

AGENDA

Monday, September 15, 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**

September 02, 2014

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their September 09, 2014 meeting.

A letter from the City Plan Commission regarding recommendations from their September 09, 2014 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2014-25 Rezone from I-2 Heavy Industrial to C-1 General Commercial - Skating Rink and Event Center - 1121 West 8th Street

8. Resolutions

R2014-19 Use Variance to allow warehousing, resale, detailing, and rental of high end, luxury automobiles - 3925 Glaser Ct.

9. Ordinances on Second Reading

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

P.O. NO. 2014-17 Vacation of Public Right of Way - North Main St. and East Mishawaka Ave. - City of Mishawaka and John Becker 141.67 Ft. East/West Alley (Assigned to Land Use Planning Committee)

P.O. NO. 2014-20 Elected Officials Salary Ordinance for 2015

P.O. NO. 2014-21 Police and Fire Salary Ordinance for 2015 (Assigned to Budget and Finance Committee) (Requires Amendment)

P.O. NO. 2014-22 City Employee Salary Ordinance for 2015 (Assigned to Budget and Finance Committee)

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
September 2, 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 September 2, 2014 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: 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 the August 18, 2014 meeting were approved as received from the City Clerk's Office.

Clerk Block presented the following Appeal to the Council, who referred it to the Board of Zoning Commission for their recommendation.

Appeal No. 2014-19 Use Variance to allow warehousing, resale, detailing, and rental of high end, luxury automobiles – 3925 Glaser Ct.

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

Petition No. 2014-17 Rezone from I-2 Heavy Industrial to C-1 General Commercial – Skating Rink and Event Center 1121 West 8th Street.

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. 2014-23

**ORDINANCE FOR APPROPRIATIONS AND TAX RATE
(Civil City Budget and Tax Levy For 2015)
(Assigned to Budget and Finance Committee)**

PROPOSED ORDINANCE NO. 2014-24

**ORDINANCE FOR APPROPRIATIONS AND TAX RATE
(School City Budget for 2015)
(Assigned to Budget and Finance Committee)**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-17** opening it for public hearing

PROPOSED ORDINANCE NO. – 2014-17

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

(Vacation of Public Right of Way-North Main Street and East Mishawaka Avenue City of Mishawaka and John Becker 141.67 feet East/West Alley)

Clerk Block read a letter from Samuel Lima, Graduate Architect in request to postpone the hearing on this Proposed Ordinance, asking for it to be moved to the next Council Meeting.

Mr. Compton made the motion to postpone this proposed ordinance to the September 15th meeting with a second by Mr. Banicki the motion carried.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-18** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-18

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

(Amend S-2 PUD the Michiana Tennis Association
5805, 5815 and 5905 Fir Road Long Term Care)

Mr. Banicki reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Reisdorf the motion carried.

Brad Mosness, Abonmarche Consultants, Inc. 750 Lincoln Way East. South Bend said he was representing the petitioner and property owner of Michiana Tennis Association as well as the contingent purchaser of Lot One Long Term Care Investments, He said here with him also representing both parties was John Piraccini. Mr. Mosness said they were before the Council last fall to amend the PUD for a project to allow for a nursing facility and the tenant or operator has fallen through. He said the developer has been pursuing a new developer for the facility recently, who has new requirements they would like to see in the facility if possible. Mr. Mosness went on to say they have made some changes in the building, increased the bed count from 84 to 100 beds and would also like to make some changes to the exterior to have it resemble more of a residential feel to resemble the area surrounding it.

Mr. Mosness said they were asking for the Council's consideration to modify the parking requirement to .8 spaces per bed this operator has found this as a minimum for their facility. He said they are also asking for consideration to allow vinyl siding, fiber cement board to an appropriate material for the exterior as well as to allow for 1/3 masonry on the elevations that are facing public right of way as well as the common drive along side of the south side of the building.

Ms. Voelker asked what the plan was on the outside of this building before. Mr. Mosness said the old plan was to use more masonry material and the new owners want to use less masonry and more vinyl siding, they feel like it would resemble more of a residential home and less like a commercial building.

Question was called for on **PROPOSED ORDINANCE NO. 2014-18** at 7:10 p.m. 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. 5451.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-19** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-19

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 C-1 General Commercial to C-4 Auto Oriented Commercial 3837 LWE)

Mr. Roggeman reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Banicki the motion carried.

Karen and Richard Gerver 222 Rose Lane Avenue, Mishawaka said they feel since the majority of their property was zoned as C-4 it would be beneficial to them to have this small piece rezoned from C-1 to C-4. It fits in with their car lot.

Mr. Reisdorf asked if they plan to modify the property or the buildings. Mrs. Gerver stated they were taking out some landscaping and manicuring the exterior.

Question was called for at 7:14 p.m.  **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. 5452.**

Clerk Block read **PROPOSED ORDINANCE NO. 2014-20** opening it for public hearing.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-20** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-20

**AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015**
(Elected Officials Salary Ordinance for 2015)

Mr. Roggeman said typically the Council has not acted on these until they have actually had the Budget Hearings so at this time he would like to make a motion to continue Proposed Ordinance No. 2014-20-21-22 to the next Council meeting, understanding they may continue them again as well, with a second by Mr. Banicki the motion carried. The motion carried by a voice vote of the Council.

Clerk Block read **PROPOSED ORDINANCE NO. 2014-21** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-21

**AN ORDINANCE FIXING THE SALARIES OF ALL SWORN FIRE AND POLICE
EMPLOYEES OF THE CITY OF MISHAWAKA FOR THE CITY OF
MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2015**
(Police and Fire Salary Ordinance for 2015)
Continued until the next meeting

Clerk Block read **PROPOSED ORDINANCE NO. 2014-22** opening it for public hearing.

PROPOSED ORDINANCE NO. 2014-22

**AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY
OF MISHAWAKA EXCEPT THE SWORN FIRE AND POLICE MISHAWAKA
PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA
UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR
BEGINNING JANUARY 1, 2015**
(City Employee Salary Ordinance for 2015)
Continued until the next meeting

PRIVILEGE OF THE FLOOR

Chris Frazier 122 Monmoor Mishawaka, 2nd Vice Commander of the American Legion Post 161 located at 133 East Mishawaka Avenue along with Pam West, Manager of the American Legion. Ms. Frazier stated they had a concern about the sewer project currently in progress on Mishawaka Avenue and feel they did not get enough advance notice for them to give their Veterans and patrons, that frequent their establishment, enough notice that the entire two blocks would be shut down for two months or more. Ms. Frazier stated the sidewalks would

be torn out and the only access to their building would be the alley. She said if their business drops off they may have to close the doors, which would be a detriment to the Veterans in Mishawaka. Ms. West said they are also responsible for the Memorial Day Parade.

Ms. Frazier said once Sarah Street is closed off the American Legion would have no access; at all. She said if they could at least keep half the street open for viable truck traffic to make deliveries that would help and at least get the Veteran's bus and patrons' access.

President Mammolenti apologized for the inconvenience and it was difficult for the Council to rebut at this time since they have not had a chance to collaborate but he would like to get their phone numbers so that he could meet with them.

Mr. Emmons said in talking to Lawson and Fischer he understood that the wall at the end of the block by Central Park was to come down so the businesses would have access to the alleyway, and asked Mr. Prince if that had been detained. Mr. Prince said they were hoping that there would be action on the vacation that would warrant the removal of the wall. He said Mr. Becker has committed that if the vacation goes through that he would remove that wall since it was his private property it is up to him. Mr. Emmons said he was at a meeting and was told that Mr. Becker was totally in favor of removing that wall as soon as possible. Mr. Prince stated he was aware that Mr. Becker was in favor of it relative to his building the deck he was not sure he was in favor of it if he can't build his deck and city cannot access private property. Mr. Emmons stated it was discussed with him that in order to build his balcony people would have to have access to and from. Mr. Prince stated he was not at that meeting and has not been informed of that.

