AGENDA

Monday, August 4, 2014

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

July 21, 2014

5. Petitions, Communications, Remonstrance and Memorials

Appeal No. 2014-14 Use Variance 2030 N Merrifield Ave to allow (2) Apartments on C-1 General Com Zoned Property

Petition No. 2014-14 Vacation of Public Right of Way - North Main St and East Mishawaka Ave - City of Mishawaka and John Becker

Petition No. 2014-15 Amend S-2 PUD the Michiana Tennis Association 5805, 5815 and 5905 Fir Rd - Long Term Care

Petition No. 2014-16 Rezone from C-1 Gen Com to C-4 Auto Oriented Com 3837 LWE

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

9. Ordinances on Second Reading

P.O. NO. 2014-14 Rezone from C-4 Auto Oriented Com to C-7 Auto Restaurant Com - 205 W Day Rd (Assigned to Land Use Planning Committee)

P.O. NO. 2014-16 Amending the Salary Ordinance - Law Department (Assigned to Budget and Finance 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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
July 21, 2014

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 July 21, at 7:00 p.m. The meeting was called to order by President Matt Mammolenti all were asked to stand for the Pledge of Allegiance.

Roll Call.
Present: John Reisdorf, Ron Banicki, Kat Voelker, John Roggeman, Woody Emmons, Mike Bellovich, Dan Bilancio, Matt Mammolenti.
Absent/Excused: Mike Compton.

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

The minutes from the July 7, 2014 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Plan Commission Recommendations from their July 8, 2014 Public Hearing.

PETITION NO. 2014-10	A petition submitted by Mishawings, LLC, requesting To rezone 205 west Day Road from C-4 Automobile Oriented Commercial District to C-7 Automobile Oriented Restaurant Commercial district. **RECOMMENDED APPROVAL**
PETITION NO. 2014-11	A petition submitted by William M. Wagner and George M. Wagner requesting to rezone 902 East Marion Street from R-1 Single Family Residential District and I-01 Light Industrial District to R-1 single Family Reside R**ECOMMENDED APPROVAL**

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

PROPOSED ORDINANCE NO. 2014-14

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

Rezone from C-4 Auto Oriented Commercial to C-7 Auto Restaurant Commercial –205 West Day Road (Assigned to and Use Planning Committee)

PROPOSED ORDINANCE NO. 2014-15

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

(Rezone from I-1 Light Industrial to R-1 Single Family – 902 E. Marion Street)
Petitioner requested 1st and 2nd reading

Ms. Voelker made a motion to suspend Council Rules and hear this proposed ordinance at this meeting, with a second by Mr. Reisdorf the motion carried.

President Mammolenti said **PROPOSED ORDINANCE NO. 2014-15** would be heard under New Business.

PROPOSED ORDINANCE NO. 2014-16

AN ORDINANCE AMENDING ORDINANCE NUMBER 5377 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA INDIANA FOR THE YEAARS BEGINNING JANUARY 1, 2013 AND JANUARY 1, 2014

(Amending the Salary Ordinance – Law Department)
Assigned to Budget and Finance Committee

Clerk Block read **RESOLUTION NO. R2014-14** opening it for public hearing.

RESOLUTION NO. 2014-14

HONORING ANNA ROHRER TRACK AND FIELD

Chris Kowalewski, said he was Anna Rohrer's Coach a grateful Coach for the runner and athlete that Anna is and the appreciation her family shows. He said he was totally enjoying this season.

Dave Wood, Mayor said the rest of the story was incredible watching Anna progress over the years and becoming National Champion. He said he was creditably impressed with what she gives back to her community. Mayor Wood said she participates in the DARE Programs speaking to the children and reaching out to them as a role model, she is also on the Mayor's Youth Council, and he feels the City of Mishawaka will see great things from Anna not only now but also in the future.

Mr. Bellovich said he was impressed by her comeback after such a major injury and wanted to congratulate her on such hard work and great achievements.

Mr. Reisdorf said for the New Balance Championship he listened to the English speaking announcer butchering the name Mishawaka, after having no one else to talk about but Anna Rohrer and Mishawaka for close to 17 minutes he became more proficient, so he wanted to thank Anna for helping introduce the world to Mishawaka.

Mr. Roggeman said he was able to watch her run in the state meet when she blew everyone away by at least 30 seconds for the win. He said one of the good things about Track as opposed to other sports, you run your race and there is your time and you can compare that to races in the past and in the future and in Track there is a standard set and that's the time. Mr. Roggeman stated there can't be enough said about the job Anna has done, as well as overcoming the adversity of her foot injury. Mr. Roggeman also congratulated Coach Kowalewski on his training.

Mr. Mammolenti said he doesn't think he could even beat her on his bike; she did a great job on the track and also in the community and thanked her for her service.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).
Yes: Dan Bilancio, John Reisdorf, John Roggeman, Kat Voelker, Matt Mammolenti, Mike Bellovich, Ron Banicki, Woody Emmons.

Clerk Block read **RESOLUTION NO. 2014-15** opening it for public hearing.

RESOLUTION NO. 2014-15

HONORING ASHLEIGH MACLEOD TRACK AND FIELD

Coach Fletcher, 21681 Knobcone Court, Bristol, Indiana said he was the Head Coach of the Track Team at Penn High School. He wanted to thank everyone for recognizing Ashleigh, Penn High School, and the girls Track Team. Coach Fletcher said he was also Ashleigh Direct Coach and she was very coachable and she has worked hard he gave her the guidelines and she took it from there. Coach Fletcher said she was the Champion 800 runner in the State of Indiana this year and that will never go away she would always have that. He believes she can be a national champ.

Mr. Reisdorf said watching Penn in the state championships this year so many girls have succeed this is there and Ashleigh was their first State Champion and she did as a freshman.

Mr. Roggeman said this was a statement, going downstate to Bloomington and run against everyone in the state and to win was really something special.

Mr. Mammolenti said he wanted to congratulate her on her State Title, winning that at any age especially as a freshman was impressive.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).
Yes: Dan Bilancio, John Reisdorf, John Roggeman, Kat Voelker, Matt Mammolenti, Mike Bellovich, Ron Banicki, Woody Emmons.

Clerk Block read **RESOLUTION NO. 2014-16** opening it for public hearing.

RESOLUTION NO. 2014-16

RESOLUTION OF THE MISHAWAKA COMMON COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR THE ELMINATION, REORGANIZATION, AND CONSOLIDATION OF PUBLIC SAFETY ANSWERING POINTS IN ST. JOSEPH COUNTY, INDIANA, AND ALL MATTERS RELATED THEREFORE
(Public Safety Access Pint/PSAP 911)

Mayor Wood said he would be speaking in favor of this resolution; it has been a long road to get to this point bringing together an Inter-local Agreement with the City of South Bend, St. Joseph County and the City of Mishawaka. He said the State Law has changed and we now are required to consolidate the Dispatch Centers (of which there were four in St. Joe County) by the end of 2014. Or we would lose the state funding for the 911 services.

Mayor Wood said approximately one year ago they entered into the process of doing this and they are still a long way from completing the consolidation but the game plan that sets us forward was what they were here to act. He said they have had a lot of help with input from Umbaugh and Associates, John Julian, as well as the public safety personnel who have really played a key part in this, Commissioner Marsha McClure and the committee Assistant Chief Steve Ravotto, Mishawaka Police, Assistant Chief Greg Hunt, Mishawaka Fire and Sgt. Russ Haimbaugh, Mishawaka Police. Mayor Wood stated this was a Mission Critical Facility, it would be providing vital public services to our citizens. He said for the City of Mishawaka we needed to improve services, which was already at a high level to begin with and we needed to do it more efficiently and was proud to say they have accomplished those things. Mayor Wood stated at the end of the day when this building has been constructed and the operation is in place it will be even more efficient with improved service, new capabilities and improved co-operation between all the Public Safety Agencies in St. Joseph County. He asked the Council for their support of this.

John Julian , Umbaugh and Associates 112 Ironworks Avenue, Mishawaka, said he has been working with municipalities for quite a few years and cannot stress enough how impressed he was with the co-operative effort with all the members and leadership that stepped up to bring this project forward. He said it was quite remarkable and as a result of that effort an Inter-local agreement has been drafted that basically lays out the frame work for the co-operation of the three communities, the two municipalities and the county, it contains a lot of operational direction but also includes the financial plan.

Mr. Julian stated the Inter-local agreement identifies the estimated annual operating costs for the district which was approximately 6.1 million dollars and lays out the frame work as to how that annual operating cost would be allocated among three participating communities.

He went on to say, it also discusses that from this point going forward through the terms of the local agreement, how those costs would be managed, identified, and allocated in future years as well. Mr. Julian said the intent as much as possible was to eliminate as many questions as possible as to how the financial plan would go forward. Mr. Julian said in addition to the operational cost there was some capital that would be expended to construct the new facility that would house the consolidated department as well as some improvements to the facility that would serve as back up for dispatch. He said those capital costs would be funded through the issuance of a bond by St. Joseph County and the Inter-local Agreement discusses how the repayment of that bond would take place through an allocation of costs to the participating communities.

