller
Lot 9, Riverside Addition

Contact Person:

Jones Petrie Rafinski – Chris Chockley
325 South Lafayette Blvd.
South Bend, IN 46601
574-232-4388



Project: Mishawaka Hospice
Parcel: Vacation Legal Descriptions

Sheet 1 of 2

(North Alley Description)

A part of the recorded plat of Riverside Addition to the City of Mishawaka, Indiana , the plat of which recorded in Plat Book 8, page 178 in the Office of the Recorder of St. Joseph County, Indiana, said Plat being located in the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the northwest corner of Lot 6 in said Addition; thence North 0 degrees 42 minutes 38 seconds East a distance of 14.34 feet to the southwest corner of Lot 9 in said Addition; thence South 76 degrees 51 minutes 17 seconds East along the south line of said Lot a distance of 128.98 feet to the southeast corner of said Lot; thence South 0 degrees 19 minutes 29 seconds West a distance of 14.36 feet to the northeast corner of Lot 8 in said Addition; thence North 76 degrees 51 minutes 17 seconds West along the north line of Lots 8, 7 and 6 a distance of 129.08 feet to the point of beginning and containing 1,806 square feet, more or less.

Prepared for: The Center for Hospice
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski (JPR)
Date: September 18, 2018
Job Number: 2017-0283

Project: Mishawaka Hospice
Parcel: Vacation Legal Descriptions

Sheet 2 of 2

ALSO:

(A portion of Madison and Pine Streets)

A part of the recorded plat of Riverside Addition to the City of Mishawaka, Indiana, the plat of which recorded in Plat Book 8, page 178 in the Office of the Recorder of St. Joseph County, Indiana, and the Center for Hospice Subdivision, the Plat of which is recorded in Instrument No. 1407853, said Plats being located in the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the northeast corner of Lot 1A in the Center for Hospice Subdivision, and further being the southwest corner of the intersection of Cedar Street and Madison Street; thence North 77 degrees 03 minutes 19 seconds West along the south line of Madison Street 308.82 feet to its intersection with the west line of Pine Street; thence North 0 degrees 42 minutes 38 seconds East along the west line of Pine Street 179.68 feet; thence South 89 degrees 37 minutes 28 seconds East 50.00 feet to the east line of Pine Street to the southwest corner of Lot 9 in Riverside Addition to the City of Mishawaka; thence South 00 degrees 42 minutes 38 seconds West along the east line of Pine Street 129.42 feet to the southwest corner of Lot 6 in said Addition and further being the intersection of the east line of Pine Street and the north line of Madison Street; thence South 77 degrees 03 minutes 19 seconds East along the north line of Madison Street and further being the south line of Lots 6 thru 8 in said Riverside Addition 114.98 feet; thence South 13 degrees 16 minutes 18 seconds West 30.00 feet; thence South 77 degrees 03 minutes 19 seconds East 151.73 feet to the northern prolongation of the west line of Cedar Street; thence South 05 degrees 05 minutes 44 seconds West along said northern prolongation 30.28 feet to the point of beginning and containing 20,377 square feet, more or less.

Note: Basis of bearing for the above descriptions are based upon the Indiana State Plane Coordinate System, East Zone.

Prepared for: The Center for Hospice
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski (JPR)
Date: September 18, 2018
Job Number: 2017-0283

Parcel No: na
Des. No.: na
Project: na
Road: Pine/Madison
Sec: 15 Town: 37 N. Range: 3 E.

Vacation Sketch Exhibit "B"

