

AGENDA

June 20, 2022

Meetings of Standing Committees
Council Conference Room
6:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00PM

WebEx Telephone Number: 1-408-418-9388
Meeting Number (access code): 2345 941 8733
Meeting Password: Nekv3ZPA73

Livestream #1: <https://www.facebook.com/cityofmishawaka/>
Livestream #2: @MichianaAccessTV on Facebook
Livestream #3: Michiana Access TV
(Comcast and AT&T U-Verse Channel 99)

To connect on-line join using Microsoft Lync or Microsoft Skype for Business

Dial: 23459418733@mishawaka.webex.com

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of June 06, 2022
5. Petitions, Communications, Remonstrance and Memorial

Presentation celebrating 50th Anniversary with sister city Shiojiri

A letter from the Board of Zoning Appeals regarding their recommendations from their June 14, 2022 meeting.

A letter from the City Plan Commission regarding their recommendations from their June 14, 2022 meeting.

**Presentation of Encumbered Funds and the Annual Operations Report
for Local Roads, Streets and Bridges**

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2022-14	Rezone from I-1 Light Industrial to R-1 Single family Residential- 1816 W. Sixth St.
P.O. No. 2022-15	Rezone from C-1 to R-2 to repurpose a salon and residential unit for two-family residential (2 units) - 1023 W. 6 th St.
P.O. No. 2022-16	PUD amendment to allow indoor climate controlled self-storage facility as a permitted use in an existing building - 1435 University Drive Ct.
P.O. No. 2022-17	Rezone from I-1 & I-2 to C-3 City Center Commercial to match adjacent zoning and permit and future C-3 uses - Vacant lots N. Hill St. between W. Front St. and W. 1 st St.
P.O. No. 2022-18	Rezone from C-1 and C-7 to R-3 multi-family Residential to convert existing hotel into multi-family apartment building and construct an additional - 2754 Lincolnway East

8. Resolutions

R2022-13	Use Variance to allow microblading service within multi-tenant commercial strip center(c-1 District)- 4125 Grape Rd.
R2022-14	Removal of Dormant Funds
R2022-15	Authorizing Electronic Funds Transfer Payments
R2022-16	Approving the SBOA Audit of GAAP

9. Ordinances on Second Reading

- P.O. No. 2022-09 Authorizing the Investment of Public Funds
(Assigned to Budget and Finance Committee)
- P.O. No. 2022-10 Transfer of Funds and Additional Appropriation
Motor Vehicle Highway Restricted Fund -
\$975,180.65
- TO:
Local Bridge and Road Matching Grant fund
- Additional Appropriation of Funds to:
Local Bridge and Road Matching Grant Fund -
\$1,950,361.00
(Assigned to Budget and Finance Committee)
- P.O. No. 2022-11 Reduction of Funds:
Cumulative Capital Development
Other Services and Charges
417-50-436-90 Service Contract/
Software Maintenance \$19,036.00
(Assigned to Budget and Finance Committee)
- P.O. No. 2022-12 Additional Appropriation:
CREDIT
Professional Services
430-50-436-90 Services Contracts/
Software Maintenance \$ 19,036.00
- | | | |
|---------------|------------|--------------|
| 430-50-431-06 | Consulting | \$150,000.00 |
| | Total | \$169,036.00 |
- (Assigned to Budget and Finance Committee)
- P.O. No. 2022-13 Additional Appropriation for Civil City personal
services -\$273,295

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, <https://www.facebook.com/cityofmishawaka/> and on the Michiana Access TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

Council Packet Link:

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 Susan Kile, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 6, 2022

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, June 6, 2022 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance led by Claire Dozel, followed by a moment of silence in the remembrance of the victims of the tragic school shooting in Uvalde, Texas.

Clerk Block called the roll.

Roll Call.

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

Others Present: Clerk Block, Mike Trippel

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

Minutes for the Regular Meeting of May 16, 2022 were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

- | | |
|-----------------------------|---|
| Petition No. 2022-04 | Rezone from C-1 to R-2 to repurpose a salon and residential unit for two-family residential (2 units) - 1023 W. 6 th St. |
| Petition No. 2022-05 | PUD amendment to allow indoor climate controlled self-storage facility as a permitted use in an existing building – 1435 University Drive Ct. |
| Petition No. 2022-06 | Rezone from I-1 & I-2 to C-3 City Center Commercial to match adjacent zoning and permit and future C-3 uses – Vacant lots N. Hill St. between W. Front St. and W. 1 st St. |
| Petition No. 2022-07 | Rezone from C-1 and C-7 to R-3 multi-family Residential to convert existing hotel into multi-family apartment building and construct an additional – 2754 Lincolnway East |

REPORT OF SPECIAL COMMITTEE

Mr. Mammolenti wanted to let the council know that on May 23rd, the ARPA Fund Committee composed of himself, Mr. Compton, Mrs. Voelker and Mr. Hixenbaugh had a meeting at City Hall. Mr. Mammolenti stated other members that were in attendance were Mrs. DeMaegd and Mr. Bellovich. Mr. Mammolenti wanted to thank everyone for their attendance and thanked Mr. Compton who composed a spreadsheet with some of the recommendations the committee filled out and stated he had circulated that throughout the rest of the group to allow them to have their thoughts and look over the information. Mr. Mammolenti stated their plans changed a bit in terms of timeline and Mrs. Maguire had spoken to some of their consultants at Baker Tilly, so a little more paperwork was going to be required than originally thought. Mr. Mammolenti stated he would continue to update the council as things developed.

Clerk Block read the following ordinances by title and assigned committee.

PROPOSED ORDINANCE 2022-09

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO INDIANA CODE 5-13-9-5

**Authorizing the Investment of Public Funds
(Assigned to Budget and Finance Committee)**

PROPOSED ORDINANCE NO. 2022-10

AN ORDINANCE TRANSFERRING FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE MATCHING GRANT FUND OF THE CITY OF MISHAWAKA FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2022 AND AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

**Transfer of Funds and Additional Appropriation - Motor Vehicle Highway Restricted
Fund - \$975,180.65 TO: Local Bridge and Road Matching Grant fund - Additional
Appropriation of Funds to: Local Bridge and Road Matching Grant Fund -\$1,950,361.00
(Assigned to Budget and Finance Committee)**

PROPOSED ORDINANCE NO. 2022-11

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE REDUCTION OF FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

**Reduction of Funds: Cumulative Capital Development - Other Services and Charges -
417-50-436-90 Service Contract/Software Maintenance - \$19,036.00
(Assigned to Budget and Finance Committee)**

PROPOSED ORDINANCE NO. 2022-12

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE
EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31,
2022**

**Additional Appropriation: CEDIT Professional Services 430-50-436-90 Services Contracts/
Software Maintenance \$ 19,036.00 - 430-50-431-06 Consulting \$150,000.0 - Total
\$169,036.00**

(Assigned to Budget and Finance Committee)

PROPOSED ORDINANCE NO. 2022-13

**AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE
EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31,
2022**

**Additional Appropriation for Civil City personal services -\$273,295
(Assigned to Budget and Finance Committee)**

NEW BUSINESS

Mr. Hixenbaugh made an announcement regarding the School Board application timeline and application process. Mr. Hixenbaugh stated for the record, the timeline and process would be as followed. Mr. Hixenbaugh stated applications for the vacant School Board position would be available in the Clerk's Office or on the city website beginning Tuesday, June 7th. Mr. Hixenbaugh stated applications were due for return by noon on Friday, June 24th to the Clerk's Office and thereafter, they would be scheduling interviews with applicants on Monday June 27th and Wednesday June 29th at 6PM in the Council Chambers. Mr. Hixenbaugh stated the Council would then make the formal appointment of the new School Board member at their first regular council meeting in July which would be Tuesday July 5th, 2022. Mr. Hixenbaugh stated that would set the stage for the new board member to be able to be sworn in and take office as a member of the Board of School Trustees at the board's first meeting on July 13th.

Mrs. DeMaegd introduced her grandchildren, Olivia and Alex DeMaegd, who were present for the meeting that evening. Mrs. DeMaegd stated Olivia attended Mishawaka High School and Alex attended John Young Middle School and this was their first council meeting and hopefully not their last. Mrs. DeMaegd also announced the West End Neighborhood Watch meeting would be Tuesday, June 14th at St. Bavos School in the Activity Center at 7PM. Mrs. DeMaegd stated the guest speaker would be St. Joseph prosecutor Ken Cotter and they were very welcome to have him. Mrs. DeMaegd stated parking would be in the gated lot and all were welcome.

Mr. Mammolenti made a reminder that the Twin Branch Neighborhood Watch meeting would take place June 15th at 7PM at Fire Station number four. Mr. Mammolenti stated their guest speaker would be Mayor Wood, providing them with a reduced version of the State of the City

for those who may not have been able to attend his first one. Mr. Mammolenti stated all were welcome.

Mr. Emmons made a reminder that he would be holding his monthly West End Neighborhood meeting Thursday, June 16th at 7PM where West End doughnuts will be provided. Mr. Emmons stated he was very proud, excited and honored to announce that their United States Ambassador, Joseph Donnelly, Ambassador to the Vatican, would be their guest speaker that evening. Mr. Emmons stated all were welcome and they wanted to show their appreciation for Mr. Donnelly and it should be a very exciting meeting. Mr. Emmons stated all were welcome.

ADJOURNMENT 7:14PM

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

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



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

June 15, 2022

Deborah S. Block, AMC, MMC

JUN 15 2022

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
June 14, 2022, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above date at which time the following Use Variance was considered:

APPEAL #22-13 An appeal submitted by Joers Partnership LLC requesting a Use Variance for **4125 Grape Road** to allow microblading services in C-1 General Commercial zoning district.

The Board, with a vote of 3-0, recommended approval.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Kelly Reynolds

STAFF REPORT

Location: 4125 Grape Road

Date: May 10, 2022

Appeal: 22 13

Prepared By: KM

GENERAL INFORMATION

Applicant: Joers Partnership LLC/Kelly Reynolds
Status: Property Owner/Tenant
Request: Use Variance to allow microblading services within a salon
Zoning Classification: C-1 General Commercial District
Lot Size: 5.89 acres
Applicable Regulations: 137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial District
South: C-1 General Commercial District
East: C-2 Shopping Center Commercial District
West: R-3 Multi-Family Residential District

Thoroughfare: Southwest Corner of Grape and Day Roads
School District: South Bend Community School District
Public Utilities: All utilities are available
Comprehensive Plan: General Commercial

ANALYSIS

The Appellants are requesting a Use Variance to allow for microblading services within Salon Studio Suites that will be renting 4125 Grape Road (northern most tenant space). Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

In the past few years, we have received several requests for microblading. The latest request was located inside an existing salon at That Hair Place, 3931 Lincolnway East.

It should be noted that while microblading is a service that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district. The need for a Use Variance arises from the fact that a tattoo establishment is not an approved use within the C-1 zoning district.

