

AGENDA

May 20, 2013

**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**

May 06, 2013

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their May 15, 2013 meeting.

A letter from the City Plan Commission regarding recommendations from their May 15, 2013 meeting.

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

P.O. NO. 2013-12 Additional Funds - Human Resources - \$61,000.00

P.O. NO. 2013-13 Rezone from C-6 Office/Commercial with Residential allowed to R-1 Single Family Residential - 617 LWW

P.O. NO. 2013-14 Rezone from R-1 Single Family Residential to R-2 Two-Family Res. 317-319 E. 11th Street

8. Resolutions

R2013-12 Use Variance to allow a Professional Office/Residential use with a 4' x 7' Sign on a Residential Zoned Property - 4028 LWE

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

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

May 6, 2013

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 April 15, 2013 at 7:00 p.m. The meeting was called to order by President Mike Compton, and all were asked to stand for the Pledge of Allegiance.

Treble Clef Singers from Mishawaka Elementary Schools 4th, 5th and 6th graders; sang. President Compton asked them to introduce themselves and what school they attended.

Clerk Block's roll call showed the following.



Roll Call.

Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel

The minutes from April 15, 2013 meeting were approved as received from the Clerk's Office.

Clerk Block presented the following Petition to the Council, who referred them to the Plan Commission for their recommendation

- | | |
|-----------------------------|--|
| PETITION NO. 2013-05 | Rezone from C-1 General Commercial to R-1 Single Family Residential – 408 W. 7 th Street |
| PETITION NO. 2013-06 | Rezone from C-6 Office/Commercial with Residential allowed to R-1 Single Family Residential – 617 LWW |
| PETITION NO. 2013-07 | Rezone from R-1 single Family Residential to R-2 Two-Family Residential – 317 – 319 East 11 th Street |

Clerk Block read **PROPOSED ORDINANCE NO. 2013-08** opening it for public hearing.

Clerk Block stated she would be reading the title of all three Proposed Ordinances, 2013-08, 2013-09, and 2013-10.as they pertain to each other.

PROPOSED ORDINANCE NO. 2013-08

AN ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA AUTHORIZING AND INVESTMENT POLICY

(Authorizing an Investment Policy of Public Funds)
Assigned to Budget and Finance Committee

Mr. Mammolenti 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 the motion carried.

Yvonne Milligan, City Controller said all three of these ordinances are in regard to investing city funds. She said **PROPOSED ORDINANCE NO. 2013-08** was an ordinance regarding investment policies, mainly setting guidelines and parameters on who does the investing, which would be the City Controller, where to invest, how to invest and how long to invest.

Ms. Milligan, stated **PROPOSED ORDINANCE NO. 2013-09** was an ordinance setting the area of where the money can be invested, meaning funds could be invested outside of Mishawaka city limits.

Ms. Milligan went on to explain **PROPOSED ORDINANCE NO. 2013-10** would allow them to be able to investment from 2 to 5 years.

Mr. Roggeman asked Ms. Milligan to explain this for the public. Ms. Milligan said years ago they use to have a Board of Finance and by law they do not need to have that anymore and part of that sentence was left in the ordinance and it needs to be removed.

President Compton stated, State Law guides their investment policy and this gives them the opportunity to expand off of that, while it is still invested in about as a conservative investment as you can get, such as CD's. Ms. Milligan stated that was correct and it was still CD's. Mr. Compton said to clarify that, it allows investing outside of the state anywhere in the United States MDIC Insured.

Mr. Reisdorf thanked Ms. Milligan for all her hard work on this and he appreciated the way she was able to explain it to them.

Question was called for at 7:16 p.m. on **PROPOSED ORDINANCE NO. 2013-08** the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5384.**

Clerk Block read **PROPOSED ORDINANCE NO. 2013-09** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-09

**AN ORDINANCE NCE OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA AUTHORIZING THE INVESTMENT OF PUCLIC FUNDS
PURSUANT TO IC-5-13-9-5 AND 5-13-9-5.3**

(Investment of Funds Outside the Political Subdivision)
Assigned to Budget and Finance Committee

Mr. Emmons 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 the motion carried.

Ms. Voelker made a motion to replace Section I of **PROPOSED ORDINANCE NO. 2013-09** and replace it in its entirety to correct the wording, with a second by Mr. Banicki the motion carried.

Question was called for at 7:18 p.m. on **PROPOSED ORDINANCE NO. 2013-09**, the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).
Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5385.**

Clerk Block read **PROPOSED ORDINANCE NO. 2013-10** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-10

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC
FUNDS PURSUANT TO IC 5-13-9-5.7**

(Investment of Funds for more than 2 years but less than 5 years)
Assigned to Budget and Finance Committee

Mr. Emmons 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 the motion carried.

This ordinance would allow the investing officer to make investments having a stated final maturity that was more than two (2) years but not more than 5 years after the date of purchase.

Question was called for at 7:20 p.m. on **PROPOSED ORDINANCE NO. 2013-10** the  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).
Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5386.**

Clerk Block read **PROPOSED ORDINANCE NO. 2013-11** opening it for public hearing.

PROPOSED ORDINANCE NO. 2013-11

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE
EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING
DECEMBER 31, 2013**

(Additional Funds – Public Safety Funds - \$500,000.00)

Assigned to Budget and Finance Committee

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

Police Chief Witkowski stated regarding the Motorola system which was a base system three tower site with 8 channels has become outdated and they can not find parts for repairs. He went on to say Motorola has a seven year warranty that would be up in 2014. Motorola will give them a \$150,000.00 discount if they replace the equipment now.

Voelker asked what the replacement cost would be. Chief Witkowski said \$650,000.00 to replace all 24 base units.

Mr. Roggeman said a lot of money has been spent on this and asked if Chief Witkowski was satisfied with the system. Chief Witkowski said they have the best system state wide. Mr. Roggeman asked if merging with County units was still on going. Chief Witkowski said yes that was still on the agenda. Mr. Roggeman asked about the dead zones in the city. Chief Witkowski said there were no longer dead zones.

President Compton asked how old was the oldest part of the system. Chief Witkowski said 7 years old they purchased it in 2006.