Mr. Emmons stated at a his meeting with representatives of Mr. Becker that he would be taking the wall down, there is another meeting planned and he would let Mr. Prince know when that was to take place so they could discuss this further.

NEW BUSINESS

Mr. Compton said the Budget and Finance Committee has scheduled meetings with various departments throughout the city to discuss their proposed budgets, those meetings would be on September 29th, September 30, and October 1, from 5:30 p.m. until 7:00 p.m.

Mr. Mammolenti said his Twin Branch Neighborhood Meeting would be on Wednesday Sept 17th at 7:00 p.m. at Twin Branch School speaker to be announced.

Mr. Emmons said the 1st District Neighborhood Meeting would be on Thursday September 18th at St. Bavo School at 7:00 p.m. speaker to be announced.

There being no further business to come before the Council, President Mammolenti adjourned the meeting at 7:28 p.m.

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

Matt Mammolenti
Matt Mammolenti, Presiding Officer



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

September 10, 2014

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 10 2014

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Board of Zoning Appeals Recommendation
September 9, 2014, 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 #14-19 An appeal submitted by Whistle Stop Square Associates, LLC, requesting a Use Variance for **3925 Glaser Court** to allow warehousing, resale, detailing, and rental of high-end, luxury automobiles on I-1 Light Industrial zoned property.

The Board, with a vote of 4-0, recommended approval subject to the following conditions:

1. An oil/grit interceptor shall be installed in the sanitary sewer system. A plan shall be submitted showing the location and associated plumbing that would be routed to the interceptor, i.e. wash-up, sink, floor drains, etc. This plan shall be reviewed and approved by the City Engineering Department.
2. Outdoor parking of vehicles may be allowed. However, vehicles shall be parked only in the existing on-site parking spaces and the required number of parking spaces for the industrial use portion of the building shall be maintained.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: James Cressy

STAFF REPORT

Location: 3925 Glaser Ct.

Date: Sept. 9, 2014

Appeal: 14 - 19

Prepared By: GGS

GENERAL INFORMATION

Applicant: Whistle Stop Square Associates, LLC

Status: Property Owner

Request: Use variance for to allow for warehousing, resale, detailing, and renting of high-end, luxury automobiles.

Zoning Classification: I-1 Light Industrial

Lot Size: 1.4 acres

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

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial
South: I-1 Light Industrial
East: Unincorporated St. Joseph County
West: I-1 Light Industrial

Thoroughfare: Glaser Court

School District: Penn Harris Madison School Corporation

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: Industrial

ANALYSIS

The appellant is requesting a use variance to allow for warehousing, resale, detailing, and rental of high-end, luxury automobiles in an I-1 Light Industrial zoning district.

As indicated in the appeal, the appellant presently occupies the building at 3925 Glaser Court for marine and monument marketing and distribution. The appellant desires to lease approximately 9,000 sf of interior space for the warehousing, resale, detailing, and rental of high-end, luxury automobiles. The appellant states that the auto sales will be primarily internet driven, and the majority of the vehicles will be housed indoors.

Given that only a portion of the existing building will be utilized for the auto use, rezoning to the appropriate zoning of C-4 Automobile Oriented Commercial would not be appropriate. In addition, the C-4 District has much higher architectural, parking, and landscape requirements compared to the current industrial classification. The proposed use as being primarily indoor/internet car sales also is unique relative to typical C-4 businesses that rely on an extensive amount of pavement and small buildings.

The proposed auto use is a low intensity use that will have minimal traffic, the parking requirement will be extremely low given that the inventory will remain mostly under roof and that the property itself isn't located to allow for significant drive-by traffic. Likely, parking will be driven by appointments being made by the business operator.

RECOMMENDATION

The Planning Staff recommends approval of Appeal 14-19 to allow in-warehousing, resale, detailing, and renting of high-end, luxury automobiles in an I-1 Heavy industrial district subject to the following conditions:

1. An oil/grit interceptor shall be installed in the sanitary sewer system. A plan shall be submitted showing the location and associated plumbing that would be routed to the interceptor, i.e. wash-up sink, floor drains, ect.... This plan shall be reviewed and approved by the City Engineering Department.
2. Outdoor parking of vehicles may be allowed. However, vehicles shall be parked only in the existing on-site parking spaces and the required number of parking spaces for the industrial use portion of the building shall be maintained.

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 north and west are all zoned for industrial.
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow for the proposed auto use which is more applicable to an industrial property than to a commercial property.
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 combined existing industrial use and proposed auto commercial use. The only means by which to allow the proposed car use and maintain the current industrial portion is through the use variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates industrial uses for this area.

ATTACHMENTS

Photographs, Appeal, Location Map



Views looking onto existing building



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

September 10, 2014

RECEIVED
DEBORAH S. BLOCK, MMC

SEP 10 2014

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Plan Commission Recommendation
September 9, 2014, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

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

PETITION #14-17 A petition submitted by Stephen J. Phillips requesting to rezone **1121 West Eighth Street** from I-2 Heavy Industrial District to C-1 General Commercial District.

The Commission, with a vote of 6-0, recommended approval.

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

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Paul G. Crowley, Esq.

STAFF REPORTLocation: 1121 West 8th Street

Date: Sept. 9, 2014

PET 14 17

Prepared By: GGS

GENERAL INFORMATION

Applicant: SJP Entertainment LLC

Status: Property Owners

Request: To rezone from I-2 Heavy Industrial to C-1 General Commercial

Zoning Classification: C-1 General Commercial (Proposed)

Lot Size: 3.34 acres

Applicable Regulations: Sec. 137-40 Plan Commission
Section 137-41 Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential
South: I-2 Heavy Industrial
East: C-1 General Commercial, C-4 Automobile Oriented Commercial
West: I-2 Heavy Industrial

Thoroughfare: West 8th Street & Cleveland Road

School District: School City of Mishawaka

Public Utilities: All utilities are available to the site

Comprehensive Plan: Industrial

ANALYSIS

The petitioner is requesting approval to rezone property from I-2 Heavy Industrial to C-1 General Commercial. The property to be rezoned is located at 1121 West 8th Street. The property has been in use as a bowling alley for more than fifty years. The bowling alley recently closed and the petitioner purchased the property and intends to utilize the property as a skating rink and an event center.

Given the past non-conforming use of the bowling alley and the fact that industrial and commercial uses are located adjacent to the east, west, and south, the staff feels that the proposed rezoning is appropriate. However, the non-conforming current site and building will need to be updated to conform to current developmental commercial standards. The Building Department commented that the building will need to be brought up to new building and fire codes. The Engineering Department commented that sanitary system will need to be upgraded including the installation of exterior grease interceptor for the food service and proper cleanout placement. Other Engineering comments state that current stormwater management requirements are the 100-year return storm, 24-hour duration to be managed on-site, meaning no runoff from parcel. The site's existing hard surfaces extend to property lines with no regard to setbacks, allowing direct site stormwater runoff, which is substandard. Please establish proper parking lot setbacks, which will help the stormwater management and review site contours for installation of a stormwater management system.

In addition to Engineering standards, Planning requirements such as pavement setbacks, parking, landscaping ect...will need to be addressed. An administrative site plan will need to be submitted showing proposed improvements to the site. A complete site plan will show non-conforming items on the site and determination of any variances needed.