Mr. Julian said in conclusion the city's portion of the 6.1 billion dollars would be a little over 775,000 dollars, which represents a difference of about 500,000 dollars between where the anticipated operating costs to be. He said he doesn't want to overstate that by saying it was a savings, in full disclosure; the City would still be incurring some technical service expenses. Mr. Julian said in addition to that there was a portion of the Bond Issue that would be funded out of that difference as well. He said he felt it was safe to say with the consolidation from a financial standpoint there would be a reduction in operating expense from what the city has historically incurred.

Mr. Reisdorf asked in looking at the 9ll calls verses the administration calls and knowing a number of the employees would be going to the County Center, how many employees would be kept on hand at Mishawaka Station to handle administration calls. Mr. Julian said he thinks those details are still being worked out, and those questions have not been answered yet. He said like he said there would be a margin there if additional labor for the Mishawaka site would be required but those details have not been worked out.

Ms. Voelker asked if there was intent to keep somebody at the Mishawaka Police Department to answer those calls or do we not know that yet. Mr. Julian said his approach to that was whatever was worked out, be it personnel, or technology there would be financial resources available to handle that so the transition does not add to the cost of the city.

Mayor Wood said to clarify that there would be a transitional program until a new facility was constructed and that transitional center would have dispatchers working at Mishawaka in our Dispatch Center, which would last till the 3rd or 4th quarter of next year, they would be County employees as of January 1st and until the transition is made they would not be Mishawaka Employees and after that we do not anticipate at this point and time to hire additional staff to deal with calls. He said they would handle non-emergency calls that require dispatch would go to the center and a majority of the calls we now receive are non-emergency. Mayor Wood said Chief Ravotto could talk in more detail in regards to after the transition.

Steve Ravotto, Assistant Police Chief said once the new facility is open and the dispatch staff moves out of police station there would be no need to have someone at the police station. He said they do not anticipate any need for additional people be there to answer phone calls, right now the front desk is staffed Monday through Friday during normal

business hours and that would remain in effect. Chief Ravotto stated the City facilities would be getting a new phone system shortly and Administrative calls can be handled more effectively and those calls can be rerouted. He said the goal was not to have any additional personnel the details are being worked out with the new director He totally supports this.

Kate said she would be an advocate to have someone in the local Police Department to handle neighborhood calls. She said she doesn't want to lose the personal touch. Chief Ravotto stated they get so few of those types of phone calls after business hours. He said they have a front desk officer and the Records Division that can handle those calls during the day and can transfer those calls to appropriate departments.

Mr. Bellovich asked Chief Ravotto with consolidation does he see an improvement and more efficiencies between the various agencies communicating back and forth. Chief Ravotto said yes he sees it to be more efficient.

Ms. Voelker said she was impressed with the presentation this past week and the due diligence of the group that has put this together, she was amazed.

Mr. Roggeman said this was another idea that started in Indianapolis and was placed upon us, and we have made the best of it. He wanted to thank everyone involved and he was proud this facility was put in our city. Mr. Roggeman said he appreciated the meeting they had last week on this giving them time to dig into the details. He said he was looking forward to the construction of this building and the employment opportunities, the people that would be going to lunch in our restaurants and all that goes with having it here in Mishawaka.

Mr. Mammolenti said he wanted to reiterate what Ms. Voelker and Mr. Roggeman said and that he was also at the meeting and was thoroughly impressed with the amount of research and all that was done to be able to present that to them.

Question was called for at 7:38 p.m. on **RESOLUTION NO. 2014-16** the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Dan Bilancio, John Reisdorf, John Roggeman, Kat Voelker, Matt Mammolenti, Mike Bellovich, Ron Banicki, Woody Emmons.

PRIVILEGE OF THE FLOOR

Kathleen Dickinson 1118 Harvest Circle Mishawaka, The Village at Harrison Creek Subdivision said she wanted to share what was happening in there subdivision with the Harrison Road construction. She said her neighborhood was never notified regarding the construction and that the water would be decreased in their ponds. Ms. Dickinson said as a result their fountains burnt up, had they been notified they could have removed the fountains. She wanted to know how much longer the drainage would be taking place in order to know if any of the pond life can be preserved. Ms. Dickinson said she received a letter stating these were Wet Lands and she admitted she did not know anything about Wet Lands it was not her area. She said the road work was a great improvement so they are excited about that.

Ms. Dickinson said the esthetics of the ponds are a concern and they want to know what preventative measures can they do now while the construction continues so they do not lose the rest of the pond life. She said they wrote a letter to the Mishawaka Engineers Office and was waiting to hear from them.

Mr. Mammolenti said he has presented this to the Council as whole and they would be meeting on the topic and try to get some answers for them and get back with her.

Dennis Gradless 3902 Harrison Creek Court also expressed his concerns regarding the ponds and the Wet Lands and that was one of the reasons he bought his property there, it was beautiful and he paid extra for it. He said his division welcomed the work on Harrison Road as it was much needed but felt they should have been given fair warning about draining the ponds. He reiterated what Ms. Dickenson said concerning the fountains.

Mr. West said the ponds were built in 1996 as stormwater retention ponds when the developer started to build homes in the area.. Mayor Wood told neighbors, the ponds provide a vital engineering function, if they fail, the homes could see their basements flood.

Mr. Gradeless said he was led to believe there are government protected wetlands between his neighborhood pond and Harrison Road, set off with markers, where he can't make changes. He said had they been notified of the process they could have taken precautions for the fountains and the fish and he would probably not have to come before the Council.

Mr. West said the contractors will expedite construction by closing parts of the road during the day. He said that should help workers finish the storm sewer on the north side of the road by the end of July, then shut off the water draining process for four to six weeks, after that they'll have to lower the water table again for three to four weeks so they can install a water main. Mr. West said after that the water draining could stop all together.

Deana Nussbaum 1130 Diamond Drive in the condominiums across from Mr. Gradeless and what use to be their pond, she was here to reinforce what Mr. Gradless was saying. She said they are an over 50 community and a private entity, they take care of their own streets the city does not have to do anything in their division and she feels it should be returned to what they thought it was going to be.

Mayor Wood said he was also surprised at the project's effect on the ponds. He said he'll try to seek additional ways to minimize the pond draining but couldn't promise.

NEW BUSINESS

PROPOSED ORDINANCE NO. 2014-15

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

(Rezone from I-1 Light Industrial to R-1 Single Family – 902 E. Marion Street)

William Wagner 902 East Marion Street said his parents purchased this property in 1970 and it used to be Railroad Property and it is now half of his backyard, he cannot refinance or sell his house until it is rezoned. He said that was why he was making this request.

Question was called for at 8:02 p.m. on **PROPOSED ORDINANCE 2014-15** the **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 8). **Yes:** Dan Bilancio, John Reisdorf, John Roggeman, Kat Voelker, Matt Mammolenti, Mike Bellovich, Ron Banicki, Woody Emmons. Thus it becomes **ORDINANCE NO. 5448.**

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 8:03 p.m.

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

Matt Mammolenti_____
Matt Mammolenti, Presiding Officer

RECEIVED
DEBORAH S. BLOCK, MMC
JUL 31 2014
CITY CLERK
MISHAWAKA, IN

RECEIVED
JUL 15 2014
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

AP 14-14

DATE: July 10, 2014

FROM: Dow Family Real Estate LLC

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board: We, the Dow Family Real Estate LLC (John and Carole Dow), are the owners of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

> A lot or parcel of land in the Northeast Quarter of Section 10, Township 37 North, Range 3 East, more particularly described as follows: commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence proceeding South 388.33 feet along the West line of the Northeast Quarter of said Section 10, which has an assumed bearing of South 1° 23' 35" East, to the point of beginning; thence continuing South 1° 23' 35" East 150.0 feet; thence North 89° 45' 05" East 197.82 feet; thence North 1° 19' 03" West 150.0 feet; thence North 89° 45' 49.5" East 198.01 feet to the point of beginning.

The common address is: 2030 North Merrifield, Mishawaka, IN 46545.

The above-described real estate presently has a zoning classification of C-1 General Commercial District under the Zoning Ordinance of the City of Mishawaka. We presently occupy the above-described property in the following manner: use the apartment which is on the second floor as our residence when we are in town. Typically we are in Mishawaka in the spring for approximately two months and in the fall for three-four months. The first floor currently does not have a tenant and so we have placed a number of file cabinets with papers that Mr. Dow has generated over the years.

We desire to occupy the first floor of the building as our apartment and leave the second floor apartment as an area where guests could stay when they visit. Currently the C-1 General Commercial District requires a freestanding commercial (either retail or service) business to occupy the first floor (Section 137-300 and Section 137-301).

Because both owners of the property are in their seventies and Mrs. Dow fell down the upstairs outside steps last winter (2013) and Mr. Dow has difficulties with stairs we feel it is dangerous for us to live in the upstairs apartment.