All pertinent City departments have reviewed and approved the request.

RECOMMENDATION (S)

Staff recommends in **favor** of Appeal #22-13 to allow microblading services at Salon Studio Suites, 4125 Grape Road. This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the business will provide similar personal services/salon uses;
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 it is included in a commercial establishment;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-1 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than the existing business; and
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial.

ATTACHMENTS

Photographs, Appeal, Aerial, Location Map



View of north end of plaza



View of future tenant space



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

June 15, 2022

Deborah S. Block, AMC, MMC

JUN 15 2022

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
June 14, 2022, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #22-03 A petition submitted by Evan Forslund requesting to rezone **1816 West Sixth Street** from I-1 Light Industrial District to R-1 Single Family Residential District.

The Commission, with a vote of 6-1, forwarded an *unfavorable* recommendation.

PETITION #22-04 A petition submitted by Michael A. Young requesting to rezone **1023 West Sixth Street** from C-1 General Commercial District to R-2 Two Family Residential District.

The Commission, with a vote of 7-0, recommended approval.

PETITION #22-05 A petition submitted by South Bend Indoor Soccer, Inc. requesting to amend the Cass Road/East University Drive Planned Unit Development to allow a climate controlled self-storage facility within the existing building at **1435 University Drive Court, Granger**.

The Commission, with a vote of 6-0, recommended approval subject to the following conditions:

1. No outdoor storage shall be permitted.
2. Additional landscaping shall be provided (where necessary) in all areas, compliant with the minimum landscaping and screening regulations (Section 137-815).

PETITION #22-06 A petition submitted by the City of Mishawaka, through its Board of Public Works & Safety, and Calet Partnership requesting to rezone three (3) parcels located between Front Street and First Street from I-1 Light Industrial District and I-2 Heavy Industrial District to C-3 City Center Commercial District.

The Commission, with a vote of 7-0, recommended approval.

PETITION #22-07 A petition submitted by Balaji Hospitality Group LLC and Smita V. Patel requesting to rezone **2754 Lincolnway East** from C-1 General Commercial District and C-7 Automobile Oriented Restaurant Commercial District to R-3 Multi-Family Residential District.

The Commission, with a vote of 7-0, recommended approval.

Pursuant to I.C. 36-7-4-605 the City of Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinances regarding the above matters.

Respectfully,



Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Evan Forslund
Michael Young
Alex Gauthreaux
Steve Ruby

STAFF REPORT

Location: 1816 W Sixth ST

Date: May 10, 2022

Petition: 22 03

Prepared By: CH

GENERAL INFORMATION

Applicant: Evan Forslund
Status: Property Owner
Request: Rezone from I-1 Light Industrial District to R-1 Single Family Residential
Zoning Classification: I-1 Light Industrial District
Lot Size: 41' X 150' (0.14 acres)
Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District (across railroad tracks)
South: R-1 Single Family Residential District (across Sixth Street)
East: I-1 Light Industrial District (food truck conversation business)
West: I-1 Light Industrial District (single family home)

Thoroughfare: West Sixth Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Industrial (Manufacturing, Warehousing and Distribution)

ANALYSIS

The Petitioner is requesting to rezone 1816 W Sixth Street from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located on the north side of Sixth Street between Alabama St and Meridian St. The properties against the railroad tracks are all zoned I-1 Light Industrial, however, south of Sixth Street is a residential neighborhood.

The house was built in 1910. The Petitioner recently purchased the property and is planning on rehabbing the home. The property has been vacant since. The previous owner ran the business to the east and owned both properties.

Prior to the 1980's residential uses were permitted in commercial and industrial districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts.

Pertinent City Departments have reviewed and approved the request. Engineering commented that residentially zoned property qualifies for sewer insurance. The owner should follow up with Mishawaka Utilities Business office to confirm. The Building Department commented permits are required.

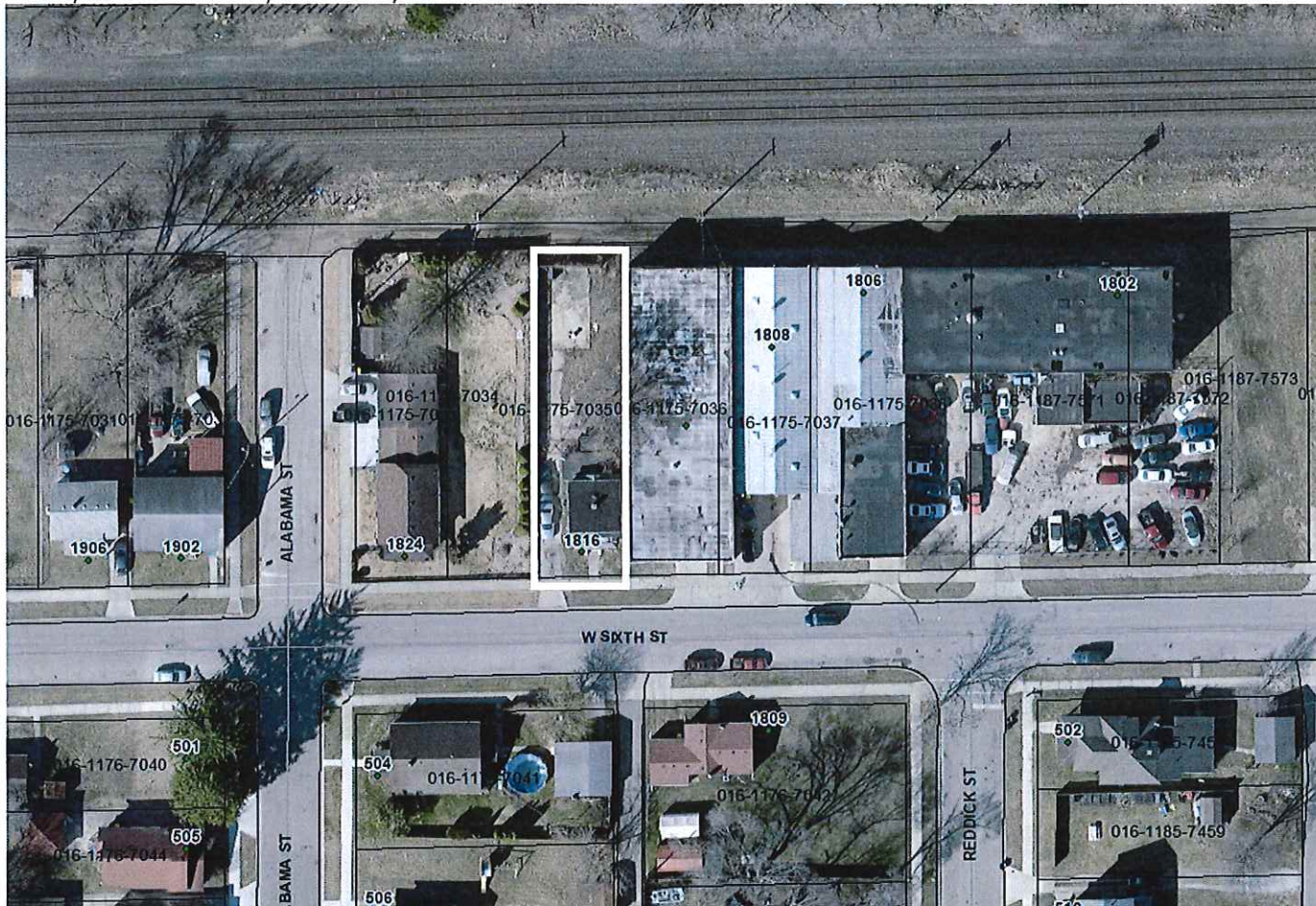
RECOMMENDATION

The Planning Department recommends **approval** of Petition #22-03 to rezone 1816 West Sixth Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-1 would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location and its relationship to surrounding properties, staff feels that the most desirable use for this property is a single-family use;
3. Because the parcel is located in an area of residential uses, 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 its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for industrial because of its proximity to the railroad tracks, however, rezoning to residential would be compatible and consistent with the historic residential use of the property.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP





Street View of 1816 W Sixth St.





A view of 1816 W Sixth and the house to the west



A view of the house to the west

STAFF REPORT

Location: 1023 W. Sixth St.

Date: June 14, 2022

Petition: 22 04

Prepared By: KM

GENERAL INFORMATION

Applicant: Michael A. Young

Status: Property Owner

Request: Rezone from C-1 General Commercial District to R-2 Two Family Residential

Zoning Classification: C-1 General Commercial District

Lot Size: 40' X 116.5'

Applicable Regulations: Sec. 137-186 Residential R-2 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District
South: R-1 Single Family Residential District
East: R-1 Single Family Residential District
West: R-1 Single Family Residential District

Thoroughfare: Southeast corner of W. Sixth Street and Cleveland

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 1023 W. Sixth Street from C-1 General Commercial District to R-2 Two Family Residential District. The property is located on the southeast corner of Sixth and Cleveland Streets and surrounded by R-1 zoning.

The property has had a number of commercial businesses in the front portion of the building over the years, most recently a hair salon, and a residential unit in the rear. To establish the long-established residential use along with commercial on the property, the Polk Directory from 1976 and 1979 shows a catering business in the front and a residential unit in the rear. The 2003 Polk Directory shows a beauty salon in the front and residential unit in the rear. Rezoning the property to R-2 will be less intensive of a use in the neighborhood than the beauty salon or many other commercial uses.

The Petitioner states all salon equipment has been removed from the front portion and re-purposed for living space. He further states his mother lives in the rear and he plans on utilizing the front portion of the building when he visits the area. The property has a detached two car garage with off-street parking for two additional cars.

Prior to the 1980's residential uses were permitted in commercial districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #22-04 to rezone 1023 W. Sixth Street from C-1 General Commercial District to R-2 Two Family Residential District. This recommendation is based upon the following findings of fact:

1. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-2 would not be incompatible to the area as there are scattered R-2 sites in the vicinity;
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, and the potential of development as a commercial project, staff feels that the most desirable use for this property is a two-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-2 Two-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-2 Two-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential and its rezoning to residential would be compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, AERIAL, LOCATION MAP





View of rear living area from Cleveland Street



View of garage

STAFF REPORT

Location: 1435 University Drive Ct

Date: June 14, 2022

Petition: 22- 05

Prepared By: CH

GENERAL INFORMATION

Applicant: South Bend Indoor Soccer Inc/Verdad Real Estate

Status: Property Owner / Contingent Owner

Request: Amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow a self-storage facility

Zoning Classification: S-2 Planned Unit Development (Permitted Uses on the portion of the PUD to be amended include all C-2 Shopping Center Commercial uses)

Lot Size: 3.62 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (City Plaza South)
South: South of Toll Road
S-2 Planned Unit Development (The Villas on Fir apartments)
East: S-2 Planned Unit Development (Cass Road/East University Drive)
West: S-2 Planned Unit Development (Cass Road/East University Drive)

Thoroughfare: University Drive Court

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities are available and currently serve the site

Comprehensive Plan: This area was not identified on the 2000 Comprehensive Plan

ANALYSIS

The petitioner, South Bend Indoor Soccer Inc, is requesting to amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow climate controlled self-storage facility in the former Soccer Zone.