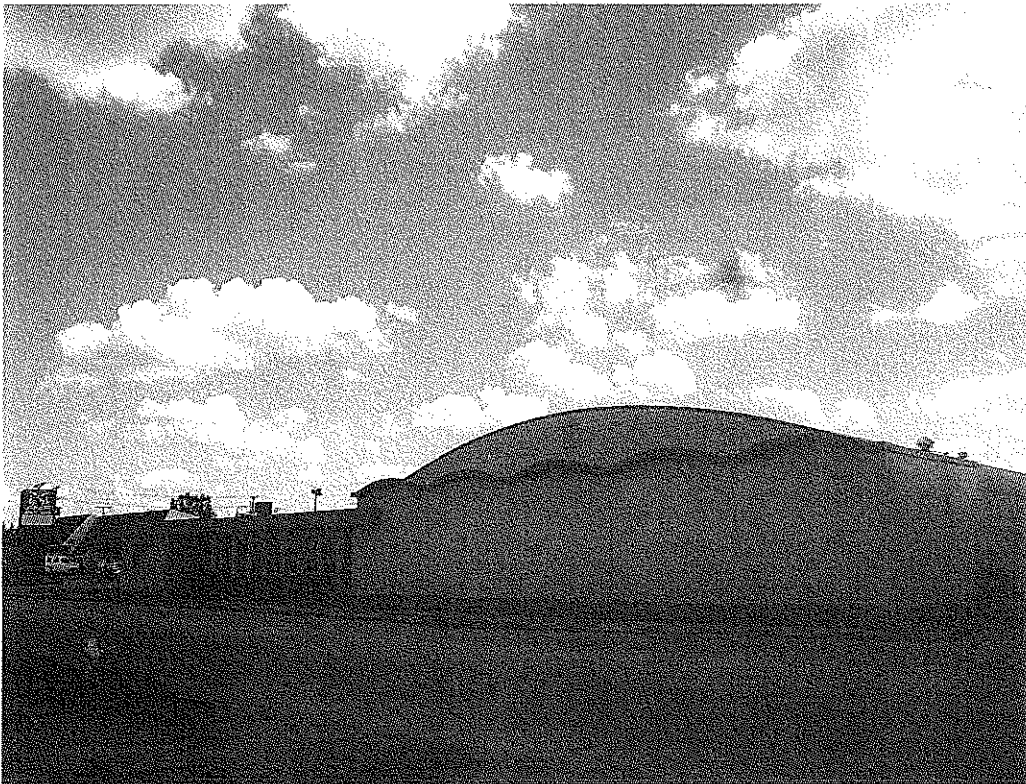
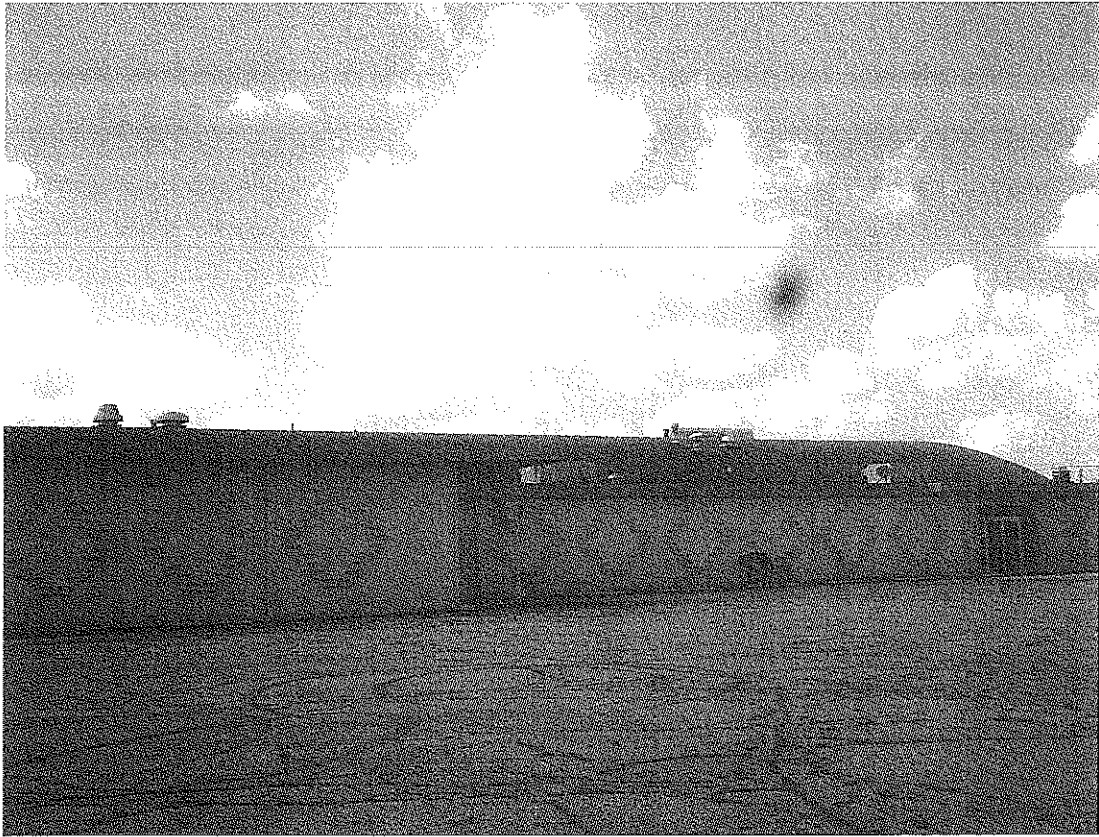
RECOMMENDATION

The Planning Department recommends approval of Petition 14-17 to rezone property located at 1121 West 8th Street from I-2 Heavy Industrial to C-1 General Commercial. This recommendation is based upon the following findings of fact:

1. Given the property's close proximity to industrial and commercially zoned property the C-1 zoning would be compatible with the surrounding commercial and industrial properties.
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, its historical use as a bowling alley, and the potential of development as an industrial project, staff feels that the most desirable use for this property is the C-1 General Commercial zoning classification.
3. Because the parcel is located adjacent to commercial properties and adjacent to existing industrial uses, the C-1 zoning classification would be compatible and is a desirable use for this property;
4. The C-1 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 and bringing the non-conforming site into compliance with current commercial standards.
5. The City's Comprehensive Plan indicates industrial for this area. However, the proposed C-1 General Commercial zoning is consistent with the adjacent commercial zoned property and the historical commercial use of the property.

ATTACHMENTS

Photograph, Petition



Views looking onto existing building and site

1st Reading 9-15-14
2nd Reading
Passed
Failed
Continued To

PETITION 14-17

SEP 10 2014

CITY OF MISHAWAKA, INDIANA

CITY CLERK
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2014-25

ORDINANCE NO. _____

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

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

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

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

PARCEL I: A part of the West Half of the Southwest Quarter of Section 16,
Township 37 North, Range 3 East, described as follows: Beginning on the South line
of Eighth Street in the City of Mishawaka, at a point 142 feet West of the intersection
of the South line of Eighth Street and the West line of Cleveland Street in the City of
Mishawaka; thence West along the South line of Eighth Street a distance of 141 feet;
thence South a distance of 275.25 feet to the North line of a tract of land heretofore
conveyed by Ethel and Marie Major to Gene Nicolini by Warranty Deed dated March
15, 1956, recorded March 16, 1956 in Deed record 552, page 389 of the records of
St. Joseph County, Indiana; thence East 141 feet; thence North 275.25 feet to the
place of beginning, now within and a part of the City of Mishawaka.

PARCEL II: A part of the West Half of the Southwest Quarter of Section 16,
Township 37 North, Range 3 East, described as follows: Beginning on the South line
of Eighth Street in the City of Mishawaka, at a point 283 feet West of the intersection
of the South line of Eighth Street and the West line of Cleveland Street in said City of
Mishawaka; thence West along the South line of Eighth Street a distance of 100.12
feet to the East line of the right of way of the New York Central Railway Company;
thence South along the East line of the right of way of the New York Central Railway
Company a distance of 275.25 feet, to the North line of a tract of land heretofore
conveyed by Ethel and Marie Major to Gene Nicolini by Warranty Deed dated March
15, 1956, recorded March 16, 1956 in Deed Record 552, page 389 of the records of
St. Joseph County, Indiana; thence East 99.65 feet to a point 283 feet West of the
West line of Cleveland Street; thence North 275.25 feet, more or less, to the place of
beginning, now within and a part of the City of Mishawaka.

