

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
May 16, 2011

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 May 16, 2011 at 7:00 p.m. The meeting was called to order by the President John Gleissner and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following;

Dale "Woody" Emmons 1st District Councilman – Present
Mike Bellovich 2nd District Councilman – Present
Ross Deal 3rd District Councilman - Present
Marsha McClure 4th District Councilman - Present
Michael Compton 5th District Councilman - Absent
Ronald Banicki 6th District Councilman – Present
John Gleissner, Councilman At Large – Present
Gregg Hixenbaugh, Councilman At Large – Present
John J. Roggeman, Councilman at Large – Present
A quorum was obtained.

Others present; Deborah S. Block, City Clerk; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II , and Council Attorney Mike Trippel.

The minutes from the May 4, 2011 meeting were approved as received from the Clerk's Office.

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

APPEAL NO. 2011-20 An appeal submitted by Panera Bread, LLC of Sunset Hills, MO and Cressy Land Planning Associates, LLP, requesting a Use Variance for 4310 North Main Street, to allow a drive-thru. **RECOMMENDED APPROVAL** with the following conditions:

1. The drive-thru shall be limited to a specialty gourmet sandwich/bakery restaurant.
2. An Administrative Site Plan shall be submitted for review and approval of the reconfiguration of the parking area and drive-thru addition.

PETITION NO. 2011-08 A petition submitted by Jerry Van De Wielle, Executor of the Estate of Martha Van De Wielle to rezone 505 South Logan Street, from C-1 General Commercial District to R-1 Single Family Residential District. **RECOMMENDED APPROVAL**

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

PROPOSED ORDINANCE NO. 2011-05

**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 R-1 Single Family Residential – 505 S. Logan St)
Petitioner Requested Second Reading**

Mr. Banicki made a motion to wave Council Rules and hear second reading of this proposed ordinance at under new business, with a second from Mr. Deal the motion carried.

PROPOSED ORDINANCE NO. 2011-06

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING
THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR
ENDING DECEMBER 31, 2011
(Additional Funds – Public Safety Fund \$946,000.00)
(Assigned to Budget and Finance Committee)**

Clerk Block read **RESOLUTION NO. R2011-08** opening it for public hearing.

RESOLUTION NO. R2011-08

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN
THE CITY OF MISHAWAKA, INDIANA, TO BE AN
ECONOMIC REVITALIZATION AREA**

**(JAMIL PACKAGING CORPORATION)
1420 Industrial Drive
Confirming Resolution**

Ken Prince City Planner said, he was presenting to the Council the Confirming Resolution for Jamil Packaging Corporation for abatement on the purchase of a \$900,000 Expert Fold Gluer. Mr. Prince said this would be a 3 year period for abatement resulting approximately \$54,000.00 to be abated, that was assuming the equipment was assessed at that value, usually the equipment comes in lower then actual cost and installation would be. He went on to say \$27,000.00 in taxes would be paid on that piece of equipment during that time.

Question was called for at 7:05 p.m. on **RESOLUTION NO. R2011-08** with the vote being 8 to 0 in favor.

Clerk Block read **RESOLUTION NO. R2011-09** opening it for public hearing.

RESOLUTION NO. R2011-09

**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:**

4310 North Main Street, Mishawaka, Indiana

(Use Variance to allow a drive-thru and parking variance for ratio of 10 spaces per 1000 square foot
4310 N. Main St. Panera Bread)

Anthony Disanza, Panera Bread, St. Louis, MO., said they were seeking a Use Variance to allow for a drive-thru and a parking variance at their Main Street location. He passed out an aerial of the existing space, a site plan with their proposed drive thru addition and the interior plans.

Mr. Deal asked if the drive-thru concept was something Panera recently started doing. Mr. Disanza said they started about two years ago, out of the 14,000 stores they have throughout the country 70 are now drive-thru. He said they have a customer base that has requested this service and Panera was now implementing it in some of their stores.

Mr. Banicki said parking spots would be lost because of the drive-thru and did he feel it would effect the business. Mr. Disanza stated what they found in the past while implementing this service was that the parking needs were reduced by 50%. Mr. Banicki asked if the hours of operation would change. Mr. Disanza said no, they would remain the same; they would have a different staff for the drive through as they would for the existing café.

Mrs. McClure asked how much waiting time there would be at the drive-thru. Mr. Disanza said they have found they usually do a 30% through their drive thru as opposed to Burger King and McDonalds they do 80%, and they have documentation that shows once the order is placed you get your order in 3½ to 4 minutes.

Mr. Roggeman asked about hiring new employees. Mr. Disanza said they would probably hire some, their peek hours are from 11 to 2, they would wait and see. Mr. Roggeman asked about the special notice that was sent to Max & Ermas Restaurant and if they gotten a response. Mr. Price said a special notice was sent to both Max & Ermas and Hollihans Restaurant and they did not get a response from either of them.

Mr. Emmons expressed his concern about the drive-thru would interfere with the handicap parking. Mr. Disanza said they may need to relocate the handicap parking on their site plan.

Question was called for at 7:15 p.m. on **RESOLUTION R-2011-09** with the vote being 8 to 0 in favor.

NEW BUSINESS

Clerk Block read **PROPOSED ORDINANCE NO. 2011-05** opening it for public hearing.

PROPOSED ORDINANCE NO. 2011-05

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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 R-1 Single Family Residential – 505 S. Logan St)

Jerry Van De Wielle 5139 Ford Street, South Bend, said he was requesting to rezone this home in order to sell it.

Mr. Gleissner asked where the home was located on Logan Street. Mr. Van De Wielle stated it was on the west side of the street between 6th and Milburn.

Question was called for at 7:18 p.m. on **RESOLUTION NO. R2011-05** with the vote being 8 to 0 in favor.

There being no further business to come before the Council, President Gleissner adjourned the meeting at 7:22 p.m.

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

John P. Gleissner _____/s/
John P. Gleissner
Presiding Officer