Prepared for: Center for Hospice
Owner: City of Mishawaka

Code: na

Job No: 2018-0283
Drawn: jsb
Checked: jsb
County: St. Joseph

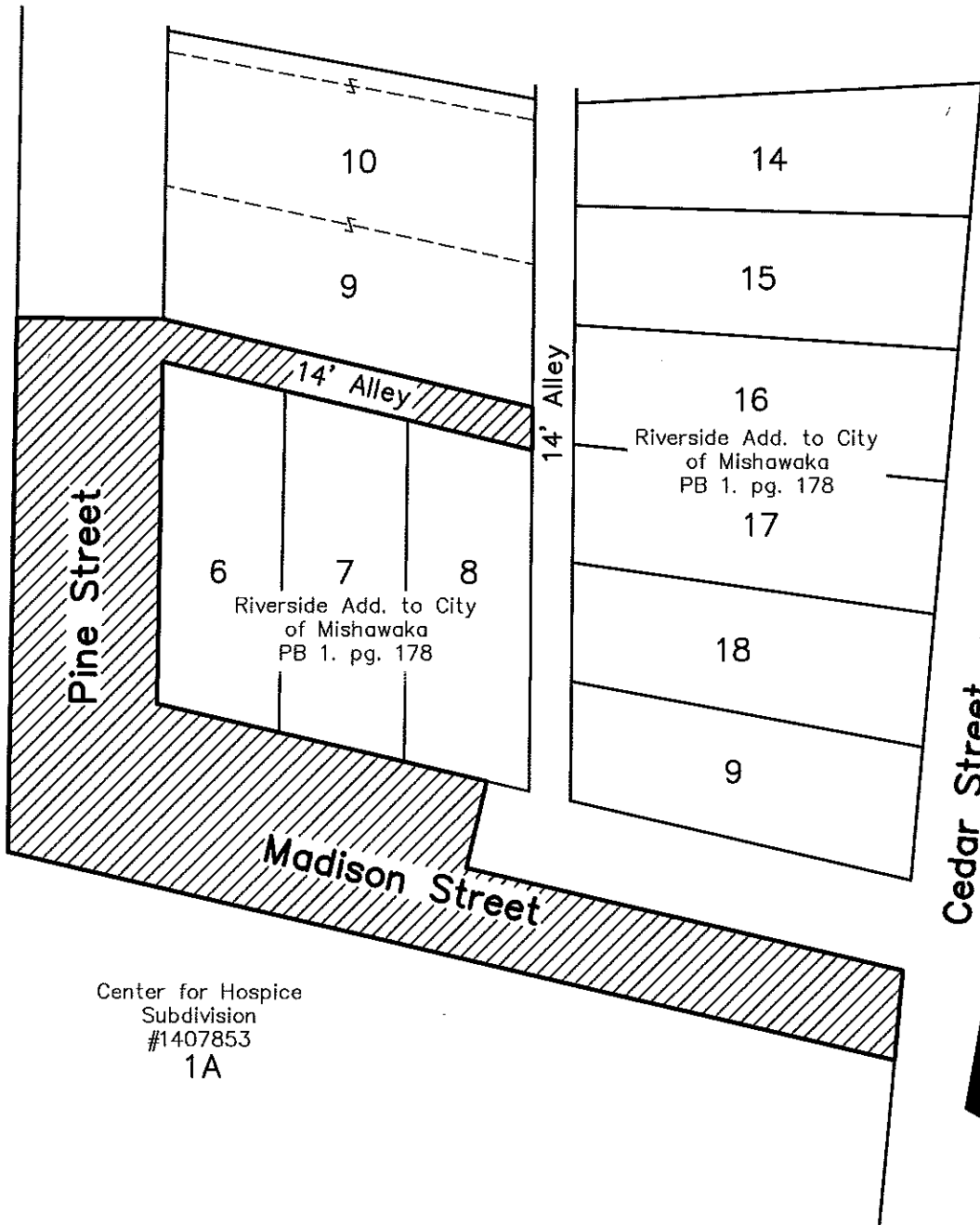


Hatched area is
approximate vacation

Deed Rec.: na
Key Number: na

This plat was prepared from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey. Dimensions shown are from listed record documents.

Center for Hospice Subdivision
#1407853
1A



Center for Hospice
Subdivision
#1407853
1A

1" = 60'



JONES PETRIE RAFINSKI
your one single source
Surveying • Engineering • Planning • Architecture • Utility Management
GIS • Environmental • Renewable Energy • Landscape Architecture

Elkhart, IN
p: 574.293.7762
South Bend, IN
p: 574.232.4388
Fort Wayne, IN
p: 260.422.2522

PET 18-27

RECEIVED
DEBORAH S. BLOCK, MMC

PETITION 18-28

OCT 11 2018

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-28

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:

Lots 6, 7 and 8 in Riverside Addition to the City of Mishawaka, Indiana, as per plat thereof recorded August 24, 1904, in Plat Book 8, page 178 in the Office of the Recorder of Saint Joseph County, Indiana.