Soccer Zone was developed in St. Joseph County and annexed into the City in 1998. The current PUD regulations applicable to the property, also approved in 1998 (Petition 98-4/Ord. 4246), permitted office/service center; office distribution; office/retail; medical services; office buildings, restaurants and recreational uses. The portion of the PUD to be amended is only Lot 1A, the parcel on which the Soccer

The existing building is 83,120 square feet. Excluding the proposed change in use, no immediate improvements are planned for the property. The footprints of the buildings will remain as is with no changes to the existing parking area and access drives.

There is a self lock storage facility to the west at 1015 E University Drive; developed in 2000.

All pertinent City Departments have reviewed and approved the PUD amendment request.

RECOMMENDATION

Staff recommends **approval** of Petition 22-05 to amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow a self-storage facility subject to the following conditions:

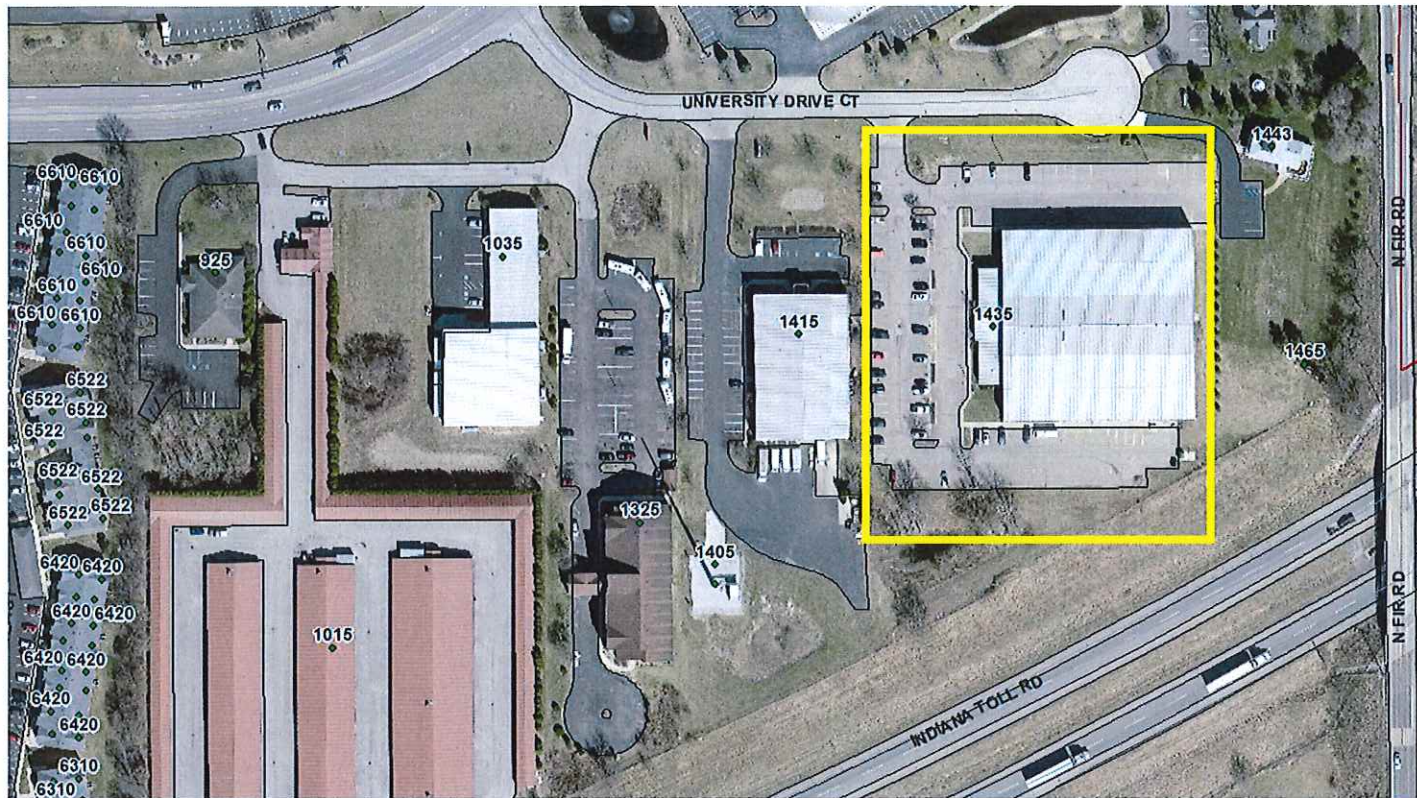
1. No outdoor storage shall be permitted.
2. Additional landscaping shall be provided (where necessary) in all areas, compliant with the minimum landscaping and screening regulations (Section 137-815).

The recommendation is based on the following findings of fact:

1. Existing Conditions – The property is currently developed as an indoor recreational center. Other uses on University Drive Court are office design studio, a law office, hotel, dental office, retail, and self storage. The property is located at the eastern edge of the University Drive commercial corridor.
2. Character of Buildings in Area – The buildings along the University Drive corridor are primarily single and multi-tenant commercial/retail.
3. The Most Desirable/Highest and Best Use – Due to the property's location at the eastern edge of a cul-de-sac, the most desirable use of the property would be to add self storage as an additional use.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area. Currently, a range of commercial & industrial land uses, are permitted within the PUD being amended.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, did not include University Drive past the intersection with Main Street, (service commercial) or north of the Toll Road (low density residential). This area has developed as mainly retail but also has religious, multi-family and office uses.

ATTACHMENTS

Photographs, Petition, Conceptual Site Plan, Location Map



Front view (west elevation)



Side facing Toll Road (south elevation)



STAFF REPORT

Location: Parcels on N. Hill St. between W. Front St. & W. First St. Date: June 14, 2022
Petition: 22- 06 Prepared By: DJS

GENERAL INFORMATION

Applicant: City of Mishawaka Board of Public Works & Safety
Status: Majority Property Owner
Request: To rezone from I-1 Light Industrial & I-2 Heavy Industrial to C-3 City Center Commercial
Zoning Classification: I-1 Light Industrial & I-2 Heavy Industrial
Lot Size: Approximately 0.66 acres
Applicable Regulations: Section 137-328 thru 137-360 / C-3 City Center Commercial District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial (Vacant & Multi-Family Residential and Commercial / The Mill at Ironworks)
 South: C-3 City Center Commercial (Vacant, Restaurant / Jesus Latin Grill, and Multi-Family Residential / Mishawaka Main Jr. High Apartments)
 East: C-3 City Center Commercial (Vacant & City-Owned Parking Lot)
 West: C-3 City Center Commercial (Vacant)
Thoroughfare: N. Hill St., W. Front St. & W. First St.
School District: School City of Mishawaka
Township: Penn
Public Utilities: All utilities are available to the site
Comprehensive Plan: General Commercial

ANALYSIS

The City of Mishawaka, through its Board of Public Works, is requesting to rezone three parcels of property located on N. Mill Street between W. Front Street and W. First Street from I-1 Light Industrial and I-2 Heavy Industrial to C-3 City Center Commercial. The Board of Public Works is the majority property owner with the other deeded owners being the City of Mishawaka and Calet Partnership.

Parcels 1 and 2 to the west of N. Hill Street are currently owned by the City. The parcels, which include

an ice rink, café, and event center. Parcel 2 was acquired by the City in the first quarter of 2021. Two residential homes were located on this parcel until being demolished in late 2021.

Parcel 3 (tax parcel 016-1010-0458) to the east of N. Hill Street is currently owned by Calet Partnership. This parcel is included in the petition as a Planning Department initiated amendment since the rezoning petition is not signed by this owner. Per Section 137-41 / Amendment of this Chapter and the Zoning Map, a zoning map amendment may be initiated by the Department of City Planning. The parcel is vacant and serves as a point of access for the adjacent construction staging area to the north. Parcel 3 will soon be acquired by the City.

All parcels are zoned I-1 Light Industrial or I-2 Heavy Industrial reflecting the historical use of the properties and adjacent area for the Uniroyal/Ball Band manufacturing complex.

The City desires to rezone the properties to the C-3 City Center Commercial District to allow for projected development that is consistent with the overall downtown development plan and recent nearby construction. A local developer has approached the City with plans to construct a multi-family residential apartment building in the block bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street. A development agreement between the City and contingent developer is anticipated in the near future.