PARCEL III: A part of the West Half of the Southwest Quarter of Section 16,
Township 37 North, Range 3 East, described as follows: Beginning on the West line
of Cleveland Street in the City of Mishawaka, at a point 150 feet South of the South

Proposed Ordinance No: _____

Ordinance No: _____

line of Eighth Street in said City of Mishawaka; running thence South along the West line of Cleveland Street, a distance of 125.30 feet to the North line of a tract of land heretofore conveyed by Ethel and Marie Major to Gene Nicolini by Warranty Deed dated March 15, 1956, recorded March 16, 1956 in Deed Record 552, page 389 of the records of St. Joseph County, Indiana; thence West 142 feet; thence North 125.25 feet; thence East 142 feet to the place of beginning, now within and a part of the City of Mishawaka.

PARCEL IV: Part of the West Half of the Southwest Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, Indiana, described as follows: Commencing at the point of intersection of the South line of Eighth Street with the West line of Cleveland Street, in the City of Mishawaka, Indiana; thence South, on the West line of Cleveland Street, a distance of 111.41 feet to the point of beginning; thence continue South on the West line of Cleveland Street, a distance of 38.59 feet; thence West, parallel with the South line of Eighth Street, a distance of 142 feet; thence North parallel with the West line of Cleveland Street, a distance of 38.59 feet; thence East, parallel with the South line of Eighth Street, a distance of 142 feet to the point of beginning.

COMMON ADDRESS: 1121 West Eighth Street

which real estate is now classified as I-2 Heavy Industrial District shall hereafter be within and a part of that District known as C-1 General 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 industrial and commercially zoned property the C-1 zoning would be compatible with the surrounding commercial and industrial properties.
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, its historical use as a bowling alley, and the potential of development as an industrial project, staff feels that the most desirable use for this property is the C-1 General Commercial zoning classification.
3. Because the parcel is located adjacent to commercial properties and adjacent to existing industrial uses, the C-1 zoning classification would be compatible and is a desirable use for this property.
4. The C-1 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 and bringing the non-conforming site into compliance with current commercial standards.
5. The City's Comprehensive Plan indicates industrial for this area. However, the proposed C-1 General Commercial zoning is consistent with the adjacent commercial zoned property and the historical commercial use of the property.

Proposed Ordinance No: _____

Ordinance No: _____

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

AUG 20 2014

August 20, 2014

Pet 14-18
17

Honorable Members of the Common Council
City of Mishawaka, Indiana

and

Mishawaka City Plan Commission
City of Mishawaka, Indiana

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 28 2014

CITY CLERK
MISHAWAKA, IN

RE: PETITION TO REZONE

Comes now, Stephen J. Phillips, the sole Member of SJP Entertainment LLC, by his attorney and shows that he is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

PARCEL I: A part of the West Half of the Southwest Quarter of Section 16, Township 37 North, Range 3 East, described as follows: Beginning on the South line of Eighth Street in the City of Mishawaka, at a point 142 feet West of the intersection of the South line of Eighth Street and the West line of Cleveland Street in the City of Mishawaka; thence West along the South line of Eighth Street a distance of 141 feet; thence South a distance of 275.25 feet to the North line of a tract of land heretofore conveyed by Ethel and Marie Major to Gene Nicolini by Warranty Deed dated March 15, 1956, recorded March 16, 1956 in Deed Record 552, page 389 of the records of St. Joseph County, Indiana; thence East 141 feet; thence North 275.25 feet to the place of beginning, now within and a part of the City of Mishawaka.

PARCEL II: A part of the West Half of the Southwest Quarter of Section 16, Township 37 North, Range 3 East, described as follows: Beginning on the South line of Eighth Street in the City of Mishawaka, at a point 283 feet West of the intersection of the South line of Eighth Street and the West line of Cleveland Street in said City of Mishawaka; thence West along the South line of Eighth Street a distance of 100.12 feet to the East line of the right of way of the New York Central Railway Company; thence South along the East line of the right of way of the New York Central Railway Company a distance of 275.25 feet, to the North line of a tract of land heretofore conveyed by Ethel and Marie Major to Gene Nicolini by Warranty Deed dated March 15, 1956, recorded March 16, 1956 in Deed Record 552, page 389 of the records of St. Joseph County, Indiana; thence East 99.65 feet to a point 283 feet West of the West line of Cleveland Street; thence North 275.25 feet, more or less, to the place of beginning, now within and a part of the City of Mishawaka.

PARCEL III: A part of the West Half of the Southwest Quarter of Section 16, Township 37 North, Range 3 East, described as follows: Beginning on the West line of Cleveland Street in the City of Mishawaka, at a point 150 feet South of the South line of Eighth Street in said City of Mishawaka; running thence South along the West line of Cleveland Street, a distance of 125.30 feet to the North line of a tract of land heretofore conveyed by Ethel and Marie Major to Gene Nicolini by Warranty Deed dated March 15, 1956, recorded March 16, 1956 in Deed Record 552, page 389 of the records of St. Joseph County, Indiana; thence West 142 feet; thence North 125.25 feet; thence East 142 feet to the place of beginning, now within and a part of the City of Mishawaka.

PARCEL IV: Part of the West Half of the Southwest Quarter of Section 16, Township 37 North, Range 3 East, City of Mishawaka, Indiana, described as follows: Commencing at the point of intersection of the South line of Eighth Street with the West line of Cleveland Street, in the City of Mishawaka, Indiana; thence South, on the West line of Cleveland Street, a distance of 111.41 feet to the point of beginning; thence continue South on the West line of Cleveland Street, a distance of 38.59 feet; thence West, parallel with the South line of Eighth Street, a distance of 142 feet; thence North parallel with the West line of Cleveland Street, a distance of 38.59 feet; thence East, parallel with the South line of Eighth Street, a distance of 142 feet to the point of beginning.

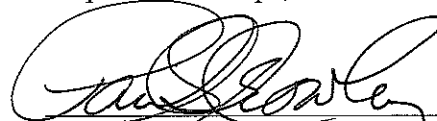
Commonly known as 1121 West 8th Street, Mishawaka, Indiana.

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-2 District. Said property has been in use as a bowling alley for more than 50 years. This non-conforming use was grandfathered to the prior owners.

Petitioner desires said real estate to be rezoned to C-1 District. Petitioner further states that he intends to utilize said land for a skating rink and an event center.