Question was called for at 7:27 p.m. on **PROPOSED ORDINANCE NO. 2013-11**, the



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9).

Yes: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman. Thus it becomes **ORDINANCE NO. 5387.**

PRIVELEGE OF THE FLOOR

The Treble Clef Singers sang again.

Captain Pasquallie Rulli, Mishawaka Police Department mentioned the week of May 13 thru May 17 was National Police Officers Week and Mishawaka would have a Fallen Officer Memorial Service at 11:00 a.m. on May 15th in front of the Police Station and all were invited to attend.

Mayor Wood said he would like to bring attention to the food banks and their dire need for food. He said Saturday May 11th the United States Post Office would be collecting food for the needy as they deliver the mail. Mayor Wood said they are asking everyone to put non perishable food by their mail boxes and they would be collecting them.

Mr. Roggeman asked Mayor Wood to reiterate the report he gave to the Council on the new recycling bins.

Mayor Wood said the month of April was the first for the new recycling bins in Mishawaka. He said their report showed in that one month 68 tons of recyclables were collected, that equals 3 pounds per citizen in Mishawaka. He said that was tremendous and saved all of that trash from going to the landfill which in turn keeps the rates down for our citizens.

NEW BUSINESS

Mr. Emmons said he wanted to remind everyone of his neighborhood meeting at St. Bavo School at 7:00 p.m. May 16th with Senator John Broden and State Representative David Niezgodski talking about house and senate.

Mr. Mammolenti said he too would be having a neighborhood watch meeting at Twin Branch School on May 22, at 7:00 p.m. to address health care questions.

There being no further business to come before the Council, President Compton adjourned the meeting at 7:41 p.m.

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

☐ ☐ S. Michael Compton _____
S. Michael Compton,
Presiding Officer



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 16, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2013

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Board of Zoning Appeals Recommendation
May 15, 2013, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

APPEAL #13-12 An appeal submitted by 2-BE's Properties LLC requesting a Use Variance for **4028 Lincolnway East** to allow a professional office and residential use with a 4' X 7' sign on an R-1 Single Family Residential zoned property.

The Board, with a vote of 5-0, recommended approval subject to the following conditions:

1. The uses shall be limited to no more than one commercial office and/or one residence at a time.
2. The proposed sign shall be limited to no greater than 28 square feet of display area, it shall be no higher than 6' in height, and shall be placed to the east of the house, outside of the public right-of-way of Lincolnway.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Brent VanderZwaag

STAFF REPORT

Location: 4028 Lincolnway East

Date: April 9, 2013

Appeal: 13 - 12

Prepared By: KBP

GENERAL INFORMATION

Applicant: 2 - BE's Properties LLC, Brent VanderZwaag

Status: Property Owner

Request: Use variance for to allow the property to be utilized for a professional office and a residential use with a 4' x 7' commercial sign

Zoning Classification: R-1 Single Family Residential

Lot Size: 0.12 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential
South: C-1 General Commercial
East: C-1 General Commercial
West: C-1 General Commercial

Thoroughfare: Lincolnway East

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The appellant is requesting a use variance to allow for a commercial office and residence within the existing vacant single family home located at 4028 Lincolnway East. It is located on the northeast corner of Lincolnway and Barrows Court. The appellant has indicated that the office would be for his financial services company and that the business currently sees 3 - 7 people a week and that he typically sees the majority of his clients in their homes. As part of the request, the appellant is also requesting approval of a low profile sign to identify the business.

Although the property is zoned residential, the surrounding properties to the east, west, and south all that front Lincolnway are zoned C-1 General Commercial. This property was actually zoned C_1 General Commercial and was down zoned to R-1 in 2003. Staff recommended applying for the use variance because of the requested dual use as both a residence and a business which is not permitted in either the C-1 or R-1 zoning districts.

Given the low intensity nature of the business, staff feels that this is a perfect use for the now vacant home on the heavily traveled Lincolnway thoroughfare. Parking, given the small employee needs and

infrequent client visits, should be adequate with the existing driveway and garage. The Engineering Department has identified a concern regarding the placement of the proposed sign and would like to insure that the sign is placed where the applicant has conceptually depicted its proposed location. The home is only about 8' from the right-of-way of Lincolnway and located on a corner lot. This dictates for visibility to the sign, and visibility at the intersection, that the sign be located on the far eastern side of the property with the north edge of the proposed sign almost in line with the house. Staff has written a condition to reflect this location.

RECOMMENDATION

The Planning Staff recommends approval of Appeal 13-12 for a use variance to allow 4028 Lincolnway East to be utilized for a professional office and a residential use with a 4' x 7' commercial sign subject to the following conditions:

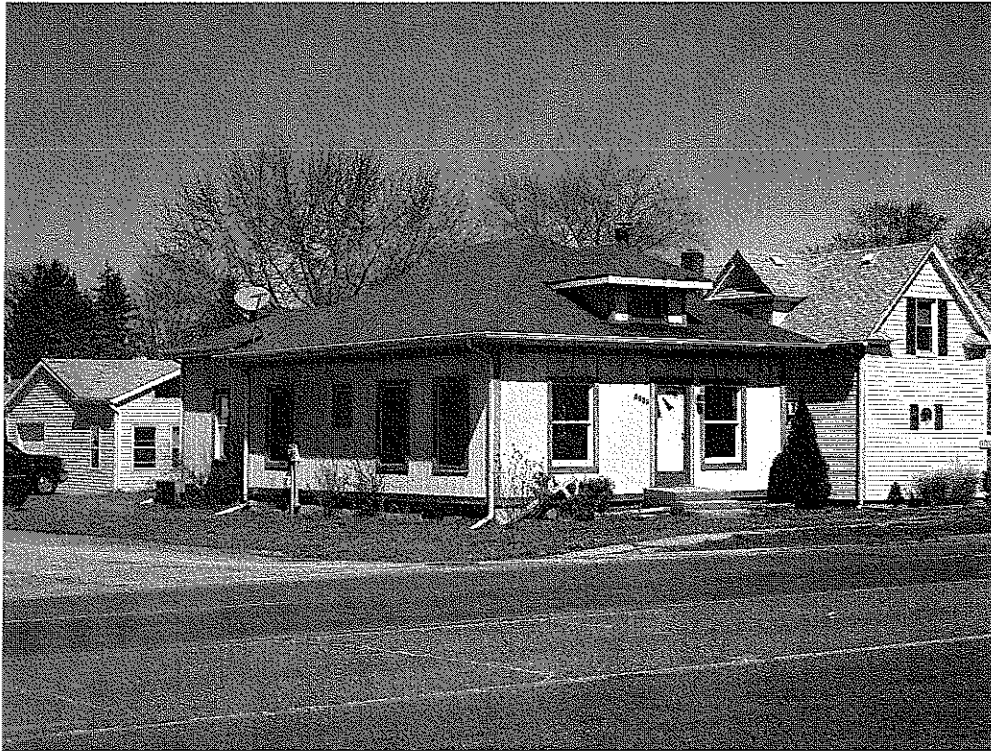
1. The uses shall be limited to no more than one commercial office and/or one residence at a time.
2. The proposed sign shall be limited to no greater than 28 square feet of display area, it shall be no higher than 6' in height, and shall be placed to the east of the house, outside of the public right-of-way of Lincolnway.

