

AGENDA

Monday, July 16, 2018

**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 02, 2018

- 5. Petitions, Communications, Remonstrance and Memorials**
- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**
- 10. Privilege of the Floor - Non-Agenda Items**
- 11. Unfinished Business**

R2018-13 Developmental Variance for number of Parking Spaces for New Restaurant & Use
Variance to Permit Residential use in C-1 Commercial 426 E. Mishawaka Ave,

P.O. NO. 2018-14 Rezone from C-1 Commercial to R-1 Residential for an Existing House 1028 S.
Ironwood Dr. (Committee Report was Given)

- 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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
July 02, 2018

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 02, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance.



Roll Call.

Present: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

Absent: Mr. Compton.

Minutes of the Regular Meeting of June 18, 2018 were approved as received from the Clerk's Office.

Clerk Block read the following resolution by title and was opened for public hearing.

RESOLUTION NO. 2018-14

**A RESOLUTION OF THE
COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA,
APPROVING AND AUTHORIZING CERTAIN ACTIONS AND
PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED ECONOMIC
DEVELOPMENT REVENUE BONDS AND RELATED MATTERS**

Randy Rompola, Attorney at Barnes & Thornburg said this was a request to take initial action for an Economic Revenue Bond to provide for tax exempt financing for Eagle Pointe Development. He continued to say in connection with acquisition and rehabilitation of the project formally known as the Arbors at Ironwood would be known going forward as Ironwood Village. Mr. Rompola said the Economic Development Commission took their initial action last week to approve of the proposed financing by waving an inducement resolution and they also approved the form of the council's resolution. He went on to say this project was for an existing project, the IRS tax code allows for acquisition and rehabilitation to be funded on a tax-exempt basis. Mr. Rompola explained the issuance of tax exempt bonds could only be accomplished through a government entity. He said the project would not exceed 7.8 million dollars of tax exempt bonds; it would also involve the issuance and granting of tax credits by the state. Mr. Rompola mentioned another requirement of the tax code was for the project to be financed with 50% of bonds and 50% of tax credits. He said after the council's adoption, the developer would file an application with the state for their consideration. Mr. Rompola continued to say after the states approval for the tax credits and tax-exempt financing they would go back before the Economic Development Commission and council with a bond ordinance for final approval. He assured the council the resolution stated none of the risk associated with the financing would accrue to the city, there would be no responsibility and no

impact of the city's credit rating. Mr. Rompola said because the bonds would be issued through the Economic Development statute, there was a required finding the Economic Development Commission made with the respect of job retention. He said there would be four jobs that would be retained at an annual salary of approximately 160 thousand dollars.

Jason Barnes, represented Eagle Pointe Development gave background about the company. Mr. Barnes said Arbor at Ironwood was a currently 128 unit affordable housing community with a mix of 1, 2, 3-bedroom apartments serving families in Mishawaka. He said the apartments remained an affordable housing community since it was constructed in 2001. Mr. Barnes explain the apartments were now in need of rehab which would include all units to receive high energy star rated appliances, updated electrical and mechanical finishes, updated kitchens and finishes throughout the units. He said there would also be exterior updates of new roofing, insulation in the attics, exterior lighting, playground equipment and more. Mr. Barnes went on to say with the approval from the council, the Economic Commission and the state, they would expect closing sometime in late fall with construction starting early winter. He said the rehabilitation would take 11 months.

Mr. Mammolenti asked would the residence remain in their units. Mr. Barnes replied yes, it would be an in-place renovation; they would work around the residence. He said they had a lot of success with in-place renovation across the nation. Mr. Mammolenti asked how many in-place rehabs have they done. Mr. Barnes said 6.

Mr. Deal asked did the 7.8 million dollars include the purchase and rehab for the property and how much was for the rehab. Mr. Barnes replied yes, 4 million dollars was for the renovations.