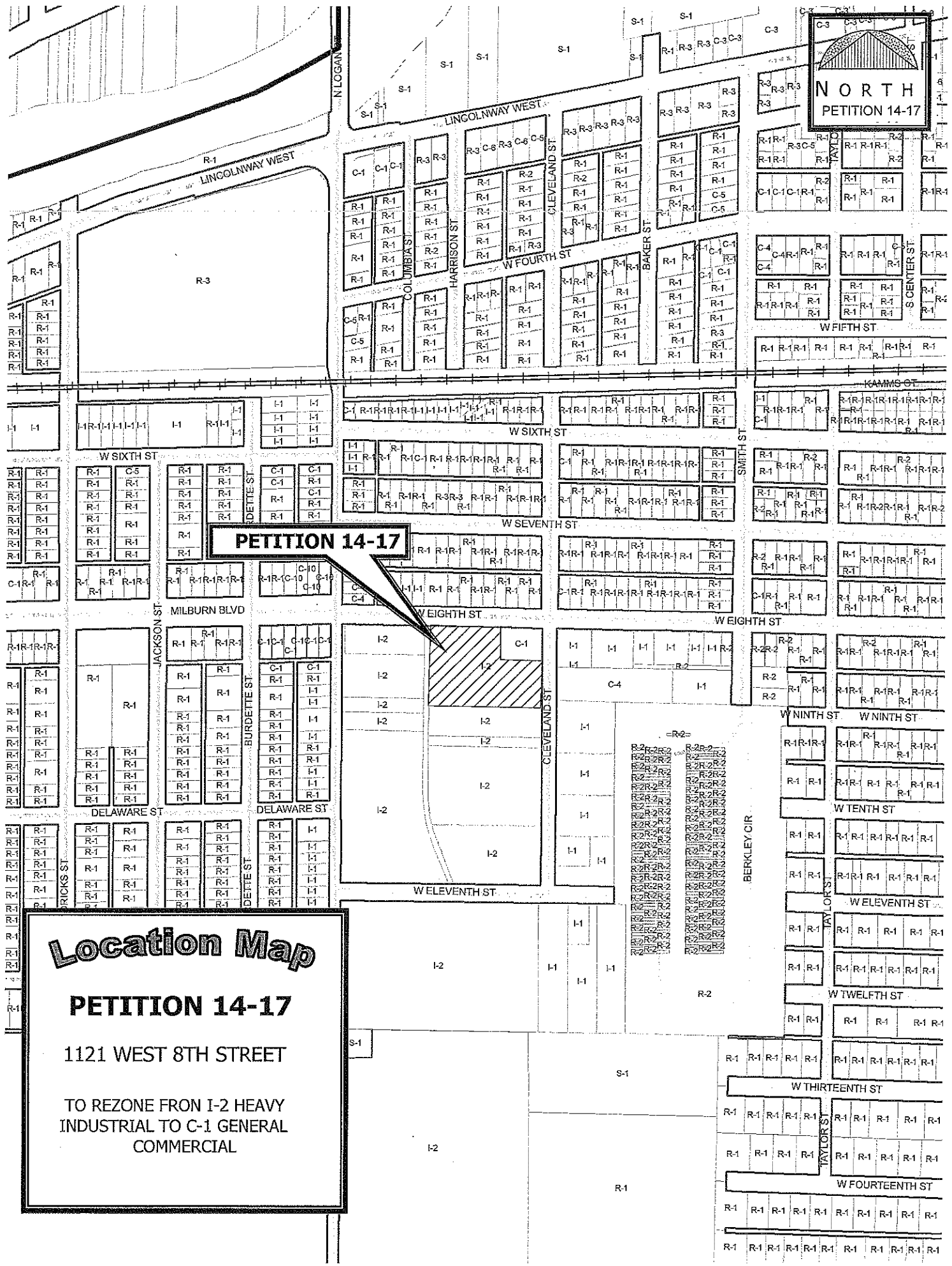
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

SJP ENTERTAINMENT LLC
Stephen J. Phillips, Sole Member


Paul G. Crowley, Attorney

Contact Person:

Paul G. Crowley, Esq.
Butler and Crowley, Attorneys
726 East Washington Street
South Bend, IN 46617
Telephone: 574.233.9500
Fax: 574.233.9502
Email: pgcrowley@aol.com



Location Map

PETITION 14-17

1121 WEST 8TH STREET

TO REZONE FROM I-2 HEAVY
INDUSTRIAL TO C-1 GENERAL
COMMERCIAL

SEP 10 2014

APPEAL #14-19

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2014- 19

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:

3925 Glaser Court, 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 **3925 Glaser Court, Mishawaka, Indiana**, more particularly known and described as follows:

Parcel 1: Lot Numbered Three A (3A) as shown on the recorded Plat of Crawford's Replat recorded July 19, 2007, as Document No. 0728315 in the Office of the Recorder of St. Joseph County, Indiana.

The Use Variance will allow for the warehousing, resale, detailing, and renting of high-end luxury automobiles on I-1 Light Industrial zoned property.

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 north and west are all zoned for industrial.
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow for the proposed auto use which is more applicable to an industrial property than to a commercial property.
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 combined existing industrial use and proposed auto commercial use. The only means by which to allow the proposed car use and maintain the current industrial portion is through the use variance process.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates industrial 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 _____, 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

AUG 28 2014

August 19, 2014

CITY CLERK
MISHAWAKA, IN

AUG 19 2014

BOARD OF ZONING APPEALS
City of Mishawaka, Indiana

AP 14-19

The undersigned appellants respectfully show the Board:

1. I, James Cressy, Managing Member, Whistle Stop Square Associates, LLC, am the owner of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana, to-wit: Parcel 1: Lot Numbered Three A (3A) as shown on the recorded Plat of Crawford's Replat recorded July 19, 2007 as Document No. 0728315 in the Office of the Recorder of St. Joseph County, Indiana. Common Address 3925 Glaser Ct., Mishawaka, Indiana, 46545.
2. The above described real estate presently has a zoning classification of Industrial I-1 District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above described property in the following manner: Appellant presently occupies the building for marine and monument marketing and distribution. Appellant desires to lease approximately 9,000 s.f. of interior space to a client of Ed Bradley's for the warehousing, resale, detailing and rental of high-end, luxury automobiles. Auto sales will be primarily internet driven. The majority of the vehicles will be housed indoors.
4. Appellant desires to allow the warehousing, resale, detailing and rental of high-end, luxury automobiles.
5. The Zoning Ordinance of the City of Mishawaka requires: it is our understanding that any automotive use will require a variance from existing zoning.
6. Without the Variance allowing for the warehousing, resale, detailing and rental of high-end, luxury automobiles, we will not be able to lease our vacant space to Ed Bradley's client.
7.
 - A. This variance will not in any way be injurious to the public health, safety, morals or general welfare of the community.
 - B. It should have no adverse affect to any adjoining properties as the intended use will not in any significant way change the character of the building.
 - C. The need for the variance does not arise from some condition peculiar to the property.
 - D. It is our belief that strict adherence severely restricts our ability to utilize the space for the intended purposes, and the requested variance will allow for the vacant space to be utilized.
 - E. We do not believe that approval of the Variance will substantially interfere with the Mishawaka 2000 Comprehensive Plan. There will be minimal change in the nature and character of the internal or external building and minimal impact on traffic or visual aesthetics of the building.

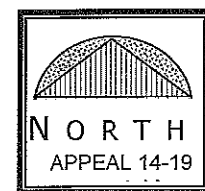
Wherefore, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing the Board grant the requested variance.