This recommendation is based upon the following findings of fact:

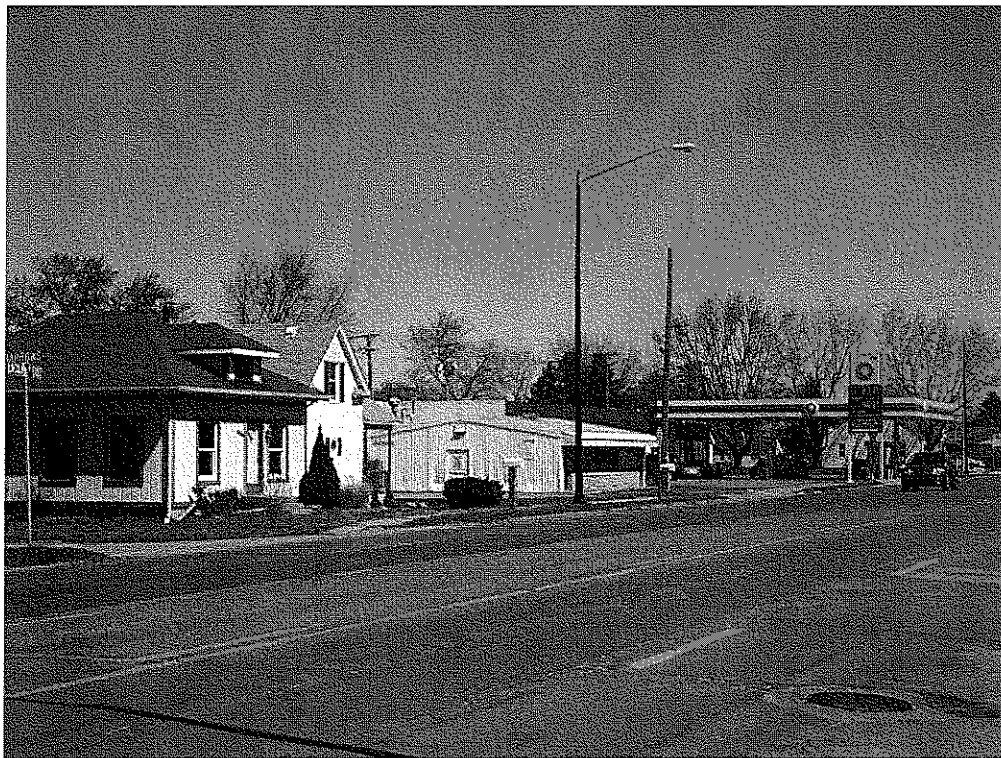
1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties to the south, east, and west are all zoned for general commercial uses;
3. The need for the variance arises from some condition peculiar to the property involved because the existing single family property is located on a heavily traveled thoroughfare, Lincolnway East, that makes it less desirable for residential uses.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the proposed hybrid commercial and residential uses. The only means by which to allow the proposed office use and maintain the residential use for the property is through the use variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates general commercial uses for this area.

ATTACHMENTS

Photographs, Appeal, Site Plan, Location Map



View of Vacant home located at 4028 Lincolnway East



View looking at the home in context to the existing commercial uses
that exist of Lincolnway East



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

May 16, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2013

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Plan Commission Recommendation
May 15, 2013, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #13-06 A petition submitted by Kevin Scott and Mary Lou Stevens to rezone **617 Lincolnway West** from C-6 Linear Office Commercial District to R-1 Single Family Residential District.

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

PETITION #13-07 A petition submitted by Phyllis J. Cleland to rezone **317-319 East Eleventh Street** from R-1 Single Family Residential District to R-2 Two Family Residential District.

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

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, City of Mishawaka Plan Commission

cc: Mary Lou Stevens
Lance Cleland

STAFF REPORT

Location: 617 Lincolnway West

Date: May 15, 2013

Petition: 13 06

Prepared By: KM

GENERAL INFORMATION

Applicant: Kevin Scott and Mary Lou Stevens

Status: Property Owners

Request: Rezone from C-6 Linear Office Commercial District to R-1 Single Family Residential District

Zoning Classification: C-6 Linear Office Commercial District

Lot Size: Irregular

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

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial (100 Center)
South: R-1 Single Family Residential District
East: R-3 Multi-Family Residential
West: C-5 Neighborhood Commercial

Thoroughfare: Lincolnway West

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioners are requesting to rezone 617 Lincolnway West from C-6 Linear Office Commercial District to R-1 Single Family Residential District. The property is located on Lincolnway West across from The 100 Center.

Lincolnway West is a corridor of mixed uses and zonings, however, many of the structures are residential in use. The West End of Mishawaka is filled with mixed uses, with scattered C-1 General Commercial, R-1 Single Family Residential, R-2 Two-Family Residential; and a few I-1 Light Industrial zonings mixed in, however, many of the structures are residential in use. The area is predominately residential in nature so rezoning to R-1 Single Family is consistent with nearby uses.