Mr. Banicki questioned if they were hiring local labors for this project. Mr. Barnes said they were hiring locally, they had a number of vendors currently working on sight. He continues to say they would entertain soliciting bids from the current vendors and also put out a bid package with their general contractor.

Mr. Bellovich asked for the current occupancy rate. Mr. Barnes said it was 95%.

Mr. Canarecci asked would the renovations impact the residence rent. Mr. Barnes explained tenants currently saw rent increases annually. He said this was in the affordable tax credit program, they should anticipate the standard annual rent increases, but the tenants would not pay for the renovations.

Mr. Tanner asked in regard to the vendors currently working on the property, did they currently own the property and were they retro actively asking for the credit to apply for the purchase. Mr. Barnes explained they had subsidiaries that currently had interest on the property, they were buying the interest out and Eagle Pointe would eventually become a majority stakeholder. Mr. Rompola added to qualify for the tax credits and the tax-exempt financing there had to be acquisition and rehabilitation.

He said the acquisition component consisted of buying out all of the other partners, once the acquisition was complete Eagle Pointe would be the owner.

Question was called for at 7:13 P.M. for **RESOLUTION NO. 2018-14**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti**

RESOLUTION NO. 2018-15

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION
(Adding Juday Creek to Acquisition List)

Ken Prince, City Planner said this would add the last portion of the Juday Creek Golf Course they did not include a few years ago to the acquisition list. He continued to say the plan was to buy 15 holes of the golf course and a portion of the Penn family farm and to reconfigure the 3 holes that appraised for \$200,000 an acre, which they thought, was an extreme amount of money for a wellfield. Mr. Prince said they thought they could reconfigure the golf course for a little over 1 million dollars, the 3 holes appraised for 2.1 million dollars. He said they asked the Rogers to take the equivalent of the 2.1 million dollars instead of the 5 million dollars for the previous appraisal for the existing 3 holes of the golf course and change the strategy to not reconfigure 3 holes. He said they agreed they need a revised development agreement, which was approved by the Redevelopment Commission but before they can purchase the property, it needed to be added to the acquisition list.

Question was called for at 7:16 P.M. for **RESOLUTION NO. 2018-15**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.**

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

PROPOSED ORDINANCE NO. 2018-14

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 to R-1 1028 Ironwood Dr.)
(Assigned to Land Use Planning Committee)

Mr. Tanner 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 motion carried.

Due to the absence of the petitioners Mr. Deal made a motion to postpone PROPOSED ORDINANCE NO. 2018-14 to the July 16th meeting second by Mr. Canarecci motion carried.

PROPOSED ORDINANCE NO. 2018-15

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.
(PUD Amd - NW corner Capital Ave & Beacon Pkwy)
(Assigned to Land Use Planning Committee)
(Staff Requesting Amendment)

Mr. Canarecci made a motion to amend **Proposed Ordinance No. 2018-15** as requested by the Planning Department second by Mr. Deal motion carried.

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. Tanner motion carried.

Phil Panzica, Architect Panzica Building Corp represented Capital Avenue properties for the buyers and their client beacon Health Systems. He said the parcels was approximately 19 acres track including 1.62-acre retail out lot designed to be an amenity to the hospital to create a symbiotic relationship supporting each other. Mr. Panzica went on to discuss the project; he said the hospital was proposed as 33000 square foot small acute care hospital. He continued to say it would be a full-service hospital with complete emergency department, 10 exam rooms and growth for 5 more within, 3 vertical assessment exams (ability to x-ray while standing in emergency room), full Trauma Room for emergency surgeries, Imaging Department, 8 inpatient rooms and an enclosed ambulance bay. Mr. Panzica explained the amendment was for the PUD,

which was the Walker PUD that blanketed all of Beacon Parkway. He said they were asking for a relaxation of setbacks consistent and similar to the fitness center across the street. Mr. Panzica said they were also requesting for temporary signage to be larger than the typical sign ordinance allows, again similar to the variance for the fitness center, which allowed them to have an 8 foot high signage on 10 foot post with lights and landscaping. Mr. Panzica complimented working with Ken Prince and his department and they were in agreement for the PUD.