(Instrument Nos. 1406132, 1529796 and 1804604)

ALSO:

DR 1726812 (City of Mishawaka)

Part of Lots Numbered Thirty-five (35) and Thirty-six (36) as shown on the plat of Riverside Addition to the City of Mishawaka, recorded August 24, 1904 in the Office of the Recorder of St. Joseph County, Indiana, in Plat Book 8, page 178, more particularly described as follows: Commencing at the northeast corner of Lot Numbered Thirty-five (35); thence South 5 degrees 32 minutes 58 seconds West on the easterly line of Lot 35 a distance of 73.26 feet to the Point of Beginning; thence North 75 degrees 24 minutes 05 seconds West along the southerly edge of a concrete wall a distance of 31.33 feet; thence North 83 degrees 47 minutes 05 seconds West along the southerly edge of a concrete wall a distance of 67.99 feet to a point on the westerly line of Lot 36; thence South 5 degrees 32 minutes 58 seconds West on the westerly line of Lot 36 to the St. Joseph River; thence easterly along the St. Joseph River to the easterly line of Lot 35; thence North 5 degrees 32 minutes 58 seconds East and on the easterly line of Lot 35 to the point of beginning

ALSO

DR 1015198 (City of Mishawaka)

Lots Numbered 35, 36, and a strip of land twenty feet in width from west to east taken off

Proposed Ordinance No: _____

Ordinance No: _____

of and from the east side of Lot Numbered 37 all as shown on the plat of Riverside Addition to the City of Mishawaka. EXCEPTING THEREFROM a tract or parcel of land bounded and described as follows: Beginning at the northeast corner of said Lot 35, which is at the southwest corner of the intersection of Cedar and Madison Streets in said City of Mishawaka; thence south along the east line of Lot Numbered 35, which is also the west line of Cedar Street, a distance of 74.59 feet; thence west on a line parallel with the south line of Madison Street to a point which is twenty feet west of the west line of said Lot Numbered 36; thence north along a line parallel with the west line of said Lot Numbered 36 to the south line of Madison Street; thence east along the south line of Madison Street, a distance of 120 feet, more or less to the place of beginning. Said exception is also described of record as follows: Part of Lots Numbered 35, 36, and 37 all as shown on the plat of Riverside Addition to the City of Mishawaka, described as follows: Beginning at the northeast corner of Lot 35; thence North 76 degrees 30 minutes West, on the northerly line of said Lots Numbered 35, 36, and 37, a distance of 119.825 feet; thence South 1 degree 24 minutes 08 seconds East, along the westerly edge of a concrete wall, a distance of 46.44 feet; thence South 1 degree 06 minutes 09 seconds West, along the westerly edge of a concrete wall, a distance of 37.98 feet; thence South 83 degrees 47 minutes 05 seconds East, along the southerly edge of a concrete wall, a distance of 79.14 feet; thence South 75 degrees 24 minutes 05 seconds East, along the southerly edge of a concrete wall, a distance of 31.33 feet to a point on the easterly line of said Lot Numbered 35; thence North 5 degrees 32 minutes 58 seconds East and on the easterly line of Lot Numbered 35, a distance of 73.26 feet to the point of beginning. FURTHER EXCEPTING THEREFROM Part of the Lots Numbered 35 and 36 as shown on the plat of Riverside Addition to the City of Mishawaka, described as follows: Commencing at the northeast corner of said Lot Numbered 35; thence South 5 degrees 32 minutes 58 seconds West, on the easterly line of said Lot 35, a distance of 73.26 feet, to the Point of Beginning; thence North 75 degrees 24 minutes 05 seconds West, along the southerly edge of a concrete wall, a distance of 31.33 feet; thence North 83 degrees 47 minutes 05 seconds West, along the southerly edge of a concrete wall, a distance of 67.99 feet to a point on the westerly line of Lot 36; thence South 5 degrees 32 minutes 58 seconds West, on the westerly line of Lot 36, to the St. Joseph River; thence easterly, along the St. Joseph River, to the easterly line of Lot 35; thence North 5 degrees 32 minutes 58 seconds East and on the easterly line of Lot 35 to the point of beginning.