Prior to the 1980's residential uses were permitted in the C-1 General Commercial District. Around 1986 the C-1 District was amended to prohibit residential uses. Originally constructed as a private residence, the home historically has remained residential in its use.

In their request for rezoning, the Petitioners indicate their intent to refinance the home. They say even though C-6 zoning allows for single family residential uses, they were having difficulty finding a lender and were advised to rezone to R-1.

Pertinent City Departments reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 13-06 rezone 617 Lincolnway West from C-6 Linear Office Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are multiple zonings in the immediate vicinity and many of the structures are residential in use. This property's historic use as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
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 will allow the property owners to sell the home and make improvements as they deem necessary; and,
5. The City's Comprehensive Plan calls for general commercial but the rezoning is not inconsistent with the residential uses in the area.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP



617 Lincolnway West

STAFF REPORT

Location: 317 and 319 East Eleventh Street

Date: May 15, 2013

Petition: 13 07

Prepared By: KBP

GENERAL INFORMATION

Applicant: Phyllis J. Cleland

Status: Property Owner

Request: Rezone from R-1 Single Family Residential to R-2 Two Family Residential

Zoning Classification: R-1 Single Family Residential

Lot Size: 46' x 117'

Applicable Regulations: Sec. 137-186 Residential R-2 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial
South: R-1 Single Family Residential District
East: R-1 Single Family Residential District
West: R-1 Single Family Residential District

Thoroughfare: Eleventh Street

School District: School City of Mishawaka

Public Utilities: Currently present at the property

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioners are requesting to rezone 317 and 319 East 11th Street from R-1 Single Family Residential to R-2 Two family residential. The property was constructed as a duplex in the 1920's. In this case it appears that the R-1 single family residential zoning of the property was established after the duplex was constructed making the property legally non-conforming. At this time the applicant desires to sell the property. The applicant has indicated in their application that the purchaser's lender requires that the zoning match the use.

A few houses to the west, there appears to be a similar duplex that is currently zoned R-1 at 305 and 307 East 11th Street. Given the historic use matches the requested zoning, staff feels that the change will be a potential benefit to the neighborhood by allowing for the continued investment and maintenance of the structure.

Pertinent City Departments reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition 13-07 to rezone 317 and 319 East 11th Street from R-1 Single Family Residential to R-2 Two family residential. This recommendation is based upon the following findings of fact:

1. There are multiple uses in this neighborhood that include both commercial and low density residential uses. . This property's historic use as a duplex is compatible to the area and consistent with its history;
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 historic use as a duplex, staff feels that the most desirable use for this property is its historical two family residential;
3. Because the parcel is located in an area of residential properties, as well as commercial, and other two family structures, the rezoning to R-2 Two-Family Residential is a desirable use for this property;
4. The proposed rezoning of this property to an R-2 Two- Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owners to sell the home and make improvements as they deem necessary, by allowing for the continued financing from lending institutions; and,
5. The City's Comprehensive Plan calls for Low density residential, and the historic use and proposed classification fits within the plan.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP



View of the Existing Duplex looking south from 11th Street



View from the alley

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2013-12

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2013

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

Section 1. An emergency exists which requires the appropriation of additional
funds for the fiscal year ending December 31, 2013 in addition to that set out in detail in the
published budget.

Section 2. There is hereby appropriated from the General Fund of the City of
Mishawaka the sum of \$61,000.00 for assignment as follows:
General Fund

Human Resources

Other Services and Charges

101-04-431-06 Consulting \$ 61,000.00

Total \$ 61,000.00

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

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

on this _____ day of _____, 2013 at _____

o'clock, _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

on this _____ day of _____, 2013 at _____
o'clock, _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2013 at
_____ o'clock, _____.M.

David A. Wood, Mayor



City of Mishawaka

DEPARTMENT OF HUMAN RESOURCES
Bonnie S. Bonham, M.S., Director

David A. Wood, MAYOR

May 14, 2013

RECEIVED
DEBORAH S. BLOCK, MMC

MAY 16 2013

CITY CLERK
MISHAWAKA, IN

Hon. S. Michael Compton, President
Hon. Dale Emmons
Hon. Mike Bellovich
Hon. John Reisdorf
Hon. Kate Voelker
Hon. Ron Banicki
Hon. Dan Bilancio
Hon. Matt Mammolenti
Hon. John Roggeman

RE: Request for additional appropriation

From time to time it becomes necessary to review our employee benefit package. The city recently requested proposals from seven (7) local broker vendors to study, analyze and research our current benefit package and assist us in the procurement of insurance needs. After interviewing each vendor and extensive review of the proposals, we have appointed Gibson to represent us in this endeavor. Gibson is authorized to negotiate on our behalf with respect to existing insurance programs. They will also assist us in developing an on-site clinic to further expand affordable services to the employees as well as reduce our health care costs.

Human Resources is requesting an additional appropriation of \$54,000 for the consulting services and an additional one-time fee of \$7,000 for the development of an on-side clinic totaling \$61,000.

Thank you in advance and if you have any questions, feel free to contact me at 258-1615.

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 13-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-13

ORDINANCE NO. _____

RECEIVED
JAMES S. BLOCK, MMC

MAY 18 2013

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

10 ft w side lot 3 & all lot 4 & N ½ vac alley S of lot 5 Taylors Addition to St. Joseph Iron Works; and N end lots 9 & 10 & S ½ vac alley N & adj exc E 5' Taylors Addition to St. Joseph Iron Works

COMMON ADDRESS: 617 Lincolnway West

which real estate is now classified as C-6 Linear Office Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District and 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 multiple zonings in the immediate vicinity and many of the structures are residential in use. This property's historic use as a single family dwelling would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;

Proposed Ordinance No: 13-13

Ordinance No: _____

3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
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 will allow the property owners to sell the home and make improvements as they deem necessary; and,
5. The City's Comprehensive Plan calls for general commercial but the rezoning is not inconsistent with the 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 _____, 2013, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2013, at _____ o'clock ____M.