Mrs. Voelker questioned the number of employment for the hospital. Mr. Panzica said hospital employees would average 5 to 12, it was a 24/7 hospital. He said this was a new paradigm in the medical community, instead of building much larger hospitals they built smaller hospitals. Mr. Panzica stated in smaller hospitals 9 out of 10 patients could typically be treated or put inpatient, the 1 out of 10 they could not treat would be stabilized to be transported to a larger hospital. He added there would be two fulltime ambulance vehicles at this facility.

Mr. Mammolenti questioned the Trauma Center. Mr. Panzica explained it would not be considered a regional trauma center; it would be a full emergency Department and hospital. He said the trauma room would be for emergency surgeries. Mr. Mammolenti asked where were the nearest comparable centers. Mr. Panzica said there were two facilities in Indianapolis, Ohio; more than 50 have been built in the US.

Mr. Emmons asked for clarification regarding the hospital staff. Mr. Panzica said there would be 15 to 36 staff members in the building at all times.

Mr. Canarecci questioned signage the hospital and the ability to treat the different trauma situations. Mr. Panzica said they would be able treat any patient who comes in to the hospital. He went on to say they were working on the signage. Mr. Canarecci asked could these smaller emergency rooms decrease the wait time in other local emergency rooms. Mr. Panzica replied yes, that was one the reason for building the smaller facilities.

Mr. Mammolenti asked would the ambulance be dispatched through PSAP. Mr. Panzica replied no, Beacon would not make 911 calls but they will accept 911 ambulances. He explained the two ambulance vehicles stationed at this hospital would primarily be used for patient transfer.

Mr. Tanner asked what predicated the offset for the welcome to Mishawaka site. Mr. Panzica said they were working to acquire property from INDOT. He continued to say Evergreen was gone and unfortunately state records did not indicate they owned the property and they were searching for deeds. Mr. Panzica said they were asking for zero setbacks because it was a 40 feet deep area and deeper going toward the corner. He referenced the site plan, they did not wish to build on the storm basin on the corner, and they decided to make it a feature as a wet basin pond with a fountain, and the overflow of the pond would be part of their storm drainage system. Mr. Panzica said there was discussion of clear separation of the Welcome to Mishawaka and Beacon sign. He continued to say there was a possibility the signage may be designed where the large stone basin was located. He continued to say they would be working with the Planning Department in the future as the building develops; they will reassess signage and decide on what would happen on the corner. Mr. Panzica said the signage would say Beacon Health System Campus and Emergency Room.

Question was called for at 7:34 P.M. for **PROPOSED ORDINANCE NO. 2018-15**  **Vote:**
Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mrs. Voelker, Mr.
Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr.
Mammolenti. Thus, it becomes **ORDINANCE NO. 5620AA**

ADJOURNMENT 7:36 P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President

Christa Hill

From: Donald Mawhorter <dmawhorter@sbcglobal.net>
Sent: Thursday, June 14, 2018 4:25 PM
To: Christa Hill
Subject: RE: RE:

After talking with you and Ken Prince this morning, I have decided to postpone the Re-zoning of the property located at 426 E. Mishawaka Ave until July 16th....

Dion Mawhorter

Sent from Yahoo Mail on Android

On Thu, Jun 14, 2018 at 10:53 AM, Christa Hill
<chill2@mishawaka.in.gov> wrote:

Dion,

Attached are the follow up letters for the Use Variance, which will go before the Council next Monday June 18 (not the 25 like I had told you previously). If you are not ready to proceed on Monday, just ask for a continuance until their next meeting.