Whistle Stop Square Associates, LLC
By: James Cressy, Managing Member

3925 Glaser Court
Mishawaka, IN 46545
(574) 258-1800
jim@cressymarketing.com

TRINITY PL



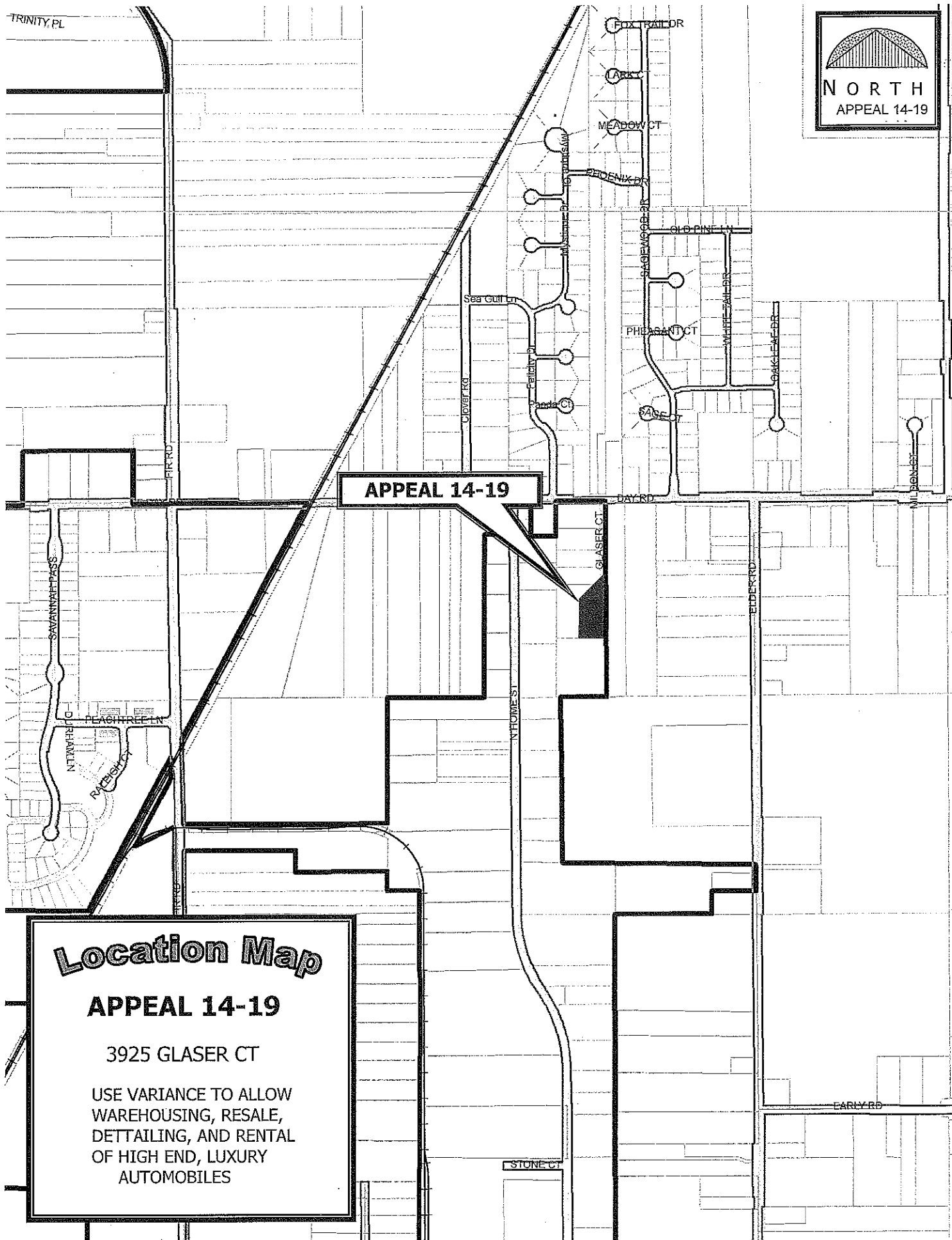
APPEAL 14-19

Location Map

APPEAL 14-19

3925 GLASER CT

USE VARIANCE TO ALLOW
WAREHOUSING, RESALE,
DETTAILING, AND RENTAL
OF HIGH END, LUXURY
AUTOMOBILES





Request for Postponement of Hearing

Today's Date: August 22, 2014

Subject: Vacation of right of way at N. Main and E. Mishawaka Ave.

Date of Meeting: Move from Sept. 2, 2014 to next available meeting date

Office of the City Clerk,

On behalf of our client, we would like to postpone the hearing regarding the vacation of an alley right-of-way at the southeast corner of N. Main St. and E. Mishawaka Ave.

Our contact information is as follows:

Kil Architecture & Planning
1126 Lincoln Way East
South Bend, IN 46601
Phone: 574-288-2654
Fax: 574-289-2420

Regards,
Samuel Lima
Graduate Architect
slima@kilarchitecture.com

RECEIVED
DEBORAH S. BLOCK, MMC

AUG 25 2014

CITY CLERK
MISHAWAKA, IN

K I L
ARCHITECTURE
PLANNING
www.kilarchitecture.com

Page 1 of 1



CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

NOTICE OF HEARING

Vacation No. 2014-03

Date of Hearing: August 18, 2014

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Petitions have been filed by John Becker and the City of Mishawaka for vacation of the following described public right of ways in the City of Mishawaka described as follows:

Vacation No. 2014-03 Petition No. 2014-14

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.

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

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

AUG 13 2014

CITY CLERK
MISHAWAKA, IN

1st Reading 8-18-14
2nd Reading
Passed
Failed
Continued To

PETITION #14-14

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2014-17

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, John Becker and the City of Mishawaka have filed a petition for vacation of the public right-of-way described in Section 1 below;

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

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

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

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

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

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

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

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

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

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

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

PROPOSED ORDINANCE NO. 14-107

ORDINANCE NO. __

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.

COMMONLY KNOWN AS: The West 141.67 feet of the East-West Alley behind 101 East Mishawaka Avenue

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

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.
- 3) The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;
- 4) With the establishment of proposed ingress/egress easement, the proposed vacation will not hinder the use of any public way, utility or place.
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

PROPOSED ORDINANCE NO. 14-17

ORDINANCE NO. _____

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.

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

July 23, 2014

JUL 31 2014

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

CITY CLERK
MISHAWAKA, IN

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

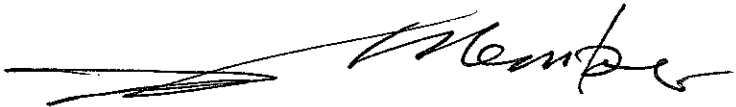
Part of the Southeast Quarter of Section 9, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana, described as follows:

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.

Ret 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

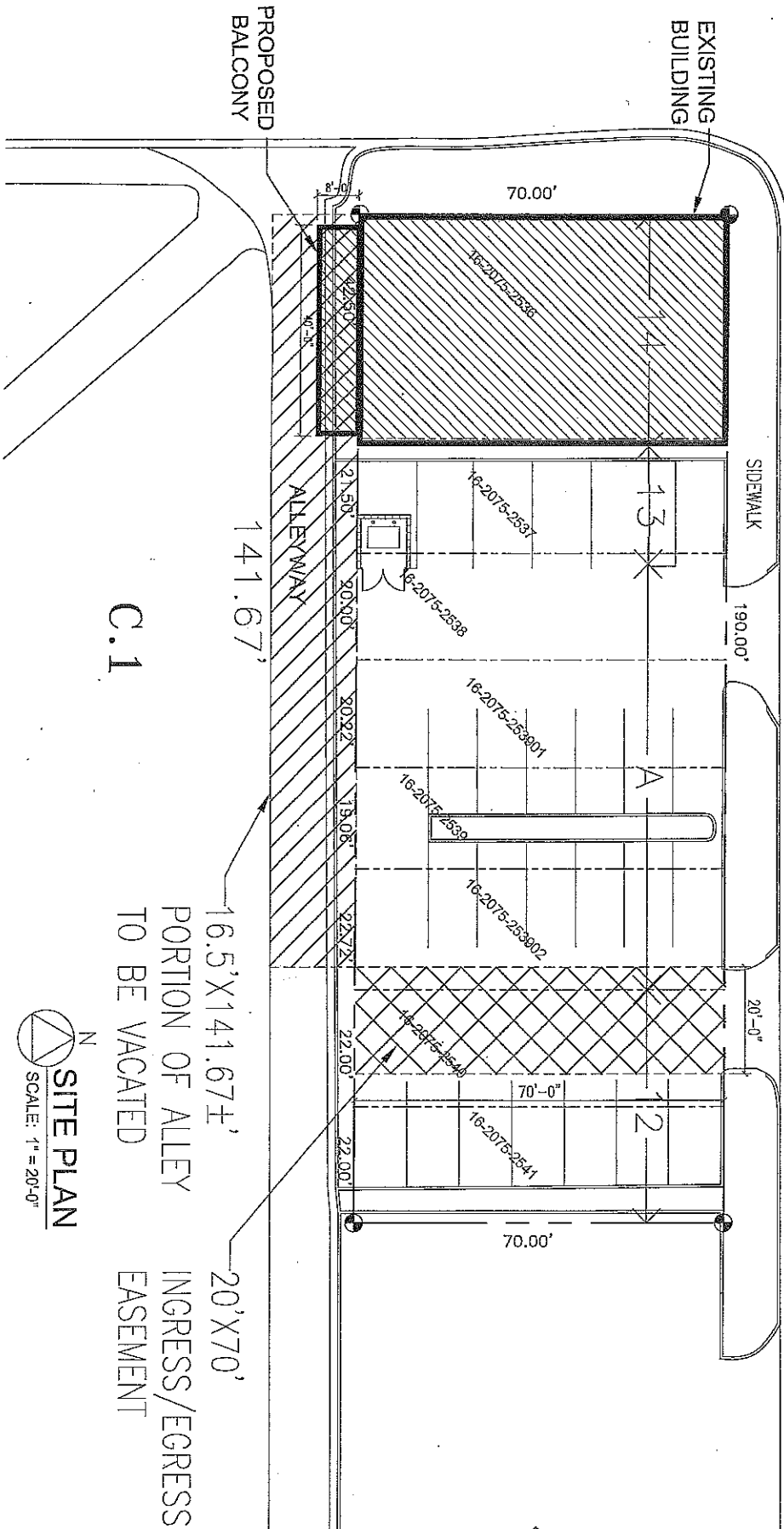
CONTACT PERSON:

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

NORTH MAIN STREET

EAST MISHAWAKA AVENUE



C.1

 N
SITE PLAN
SCALE: 1" = 20'-0"

16.5'X141.67'±
PORTION OF ALLEY
TO BE VACATED
20'X70'
INGRESS/EGRESS
EASEMENT

SITE PLAN

DATE: 07/23/2014

REVISED:

BECKER
BANK
101 E. MISHAWAKA
AVE
MISHAWAKA, IN
46545

PLANNING
SUBMITTAL
NOT FOR
CONSTRUCTION


KIL
ARCHITECTURE
PLANNING
1001 N. WYOMING
ST.
MISHAWAKA, IN
46545
GREGORY A. KIL
NCAARB AIA
ARCHITECT
574.288.2854
FAX: 574.288.2420
www.kilarchitects.com

C1.1

NOTICE OF HEARING

Vacation No. 2014-03

Date of Hearing: August 18, 2014

Time of Hearing: 7:00 PM

PLEASE TAKE NOTICE:

Petitions have been filed by John Becker and the City of Mishawaka for vacation of the following described public right of ways in the City of Mishawaka described as follows:

Vacation No. 2014-03 Petition No. 2014-14

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.

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

Respectfully,

Deborah S. Block

Deborah S. Block, IAMC, MMC,

City Clerk

7-

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

Nancy Nich

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

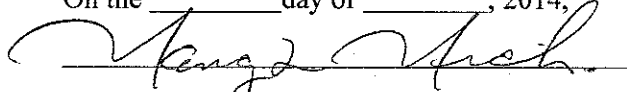
XX One TWO THREE

times successively to-wit:

On the 7th day of August, 2014, and

On the day of , 2014, and

On the day of , 2014,



Subscribed & Sworn To Before Me

This 7th day of August, 2014



William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

CHARGES: \$ 19.54

PROPOSED ORDINANCE NO. 2014-20

ORDINANCE NO. - _____

AN ORDINANCE FIXING THE SALARIES
OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015

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

Section 1. The annual salaries of the following elected officials of the City of Mishawaka, Indiana, for the fiscal year beginning January 1, 2015 shall be payable in **27** equal biweekly pay periods beginning January 2, 2015 in the following amounts:

	2015 Annualized	Per biweekly pay period Beginning January 2, 2015
Mayor	\$ 74,587.00	\$ 2,762.45
Clerk	52,390.00	1,940.34
Council member	9,424.00	349.01

Section 2. Any prior ordinances in conflict herewith are hereby repealed.

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

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

AMENDED
PROPOSED ORDINANCE NO. 2014-21

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES OF ALL SWORN FIRE AND POLICE EMPLOYEES OF THE CITY OF MISHAWAKA FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2015.

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

Section 1. The annual salaries of all sworn fire and police employees of the City of Mishawaka for the year beginning January 1, 2015 and shall be payable in **27** bi-weekly pay periods commencing on January 2, 2015.

SALARIES	2015	Bi-Weekly Salary Beginning Jan 2, 2015
FIRE CHIEF	\$67,736	2,508.71
ASSISTANT CHIEF	\$62,439	2,312.52
CHIEF FIRE PREVENTION	\$58,754	2,176.04
BATTALION CHIEF	\$61,051	2,261.13
CAPTAINS	\$58,056	2,150.22
SHIFT SUPERVISOR	\$56,494	2,092.34
LIEUTENANTS	\$56,445	2,090.55
FIRE INSPECTORS	\$56,445	2,090.55
PARAMEDICS	\$56,445	2,090.55
DRIVER OPERATOR	\$54,869	2,032.15
MASTER FIREFIGHTER	\$54,139	2,005.14
1ST FIREFIGHTERS	\$52,139	1,930.33
PROBATION - FF/EMT	\$47,389	1,755.14
UNIFORM ALLOWANCE	\$1,250 PER YR	
SPECIALTY PAY:		
ADVANCED EMT	\$700 PER YR	
WATER RESCUE/RECOVERY LEADER	\$1,000 PER YR	
WATER DIVE/RESCUE TEAM MEMBER	\$900 PER YR	
SELF-CONTAINED BREATHING APPARATUS TEAM TECHNICIAN	\$1,000 PER YR	
MECHANIC	\$2,500 PER YR	
EMS TRAINING INSTRUCTOR	\$1,000 PER YR	
FIREFIGHTER/PARAMEDIC RESERVE	\$5,000 PER YR	
FIREFIGHTER/PARAMEDIC CIVILIAN	\$1,000 PER YR	
FIREFIGHTER/PARAMEDIC	\$1,000 PER YR	

I OR II CERTIFICATION	\$500 PER YR
INFORMATION TECHNOLOGY	\$1,500 PER YR

OUT OF RANK PAY:	PER OCCURRENCE:
Firefighter to Driver	\$10.00
Driver to Officer	\$25.00
Officer to Higher Ranking Officer	\$25.00
Firefighter to Officer	\$25.00
Fire Apparatus assigned to Ambo	\$30.00

POLICE CHIEF	\$68,171	2,524.84
ASSISTANT CHIEF	\$62,872	2,328.58
CAPTAINS	\$57,483	2,128.97
LIEUTENANTS	\$56,376	2,087.97
SERGEANTS	\$55,304	2,048.28
CORPORAL	\$54,574	2,021.25
PATROLMAN	\$52,574	1,946.42
PROBATION	\$47,794	1,770.12

UNIFORM ALLOWANCE	\$1,650 PER YR
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Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund.

Section 3. The City will contribute 3% of the employee portion to the 1977 Police and Fire Pension for all employees eligible for participation in the 1977 Police and Fire Pension Fund.

Section 4. For those current employees who do not qualify or elect to become members of the 1977 Fire Pension fund following the merger January 1, 2002 with the Fire Department, the Pension Equalization Pay (PEP) will be offered to employees as additional wages. The PEP shall be payable in bi-weekly payments with the regular payroll. The annual PEP will be a combination of a base of \$3,300.00 (starting January 1, 2006) and an additional \$100.00 for every full year of continuous EMS service completed by January 1st of each year.

Section 5. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 6. 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, p.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2014, at _____ o'clock, p.m.

David A. Wood, Mayor

PROPOSED ORDINANCE NO. 2014-22

ORDINANCE NO. _____

AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE SWORN FIRE AND POLICE, MISHAWAKA PARK DEPARTMENT, ELECTED OFFICIALS AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2015.

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

Section 1. The annual salaries of all employees of the City of Mishawaka except the Sworn Fire and Police, Mishawaka Park Department, Elected Officials and the Mishawaka Utilities for the year beginning January 1, 2015 and shall be payable in **27** bi-weekly pay periods commencing on January 2, 2015.

