

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 07, 2021

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, September 07, 2021 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Roll Call.

Present: Mrs. DeMaegd (P), Mr. Banicki (P), Mr. Hazen (P), Mr. Mammolenti (P), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Minutes for the Regular Meeting of August 16, 2021 were approved as received from the Clerk's Office.

Clerk Block read the following appeals and petitions to the council, who referred them to the Board of Zoning Appeals and the City Plan Commission for their recommendation.

APPEAL NO. 2021-27 Use Variance to allow Dog Grooming and Cat Boarding - 318 & 320 W. Cleveland Road - Gordon's Grooming

APPEAL NO. 2021-29 Use Variance to allow parking lot for Mobile Medical Clinic - 635 E. 12th St.

APPEAL NO. 2021-32 Use Variance for a three-tenant building, one with Drive-Thru Window- 422 W. McKinley Ave.

PETITION NO. 2021-13 PUD Amendment to remove restrictions as a Senior Only Complex to become Market Rate Non-Age Restricted - Whispering Pine Apartments

PETITION NO. 2021-14 Rezoning for redevelopment with three tenant Commercial Building - 422 W. McKinley Ave.

PETITION NO. 2021-15

Rezoning from C-1 General Commercial &
R-1 Single Family Residential to C-6
Linear Office Commercial - 821 W.
Jefferson Blvd.

Clerk Block read the following proposed ordinances by title and opened the public hearing.

PROPOSED ORDINANCE NO. 2021-28

**AN ORDINANCE AMENDING CHAPTER 10, OF THE MUNICIPAL CODE OF THE
CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,
COMMONLY KNOWN AS THE AMUSEMENTS AND ENTERTAINMENTS
ORDINANCE OF THE CITY OF MISHAWAKA, INDIANA.**

**Amendment to the Amusement and Entertainment Ordinance
(Assigned to Public Health & Safety Committee)**

**Mike Compton made a motion to postpone proposed ordinance 2021-29 indefinitely, upon
a second Ron Banicki, motion carried.**

PROPOSED ORDINANCE NO. 2021-29

**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 rear portion of property from C-1 General Commercial to R-1 Single Family
Residential – 115 Kline St.**

(Assigned to Land Use Planning Committee)

Mr. Emmons reported the Land Use Planning Committee recommended proposed ordinance 2021-29 should be adopted. This is signed by the entire upon a second by Mr. Banicki motion carried.

Edward Fisher, 303 E. 3rd Street represented petitioners John and Kelly Connon. Mr. Fisher stated there two buildings located on the property, the first being a commercial building which is occupied, as well as single residential home that has been used as commercial in the past. He went on to say the petitioners would like to separate the property. Mr. Fisher explained they prepared a two lot subdivision, they are planning to sell the residential property to the petitioner daughter for the use of single family residential.

Mrs. Voelker question how the two properties will share the existing parking lot. Mr. Fisher explained they have supplied a 58’ wide ingress/egress, parking and drainage easement from the south line of the north building, into the grass by 10’ of the south side of the parking lot. He said when the property sells, they will develop a document stating the residential home will be allowed three vehicle parking.

Question was called for at 7:11PM for **PROPOSED ORDINANCE NO. 2021-29** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it becomes **ORDINANCE NO. 5756.**

PROPOSED ORDINANCE NO. 2021-30

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

**Annexation & Rezoning for the I-1 Light Industrial District for a future expansion of
adjacent manufacturing business – vacant land 58200 Block Byrkit Rd. W. of 1405 & 1505
Byrkit Rd.**

PUBLIC HEARING- NO VOTE

Jeff Ballard, Danch, Harner and Associates represented the petitioners. Mr. Ballard stated rezone the property to I-1 Light Industrial to allow for future expansion of JAMIL Packaging.

Public hearing closed at 7:13 p.m.

NEW BUSINESS

Mr. Emmons announced the 1st District neighborhood meeting for September 23rd at St. Bavo at 7 pm. Guest speaker will be Mayor Wood, presenting State of the City. He also mentioned the meeting on October 21st, Ken Prince, City Planner will give an update on the Liberty Mutual Building and future growth in the city.

ADJOURNMENT 7:16PM

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

Gregg A. Hixenbaugh /s/
Gregg A. Hixenbaugh, President