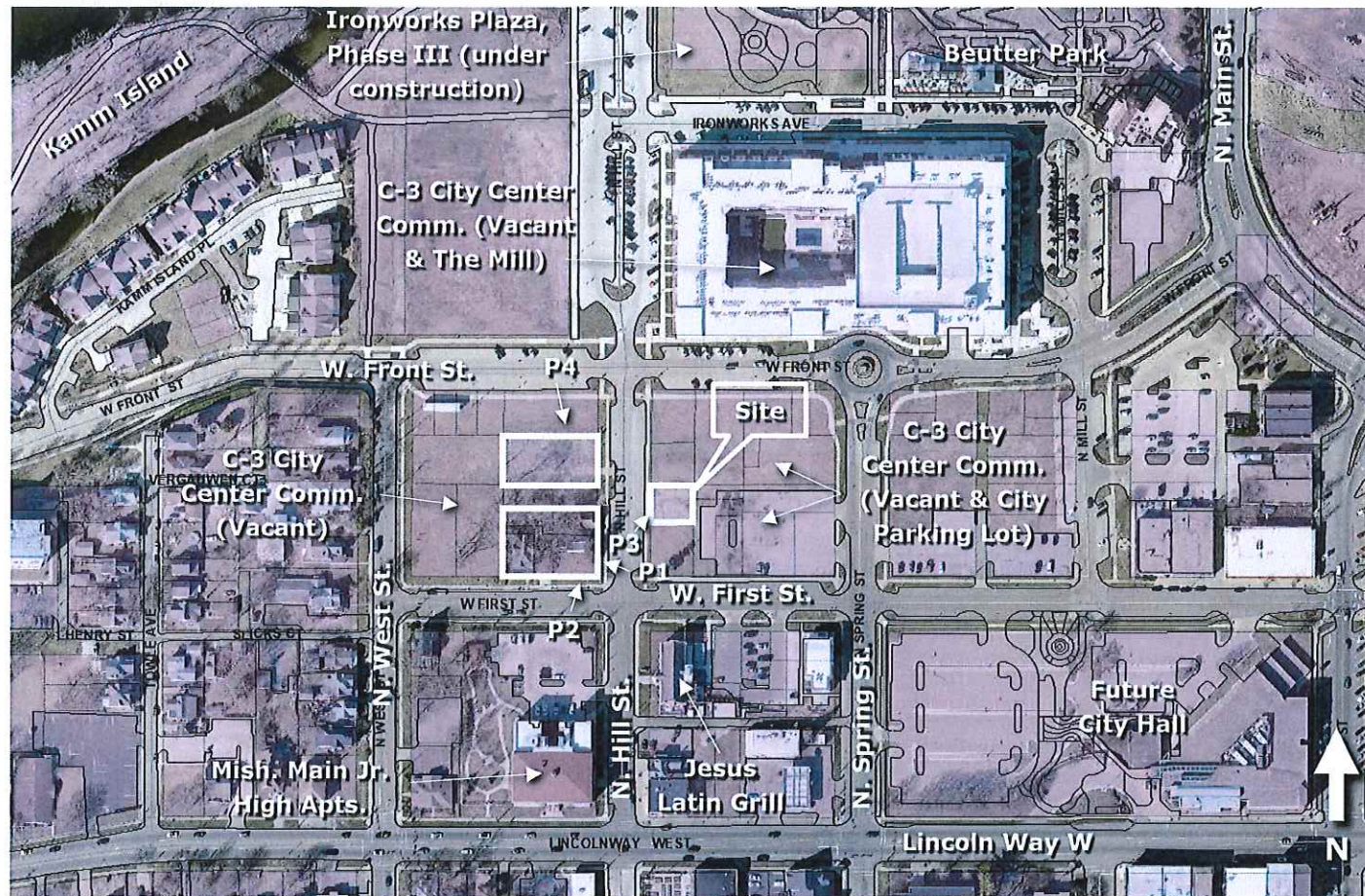
RECOMMENDATION

The Planning Department recommends approval of Petition 22-06 to rezone several properties located on N. Mill Street between W. Front Street and W. First Street from I-1 Light Industrial and I-2 Heavy Industrial to C-3 City Center Commercial. This recommendation is based upon the following findings of fact:

1. Existing Conditions – The parcels are currently vacant partially serving as a temporary contractor staging area for the nearby city construction projects. The Mill at Ironworks mixed-used development is located to the north.
2. Character of the Buildings – The adjacent properties are primarily vacant with the exception of a large mixed-use building to the north and an apartment building and restaurant to the south.
3. The desirable/highest and best use – Because the parcel is located within the downtown area, the rezoning to C-3 City Center Commercial is a desirable use for this property. All of the adjacent parcels are also zoned C-3 permitting various commercial and residential uses.
4. Conservation of property values – As opposed to the range of potential industrial development that could occur with its current zoning, rezoning these properties to the C-3 City Center classification will have a favorable and stabilizing impact in the area, conserving property values in the immediate and surrounding neighborhood.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within these properties. The proposed C-3 City Center Commercial zoning is consistent with the Comprehensive Plan and the overall development plan for the downtown area.

ATTACHMENTS

Photographs, Petition, Zoning Map, Tax Parcel Map & Location Map



Aerial Photograph
Vacant Parcels – Downtown Mishawaka
South of The Mill at Ironworks



P1. Looking westerly toward vacant Parcel 2 from N. Hill St.





P3. Looking northeasterly toward Parcel 3 from N. Hill St.



STAFF REPORT

Location: 2754 Lincoln Way East - Existing Mishawaka Inn

Date: June 14, 2022

Petition: 22- 07

Prepared By: DJS

GENERAL INFORMATION

Applicant: Balaji Hospitality Group, LLC & Smita V. Patel / Abonmarche Consultants, Inc.

Status: Property Owners / Site Design Consultant

Request: To rezone from C-1 General Commercial District and C-7 Automobile Oriented Restaurant Commercial to R-3 Multi-Family Residential District to allow for a residential apartment complex

Zoning Classification: C-1 General Commercial District & C-7 Automobile Oriented Restaurant Commercial

Lot Size: Approximately 3.98 acres

Applicable Regulations: Section 137-215 thru 137-217 / R-3 Multi-Family Residential District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: St. Joseph River & Unincorporated St. Joseph County north of River – I Industrial (Power Generation Facility / I&M Hydroelectric Plant)

South: S-1 Extensive Open Space (Laing Park) & C-7 Auto Oriented Restaurant Commercial (Restaurants with Drive-Thru / McDonald's & Wendy's – Under Construction)

East: C-7 Auto Oriented Restaurant Commercial (Restaurant with Drive-Thru / Dunkin' Donuts – Under Construction) & C-2 Shopping Center Commercial (Multi-Tenant Commercial / Twin Branch Retail Center)

West: S-1 Extensive Open Space (Frank Zappia – St. Joseph River Public Access Site & Parking – IDNR Owned)

Thoroughfare: Lincoln Way East

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available and/or will be extended/connected to the site at the expense of the developer.

Comprehensive Plan: General Commercial (Downtown Retail Sales & Shopping Centers)

ANALYSIS

The Petitioners, Balaji Hospitality Group LLC & Smita V. Patel, are requesting to rezone an approximate 3.98 acre area located at 2754 Lincoln Way East from C-1 General Commercial and C-7 Auto Oriented Restaurant Commercial to the R-3 Multi-Family Residential District to allow for a residential apartment complex.

The property to be rezoned includes three unplatted parcels (Tax Parcel 016-1082-3252.02, -3252.04, & -3253) located on the north side of Lincoln Way East approximately 120' east of Capital Avenue (S.R. 933). The proposed rezoning area includes the Mishawaka Inn and adjacent parking lot to the east. Excluding the removal of the southern part of the parking lot and construction of an access/frontage drive completed in conjunction with the Capital Avenue realignment, the use of the property has remained relatively unchanged since the late 1960s when developed as a Holiday Inn.

Per the preliminary site plan, the contingent developer is proposing to convert the existing hotel into a multi-family apartment building and construct a new apartment building along the St. Joseph River. The unit mix is anticipated to include a maximum of 60 studio units in the current building and 46 one to two bedroom units in the new building. The studio units, which may decrease in number following interior inspection and review of existing walls, will be approximately 270 sq. ft. including the bathrooms. The one to two bedroom units will be approximately 540 sq. ft. to 810 sq. ft. including the bathrooms. Excluding preservation of the existing structure, all other site improvements will be razed.

Two access points are currently proposed off of a public frontage drive to the south. The drive connects Lincolnway East and the Frank Zappia St. Joseph River public access site to the west. The existing eastern access serves a large underutilized parking area for Mishawaka Inn and the Dunkin' Donuts property (Lot 1 of the Lincolnway Capital Corner Minor Subdivision / Plat 21-08) currently under construction. An ingress/egress easement dedicated on the plat permits access across the subject property to the southern Dunkin' Donuts access (2774 Lincolnway East / Tax Parcel 016-1082-3252.03). An additional ingress/egress easement will be required on a future subdivision plat to permit further access between the northern Dunkin' Donuts access and the public frontage drive. The proposed western access, which will be located at an existing curb cut, will provide access to a new parking area west of the existing building. The parking areas and access drives will loop around the current building as conceptually shown on the preliminary site plan.

The preliminary site plan shows the developer's intent to comply with the required height, area and developmental regulations of the R-3 Multi-Family Residential District except for the required number of parking spaces. A developmental variance (AP 22-19) was submitted concurrent with the rezoning petition to allow a reduction in the number of parking spaces from the required 1.5 spaces per unit (159 spaces for the 106 proposed units) to 1.2 spaces per unit (128 spaces). The Board of Zoning Appeals will consider the request prior the Plan Commission meeting. Planning Staff supports the proposed parking space reduction.

Per the FEMA Flood Insurance Rate Map (FIRM) Panel No. 18141C0217 (effective date of December 15, 2015), a portion of the property is located within Zone AE – Special Flood Hazard Areas subject to inundation by the 1% annual chance flood. Zone AE areas have determined base flood elevations. The Flood Insurance Study (FIS) for St. Joseph County, Indiana and incorporated areas – FIS Number 18141CV00B (revised date December 16, 2015) established a base flood elevation of 703.5' for the site. This elevation is shown in the FIS – Floodway Data for Eller Ditch cross section A (Table 10, Page 27). Any structures built below the flood protection grade, which is the base flood elevation plus 2', must be designed and constructed to be watertight and be capable of resisting the effects of the regulatory flood. The 2' generalized contours show an approximate elevation of 706' to 712' where the new building is proposed.

An Elevation Certificate, as required per the City's Flood Control regulations, must be prepared for the new building following completion of construction and submitted prior to obtaining a Certificate of Occupancy.

Eller Ditch is located within the property along the west property line. Planning Staff believes that the ditch is a county regulated drain subject to all rules and regulations of the St. Joseph County Surveyor and Drainage Board. If determined to be a regulated drain, a 75' maintenance easement from the top of the bank will be required on the future subdivision plat.

With this petition, the contingent developer is only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, soil erosion control, and all other required improvements pertinent to the proposed development.

Since the property is currently zoned for commercial use and located along the heavily travelled Lincoln Way East corridor, the Staff supports the request for rezoning. The proposed conversion of an existing hotel into an apartment building and adjacent construction of a new apartment building is essentially a down zoning that will not allow more intensive commercial use of the property as currently permitted in the C-1 District. A multi-family residential apartment complex is not out of character and is compatible with the existing adjacent commercial and recreational land uses.

The Building, Electric, and Water Departments have reviewed and approved the rezoning request providing no additional comments.

The Engineering Department provided the following comments to be addressed with the final site plan. No comments were given specifically related to the proposed rezoning and use of the property.

1. The property currently utilizes a lift station and force main that crosses Lincoln Way for the sanitary sewer. This is a private system and shall be evaluated for condition and if it is adequately sized. Also, unsure how the additional proposed building will be served. Recommend looking at an appropriately sized lift station / force main to service the entire development including the Dunkin' Donuts property.
2. Left turn lane on Lincoln Way may need to be further modified to allow more stacking from what is currently designed for site. Evaluate and coordinate with INDOT.
3. Sidewalks shall be constructed along Lincoln Way frontage. Extend what was constructed for the Dunkin' Donuts.

The Fire Department commented that hydrants will need to be added to adequately serve the property. Also, proper fire department access is required for the new residential apartment building. These items shall be addressed with final site plan.

RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 22-07 to rezone an approximate 3.89 acres area located at 2754 Lincoln Way East from C-1 General Commercial and C-7 Automobile Oriented Restaurant Commercial to R-3 Multi-Family Residential District to allow for a multi-family residential apartment complex. This recommendation is based on the following findings of fact:

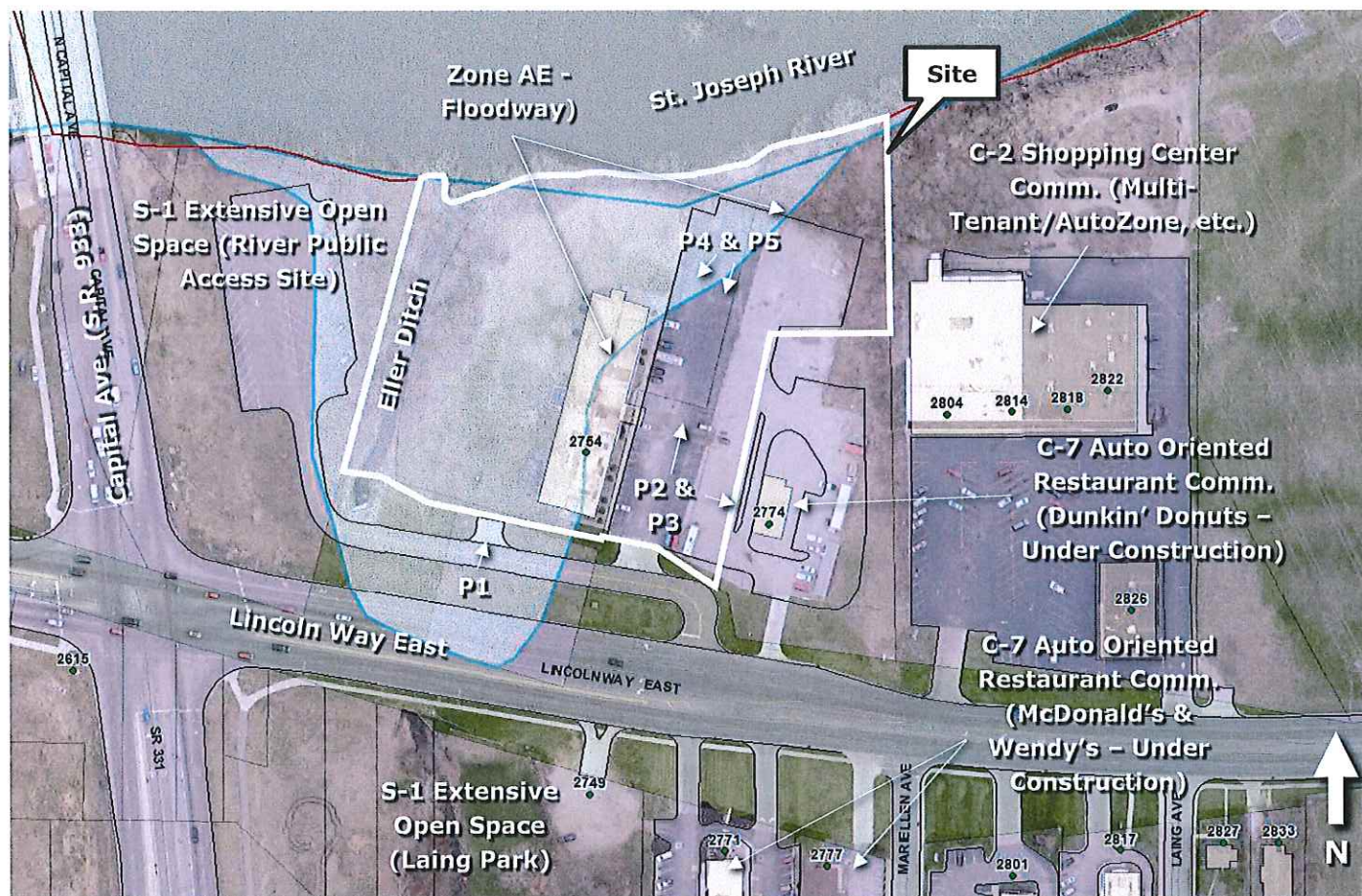
1. Existing Conditions – The subject property, which includes a hotel and large underutilized parking area, is located along the highly travelled Lincoln Way corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include a St. Joseph River public access site to the west; a park and two fast-food restaurants, one currently under construction, to the south; and a restaurant with drive-thru, currently under construction, and multi-tenant strip center to the east.
2. Character of Buildings – The adjacent properties include several multi and single-tenant commercial buildings ranging in size from 2,300 sq. ft. to 37,700 sq. ft. The proposed conversion of the existing approximate 43,500 sq. ft. hotel into an apartment building and adjacent construction of a new similar sized apartment building will vary in character from the existing adjacent commercial structures.

desirable use of the property is continued commercial or medium density residential use (i.e. apartment complexes).

4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area. The R-3 Multi-Family Residential zoning will not permit future commercial use of the property as currently allowed in the existing C-1 General Commercial zoning. Investment in an existing dilapidated property and construction of a new apartment building could potentially spur further investment in the area in addition to the two restaurants currently under construction.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. However, the proposed multi-family (medium density) residential use is consistent with and will not be out of character with the adjacent commercial use.

ATTACHMENTS

Aerial Photograph, Photographs, Petition, Preliminary Site Plan & Location Map



Aerial Photograph
Existing Mishawaka Inn
2754 Lincoln Way East



P1. Looking northerly from the access/frontage drive to the west of Mishawaka Inn and future parking area.





P3. Looking easterly from the parking area between Mishawaka Inn and Dunkin' Donuts under construction.





P5. Looking southerly from the existing parking area and general location of the proposed new apartment building toward Mishawaka Inn (west) and the Dunkin' Donuts (east).



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Deborah S. Block, IAC, MMC

JUN 10 2022

City Clerk
Mishawaka, IN

Date: June 10, 2022
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **Presentment of encumbered funds**

Due to contracts not completed or invoices not paid in the year in which they were budgeted, these earmarked dollars move forward to the next year's budget. Most are capital related and contractual as detailed in the attached report.

Please contact me with any questions.

c: David A. Wood

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<u>County</u>	<u>Saint Joseph</u>	<u>Unit Name</u>	<u>Mishawaka</u>
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	FUND:	POLICE PENSION	
	703	100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL
	TOTALS:		
		100000	PERSONAL SERVICES
		200000	SUPPLIES
		300000	OTHER SERVICES AND CHARGES
		400000	CAPITAL OUTLAY
		9999	TOTAL



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Deborah S. Block, IAC, MMC

JUN 10 2022

City Clerk
Mishawaka, IN

Date: June 10, 2022
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **Presentment of the Annual Operational Report for Local Roads and Streets and Bridges**

Indiana Code 8-17-4.1-7 requires this report to be filed with governing body annually. This report is prepared with the cooperation of the Street, Engineering, and Finance Departments.

Please contact me with any questions.

c: David A. Wood

ST. JOSEPH COUNTY, INDIANA

CITY OF MISHAWAKA
(For City or Town Reports) *(Name of Unit)*
(City and Town Form 225 Only)

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
(IC 8-17-4.1)

FOR THE YEAR ENDED
DECEMBER 31, 20_21

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 1 Financial Statement

Section 1 - Financial Statement	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge
Cash - January 1	\$826,959.06	\$204,317.63	\$664,359.40	\$0.00
Receipts				
Operating Receipts				
Taxes	\$2,800,909.44	\$0.00	\$0.00	\$0.00
Intergovernmental	\$1,157,693.95	\$1,012,146.63	\$890,716.43	\$0.00
Charges for Services	\$0.00	\$0.00	\$0.00	\$0.00
Other Operating Receipts	\$12,711.55	\$0.00	\$0.00	\$0.00
Total Operating Receipts	\$3,971,314.94	\$1,012,146.63	\$890,716.43	\$0.00
Other Financing Sources				
Bond Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Note/Loan Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loan Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Investments Matured or Sold	\$0.00	\$0.00	\$0.00	\$0.00
Transfers In	\$0.00	\$750,000.00	\$0.00	\$0.00
Other	\$4,893.37	\$0.00	\$0.00	\$0.00
Total Receipts	\$3,976,208.31	\$1,762,146.63	\$890,716.43	\$0.00
Disbursements				
Operating Disbursements				
General Administration & Unallocated	\$2,521,437.42	\$0.00	\$0.00	\$0.00
Construction, Reconstruction & Preservation	\$750,000.00	\$1,659,650.00	\$250,000.00	\$0.00
Maintenance & Repair	\$0.00	\$0.00	\$238,709.33	\$0.00
Total Operating Disbursements	\$3,271,437.42	\$1,659,650.00	\$488,709.33	\$0.00
Other Financing Sources				
Debt Service - Principal	\$0.00	\$0.00	\$0.00	\$0.00
Debt Service - Interest	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loan Payments	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loans Made	\$0.00	\$0.00	\$0.00	\$0.00
Investments Purchased	\$0.00	\$0.00	\$0.00	\$0.00
Transfers Out	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Total Disbursements	\$3,271,437.42	\$1,659,650.00	\$488,709.33	\$0.00
Excess				
Over (Under) Total Disbursements	\$704,770.89	\$102,496.63	\$402,007.10	\$0.00
Cash - December 31	\$1,531,729.95	\$306,814.26	\$1,066,366.50	\$0.00
Investments - December 31	\$0.00	\$0.00	\$0.00	\$0.00
Cash and Investments - December 31	\$1,531,729.95	\$306,814.26	\$1,066,366.50	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 1 Financial Statement

Total Common Funds	Other Funds	Total All Funds
\$1,695,636.09		
\$2,800,909.44	\$1,247,253.77	\$4,048,163.21
\$3,060,557.01	\$0.00	\$3,060,557.01
\$0.00	\$0.00	\$0.00
\$12,711.55	\$0.00	\$12,711.55
\$5,874,178.00	\$1,247,253.77	\$7,121,431.77
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$750,000.00	\$0.00	\$750,000.00
\$4,893.37	\$0.00	\$4,893.37
\$6,629,071.37	\$1,247,253.77	\$7,876,325.14
\$2,521,437.42	\$450,421.29	\$2,971,858.71
\$2,659,650.00	\$112,784.09	\$2,772,434.09
\$238,709.33	\$684,048.39	\$922,757.72
\$5,419,796.75	\$1,247,253.77	\$6,667,050.52
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$5,419,796.75	\$1,247,253.77	\$6,667,050.52
\$1,209,274.62		
\$2,904,910.71		
\$0.00		
\$2,904,910.71		

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 2 Receipts

Section 2 - Detail of Receipts

Receipts

Taxes

General Property Taxes
LIT - Certified Shares
LIT - Economic Development Income Tax
Wheel and Sur Tax
Other Taxes

Total Taxes

Intergovernmental

Motor Vehicle Highway Distribution
Local Road and Street Distribution
Financial Institution Tax Distribution
Vehicle/Aircraft Excise Tax Distribution
State Grants
Federal Grants
Other Intergovernmental

Total Intergovernmental

Charges for Services

Federal State and Local Reimbursement for Services
Other Charges for Services

Total Charges for Services

Other Operating Receipts

Interest
Refunds/Reimbursements
Contributions/Donations
Transfers from Toll Facilities
Miscellaneous

Total Other Operating Receipts

Other Financing Sources

Bond Proceeds
Note/Loan Proceeds
Interfund Loan Proceeds
Investments Matured or Sold
Transfer In
Other