We do not feel that approval for this change would be injurious to the public health, safety, morals or general welfare of the community. Nor do we believe that the use and value of the area adjacent to the property included in the variance would be affected in a substantially adverse manner. Currently there is a State Farm business on the South side of the property which was at one time a home that fronts Cedar. On the North side of the property there is now a garage door business. On the corner of N. Merrifield and McKinley is a pawn shop. Across the street and South there is an auto-mobile parts store which faces Cedar. Then across the street on North Merrifield there is a vacant building, an automobile repair shop, a tool & die operation, and a screen printing business. The residential area is across Cedar and so we believe the street serves as a buffer between our property and this area.

The enclosed diagram indicates that we would leave the outside appearance of the building as is. The first floor would leave the front of the building as a living room but we would add two bedrooms and an additional bathroom behind the living area. There already is a kitchen area in the back of the building as well as one bathroom. The storage area behind the bathroom would be made into a laundry area so we would not have to use stairs to use the washer and dryer on the second floor.

The need for the variance arises because of the age and physical limitations of both Mr. and Mrs. Dow. If a strict application of the terms of this ordinance were applied we would be limited in our ability to stay in Mishawaka to see family and friends. We have attempted to sell this property and then purchase a villa for ourselves but to date we have not found someone to purchase our commercial property.

We do believe that a strict application of the terms of this zoning classification constitutes an unnecessary hardship if applied to the property for which the variance is sought. The two bedrooms on the first floor could be used as offices or rooms that a day care facility could use. The building itself would not be changed, just the first floor if our variance request is granted. That would mean that we could use the facility for quite a few more years. We do not believe that approval of our variance request would substantially 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.

Carole S. Dow

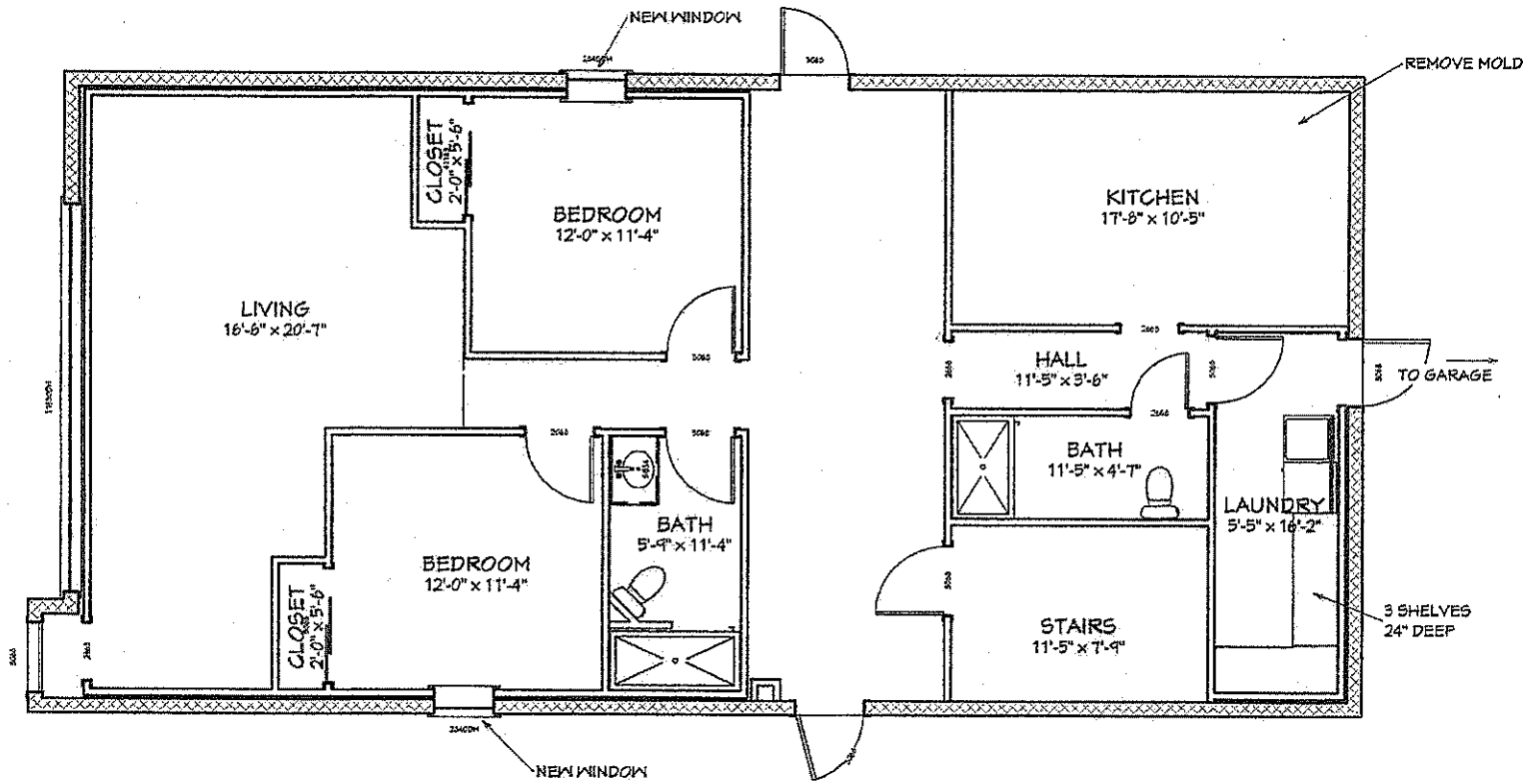
Carole S. Dow
Signature of Property Owner
President, Dow Family Real Estate LLC

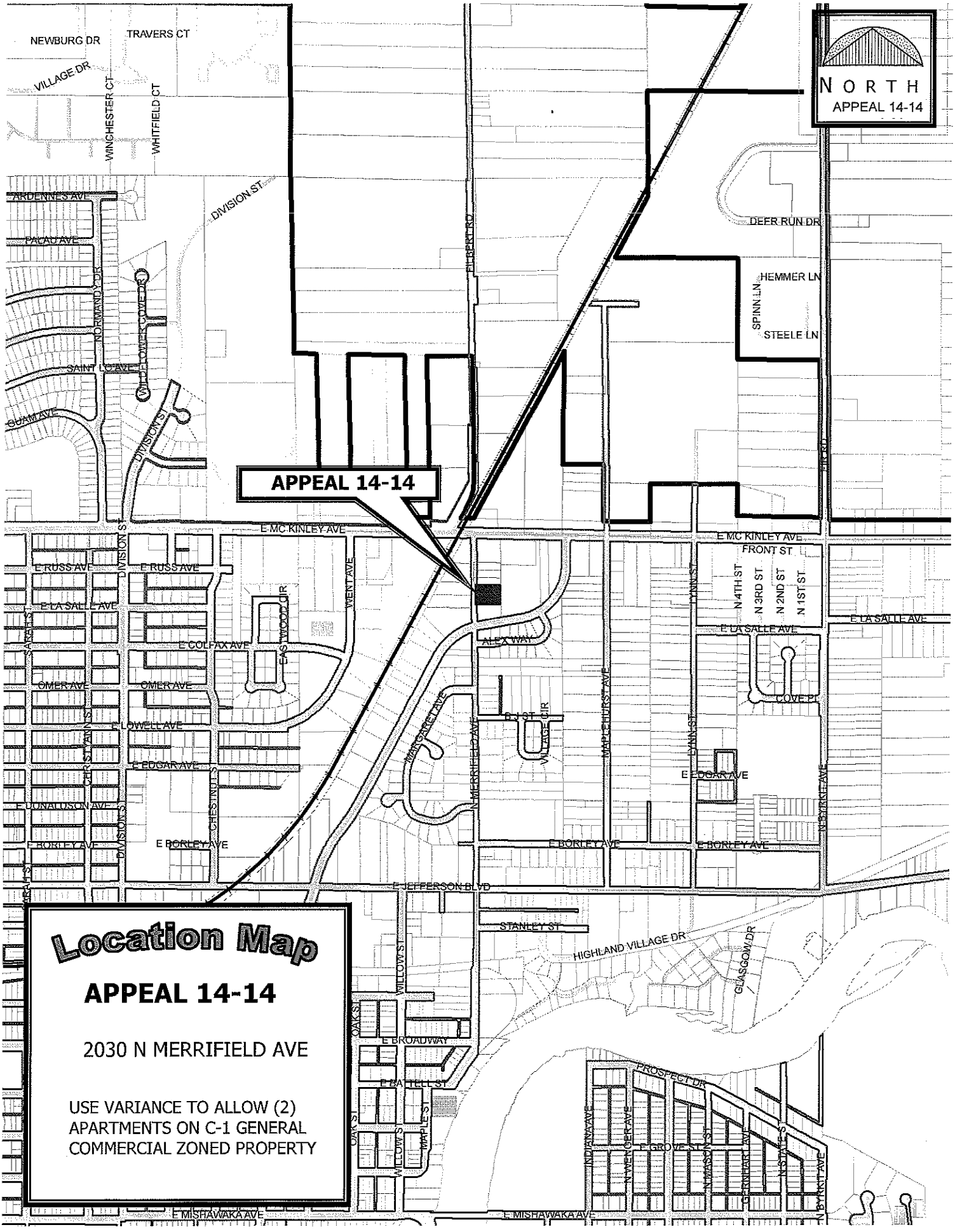
John D. Dow

John D. Dow
Signature of Property Owner
Dow Family Real Estate LLC

Contact Person:

Name:	Cyndi Carper
Address:	14008 Day Road
Day Phone Number:	574-532-7515
Email:	cyn68@comcast.net


NEW WINDOW
REMOVE MOLD
CLOSET
2'-0" x 5'-6"
BEDROOM
12'-0" x 11'-4"
KITCHEN
17'-8" x 10'-5"
LIVING
16'-6" x 20'-7"
HALL
11'-5" x 3'-6"
TO GARAGE
BATH
11'-5" x 4'-7"
LAUNDRY
5'-5" x 16'-2"
BATH
5'-9" x 11'-4"
BEDROOM
12'-0" x 11'-4"
CLOSET
2'-0" x 5'-6"
STAIRS
11'-5" x 7'-9"
3 SHELVES
24" DEEP
NEW WINDOW


NORTH
APPEAL 14-14
APPEAL 14-14
NEWBURG DR
TRAVERS CT
VILLAGE DR
WINCHESTER CT
WHITFIELD CT
ARDENNES AVE
PACAU AVE
DIVISION ST
NORMANDY DR
SAINT LO AVE
GUAM AVE
OLD FLOWERTOWN RD
DEER RUN DR
HEMMER LN
SPINN LN
STEELE LN
GILBERT RD
FIR RD
E MC KINLEY AVE
E RUSS AVE
E LA SALLE AVE
E COLFAX AVE
OMER AVE
E LOWELL AVE
E EDGAR AVE
E DUNALLISON AVE
E BORLEY AVE
E JEFFERSON BLVD
WENT AVE
EASTWOOD DR
CHESTNUT ST
MARGARET AVE
N MERRIFIELD AVE
VILLAGE CIR
MAPLEHURST AVE
ALEX WAY
LYNN ST
FRONT ST
N 4TH ST
N 3RD ST
N 2ND ST
N 1ST ST
COVE PL
N BYRKIT AVE
STANLEY ST
HIGHLAND VILLAGE DR
GLASGOW DR
WILLOW ST
OAK ST
MAPLE ST
E BROADWAY
E BATTELL ST
PROSPECT DR
INDIANA AVE
N WENGER AVE
E GROVE ST
N MASON ST
E HEART AVE
N STATE ST
E MISHAWAKA AVE
Location Map
APPEAL 14-14
2030 N MERRIFIELD AVE
USE VARIANCE TO ALLOW (2) APARTMENTS ON C-1 GENERAL COMMERCIAL ZONED PROPERTY

RECEIVED
DEBORAH S. BLOCK, MMC

JUL 31 2014

CITY CLERK
MISHAWAKA, IN

July 23, 2014

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

Re: Petition for Vacation of Public Right of Way

The undersigned, John Becker and City of Mishawaka respectfully request the Mishawaka Common Council and the Mishawaka Planning Commission vacate the following described public right of way located in the City of Mishawaka, St Joseph County, IN:

LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

The West 141.67 feet of the East-West alley shown on the plat of Mishawaka Hydraulic Company's Addition, recorded on May 24, 1881 in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 4, page 15, which lies South of and adjacent to Lots Numbered Thirteen (13) and Fourteen (14) and part of Lot Lettered A as shown on said plat.

INGRESS/EGRESS EASEMENT

Part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

Commencing at the Northwest corner of Lot Numbered Fourteen (14) as shown on the plat of Mishawaka Hydraulic Company's Addition, recorded on May 24, 1881 in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 4, page 15; thence East on the South right of way line of Mishawaka Avenue and the North line of said Lot Numbered Fourteen (14), Lot Numbered Thirteen (13) and Lot Lettered A in said Mishawaka Hydraulic Company's Addition, a distance of 141.67 feet to the point of beginning; thence continuing East on the South right of way of Mishawaka Avenue and the North line of said Lot Lettered A and the North line of Lot Numbered Twelve (12) in said Addition, a distance of 20 feet; thence South parallel to the East line of Main Street and the West line of said Lot Numbered Fourteen (14) a distance of 70 feet to the South line of said Lot Numbered Twelve (12) and the North line of an East-West alley; thence West on the South line of said Lot Numbered Twelve (12), the South line of Lot Lettered A and the North line of said East-West alley, a distance of 20 feet; thence North parallel to the East line of Main Street and the West line of said Lot Numbered Fourteen (14), a distance of 70 feet to the South right of way line of Mishawaka Avenue, the North line of said Lot Lettered A and the point of beginning.

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

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

Pet 14-14

John Becker
MJ Investments, LLC
2400 Miracle Lane
Mishawaka, IN 46545
ADJACENT PROPERTY OWNER
016-2075-2536

City of Mishawaka

ADJACENT PROPERTY OWNER
016-2075-2549

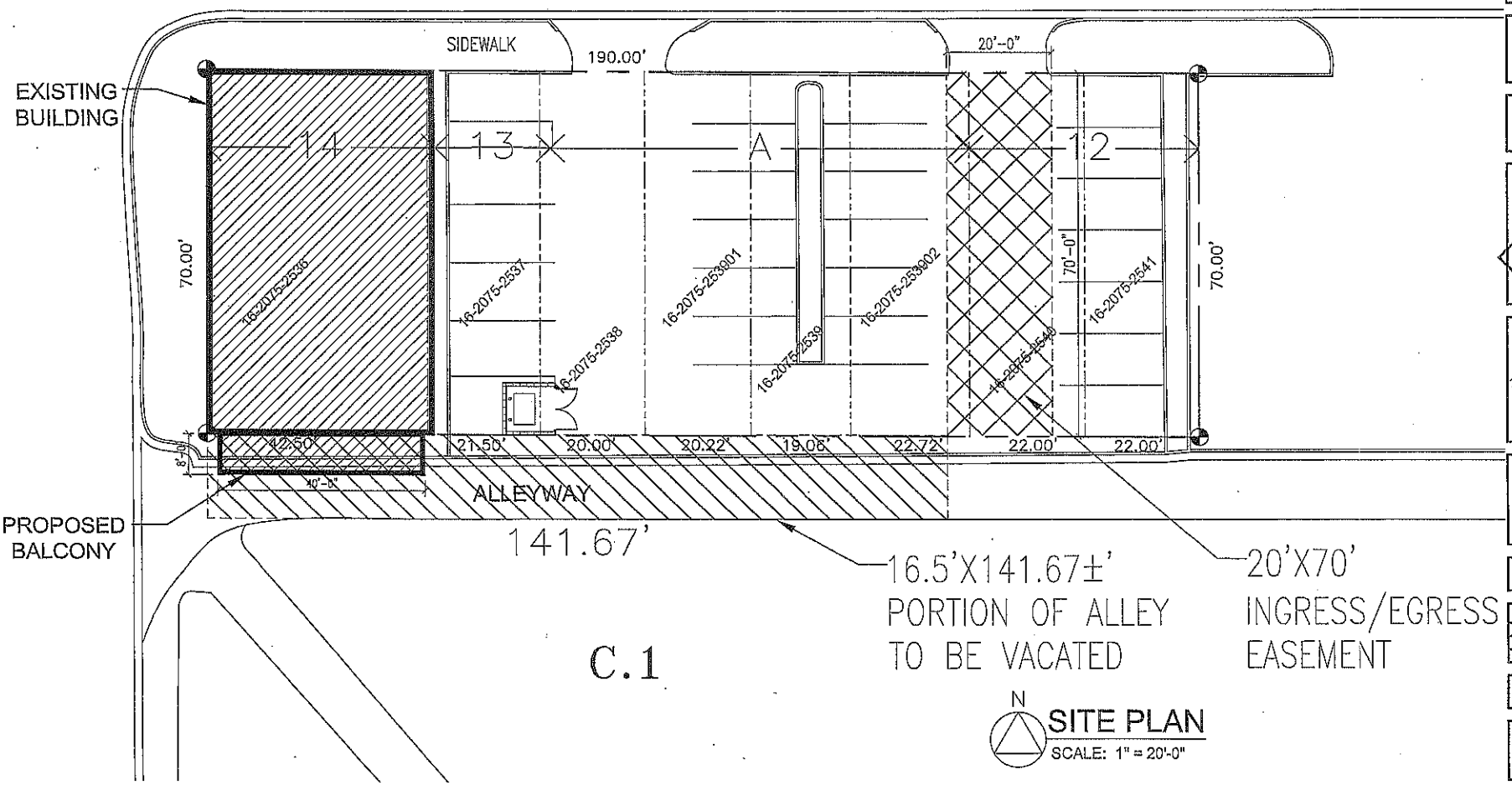
CONTACT PERSON:

Gregory A. Kil, NCARB, AIA
Architect
Kil Architecture/Planning
1126 Lincolnway East
South Bend, IN 46617

(574) 288-2654 phone
(574) 289-2420 fax
gkil@kilarchitecture.com email

EAST MISHAWAKA AVENUE

NORTH MAIN STREET



C.1

N

SITE PLAN

SCALE: 1" = 20'-0"

KIL
ARCHITECTURE
PLANNING
1126 LINCOLNWAY EAST
SOUTH BEND, IN
46601
GREGORY A. KIL
NCARB AIA
ARCHITECT
574.288.2654
FAX.289.2420
www.kilarchitectura.com

PLANNING SUBMITTAL NOT FOR CONSTRUCTION

BECKER BANK

101 E. MISHAWAKA AVE
MISHAWAKA, IN
46545

SITE PLAN

DATE: 07.23.2014

REVISED:

C1.1

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RECEIVED
DEBORAH S. BLOCK, MMC

JUL 31 2014

CITY CLERK
MISHAWAKA, IN

DATE: July 23, 2014

RECEIVED
JUL 23 2014
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 14-15

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

RE: **PETITION FOR PUD AMENDMENT**

Michiana Tennis Association PUD
5805, 5815, and 5905 Fir Road

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

PARCEL I (5805 Fir Road)

A LOT OR PARCEL OF LAND TAKEN OFF OF AND FROM THE ENTIRE LENGTH OF THE SOUTH SIDE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTERLINE OF A PUBLIC HIGHWAY KNOWN AS THE FIR ROAD WHERE SAID CENTERLINE INTERSECTS THE SOUTH EIGHTH SECTION LINE OF SAID SECTION 27; RUNNING THENCE NORTH ALONG THE CENTER OF SAID ROAD 20 RODS AND 7/10 OF A FOOT; THENCE WEST TO THE NORTH AND SOUTH CENTERLINE OF SAID SECTION; THENCE SOUTH 20 RODS AND 7/10 OF A FOOT TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE EAST ON SAID LINE TO THE PLACE OF BEGINNING; EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED TRACT; RUNNING THENCE SOUTH ALONG THE CENTERLINE OF FIR ROAD, A DISTANCE OF 169.7 FEET; THENCE NORTHWESTERLY 316.55 FEET; THENCE NORTH 160 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER 315 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL II (5815 Fir Road)

A LOT OR PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT IN THE CENTER OF FIR ROAD, 161 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER OF SECTION 27, THENCE RUNNING NORTH ALONG THE CENTERLINE OF THE SAID FIR ROAD, 169.7 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 27, 315 FEET; THENCE SOUTH 160 FEET; THENCE SOUTHEASTERLY 316.55 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

PARCEL III (5905 Fir Road)

A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 506.55 FEET NORTH OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 89°45'50" EAST , A DISTANCE OF 528.00 FEET; THENCE SOUTH 0°07'28" EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 165.00 FEET; THENCE SOUTH 89°45'50" WEST, A DISTANCE OF 528.00 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 0°07'28" WEST, A DISTANCE OF 165.00 FEET TO THE PLACE OF BEGINNING. SUBJECT TO LEGAL HIGHWAYS.

The above described parcel of land contains the following properties: 5805, 5815 and 5905 Fir Road, Mishawaka, Indiana.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for a tennis/fitness center, office uses, and nursing facility.

Petitioner desires said real estate to be amended as follows:

1. To allow a minimum of 0.8 parking spaces per bed for the proposed nursing facility.

2. To allow for vinyl siding/trim and fiber cement board/trim to be acceptable materials for the exterior building facade.

3. To allow the building facades facing public right-of-way and the internal private collector drive to have a minimum of 1/3 masonry materials and the remaining materials to include vinyl siding/trim. Masonry materials may include a combination of stone, brick, rock, fiber cement board/trim, doors, windows, louvers, and glass.

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

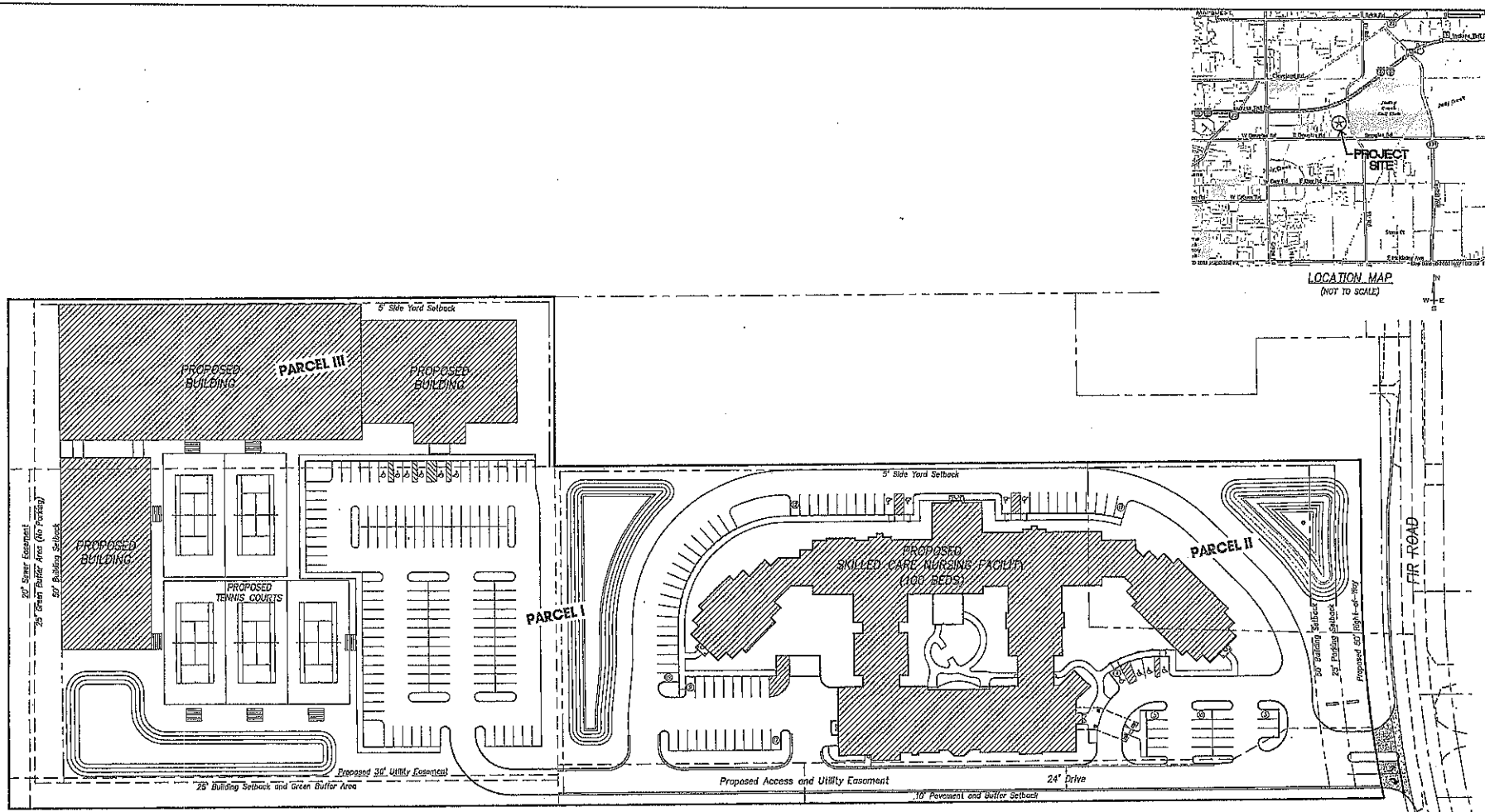
Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate and preliminary site plan of the project.

Steve Caurro

Michiana Tennis Association, LLC
17517 Starlite Drive
South Bend, IN 46614

CONTIGENT PURCHASER OF PROPOSED LOT 1
AND DEVELOPER OF NURSING FACILITY
Long Term Care Investments, LLC
1620 North Ironwood Drive
South Bend, IN 46617

CONTACT PERSON:
Bradley E. Mosness, PE
Abonmarche Consultants, Inc.
750 Lincoln Way East
South Bend, Indiana 46601
(574) 232-8700
bmosness@abonmarche.com



ABONMARCHE

PROJECT: PUD AMENDMENT
MICHIANA TENNIS ASSOCIATION, PUD
FIR ROAD
MISHAWAKA, INDIANA

SHEET TITLE: PRELIMINARY SITE PLAN

DRAWN BY: BSM
CHECKED BY:
FM REVIEW: BSM
QA/QC REVIEW:
DATE: 07-23-14
SEAL:

SIGNATURE:
DATE:

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

SCALE: HORZ: 1"=100'
VERT:

ACT/JOB #: 13-0370

SHEET NO.: 1 of 1

July23,2014

RECEIVED
DEBORAH S. BLOCK, MMC
JUL 31 2014
CITY CLERK
MISHAWAKA, IN

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

Re: Petition to Rezone

The undersigned RKG Holdings L.L.C. 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 Number
3837 Lincolnway East
Mishawaka, Indiana 46544

RKG Holdings own one hundred (100%) percent of the above described parcel of land which carries a zoning classification C.1 District. Said property is vacant .