Christa Hill

Associate Planner

574-258-1625

Chill2@mishawaka.in.gov

From: Donald Mawhorter [<mailto:dmawhorter@sbcglobal.net>]
Sent: Wednesday, June 13, 2018 10:41 AM
To: Christa Hill
Subject: RE:

Okay... I'll come in tomorrow at 9

Sent from Yahoo Mail on Android

On Wed, Jun 13, 2018 at 10:25 AM, Christa Hill

RECEIVED
DEBORAH S. BLOCK MMC

JUN 14 2018

CITY CLERK
MISHAWAKA, IN

JUN 13 2018

APPEAL #18-15

RESOLUTION NO. 2018-13

CITY CLERK
MISHAWAKA, IN

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:

426 East Mishawaka Avenue, 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 **426 East Mishawaka Avenue, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 4, G W R Fowlers 1st, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

COMMON ADDRESS: 426 East Mishawaka Avenue

The Use Variance, if approved, will allow a single-family residence in C-1 General Commercial District.

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;

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 are also being used as residential, even though they may be zoned otherwise;
3. The need for the variance arises from some condition peculiar to the property in that the property was used as a single family home with a business attached for many years;
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 building was built as a single family home;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2018, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018,
at _____ o'clock ____ .m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at
_____ o'clock ____ .m.

David A. Wood, Mayor

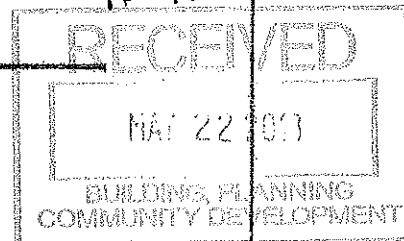
RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2018

CITY CLERK
MISHAWAKA, IN

DATE: May 14, 2018

TO: Board of Zoning Appeals
City of Mishawaka, Indiana



The undersigned appellant respectfully shows the Board:

1. I, SEE ATTACHED PURCHASE AGREEMENT, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

426 E Mishawaka Ave., Mishawaka, IN. 46545-6820, St. Joseph County

LOT 4 G W R FOWLERS 1ST (71-09-10-359-010.000-023)

(PROVIDE ACCURATE LEGAL DESCRIPTION AND ALSO THE COMMON ADDRESS--A TAX KEY NUMBER IS NOT A LEGAL DESCRIPTION)

2. The above-described real estate presently has a zoning classification of C1-Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Restaurant.
4. Appellant desires to

Run and operate Scoobies Restaurant in the above mentioned property. Zoning requirements state that 10 parking spots are required for every 1,000 sq. ft. of space. The current office space that is being planned to be used for the restaurant is 600 sq. ft. thus requiring a minimum of 6 parking spots. The property lot size does not accommodate the requirements needed for parking. Requesting a zero parking space requirement. Rezone property to mixed use where the front portion of the property is to be zoned and used commercially for restaurant use and the main structure to be zoned residential to be lived in by owner.

5. The Zoning Ordinance of the City of Mishawaka requires

Zoning ordinance requires 5 parking spaces. Requesting zero parking spaces. Parking to be on the street with use of the driveway for employees/delivery driver's vehicles. Requesting property to be zoned commercial and residential.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

At the current time there is not any room for parking lots/spaces to be installed. 2 driveways opposed to one. Lot cannot accommodate the parking requirements thus impeding the business from normal operating day to day functions. Applicant is also requesting to be able to live in the requested main portion of the home in order not to have to pay for multiple mortgages.

7. Answer the following necessary questions for a **USE VARIANCE**:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? **YES OR NO** and explain your reason why.

No approval of this variance and rezoning to commercial/residential will not injure public health, safety, morals or general welfare of the community. Parking variance is being requested for the business hours of Monday-Tuesday 10:30 am to 5:00 pm; Wednesday-Friday 10:30 am to 8:00 pm; Saturday 11:00 am to 4:00 pm; Sunday Closed.

RECEIVED

MAY 22 2013

BUILDING PLANNING
COMMUNITY DEVELOPMENT

- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? YES OR NO and explain your reason why.