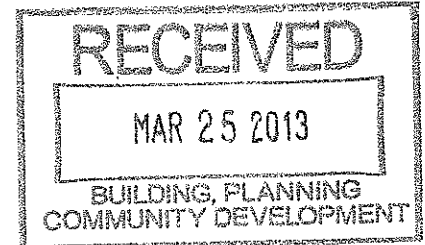
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2013, at _____ o'clock ____M.

David A. Wood, Mayor

DATE: 3/15/2013

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



Pet 13-06

RE: PETITION TO REZONE

The undersigned Kevin Scott & Mary Lou Stevens 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:

617 Lincolnway West, Mishawaka, IN 46544

Parcel ID 71-09-16-181-001.000-023 Key number 16-1017-0690
10 ft w side lot 3 & all lot 4 & n ½ vac alley S of lot 5 Taylors add to St.
Joseph Iron Works zoned C-6 office/commercial with residential allowed.

Parcel ID 71-09-16-181-005.000-023 Key number 16-1017-0694
N end lots 9 & 10 & S ½ vac alley N & adj exc E 5' Taylors add to St. Joseph
Iron Works zoned C-6 office/commercial with residential allowed.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-6 District.
Said property is used as single family dwelling.

Petitioner(s) desire said real estate to be rezoned to R-1 District.
Petitioner(s) further state that they intend to continue to utilize said land as single family dwelling.

Wherefore, the petitioner(s) 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.

A handwritten signature in cursive script, appearing to read "K Scott Stevens".

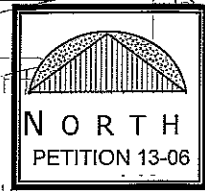
Kevin Scott Stevens

A handwritten signature in cursive script, appearing to read "Mary Lou Stevens".

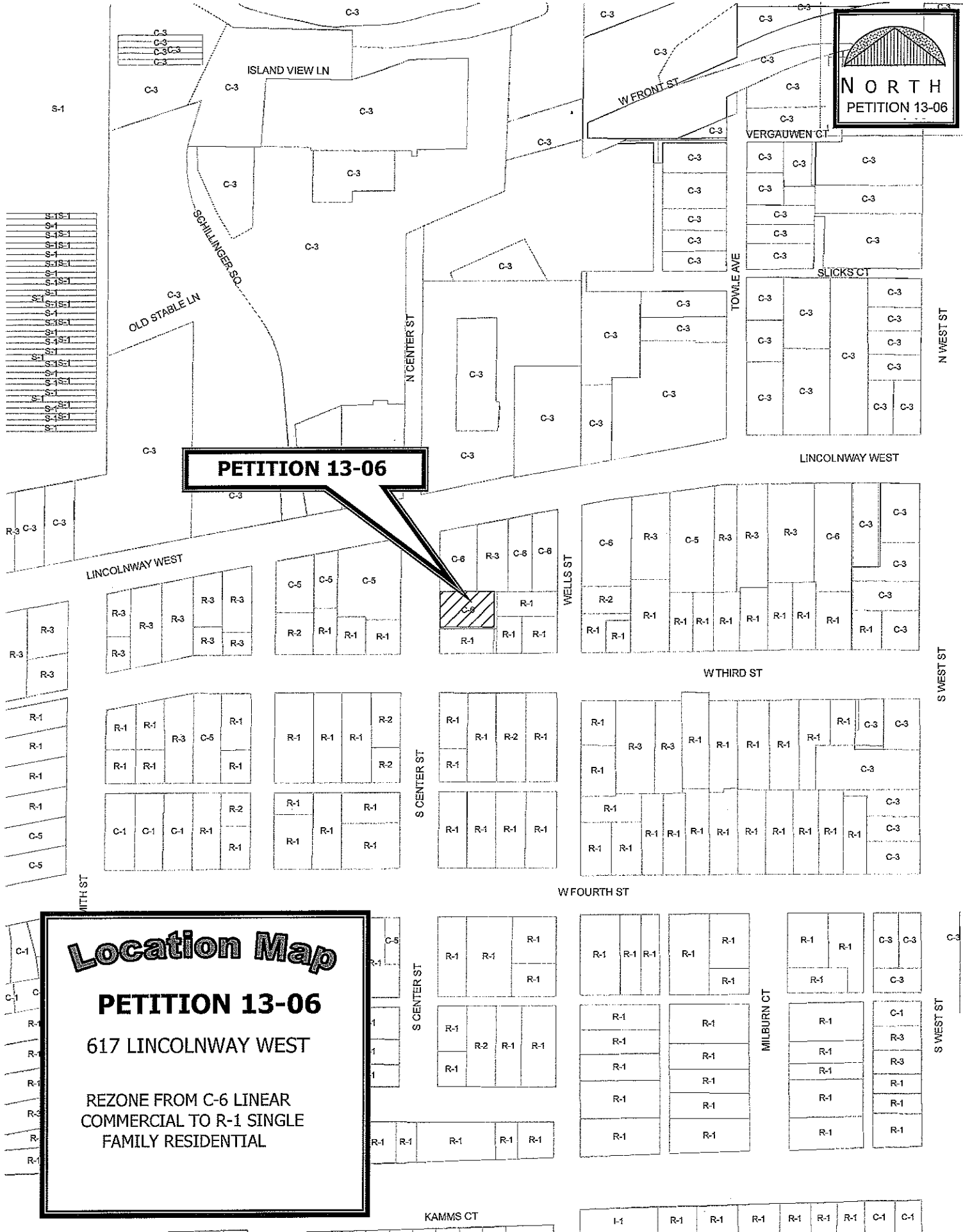
Mary Lou Stevens

CONTACT PERSON:

KEVIN (SCOTT) STEVENS
617 LINCOLNWAY WEST, MISHAWAKA, IN 46544
(574)850-0650
SCOTT_STEVENS@COMCAST.NET



PETITION 13-06



Location Map

PETITION 13-06

617 LINCOLNWAY WEST

REZONE FROM C-6 LINEAR
COMMERCIAL TO R-1 SINGLE
FAMILY RESIDENTIAL

MAY 16 2013

CITY CLERK
MISHAWAKA, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 13-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2013-14