RKG Holdings desire said real estate to be rezoned to C.4 District. RKG Holdings further state that they intend to utilize said land for a used car lot.

Wherefore, RKG Holdings 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 of Property Owner

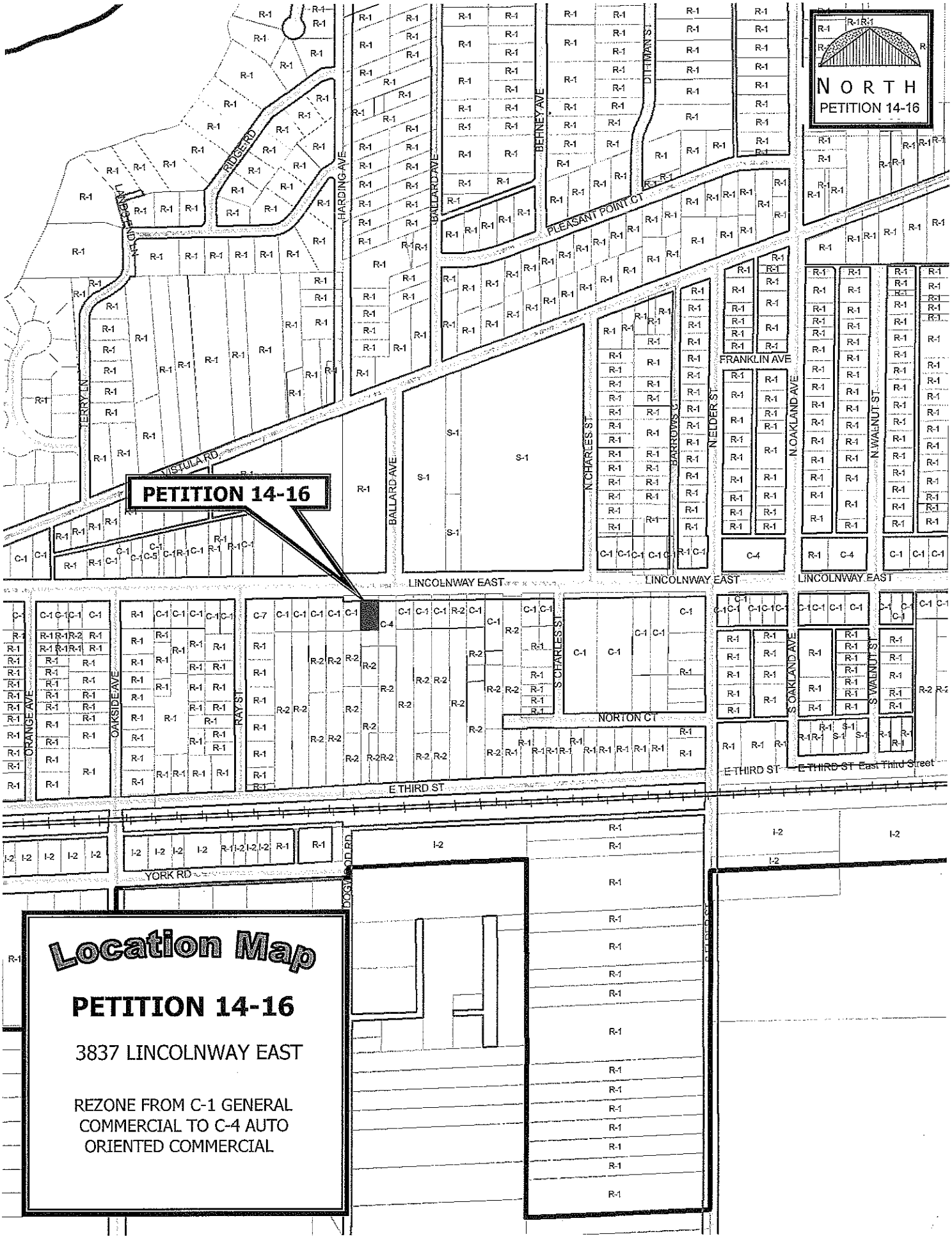
Richard D. Gerver

Signature of Property Owner

Karen M. Gerver

Contact Person:
Karen Gerver
1504 Lincolnway West, Osceola, Indiana 46561
547-679-9101
574-679-9241
gerversgarage@att.net

Pet 14-16


NORTH
PETITION 14-16
PETITION 14-16
LINCOLNWAY EAST
LINCOLNWAY EAST
LINCOLNWAY EAST
FRANKLIN AVE
PLEASANT POINT CT
RIDGE RD
HARDING AVE
BALLARD AVE
BERNEY AVE
DITMAN ST
LANDSFIELD LN
JERRY LN
VISTULA RD
N CHARLES ST
BARROWS CT
N ELDER ST
N OAKLAND AVE
N WALNUT ST
S CHARLES ST
S OAKLAND AVE
S WALNUT ST
NORTON CT
E THIRD ST
E THIRD ST
E THIRD ST East Third Street
ORANGE AVE
OAKSIDE AVE
RAY ST
YORK RD
DOGWOOD RD
S ELDER ST
Location Map
PETITION 14-16
3837 LINCOLNWAY EAST
REZONE FROM C-1 GENERAL COMMERCIAL TO C-4 AUTO ORIENTED COMMERCIAL

RECEIVED
DEBORAH S. BLOCK, MMC
JUL 09 2014
CITY CLERK
MISHAWAKA, IN

1st Reading 7-21-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-14

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:

Lot 1 as shown on the recorded plat of Grape Road, LLC Minor Subdivision recorded August 19, 2005, as Instrument No. 0538175 in the Office of the Recorder of St. Joseph County, Indiana.

COMMON ADDRESS: 205 West Day Road

which real estate is now classified as C-4 Automobile Oriented Commercial District shall hereafter be within and a part of that District known as C-7 Automobile Oriented Restaurant 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. Given the property's close proximity to commercially zoned property and adjacent to C-7 zoned property, the C-7 zoning would be compatible with the surrounding commercial properties and the existing drive-thru restaurant uses in 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, staff feels that the most desirable use for this property is the C-7 Automobile Oriented Restaurant Commercial

Proposed Ordinance No: 2014-14

Ordinance No: _____

3. Because the parcel is located adjacent to commercial properties and along heavily traveled corridors, the C-7 zoning classification would be compatible and is a desirable use for this property;

4. C-7 zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.

5. The proposed C-7 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial uses along Grape Road.

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 _____, 2014, at _____ o'clock ___.M.

_____
Presiding Officer

ATTEST:

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

PRESENTED by me to the Mayor this _____ day of _____, 2014, at _____ o'clock ____.M.

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

APPROVED by me this _____ day of _____, 2014, at _____o'clock ____.M.

_____
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC
JUN 18 2014
CITY CLERK
MISHAWAKA, IN

shorewood
DEVELOPMENT GROUP

Delivery Method: Via Fed Ex

June 18, 2014

To:

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

Project:

Proposed 205 W. Day Road Redevelopment
Existing Hooters
Lot 1
Minor Subdivision Plat of Grape Road LLC
Mishawaka, Indiana

RE: Petition to Rezone

Shorewood Development Group, on behalf of the current property owners Mishawings LLC would like to introduce the proposed redevelopment of 205 W. Day Road for your review. Shorewood Development Group is under contract to purchase Lot 1 from Mishawings LLC and will be issuing the petition to rezone. For your reference please find attached the letter of authorization from the property owner. The subject site is the existing Hooters restaurant, Lot 1 as shown on Minor Subdivision Plat of Grape Road LLC, at the SWQ of West Day Road and North Main Street, in the City of Mishawaka, County of St. Joseph, State of Indiana.

Legal Description:

Being Lot 1 as shown on Minor Subdivision Plat of Grape Road LLC, recorded August 19, 2005, as Document Number 0538175, in the Office of the Recorder of St. Joseph County, Indiana.

Being the same property acquired by MishaWings, LLC, a Kentucky limited liability company, by Deed dated October 13, 2005, and recorded as Instrument No. 0548184, in the St. Joseph County, Indiana Recorder's Office.

Common Address: 205 W. Day Road

The existing site is +/-1.7476 acres and currently zoned Commercial C-4 District.

The petitioner requests to rezone the site to Commercial C-7 District for the purpose of constructing a two-unit commercial building which would include a drive-thru restaurant and retail. The redevelopment would include partial demolition of the existing structure as well as a reconfiguration of a portion of the existing parking field to accommodate this new construction. The proposed redevelopment will increase the pervious area (landscape area) from the existing 35% to 39% and will satisfy the required parking for the Commercial C-7 District per the Village Zoning Ordinance.