COMMON ADDRESSES: 209 North Cedar Street, 602, 608, and 612 Madison Street

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 C-3 City Center Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The subject properties, located at the northeast corner of Madison Street and N. Pine Street and at the northwest corner of N. Cedar Street and the St. Joseph River, are primarily vacant parcels previously used for residential purposes. One dwelling, currently used as construction office, and several accessory structures remain on the Madison Street parcels. Adjacent land uses include the Center for Hospice campus to the west and south, in which a staff building and inpatient care facility are currently under construction, and single-family residential uses to north and east.

Proposed Ordinance No: _____

Ordinance No: _____

2. Character of Buildings – The adjacent properties include a combination of one and two-story office, residential care, and single-family residential structures.
3. The most desirable/highest and best use – Due to the parcels location adjacent to the existing Center for Hospice campus, single-family residential uses, and the Mishawaka Riverwalk, the most desirable use of the property is a continuation of these adjacent uses.
4. Conservation of property values – The rezoning should not be injurious to property values in the area. The proposed parking lot and public recreational uses are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, designated the property as Low Density Residential and Open Space. The proposed rezoning is consistent with the Comprehensive Plan in that the proposed uses are low intensity uses that do not conflict with the goals and objectives of 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 _____, 2018, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 27 2018

CITY CLERK
MISHAWAKA, IN

September 18, 2018

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

RE: PETITION FOR REZONE

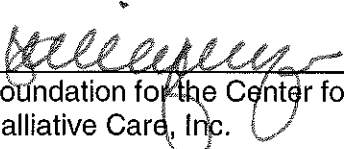
The undersigned, Foundation for the Center for Hospice and Palliative Care, Inc. and the City of Mishawaka, Department of Redevelopment, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to wit:

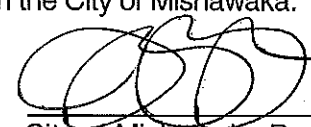
(Please see the attached sheet for legal descriptions)

Petitioner(s) own one hundred (100%) percent of the above described parcel(s) of land which carries a zoning classification of R-1 Single Family Residential District. Said property is comprised of three (3) platted residential lots along Madison Street currently owned by the Center for Hospice and Palliative Care, Inc. The westerly two (2) lots have had their dwellings demolished while the most easterly Lot still contains one (1) dwelling. The second location is for two (2) parcels of land owned by the City of Mishawaka located on the west side of Cedar Street, approximately 74 feet south of Madison Street.

Petitioner(s) desire said real estate to be rezoned to C-3, City Center Commercial District. Petitioners(s) further state that they intend to utilize said land for construction of a parking lot for the Center for Hospice and Palliative Care, Inc. facility immediately to the south and west of the subject lots north of Madison Street, between Pine Street to the west and the first North-South alley between said Pine Street and Cedar Street. For the parcel(s) owned by the City of Mishawaka Department of Redevelopment. These parcels will be developed for the construction and the extension of the existing trail currently runs along the St. Joseph River. Said trail will be extended easterly to Cedar Street.

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 vacated the above described rights of way located in the City of Mishawaka.


Foundation for the Center for Hospice and
Palliative Care, Inc.


City of Mishawaka Department of
Redevelopment

Contact Person:

Jones Petrie Rafinski – Chris Chockley
325 South Lafayette Blvd.
South Bend, IN 46601
574-232-4388

PAF 18-29
SEP 19 2018

Project: Mishawaka Hospice
Parcel: Rezone Legal Descriptions

Sheet 1 of 3

Lots 6, 7 and 8 in Riverside Addition to the City of Mishawaka, Indiana, as per plat thereof recorded August 24, 1904, in Plat Book 8, page 178 in the Office of the Recorder of Saint Joseph County, Indiana.