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:

E 38 ft. of lot 137 & 9 ft. west side of 168 Gaylors 3rd

COMMON ADDRESS: 317-319 East Eleventh 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 R-2 Two-Family Residential District and 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 multiple uses in this neighborhood that include both commercial and low density residential uses. This property's historic use as a duplex is compatible to the area and consistent with its history;
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 historic use as a duplex, staff feels that the most desirable use for this property is its historical two family residential;
3. Because the parcel is located in an area of residential properties, as well as commercial, and other two family structures, the rezoning to R-2 Two-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2013-14

Ordinance No: _____

4. The proposed rezoning of this property to an R-2 Two- Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owners to sell the home and make improvements as they deem necessary, by allowing for the continued financing from lending institutions; and,
5. The City's Comprehensive Plan calls for Low density residential, and the historic use and proposed classification fits within 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 _____, 2013, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2013, at _____ o'clock _____.M.

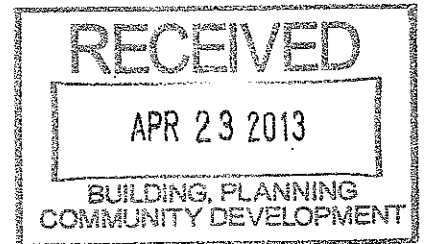
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2013, at _____ o'clock _____.M.

David A. Wood, Mayor

3/22/2013

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 Phyllis J. Cleland 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:

317 & 319 11th St. East, E 38 ft. of lot 137 & 9 ft. west side of 168 Gaylors 3rd, tax key number 16-1151-6069

Petitioner own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of R-1 District. Said property is a duplex used for rentals.

Petitioner desire said real estate to be rezoned to ^{R-2}~~R-1~~ District. Petitioner further state that they intend to utilize said land for a duplex rental as has always been the case since the 1920's and they are now trying to sell it and the mortgage company that the buyer is using wants the house rezoned to multi-family ^{R-2}~~R-1~~ zoning in order for the loan to close.

Wherefore, the petitioner 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.

Phyllis J. Cleland

Phyllis J. Cleland

Contact Person:

Lance Cleland
1410 Green Grass Dr., Osceola, IN 46561
574-532-2207
lancecleland@gmail.com

[illegible][illegible][illegible]

Figure 1 illustrates four different data replication strategies in a distributed system. Each diagram shows a set of nodes (R-1) and a central node (R-1) with a shaded area indicating a specific replication strategy.

- Diagram 1 (Top Left):** Shows a central node (R-1) connected to a row of 10 nodes (R-1). The central node is shaded, indicating that all data is replicated to all nodes.
- Diagram 2 (Top Right):** Shows a central node (R-1) connected to a row of 10 nodes (R-1). The central node is shaded, indicating that all data is replicated to a subset of nodes.
- Diagram 3 (Bottom Left):** Shows a central node (R-1) connected to a row of 10 nodes (R-1). The central node is shaded, indicating that all data is replicated to a subset of nodes.
- Diagram 4 (Bottom Right):** Shows a central node (R-1) connected to a row of 10 nodes (R-1). The central node is shaded, indicating that all data is replicated to a subset of nodes.

[illegible]

REZONE FROM R-1 SINGLE
FAMILY RESIDENTIAL TO
R-2 TWO-FAMILY RESIDENTIAL

R-1

UNION ST

R-2										IOWA
R-2	R-2	R-2	R-2	R-2	R-2	R-2	R-2	R-2	R-2	R-2
R-2										
R-2	R-2			R-2						R-2
R-2	R-2			R-2						R-2
R-2	R-2			R-2						R-2
R-2	R-2			R-2						R-2
R-2	R-2			R-2						R-2

Figure 1 illustrates the layout of a 16-processor system. The system is organized into four main sections:

- Top-Left Section:** Contains two R-2 processors (top) and two C-1 processors (bottom).
- Top-Right Section:** Contains two R-2 processors (top) and two R-2 processors (bottom).
- Bottom-Left Section:** Contains one C-1 processor (top) and a large L-1 processor (bottom).
- Bottom-Right Section:** Contains one R-2 processor (top) and five more R-2 processors (bottom).

The entire system is labeled "16-PROCESSOR SYSTEM" at the bottom.

Figure 1 consists of four schematic diagrams labeled (a) through (d). Diagram (a) is a top-down view of a circular arena with a central platform. A shaded area on the left side of the arena is labeled 'C-1'. Diagram (b) is a side view of the arena, showing the platform height and the shaded start area. Diagram (c) is a top-down view of the arena with a grid overlay. The grid is divided into six vertical columns. The first three columns are labeled 'C-4', 'C-4', and 'C-4' from left to right. The next three columns are labeled 'R-1', 'R-1', and 'R-1' from left to right. A shaded area on the left side of the arena is labeled 'C-1'. Diagram (d) is a top-down view of the arena with a grid overlay. The grid is divided into six vertical columns. The first three columns are labeled 'C-4', 'C-4', and 'C-4' from left to right. The next three columns are labeled 'R-1', 'R-1', and 'R-1' from left to right. A shaded area on the left side of the arena is labeled 'C-1'. The label 'DO' is positioned to the left of the diagrams.

Diagram illustrating the arrangement of rectangular blocks in three columns:

- Column 1 (Left): 6 blocks, all labeled R-1.
- Column 2 (Middle): 4 blocks, all labeled R-1.
- Column 3 (Right): 6 blocks. The top 5 blocks are labeled R-1, and the bottom block is labeled S-1.

A bracket on the right side of the third column groups the 5 R-1 blocks, labeled "IOWA ST".

MAY 16 2013

APPEAL #13-12

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2013- 12

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

4028 Lincolnway East, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **4028 Lincolnway East, Mishawaka, Indiana**, more particularly known and described as follows:

Part of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of Section 18, Township 37 North, Range 4 East, described as beginning at a point 77.2 feet West of the intersection of the center line of Old Fort Wayne Road (now Lincoln Way East) and the East line of the Northwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 18, running thence North 165 feet; thence West parallel with the center line of Lincoln Way East 45.3 feet; thence South 165 feet thence East 45.3 feet to the place of beginning.