No the use and value of the area to the adjacent property will not be affected in an adverse manner. It is the believe that it will help values of surrounding properties. The main home if approved to be zoned residential will be lived in and not vacant.

- (3) Does the need for the variance arise from some condition peculiar to the property involved? YES OR NO and explain your reason why.

Yes; the current property does not have the required area to install a proper parking space with driveways as well as currently zoned commercial where the property could not be lived in by the owner.

- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? YES OR NO and explain your reason why.

Yes, there will be a monetary and business hardships if both the parking variance and use variance are not approved. Business and property cannot accommodate major construction of a parking lot and proposed owner will not be able to afford two mortgage payments.

- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? YES OR NO and explain your reason why.

None Seen.

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

Signature

Signature

RICHARD PARKER ESTATE

Print Name Here

MARIANNE PARKER

Print Name Here

CONTACT PERSON:

Name: Michael Worden

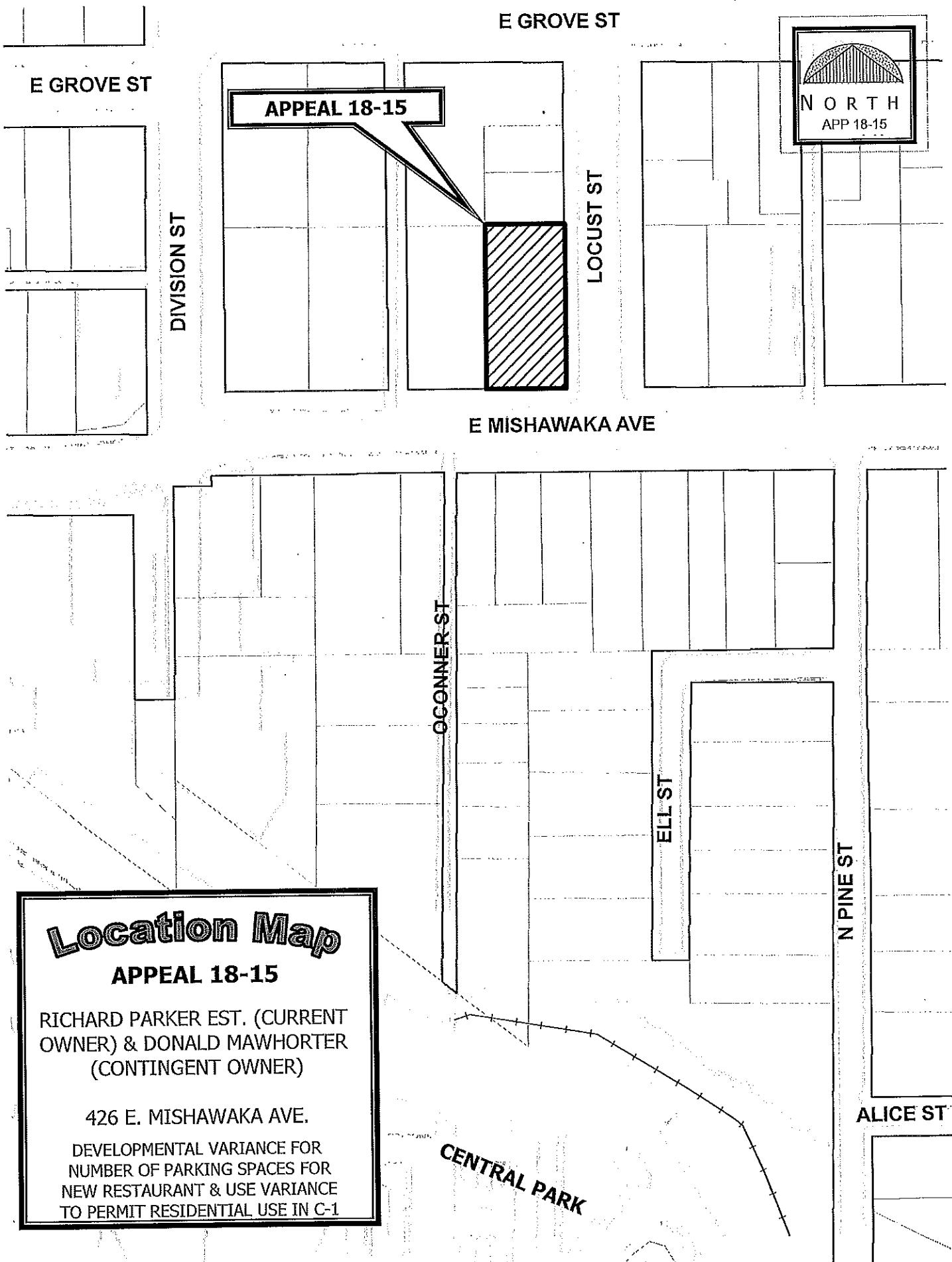
Address: 1539 N. Ironwood Dr., South Bend, In. 46635