At this time, we are requesting 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. We hope that you positively perceive and consider our project for future redevelopment.

Sincerely,

Dan Angspatt, PE
Vice President of Engineering
Shorewood Development Group
2150 East Lake Cook Road, Suite 820
Buffalo Grove, IL 60089
phone: 224.532.2403
email: dan@shorewooddevelopmentgroup.com

RECEIVED
JUN 17 2014
BUILDING, PLANNING
COMMUNITY DEVELOPMENT
Pet 14-10

June 16, 2014

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

RE: LETTER OF AUTHORIZATION FROM PROPERTY OWNER

The undersigned, *Mishawings, LLC* (the "Owner"), respectfully shows that it is the owner of the following described real estate (the "Property") located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

> *Lot 1 as shown oil the recorded plat of Grape Road, LLC Minor Subdivision recorded August 19, 2005 as Instrument No. 0538175 in the Office of the Recorder of St. Joseph County, Indiana.*
>
> *Common address of property is: 205 West Day Road, Mishawaka, Indiana.*

The Owner owns one hundred (100%) percent of the Property and the improvements thereon which carries a zoning classification of Commercial C-4 District. The Property was used as a full-service restaurant, but has been vacant since October of 2011.

The Owner has authorized Shorewood Development Group, LLC to file a petition to rezone the Property to Commercial C-7 District.

The Owner further states that it intends to utilize the Property as a quick-casual restaurant with a drive-through window.

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

MISHAWINGS, LLC
By Mishawings "A", LLC, Its Managing Member

Rodney Kistner, President

CONTACT PERSON:
Michael E. Gregory
Attorney for Petitioner
2509 Plantside Drive
Louisville, Kentucky 40299
502.639.1713 Phone
502.491.6819 Fax
mgregory@rmdcorp.com Email

SITE DATA TABLE

LAND COVERAGE:

EXISTING IMPERVIOUS AREA:	±49,528 SF / ±1.1370 ACRES (65%)
EXISTING PERVIOUS AREA (LANDSCAPE):	±26,597 SF / ±0.6106 ACRES (35%)
PROPOSED IMPERVIOUS AREA:	±48,746 SF / ±1.0732 ACRES (61%)
PROPOSED PERVIOUS AREA (LANDSCAPE):	±29,377 SF / ±0.6744 ACRES (39%)
TOTAL AREA:	±76,123 SF / 1.7476 ACRES

OPEN SPACE:

LANDSCAPE AREA - EXISTING POND:
(26,377 SF - 6,850 SF) ±23,927 SF = 33.3%

SITE INFORMATION:

PROPOSED USE:	RESTAURANT/RETAIL
EXISTING ZONING:	COMMERCIAL C-4 DISTRICT
PROPOSED ZONING:	COMMERCIAL C-7 DISTRICT
TOTAL SQUARE FOOTAGE OF BUILDING:	±7,408 SF
BUILDING COVERAGE AREA:	9.7% (75% MAX)
BUILDING HEIGHT:	21'-0" (45' MAX.)

PARKING REQUIRED:

RETAIL - FOUR (4) PARKING SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

DRIVE-THRU RESTAURANT - FIFTEEN (15) PARKING SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

RETAIL ±4,824 SF
4,824 GFA / 1,000 X 4 = 19.29 = 19 SPACES

RESTAURANT ±2,458 SF
2,458 GFA / 1,000 X 15 = 36.87 = 37 SPACES

TOTAL REQUIRED = 56 SPACES

PARKING PROVIDED:

EXISTING SPACES:	64 SPACES
NEW SPACES:	12 SPACES
NEW A.D.A SPACES:	4 (1 VAN) *
TOTAL SPACES:	80 SPACES

* PER INDIANA ACCESSIBILITY CODE WHEN 76 TO 100 OFF STREET PARKING SPACES ARE PROVIDED A MINIMUM NUMBER OF 4 ACCESSIBLE SPACES ARE REQUIRED

SETBACKS:

BUILDING

FRONT SETBACK:	115.2'	(25' REQUIRED)
SIDE SETBACK:	33'	(5' REQUIRED)
REAR SETBACK:	209.9'	(30' REQUIRED)

PARKING

FRONT SETBACK:	EX. 39'	(10' REQUIRED)
SIDE SETBACK:		
WEST	EX. 10.3'	(10' REQUIRED)
EAST	EX. 9.4'	(5' REQUIRED)
REAR SETBACK:	EX. 69.7'	(5' REQUIRED)

PAVEMENT SECTION DETAILS

- PROPOSED BITUMINOUS PAVEMENT*
- PROPOSED 6.0" CONCRETE SIDEWALK WITH 4.0" AGGREGATE BASE COURSE
- PROPOSED HEAVY DUTY CONCRETE PAVEMENT*
- PROPOSED LANDSCAPE AREA (TYP.)

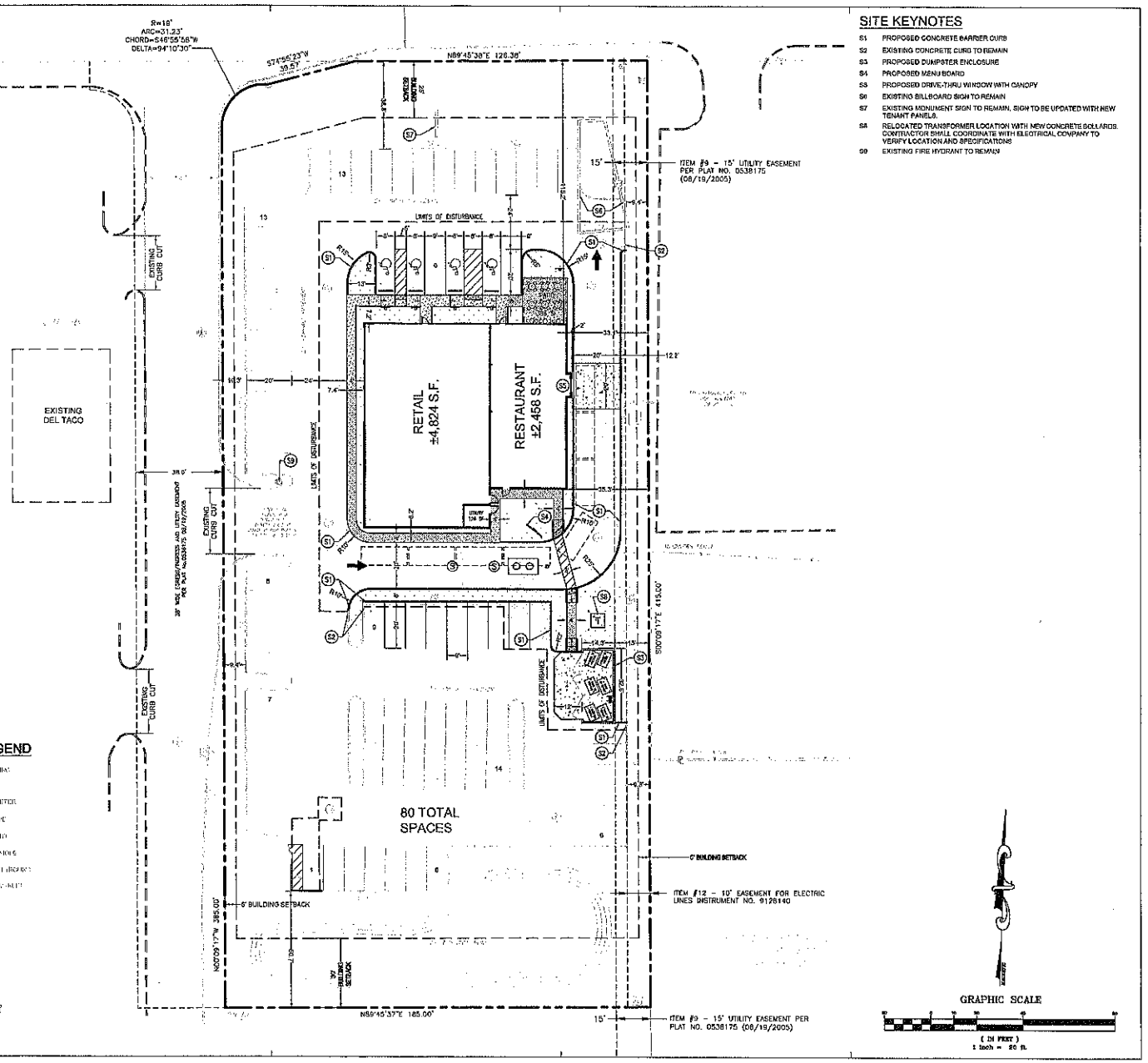
*PAVEMENT DESIGN TO BE DETERMINED BY TERRACON CONSULTANTS, INC., UPON COMPLETION OF GEOTECHNICAL REPORT