The Use Variance will allow a professional office and residential use subject to the following conditions:

1. The uses shall be limited to no more than one commercial office and/or one residence at a time.
2. The proposed sign shall be limited to no greater than 28 square feet of display area, it shall be no higher than 6' in height, and shall be placed to the east of the house, outside of the public right-of-way of Lincolnway.

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

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction and/or improvements to the existing structure;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties to the south, east, and west are all zoned for general commercial uses;
3. The need for the variance arises from some condition peculiar to the property involved because the existing single family property is located on a heavily traveled thoroughfare, Lincolnway East, that makes it less desirable for residential uses.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the proposed hybrid commercial and residential uses. The only means by which to allow the proposed office use and maintain the residential use for the property is through the use variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates general commercial uses for this area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2013, at _____ o'clock _____ .m.

Presiding Officer

RESOLUTION #2013- *12*
4028 Lincolnway East
Page 3 of 3

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2013,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2013, at
_____ o'clock ____m.

David A. Wood, Mayor

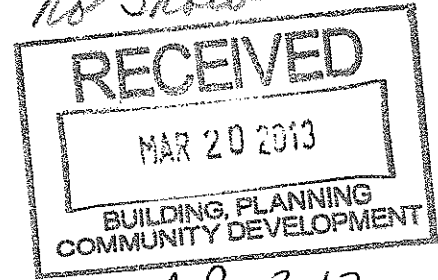
RECEIVED
DEBORAH S. BLOCK, MMC

APR 02 2013

CITY CLERK
MISHAWAKA, IN

March 18, 2013

To: Board of Zoning Appeals
City of Mishawaka, IN



The undersigned appellant respectfully shows the Board:

1. I, Brent W VanderZwaag (2-BE's Properties LLC), am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St Joseph County, State of Indiana, to wit:

4028 Lincolnway East, Mishawaka, IN 46544

ID 016-1094-3791

Bet Vistula Rd & LWE & Adj Barrows S Sub Tax lot 22 Wards Sub 18
31 4E Ex Pts Sold

2. The above-described real estate presently has a zoning classification of R-1 Single Family Residential under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies the above-described property in the following manner: Currently vacant

4. Appellant desires to use the residence as a professional business office and Residential with a sign in front yard. The business will see about 3-7 people a week (the majority of my clients are seen in their homes). It is a financial services business with ample parking for the amount of client traffic that will be visiting the business. The garage will be the parking place for myself or my office staff. Along with the driveway that will hold 3 additional cars. The sign will be approximately 4 ft x 7 ft including posts.

5. The Zone Ordinance of the City of Mishawaka does not allow Residential and Business as it is zoned Residential 1.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. I would not be able to do my business.

7. Use Variance:

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? No, I will be using it as light office use and residential.

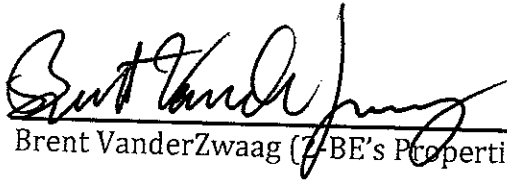
(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? No, the property to the east side is already a rental property, the west side of the property is Barrows Ct., the property to the north is blocked by the garage (as far as the view to our property is concerned).

(3) Does the need for the variance arise from some condition peculiar to the property involved? Yes, I need the variance so I can use the property for professional office use.

(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? It is residential at this time, the variance would allow me to run my business at this location.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? No, Lincolnway is high traffic and mostly commercial already, By having my business at this location will enhance the cities plan.

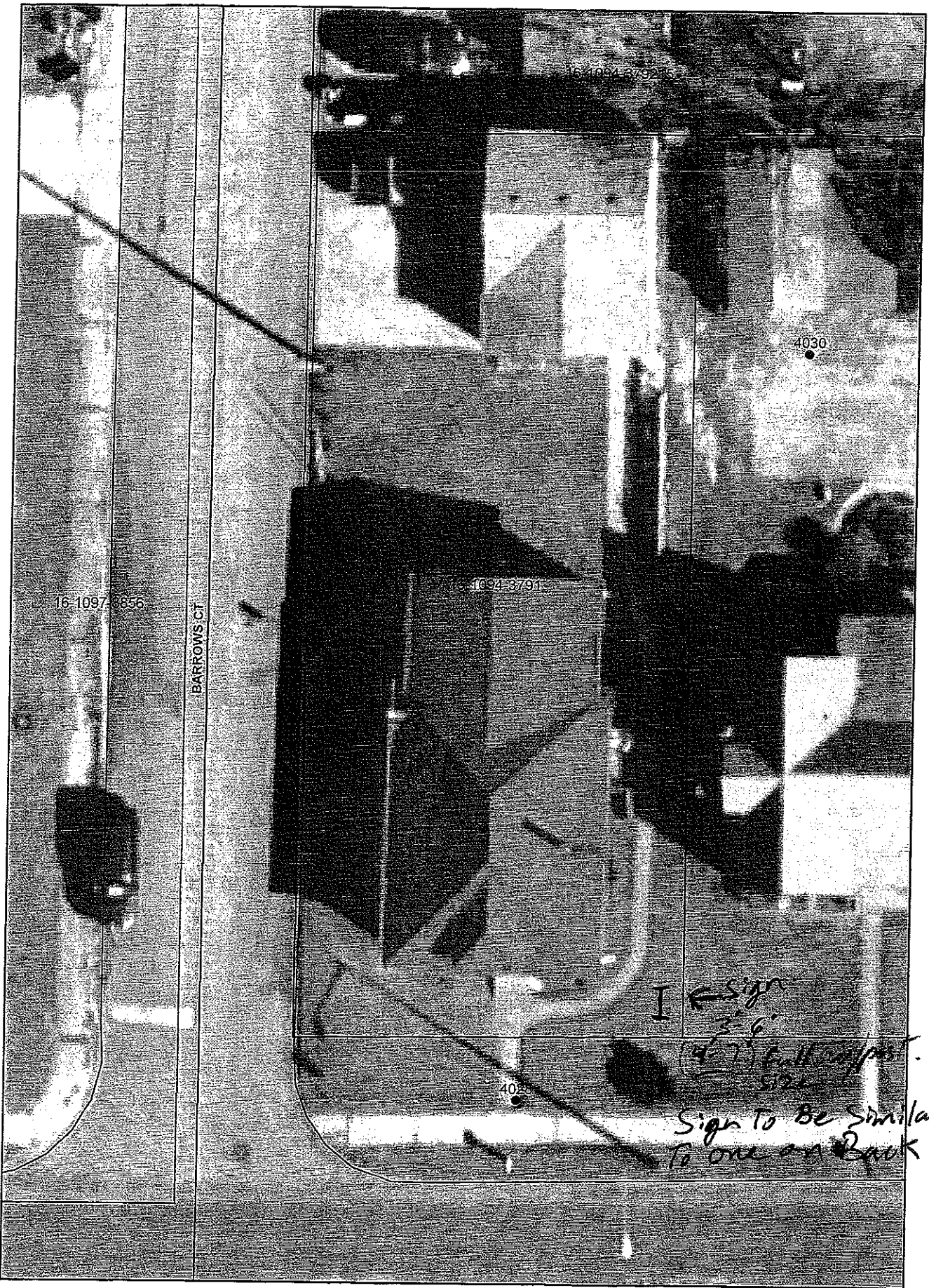
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.