Total Other Financing Sources

Total Receipts

	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge	Other Funds	Total All Funds	CREDIT	(Insert Other Fund)	(Insert Other Fund)
General Property Taxes	\$1,830,586.22				\$0.00	\$1,830,586.22			
LIT - Certified Shares					\$0.00	\$0.00			
LIT - Economic Development Income Tax					\$1,247,253.77	\$1,247,253.77	\$1,247,253.77		
Wheel and Sur Tax	\$970,323.22				\$0.00	\$970,323.22			
Other Taxes					\$0.00	\$0.00			
Total Taxes	\$2,800,909.44	\$0.00	\$0.00	\$0.00	\$1,247,253.77	\$4,048,163.21	\$1,247,253.77	\$0.00	\$0.00
Intergovernmental									
Motor Vehicle Highway Distribution	\$1,012,146.59	\$1,012,146.63			\$0.00	\$2,024,293.22			
Local Road and Street Distribution			\$870,365.87		\$0.00	\$870,365.87			
Financial Institution Tax Distribution					\$0.00	\$0.00			
Vehicle/Aircraft Excise Tax Distribution	\$145,547.36				\$0.00	\$145,547.36			
State Grants					\$0.00	\$0.00			
Federal Grants			\$20,350.56		\$0.00	\$20,350.56			
Other Intergovernmental					\$0.00	\$0.00			
Total Intergovernmental	\$1,157,693.95	\$1,012,146.63	\$890,716.43	\$0.00	\$0.00	\$3,060,557.01	\$0.00	\$0.00	\$0.00
Charges for Services									
Federal State and Local Reimbursement for Services					\$0.00	\$0.00			
Other Charges for Services					\$0.00	\$0.00			
Total Charges for Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Operating Receipts									
Interest					\$0.00	\$0.00			
Refunds/Reimbursements	\$7,039.78				\$0.00	\$7,039.78			
Contributions/Donations					\$0.00	\$0.00			
Transfers from Toll Facilities					\$0.00	\$0.00			
Miscellaneous	\$5,671.77				\$0.00	\$5,671.77			
Total Other Operating Receipts	\$12,711.55	\$0.00	\$0.00	\$0.00	\$0.00	\$12,711.55	\$0.00	\$0.00	\$0.00
Other Financing Sources									
Bond Proceeds					\$0.00	\$0.00			
Note/Loan Proceeds					\$0.00	\$0.00			
Interfund Loan Proceeds					\$0.00	\$0.00			
Investments Matured or Sold					\$0.00	\$0.00			
Transfer In		\$750,000.00			\$0.00	\$750,000.00			
Other	\$4,893.37				\$0.00	\$4,893.37			
Total Other Financing Sources	\$4,893.37	\$750,000.00	\$0.00	\$0.00	\$0.00	\$754,893.37	\$0.00	\$0.00	\$0.00
Total Receipts	\$3,976,208.31	\$1,762,146.63	\$890,716.43	\$0.00	\$1,247,253.77	\$7,876,325.14	\$1,247,253.77	\$0.00	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 2 Receipts

Section 2 - Detail of Receipts

Receipts

Taxes

General Property Taxes
 LIT - Certified Shares
 LIT - Economic Development Income Tax
 Wheel and Sur Tax
 Other Taxes

Total Taxes

Intergovernmental

Motor Vehicle Highway Distribution
 Local Road and Street Distribution
 Financial Institution Tax Distribution
 Vehicle/Aircraft Excise Tax Distribution
 State Grants

Federal Grants

Other Intergovernmental

Total Intergovernmental

Charges for Services

Federal State and Local Reimbursement for Services

Other Charges for Services

Total Charges for Services

Other Operating Receipts

Interest

Refunds/Reimbursements
 Contributions/Donations
 Transfers from Toll Facilities
 Miscellaneous

Total Other Operating Receipts

Other Financing Sources

Bond Proceeds

Note/Loan Proceeds

Interfund Loan Proceeds

Investments Matured or Sold

Transfer In

Other

Total Other Financing Sources

Total Receipts

(Insert Other Fund)	(Insert Other Fund)	(Add columns to the left)
\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00

\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 3 Disbursements

**Section 3 - Detail of
Disbursements**

Disbursements

General Administration & Unallocated

Personal Services

Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge
\$2,462,466.79			

Supplies

\$33,534.87			
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Other Services and Charges

\$25,435.76			
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Capital Outlay

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Total General Administration & Unallocated

\$2,521,437.42	\$0.00	\$0.00	\$0.00
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Construction, Reconstruction & Preservation

Personal Services

--	--	--	--

Supplies

--	--	--	--

Other Services and Charges

--	--	--	--

Capital Outlay

\$750,000.00	\$1,659,650.00	\$250,000.00	
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Total Construction, Reconstruction & Preservation

\$750,000.00	\$1,659,650.00	\$250,000.00	\$0.00
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Maintenance and Repair

Winter Operations

Personal Services

--	--	--	--

Supplies

--	--	--	--

Other Services and Charges

--	--	--	--

Capital Outlay

		\$37,497.68	
--	--	-------------	--

Total Winter Operations

\$0.00	\$0.00	\$37,497.68	\$0.00
--------	--------	-------------	--------

Other Maintenance and Repair

Personal Services

--	--	--	--

Supplies

--	--	--	--

Other Services and Charges

--	--	--	--

Capital Outlay

		\$201,211.65	
--	--	--------------	--

Total Other Maintenance and Repair

\$0.00	\$0.00	\$201,211.65	\$0.00
--------	--------	--------------	--------

Total Maintenance and Repair

\$0.00	\$0.00	\$238,709.33	\$0.00
--------	--------	--------------	--------

Other Financing Uses

Debt Service - Principal

--	--	--	--

Debt Service - Interest

--	--	--	--

Interfund Loan Payments

--	--	--	--

Interfund Loans Made

--	--	--	--

Investments Purchased

--	--	--	--

Transfer Out

--	--	--	--

Other

--	--	--	--

Total Other Financing Uses

\$0.00	\$0.00	\$0.00	\$0.00
--------	--------	--------	--------

Total Disbursements

\$3,271,437.42	\$1,659,650.00	\$488,709.33	\$0.00
----------------	----------------	--------------	--------

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 3 Disbursements

**Section 3 - Detail of
Disbursements**

**Total Other
Funds**

Total All Funds

CEDIT

**(Insert
Other
Fund)**

Disbursements

General Administration & Unallocated

Personal Services	\$0.00	\$2,462,466.79		
Supplies	\$260,088.98	\$293,623.85	\$260,088.98	
Other Services and Charges	\$190,332.31	\$215,768.07	\$190,332.31	
Capital Outlay	\$0.00	\$0.00		
Total General Administration & Unallocated	\$450,421.29	\$2,971,858.71	\$450,421.29	\$0.00

Construction, Reconstruction & Preservation

Personal Services	\$0.00	\$0.00		
Supplies	\$112,784.09	\$112,784.09	\$112,784.09	
Other Services and Charges	\$0.00	\$0.00		
Capital Outlay	\$0.00	\$2,659,650.00		
Total Construction, Reconstruction & Preservation	\$112,784.09	\$2,772,434.09	\$112,784.09	\$0.00

Maintenance and Repair

Winter Operations

Personal Services	\$0.00	\$0.00		
Supplies	\$175,000.00	\$175,000.00	\$175,000.00	
Other Services and Charges	\$0.00	\$0.00		
Capital Outlay	\$0.00	\$37,497.68		
Total Winter Operations	\$175,000.00	\$212,497.68	\$175,000.00	\$0.00

Other Maintenance and Repair

Personal Services	\$0.00	\$0.00		
Supplies	\$168,853.19	\$168,853.19	\$168,853.19	
Other Services and Charges	\$340,195.20	\$340,195.20	\$340,195.20	
Capital Outlay	\$0.00	\$201,211.65		
Total Other Maintenance and Repair	\$509,048.39	\$710,260.04	\$509,048.39	\$0.00

Total Maintenance and Repair

\$684,048.39 \$922,757.72

Other Financing Uses

Debt Service - Principal	\$0.00	\$0.00		
Debt Service - Interest	\$0.00	\$0.00		
Interfund Loan Payments	\$0.00	\$0.00		
Interfund Loans Made	\$0.00	\$0.00		
Investments Purchased	\$0.00	\$0.00		
Transfer Out	\$0.00	\$0.00		
Other	\$0.00	\$0.00		
Total Other Financing Uses	\$0.00	\$0.00	\$0.00	\$0.00

Total Disbursements

\$1,247,253.77 \$6,667,050.52 \$1,247,253.77 \$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 3 Disbursements

**Section 3 - Detail of
Disbursements**

Disbursements

General Administration & Unallocated

Personal Services

Supplies

Other Services and Charges

Capital Outlay

Total General Administration & Unallocated

Construction, Reconstruction & Preservation

Personal Services

Supplies

Other Services and Charges

Capital Outlay

Total Construction, Reconstruction & Preservation

Maintenance and Repair

Winter Operations

Personal Services

Supplies

Other Services and Charges

Capital Outlay

Total Winter Operations

Other Maintenance and Repair

Personal Services

Supplies

Other Services and Charges

Capital Outlay

Total Other Maintenance and Repair

Total Maintenance and Repair

Other Financing Uses

Debt Service - Principal

Debt Service - Interest

Interfund Loan Payments

Interfund Loans Made

Investments Purchased

Transfer Out

Other

Total Other Financing Uses

Total Disbursements

(Insert Other Fund)	(Insert Other Fund)	(Insert Other Fund)	(Insert Other Fund)	(Insert Other Fund)
---------------------------	---------------------------	---------------------------	---------------------------	---------------------------

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

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\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)
Section 4 Debt

Section 4 - Debt Information

Radio lease	(Description of Debt)	(Description of Debt)	(Description of Debt)	(Description of Debt)	Total All Funds
-------------	--------------------------	--------------------------	--------------------------	--------------------------	-----------------

Bonds

Bonds - Outstanding Principal January 1					\$0.00
New Bonds Issued During Year					\$0.00
Principal Paid					\$0.00
Interest Paid					\$0.00
Total Principal & Interest Paid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bonds - Outstanding Principal December 31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Notes/Loans

Notes/Loans - Outstanding Principal January 1					\$0.00
New Notes/Loans Issued During Year					\$0.00
Principal Paid					\$0.00
Interest Paid					\$0.00
Total Principal & Interest Paid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Notes/Loans - Outstanding Principal December 31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Capital Leases

Capital Leases - Outstanding Principal January 1	\$27,514.14				\$27,514.14
New Capital Leases Entered Into During Year	\$0.00				\$0.00
Principal Paid	\$27,514.14				\$27,514.14
Interest Paid	\$2,288.55				\$2,288.55
Total Principal & Interest Paid	\$29,802.69	\$0.00	\$0.00	\$0.00	\$29,802.69
Capital Leases - Outstanding Principal December 31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 5 Mileage Changes