(Instrument Nos. 1406132, 1529796 and 1804604)

ALSO:

DR 1726812 (City of Mishawaka)

Part of Lots Numbered Thirty-five (35) and Thirty-six (36) as shown on the plat of Riverside Addition to the City of Mishawaka, recorded August 24, 1904 in the Office of the Recorder of St. Joseph County, Indiana, in Plat Book 8, page 178, more particularly described as follows: Commencing at the northeast corner of Lot Numbered Thirty-five (35); thence South 5 degrees 32 minutes 58 seconds West on the easterly line of Lot 35 a distance of 73.26 feet to the Point of Beginning; thence North 75 degrees 24 minutes 05 seconds West along the southerly edge of a concrete wall a distance of 31.33 feet; thence North 83 degrees 47 minutes 05 seconds West along the southerly edge of a concrete wall a distance of 67.99 feet to a point on the westerly line of Lot 36; thence South 5 degrees 32 minutes 58 seconds West on the westerly line of Lot 36 to the St. Joseph River; thence easterly along the St. Joseph River to the easterly line of Lot 35; thence North 5 degrees 32 minutes 58 seconds East and on the easterly line of Lot 35 to the point of beginning.

Prepared for: The City of Mishawaka
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski (JPR)
Date: September 13, 2018
Job Number: 2017-0283

ALSO

DR 1015198 (City of Mishawaka)

Lots Numbered 35, 36, and a strip of land twenty feet in width from west to east taken off of and from the east side of Lot Numbered 37 all as shown on the plat of Riverside Addition to the City of Mishawaka. EXCEPTING THEREFROM a tract or parcel of land bounded and described as follows: Beginning at the northeast corner of said Lot 35, which is at the southwest corner of the intersection of Cedar and Madison Streets in said City of Mishawaka; thence south along the east line of Lot Numbered 35, which is also the west line of Cedar Street, a distance of 74.59 feet; thence west on a line parallel with the south line of Madison Street to a point which is twenty feet west of the west line of said Lot Numbered 36; thence north along a line parallel with the west line of said Lot Numbered 36 to the south line of Madison Street; thence east along the south line of Madison Street, a distance of 120 feet, more or less to the place of beginning. Said exception is also described of record as follows: Part of Lots Numbered 35, 36, and 37 all as shown on the plat of Riverside Addition to the City of Mishawaka, described as follows: Beginning at the northeast corner of Lot 35; thence North 76 degrees 30 minutes West, on the northerly line of said Lots Numbered 35, 36, and 37, a distance of 119.825 feet; thence South 1 degree 24 minutes 08 seconds East, along the westerly edge of a concrete wall, a distance of 46.44 feet; thence South 1 degree 06 minutes 09 seconds West, along the westerly edge of a concrete wall, a distance of 37.98 feet; thence South 83 degrees 47 minutes 05 seconds East, along the southerly edge of a concrete wall, a distance of 79.14 feet; thence South 75 degrees 24 minutes 05 seconds East, along the southerly edge of a concrete wall, a distance of 31.33 feet to a point on the easterly line of said Lot Numbered 35; thence North 5 degrees 32 minutes 58 seconds East and on the easterly line of Lot Numbered 35, a distance of 73.26 feet to the point of beginning. FURTHER EXCEPTING THEREFROM Part of the Lots Numbered 35 and 36 as shown on the plat of Riverside Addition to the City of Mishawaka, described as follows: Commencing at the northeast corner of said Lot Numbered 35; thence South 5 degrees 32 minutes 58 seconds West, on the easterly line of said Lot