PROPOSED LEGEND

- PROPERTY LINE
- SAW-CUT LINE
- PROPOSED BARRIER CURB
- 14 PARKING SPACES
- PROPOSED HANDICAP SIGN
- PROPOSED 'DO NOT ENTER' SIGN
- PROPOSED TRASH BIN
- PROPOSED CLEANOUT
- PROPOSED GREASE INTERCEPTOR
- PROPOSED SANITARY STRUCTURE
- PROPOSED TRANSFORMER
- PROPOSED TRAFFIC ARROW
- PROPOSED HC RAMP
- PROPOSED WHEEL STOP

EXISTING LEGEND

- EXISTING CONTOUR
- SANITARY MANHOLE
- ELECTRIC METER
- WATER VALVE
- FIRE HYDRANT
- STORM MANHOLE
- STORM INLET OR CATCH BASIN
- CABLE TELEVISION BOX



SITE KEYNOTES

- S1 PROPOSED CONCRETE BARRIER CURB
- S2 EXISTING CONCRETE CURB TO REMAIN
- S3 PROPOSED DUMPSTER ENCLOSURE
- S4 PROPOSED MENU BOARD
- S5 PROPOSED DRIVE-THRU WINDOW WITH CANOPY
- S6 EXISTING BILLBOARD SIGN TO REMAIN
- S7 EXISTING MONUMENT SIGN TO REMAIN, SIGN TO BE UPDATED WITH NEW TENANT PANELS.
- S8 RELOCATED TRANSFORMER LOCATION WITH NEW CONCRETE BOLLARDS. CONTRACTOR SHALL COORDINATE WITH ELECTRICAL COMPANY TO VERIFY LOCATION AND SPECIFICATIONS
- S9 EXISTING FIRE HYDRANT TO REMAIN

shorewood DEVELOPMENT GROUP
2150 East Lake Cook Road
Suite 820
Buffalo Grove, IL 60089
T: (224) 532 2401

ISSUE/REVISION RECORD

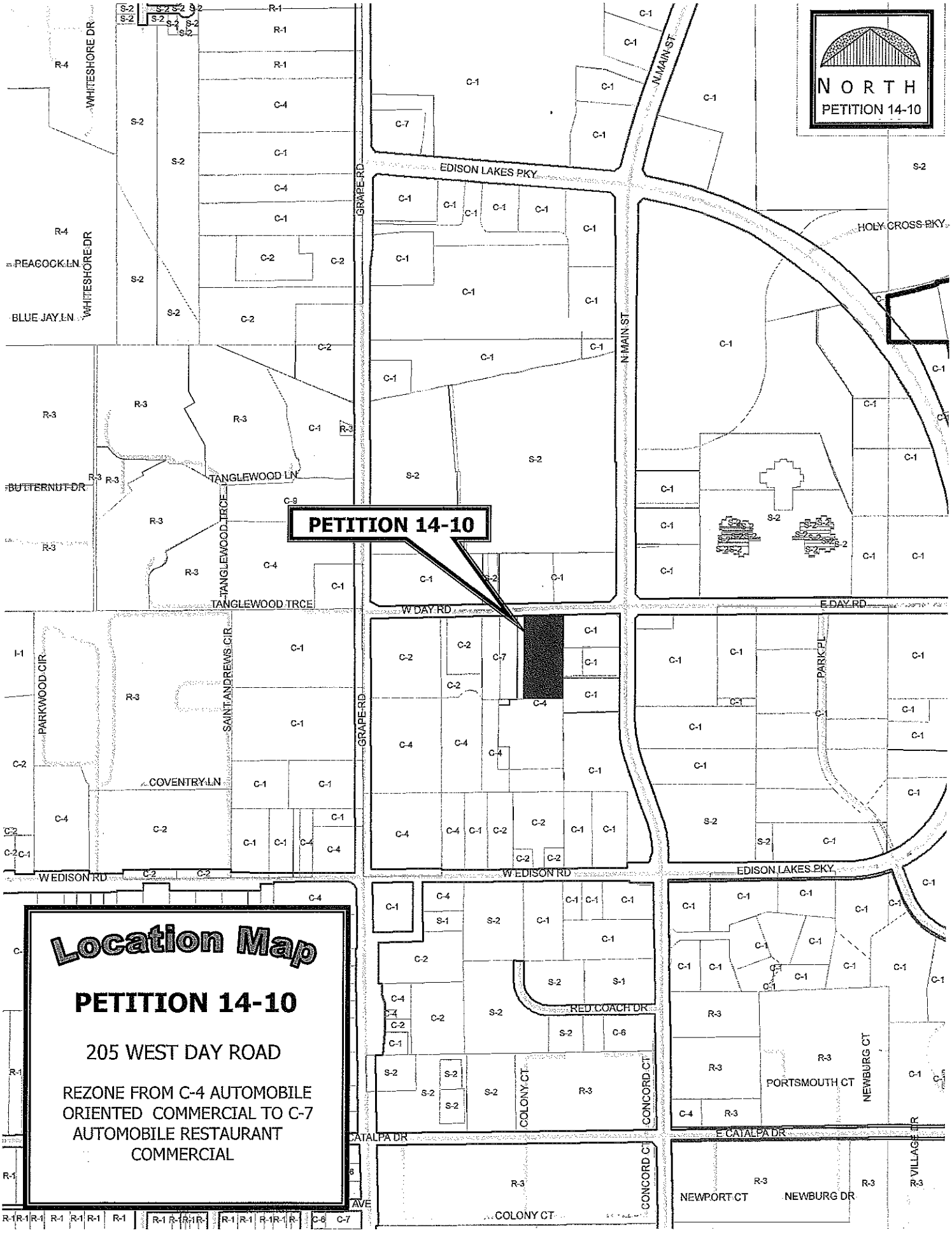
DATE	DESCRIPTION
06/13/14	RECOMM. REVIEW

PROPOSED REDEVELOPMENT
205 W. DAY ROAD
MISHAWAKA, IN

SHEET TITLE: SITE PLAN

SHEET NUMBER: C2.0

NOT ISSUED FOR CONSTRUCTION



Location Map

PETITION 14-10

205 WEST DAY ROAD

REZONE FROM C-4 AUTOMOBILE ORIENTED COMMERCIAL TO C-7 AUTOMOBILE RESTAURANT COMMERCIAL

1st Reading 7-21-14
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
JUL 17 2014
CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2014-16

ORDINANCE NO._____

AN ORDINANCE AMENDING ORDINANCE NUMBER 5377 FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEARS BEGINNING JANUARY 1, 2013 AND JANUARY 1, 2014.

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

Section 1. Amending Section 8 of ordinance 5377 to add the following:

Section 2. The annual salaries of all employees of the City of Mishawaka (as amended) except the Mishawaka Park Department, Elected Officials and The Mishawaka Utilities for the year beginning January 1, 2014 and shall be payable in 26 bi-weekly pay periods commencing on January 3, 2014.

	2014	Bi-Weekly Salary Beginning August 4, 2014
Corporate Counsel/ Human Resources Director	$54,236.00	$2,086.00
1st Deputy City Attorney	49,500.00	1,903.85
2nd Deputy City Attorney	14,162.00	544.68

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

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

this _____ day of _____2014, at _____o'clock, p.m.

_____
Presiding Officer

ATTEST:

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

PRESENTED BY ME, to the Mayor on this _____ day of _____, 2014, at _____ o'clock, .m.

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

APPROVED BY ME this _____ day of_____, 2014, at _____o'clock, .m.

_____
David A. Wood, Mayor

CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

OFFICE OF THE MAYOR

RECEIVED
DEBORAH S. BLOCK, MMC
JULY 21 2014
CITY CLERK
MISHAWAKA, IN

July 18, 2014

Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

Mr. President and Honorable Members of the Council:

I respectfully request your approval of the attached proposed amendment of Ordinance Number 5377 (the 2013 – 2014 salary ordinance).

The proposed changes were precipitated by the July 7, 2014 retirement of John Gourley as Corporation Counsel, along with the announced retirement of Bonnie Bonham as Human Resources Director effective August 1, 2014.

Utilizing the head of the Legal Department (Corporation Counsel) as Director of Human Resources is a model widely used in the private sector as well as public institutions such as School City of Mishawaka. The evolution of employment law demands increasing Legal Department involvement in personnel issues, making this a natural consolidation of positions. Ms. Bonham is fully supportive of this effort and is working to facilitate the transition.

Hiring a full-time Deputy City Attorney will allow the Corporation Counsel to devote sufficient attention to Human Resources matters, and having a second full-time employee with a law degree and license expands the Legal Department's capabilities.

From a financial perspective, the proposed arrangement will result in an annual budget savings of $31,878 in salary alone (not including benefits and other costs), by replacing three positions (Corporation Counsel, Director of Human Resources, and Staff Attorney) with two.

I am confident that this change will result in increased efficiencies and continued excellent service to City employees and citizens alike.

My staff and I will be available to answer any questions you may have.

Sincerely,

David A. Wood