Brent VanderZwaag (Z-BE's Properties, LLC)

3-18-13

Contact Person
Brent VanderZwaag
3938 Rosemont Place
Mishawaka, IN 46544
574-256-0810
bvz0929@gmail.com



16-1097-856

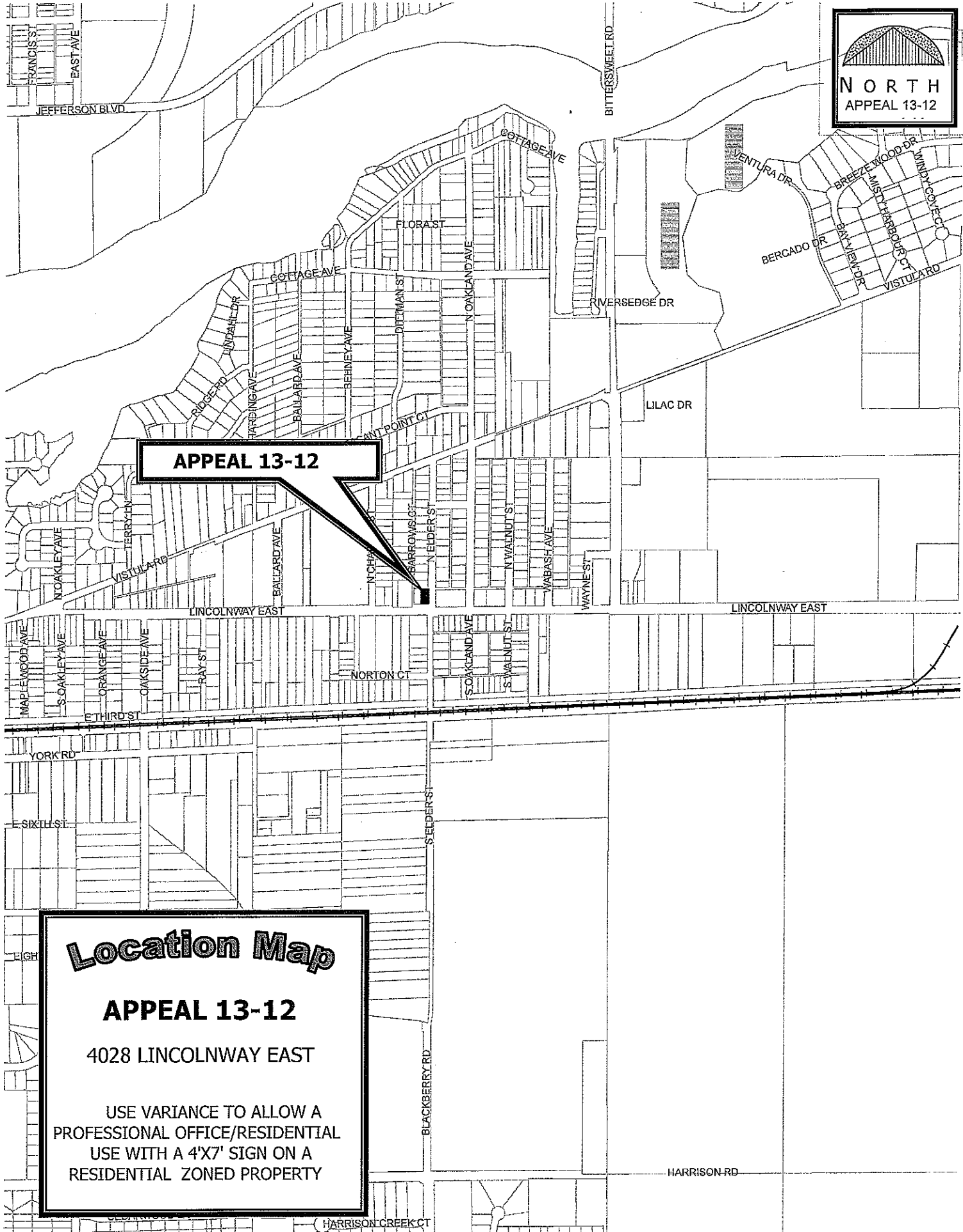
BARROWS, CT

16-1094-3791

4030

4030

I ← Sign
3' x 6'
(4-7) Full height
side
Sign To Be Similar
To one on Back



APPEAL 13-12

Location Map

APPEAL 13-12

4028 LINCOLNWAY EAST

USE VARIANCE TO ALLOW A
PROFESSIONAL OFFICE/RESIDENTIAL
USE WITH A 4'X7' SIGN ON A
RESIDENTIAL ZONED PROPERTY