Day Phone Number: 574-292-1513

Fax Number: 574-273-0024

Email: michaelworden@aol.com

Dion Mawhorter
dmawhorter@sbcglobal.net



Location Map

APPEAL 18-15

RICHARD PARKER EST. (CURRENT OWNER) & DONALD MAWHORTER (CONTINGENT OWNER)

426 E. MISHAWAKA AVE.

DEVELOPMENTAL VARIANCE FOR
NUMBER OF PARKING SPACES FOR
NEW RESTAURANT & USE VARIANCE
TO PERMIT RESIDENTIAL USE IN C-1

1st Reading 6-18-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-16
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2018-14
ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2018

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

Lot 66, Lafayette Pl, exe W 15' to City for right-of-way

COMMON ADDRESS: 1028 South Ironwood Drive

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential 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. Many of the properties in the immediate vicinity are residential in use. Its historic use as a single family dwelling would be compatible to the area;
2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with the current zoning, rezoning this parcel to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property

Proposed Ordinance No: 18-14

Ordinance No: _____

values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,

5. The City's Comprehensive Plan identifies the area as Low Density Residential and their historical use as single- family homes is consistent with the Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2018, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

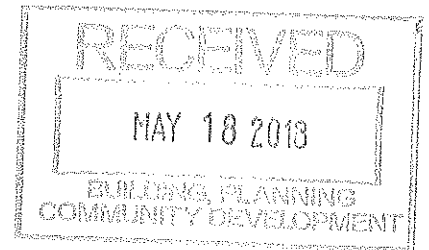
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock _____.M.

David A. Wood, Mayor



Date 5/18/2018

Honorable members of the
common council

City of Mishawaka and

Mishawaka City Plan commission City of Mishawaka Indiana

Re: Petition to rezone

Pet 18-16
RECEIVED
DEBORAH S. BLOCK, MMC
MAY 30 2018
CITY CLERK
MISHAWAKA, IN

The undersigned Dittrich Properties respectfully show that they are owners of the following described real estate located in the city of Mishawaka, county of St Joseph, state of Indiana, to wit

1028 S. Ironwood Mishawaka Indiana 46544

Lot 66 Lafayette Pl exc. 15 feet to city for R-W wd 70429-20-96

Parcel number 710917356 013. 00-023

Petitioners own 100% of the above described parcel of land which carries a zoning classification of Commercial Said property is a 3 bedroom home.

Petitioners desire said real estate to be rezoned to R-1 residential district.

Petitioners further state that they intend to use the property as a residential home. Would like to sell property but banks are hesitant to loan on commercial property.

Wherefor, 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 a hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Dittrich Properties LLC - Pat D. Dittrich
Dittrich Properties LLC

Contact person Michael Williams or Jay Primmer 404 E 4th St Mishawaka, In

Ph. 574 220 6828 email mustang-mike@comcast.net