Section 5 - Mileage

	Actual Mileage (Dec 31)	Change from prior year	Reason(s)
Concrete	14.77	-	
Asphalt	175.73	0.16	Recalculated GIS centerline geometry
Chip Seal	-	-	
Composite	0.77	-	
Brick	0.10	-	
Gravel	0.30	-	
Unimproved	191.67	-	Recalculated GIS centerline geometry
Total Miles	383.34	0.16	

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
SECTION 6 - CERTIFICATION

Part of State Form 54400 (8-10)

FOR COUNTIES

Submitted by:

DATE: _____ 20 _____

Engineer/Director (if applicable)

DATE: _____ 20 _____

County Highway Supervisor

Approved:

DATE: _____ 20 _____

Board of County Commissioners

FOR CITIES AND TOWNS

Submitted by:

DATE: _____ 1-Jun 20 _____ 22 _____
Christine Jamrose
City Engineer (if applicable)

DATE: _____ 1-Jun 20 _____ 22 _____
Tim Ryan
Street Commissioner or Supervisor

Approved:

DATE: _____ 1-Jun 20 _____ 22 _____
David A. Wood
Mayor or President of Town Council

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
SECTION 6 - CERTIFICATION
Part of State Form 54400 (8-10)

FOR COUNTIES

Submitted by:

DATE: _____ 20 _____
Engineer/Director (if applicable)

DATE: _____ 20 _____
County Highway Supervisor

Approved:

DATE: _____ 20 _____
Board of County Commissioners

FOR CITIES AND TOWNS

Submitted by:

DATE: _____ 1-Jun 20 _____ 22 _____
City Engineer (if applicable)

DATE: _____ 1-Jun 20 _____ 22 _____
Street Commissioner or Supervisor

Approved:

DATE: _____ 1-Jun 20 _____ 22 _____
Mayor or President of Town Council

Section 6 Certification

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-03
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2022-14
ORDINANCE NO. _____

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended denial of 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 71, Milburn Place

COMMON ADDRESS: 1816 West Sixth Street

which real estate is now classified as I-1 Light Industrial 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. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-1 would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location and its relationship to surrounding properties, staff feels that the most desirable use for this property is a single-family use;
3. Because the parcel is located in an area of residential uses, 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 its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood,

Proposed Ordinance No: 22-14

Ordinance No: _____

conserving property values in the immediate and surrounding residential neighborhood; and,

5. The City's Comprehensive Plan calls for industrial because of its proximity to the railroad tracks, however, rezoning to residential would be compatible and consistent with the historic residential use of the property.

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 _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 1816 W Sixth ST

Date: May 10, 2022

Petition: 22 03

Prepared By: CH

GENERAL INFORMATION

Applicant: Evan Forslund
Status: Property Owner
Request: Rezone from I-1 Light Industrial District to R-1 Single Family Residential
Zoning Classification: I-1 Light Industrial District
Lot Size: 41' X 150' (0.14 acres)
Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District (across railroad tracks)
South: R-1 Single Family Residential District (across Sixth Street)
East: I-1 Light Industrial District (food truck conversation business)
West: I-1 Light Industrial District (single family home)

Thoroughfare: West Sixth Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Industrial (Manufacturing, Warehousing and Distribution)

ANALYSIS

The Petitioner is requesting to rezone 1816 W Sixth Street from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located on the north side of Sixth Street between Alabama St and Meridian St. The properties against the railroad tracks are all zoned I-1 Light Industrial, however, south of Sixth Street is a residential neighborhood.

The house was built in 1910. The Petitioner recently purchased the property and is planning on rehabbing the home. The property has been vacant since. The previous owner ran the business to the east and owned both properties.

Prior to the 1980's residential uses were permitted in commercial and industrial districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts.

Pertinent City Departments have reviewed and approved the request. Engineering commented that residentially zoned property qualifies for sewer insurance. The owner should follow up with Mishawaka Utilities Business office to confirm. The Building Department commented permits are required.

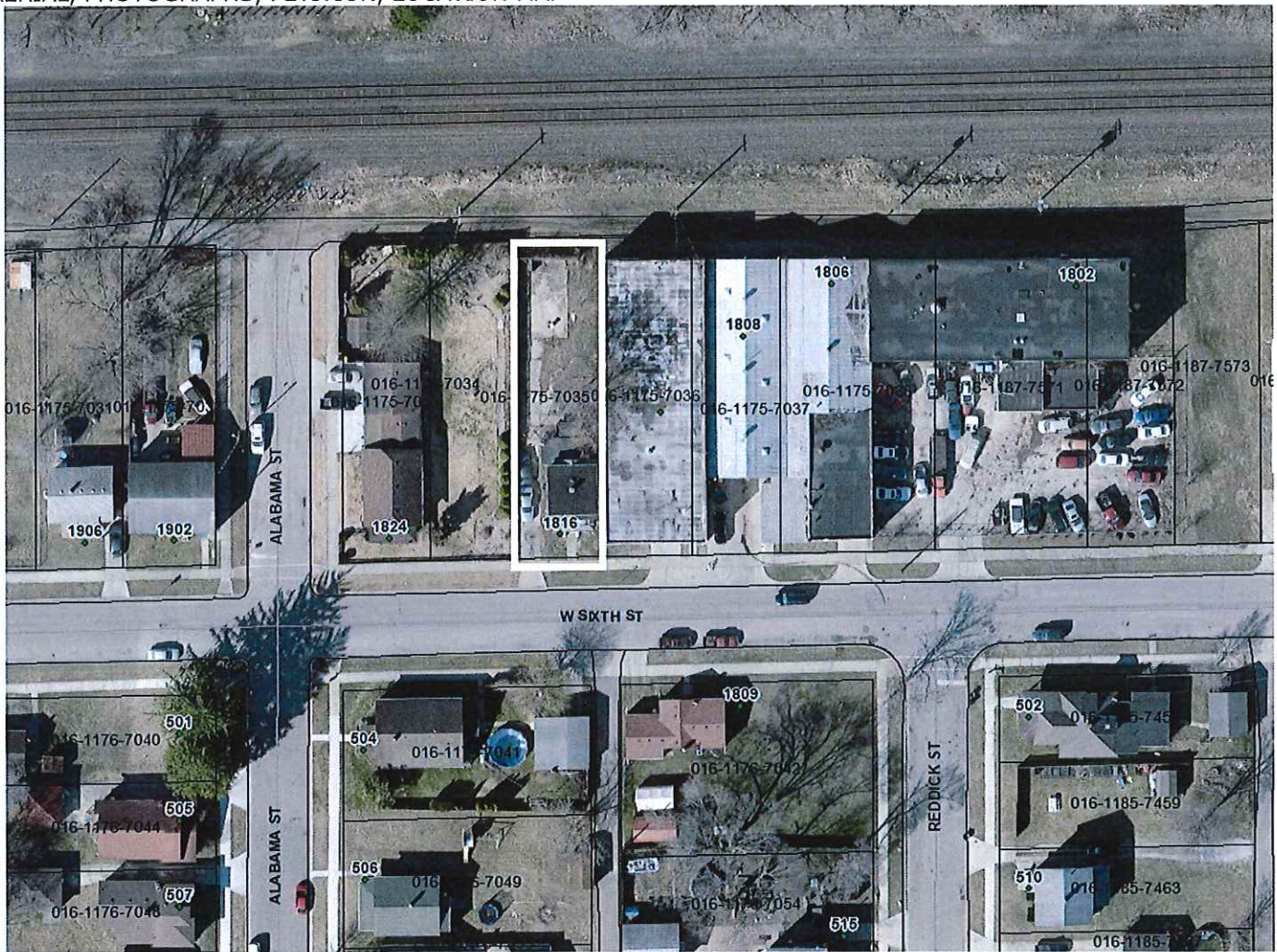
RECOMMENDATION

The Planning Department recommends **approval** of Petition #22-03 to rezone 1816 West Sixth Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-1 would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location and its relationship to surrounding properties, staff feels that the most desirable use for this property is a single-family use;
3. Because the parcel is located in an area of residential uses, 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 its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for industrial because of its proximity to the railroad tracks, however, rezoning to residential would be compatible and consistent with the historic residential use of the property.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP





Street View of 1816 W Sixth St.



A view of the house and the industrial building to the east



A view of 1816 W Sixth and the house to the west



A view of the house to the west

Pet 22-03

DATE: 4/19/22

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

Deborah S. Block, IAC, MMC

APR 28 2022

City Clerk
Mishawaka, IN

RE: PETITION TO REZONE

The undersigned Evan Forslund respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot 71 Milburn Place
Commonly known as 1816 W Sixth ST.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-1 Light Industrial District. Said property is a single family home.

Petitioner(s) desire said real estate to be rezoned to R-1 Single Family District. Petitioner(s) further state that they intend to utilize said land to match the exiting use.

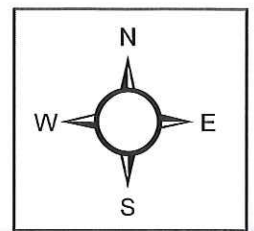
Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

Typewritten name also

CONTACT PERSON:

NAME Evan Forslund
ADDRESS 2526 Riviera Dr. Mishawaka IN
PHONE NUMBER 574-340-2234
FAX
EMAIL Forslund Real Estate@gmail.com



PET 22-03

ALABAMA ST

W SIXTH ST

ALABAMA ST

REDDICK ST

Location Map

PETITION 22-03

EVAN FORSLUND
1816 W SIXTH ST

REZONING FROM
I-1 LIGHT INDUSTRIAL TO
R-1 SINGLE FAMILY RESIDENTIAL

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-15

ORDINANCE NO. _____

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

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

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

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

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

Lot 47, Manoka Place

COMMON ADDRESS: 1023 West Sixth Street

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-2 Two-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. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-2 would not be incompatible to the area as there are scattered R-2 sites in the vicinity;
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, and the potential of development as a commercial project, staff feels that the most desirable use for this property is a two-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-2 Two-Family Residential is a desirable use for this property;

Proposed Ordinance No: 22-15

Ordinance No: _____

4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-2 Two-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential and its rezoning to residential would be compatible and consistent with the historic residential uses in the area.

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 _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 1023 W. Sixth St.

Date: June 14, 2022

Petition: 22 04

Prepared By: KM

GENERAL INFORMATION

Applicant: Michael A. Young

Status: Property Owner

Request: Rezone from C-1 General Commercial District to R-2 Two Family Residential

Zoning Classification: C-1 General Commercial District

Lot Size: 40' X 116.5'

Applicable Regulations: Sec. 137-186 Residential R-2 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential District
South: R-1 Single Family Residential District
East: R-1 Single Family Residential District
West: R-1 Single Family Residential District

Thoroughfare: Southeast corner of W. Sixth Street and Cleveland

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 1023 W. Sixth Street from C-1 General Commercial District to R-2 Two Family Residential District. The property is located on the southeast corner of Sixth and Cleveland Streets and surrounded by R-1 zoning.