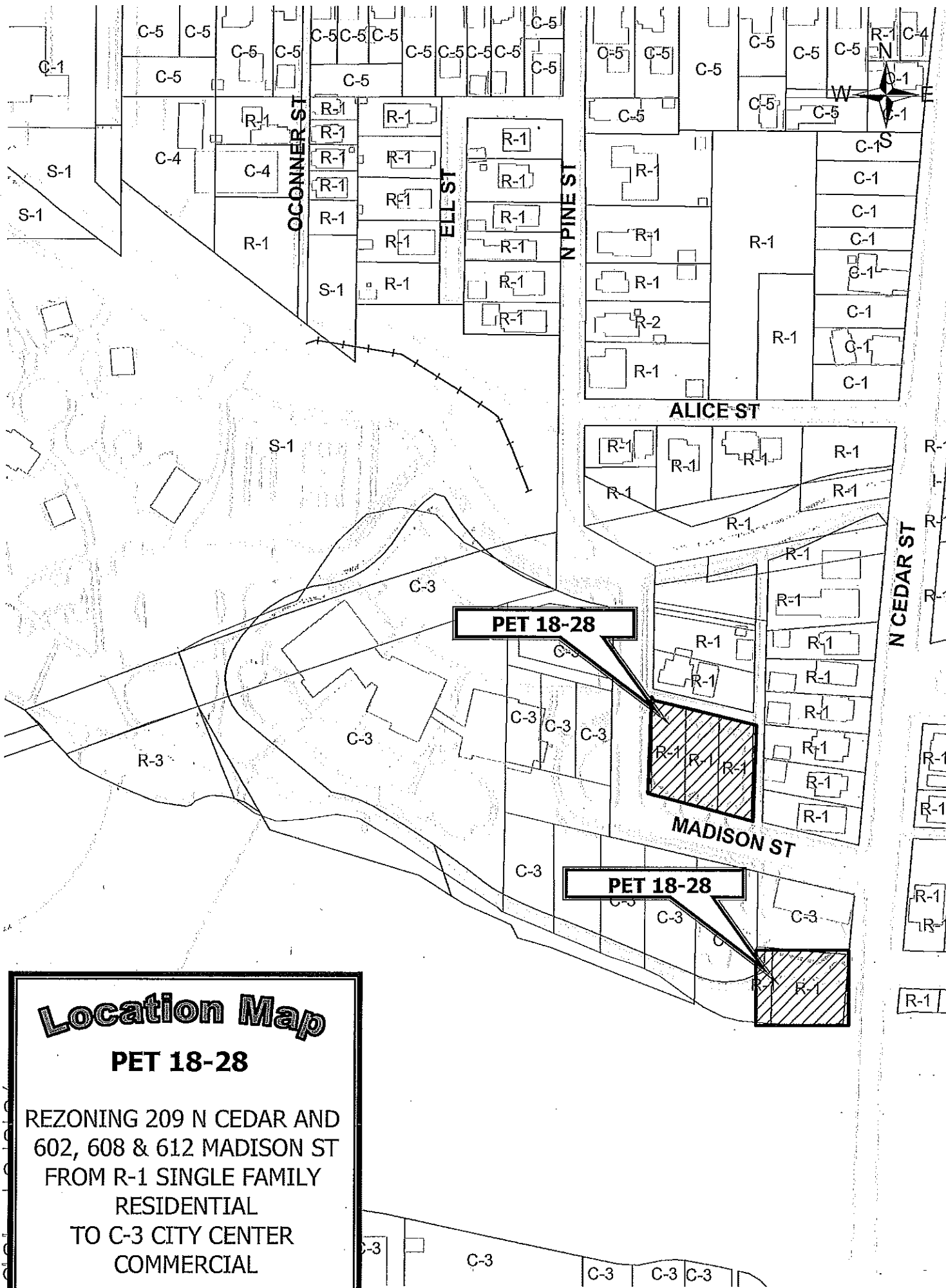
Prepared for: The City of Mishawaka
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski (JPR)
Date: September 13, 2018
Job Number: 2017-0283

Project: Mishawaka Hospice
Parcel: Rezone Legal Descriptions

Sheet 3 of 3

35, a distance of 73.26 feet, to the Point of Beginning; thence North 75 degrees 24 minutes 05 seconds West, along the southerly edge of a concrete wall, a distance of 31.33 feet; thence North 83 degrees 47 minutes 05 seconds West, along the southerly edge of a concrete wall, a distance of 67.99 feet to a point on the westerly line of Lot 36; thence South 5 degrees 32 minutes 58 seconds West, on the westerly line of Lot 36, to the St. Joseph River; thence easterly, along the St. Joseph River, to the easterly line of Lot 35; thence North 5 degrees 32 minutes 58 seconds East and on the easterly line of Lot 35 to the point of beginning.

Prepared for: The City of Mishawaka
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski (JPR)
Date: September 13, 2018
Job Number: 2017-0283



Location Map

PET 18-28

REZONING 209 N CEDAR AND
602, 608 & 612 MADISON ST
FROM R-1 SINGLE FAMILY
RESIDENTIAL
TO C-3 CITY CENTER
COMMERCIAL