		Bi-Weekly Salary Beginning <u>Jan 2, 2015</u>
MAYOR'S ADMINISTRATIVE ASSISTANT	\$38,102	1,411.15
MAYOR'S SECRETARY	\$31,809	1,178.09
CONTROLLER	\$72,701	2,692.59
DEPUTY CONTROLLER	\$49,424	1,830.49
ACCOUNTANT	\$39,037	1,445.79
PAYROLL CLERK	\$35,463	1,313.42
BOOKKEEPER A	\$36,346	1,346.15
BOOKKEEPER B	\$31,370	1,161.84
BOOKKEEPER C	\$29,279	1,084.38
PURCHASING AGENT	\$36,739	1,360.67
TEMPORARY HELP	\$7.25-\$25.00 PER HR	
CPA CERTIFICATION FT	\$5,000	185.19
CHIEF DEPUTY CLERK I	\$37,673	1,395.28
CHIEF DEPUTY CLERK II	\$36,497	1,351.71
HR DIRECTOR	\$52,977	1,962.11
ASST DIRECTOR	\$36,722	1,360.04
HR OFFICE MANAGER	\$31,809	1,178.09
TEMPORARY HELP	\$7.25- \$25.00 PER HR	
DIRECTOR OF IT	\$60,095	2,225.74
SYSTEM SPECIALIST IV SERVER ADMIN.	\$49,385	1,829.06
SYSTEM SPECIALIST IV NETWORK ENG.	\$41,205	1,526.10
SYSTEM SPECIALIST III WEB	\$41,747	1,546.15
SYSTEM SPECIALIST II DESKTOP ENG.	\$39,710	1,470.72
GIS COORDINATOR	\$48,165	1,783.86
CORPORATE COUNSEL/HR DIRECTOR	\$54,779	2,028.83

1 ST DEPUTY CITY ATTORNEY	\$49,996	1,851.67
2 ND DEPUTY ASST CITY ATTORNEY	\$16,000	592.59
STAFF ATTORNEY	\$58,970	2,184.07
STENOGRAPHIC SERVICE	\$7,500	227.78
JD CERTIFICATION FT	\$5,000	185.19
 COUNCIL ATTORNEY	 \$16,000	 592.59
DIRECTOR OF ENGINEERING	\$72,701	2,692.59
ASSISTANT DIRECTOR	\$60,117	2,226.54
TRAFFIC MANAGER	\$49,436	1,830.93
PROJECT MANAGER	\$50,735	1,879.07
CONSTRUCTION COORDINATOR	\$44,315	1,641.29
TECHNICIAN	\$44,018	1,630.29
PROJECT COORDINATOR	\$36,477	1,350.97
LOCATOR/INSPECTOR	\$37,470	1,387.77
OFFICE MANAGER	\$31,809	1,178.09
PE BONUS FT	\$5,000	185.19
IDEM REVIEW BOARD BONUS	\$4,000	153.85
 DIRECTOR OF CODE ENFORCEMENT	 \$54,606	 2,022.42
OFFICE MANAGER	\$31,809	1,178.09
CODE ENF OFFICER A	\$44,198	1,636.96
CODE ENF OFFICER B	\$36,876	1,365.74
 BUILDING COMMISSIONER	 \$55,903	 2,070.46
ASSISTANT BUILDING COMMISSIONER	\$52,603	1,948.25
ADMINISTRATOR	\$32,291	1,195.95
OFFICE MANAGER	\$31,809	1,178.09
INSPECTOR A	\$53,504	1,981.61
INSPECTOR B	\$48,469	1,795.13
PART-TIME INSPECTOR A	\$7.25-\$25.00 PER HR	
 FIRE EXECUTIVE SECRETARY	 \$32,084	 1,188.27
FIRE OFFICE MANAGER	\$31,809	1,178.09
 POLICE RECRUIT	 \$41,760	 1,546.68
IDACS SPECIALIST ANNUAL	\$370.00 PER YR	
PROPERTY MANAGER	\$35,367	1,309.88
EXEC SECRETARY	\$32,084	1,188.27
ADMIN SECRETARY	\$31,809	1,178.09
SERVICES ADMINISTRATOR	\$36,555	1,353.86
PROPERTY CLERK	\$31,032	1,149.33
SECRETARY	\$31,374	1,161.99
PARKING PERSONNEL	\$31,374	1,161.99
PART-TIME HELP	\$7.25 -\$25.00 PER HR	
PARKING PERSONNEL CLOTHING	\$500 PER YR	
CROSSING GUARDS	\$7,102	21 pays@ 338.19
CROSSING GUARD SUBSTITUTE	\$20.00 PER DAY	
SUMMER SCHOOL CROSS GUARD	\$20.00 PER DAY	
 CITY PLANNER	 \$69,459	 2,572.53
SENIOR PLANNER	\$37,993	1,407.15

<i>Redevelopment pays 15%</i>	\$6,705	248.32
ASSOCIATE PLANNER	\$42,365	1,569.07
ADMINISTRATIVE PLANNER	\$30,144	1,116.44
<i>Redevelopment pays 20%</i>	\$7,537	279.11
OFFICE MANAGER	\$31,809	1,178.09
PLAN COMMISSON	\$600.00 PER YR	
BZA MEMBER	\$375.00 PER YR	
CENTRAL SERVICES ASSISTANT	\$49,454	1,831.63
FLEET MAINTENANCE TECHNICIAN	\$19.71	
Group 1	\$18.70	
Group 2	\$17.69	
Group 3	\$16.94	
NIGHT BONUS/Shift differential	.55/.60 PER HR	
PART TIME	\$7.25-\$25.00 PER HR	
PROJECT COORDINATOR	1.00 PER HR	
STREET COMMISSIONER	\$58,864	2,180.12
OFFICE MANAGER	\$31,809	1,178.09
SECRETARY	\$31,374	1,161.99
Group 1	\$18.70	
Group 2	\$17.69	
Group 3	\$16.94	
NIGHT BONUS/SHIFT DIFFERENTIAL	.55/.60	
PART-TIME HELP	\$7.25-\$25.00 PER HR	
PROJECT COORDINATOR	\$1.00 PER HR	
DIRECTOR COMMUNITY DEVELOPMENT	\$61,511	2,278.18
TIF CONSTRUCTION MANAGER	\$58,219	2,156.24
PROGRAM CONSTRUCTION MANAGER	\$52,723	1,952.68
PROGRAM COORDINATOR	\$36,929	1,367.74
NSP COORDINATOR	\$48,231	1,786.32
GRANT SPECIALIST	\$32,412	1,200.41
PART-TIME HELP	\$7.25-\$25.00 PER HR	

Section 2. The City will contribute the employee portion of 3% to the Public Employees Retirement fund for all employees eligible for participation in the Public Employees Retirement Fund.

Section 3. Longevity Bonus will be provided annually to the Central Service and Motor Vehicle Highway Teamster employees (as amended). The Longevity Bonus will be offered to the employees as additional pay. The Longevity Bonus shall be payable annually on the first paycheck following each employees anniversary date with the regular payroll. The annual Longevity Bonus will be based on the following schedule. Said schedule is based upon completed years of service.

<u>Years of Service</u>	<u>Annual Increments</u>	<u>Bonus</u>
1	\$10.00	\$10.00
2	\$20.00	\$30.00
3	\$30.00	\$60.00
4	\$40.00	\$100.00
5	\$50.00	\$150.00
6	\$75.00	\$225.00

An additional \$75.00 will be added for each year of service after the 5th year.

Section 4. The Administration may pay up to 15% less than annual salaries listed to new employees during the first twelve month period, except for those public safety salaries which have been negotiated by the Common Council and all other salaries negotiated as part of a Collective Bargaining Agreement.

Section 5. 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, p.m.

David A. Wood, Mayor