The property has had a number of commercial businesses in the front portion of the building over the years, most recently a hair salon, and a residential unit in the rear. To establish the long-established residential use along with commercial on the property, the Polk Directory from 1976 and 1979 shows a catering business in the front and a residential unit in the rear. The 2003 Polk Directory shows a beauty salon in the front and residential unit in the rear. Rezoning the property to R-2 will be less intensive of a use in the neighborhood than the beauty salon or many other commercial uses.

The Petitioner states all salon equipment has been removed from the front portion and re-purposed for living space. He further states his mother lives in the rear and he plans on utilizing the front portion of the building when he visits the area. The property has a detached two car garage with off-street parking for two additional cars.

Prior to the 1980's residential uses were permitted in commercial districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #22-04 to rezone 1023 W. Sixth Street from C-1 General Commercial District to R-2 Two Family Residential District. This recommendation is based upon the following findings of fact:

1. The neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-2 would not be incompatible to the area as there are scattered R-2 sites in the vicinity;
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, and the potential of development as a commercial project, staff feels that the most desirable use for this property is a two-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-2 Two-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-2 Two-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for low density residential and its rezoning to residential would be compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, AERIAL, LOCATION MAP



1023 W. Sixth Street



View of rear living area from Cleveland Street



View of garage

JUN 01 2022

City Clerk
Mishawaka, IN

DATE: May 2, 2022

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

City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned Michael A. Young (*the titleholder of record*) respectfully shows 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:

1023 W. 6th St, Mishawaka IN 46544, Parcel # 71-09-16-311-011.000-023,
Legal Description: Lot 47 Monoka Pl, Tax ID 016-1170-6859

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of ~~District 023~~ ^{C-1} Mishawaka-Penn. Said property is *Commercial*.

Petitioner desires said real estate to remain zoned to ~~District 023~~ ^{R-2} Mishawaka-Penn. Petitioner further states that they intend to utilize said land for *Residential*.

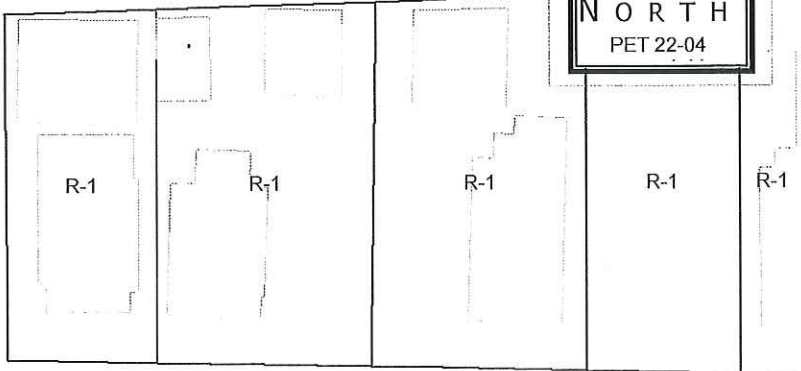
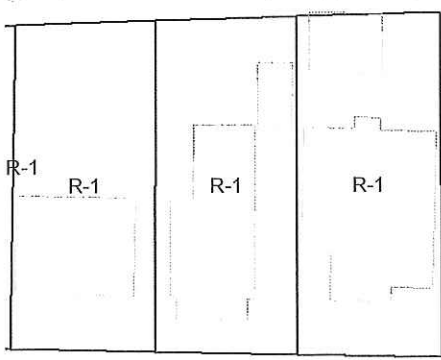
Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

There is no change to the site plan. The property has been re-purposed for living space – all salon equipment removed and just used as a home.

Best Regards,

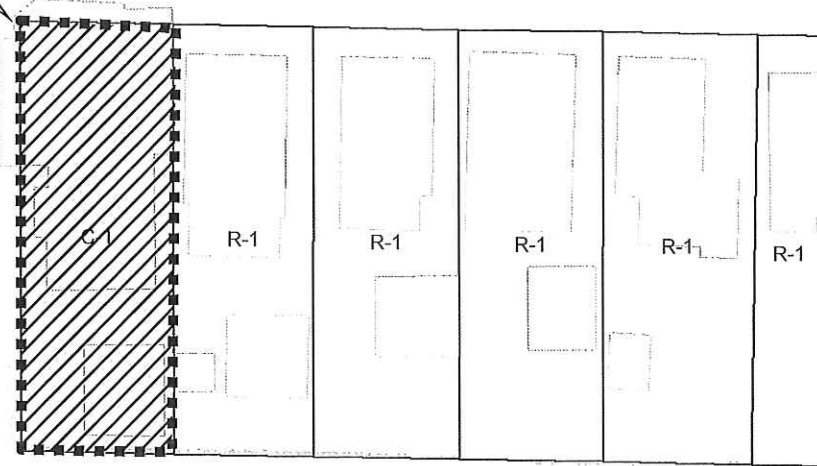
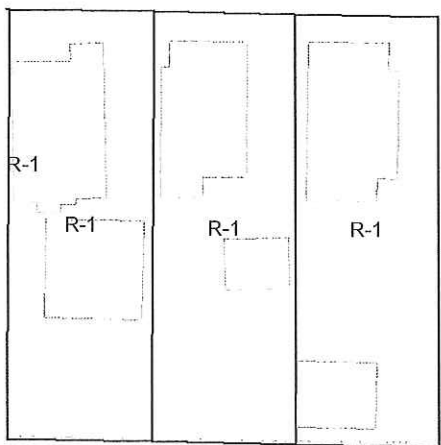

Michael Young, 1023 W. 6th St, Mishawaka IN 46544
574-206-6382, m1young@aol.com



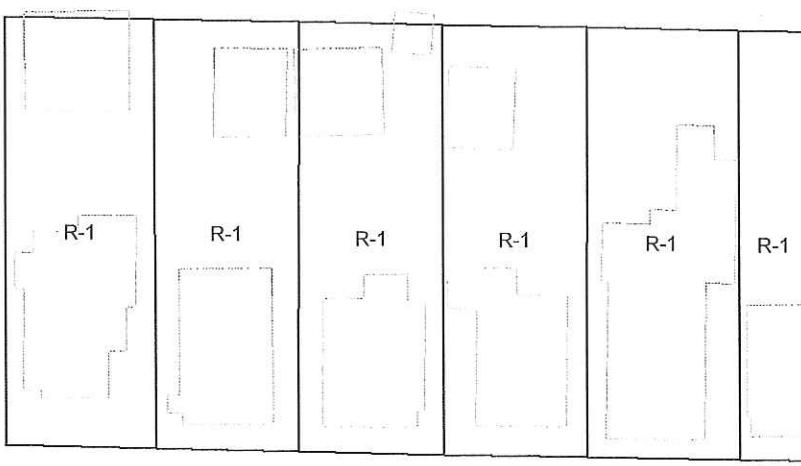
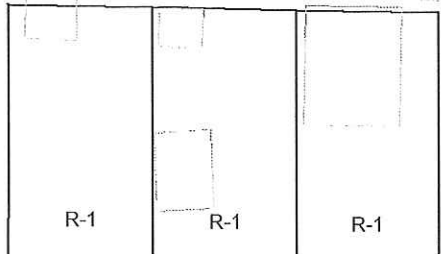


PET 22-04

W SIXTH ST



CLEVELAND ST



W SEVENTH ST

Location Map

PET 22-04

MICHAEL YOUNG (OWNER)

1023 W. 6TH STREET

REZONING FROM C-1 TO R-2 TO
REPURPOSE A SALON AND ONE
RESIDENTIAL UNIT FOR TWO-FAMILY
RESIDENTIAL USE (2 UNITS)

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-16

ORDINANCE NO. _____

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

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

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

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

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

Lot Numbered 1A in Cass Road Plaza Minor Lot 1 Replat as per plat thereof recorded December 9, 2014, as Instrument Number 1430875 in the Office of the Recorder of St. Joseph County, Indiana

COMMON ADDRESS: 1435 University Drive Court, Granger

which real estate is now classified as S-2 Planned Unit Development shall hereafter be amended to allow a self-storage facility subject to the following conditions:

1. No outdoor storage shall be permitted.
2. Additional landscaping shall be provided (where necessary) in all areas, compliant with the minimum landscaping and screening regulations (Section 137-815).

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

1. Existing Conditions – The property is currently developed as an indoor recreational center. Other uses on University Drive Court are office design studio, a law office, hotel, dental office, retail, and self-storage. The property is located at the eastern edge of the University Drive commercial corridor.
2. Character of Buildings in Area – The buildings along the University Drive corridor are primarily single and multi-tenant commercial/retail.

Proposed Ordinance No: 22-16

Ordinance No: _____

3. The Most Desirable/Highest and Best Use – Due to the property's location at the eastern edge of a cul-de-sac, the most desirable use of the property would be to add self-storage as an additional use.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area. Currently, a range of commercial & industrial land uses, are permitted within the PUD being amended.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, did not include University Drive past the intersection with Main Street, (service commercial) or north of the Toll Road (low density residential). This area has developed as mainly retail but also has religious, multi-family and office uses.

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 _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 1435 University Drive Ct

Date: June 14, 2022

Petition: 22- 05

Prepared By: CH

GENERAL INFORMATION

Applicant: South Bend Indoor Soccer Inc/Verdad Real Estate

Status: Property Owner / Contingent Owner

Request: Amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow a self-storage facility

Zoning Classification: S-2 Planned Unit Development (Permitted Uses on the portion of the PUD to be amended include all C-2 Shopping Center Commercial uses)

Lot Size: 3.62 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (City Plaza South)
South: South of Toll Road
East: S-2 Planned Unit Development (The Villas on Fir apartments)
West: S-2 Planned Unit Development (Cass Road/East University Drive)

Thoroughfare: University Drive Court

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities are available and currently serve the site

Comprehensive Plan: This area was not identified on the 2000 Comprehensive Plan

ANALYSIS

The petitioner, South Bend Indoor Soccer Inc, is requesting to amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow climate controlled self-storage facility in the former Soccer Zone.

Soccer Zone was developed in St. Joseph County and annexed into the City in 1998. The current PUD regulations applicable to the property, also approved in 1998 (Petition 98-4/Ord. 4246), permitted office/service center; office distribution; office/retail; medical services; office buildings, restaurants and recreational uses. The portion of the PUD to be amended is only Lot 1A, the parcel on which the Soccer Zone sits.

The existing building is 83,120 square feet. Excluding the proposed change in use, no immediate improvements are planned for the property. The footprints of the buildings will remain as is with no changes to the existing parking area and access drives.

There is a self lock storage facility to the west at 1015 E University Drive; developed in 2000.

All pertinent City Departments have reviewed and approved the PUD amendment request.

RECOMMENDATION

Staff recommends **approval** of Petition 22-05 to amend part of the Cass Road/East University Drive Planned Unit Development (PUD) to allow a self-storage facility subject to the following conditions:

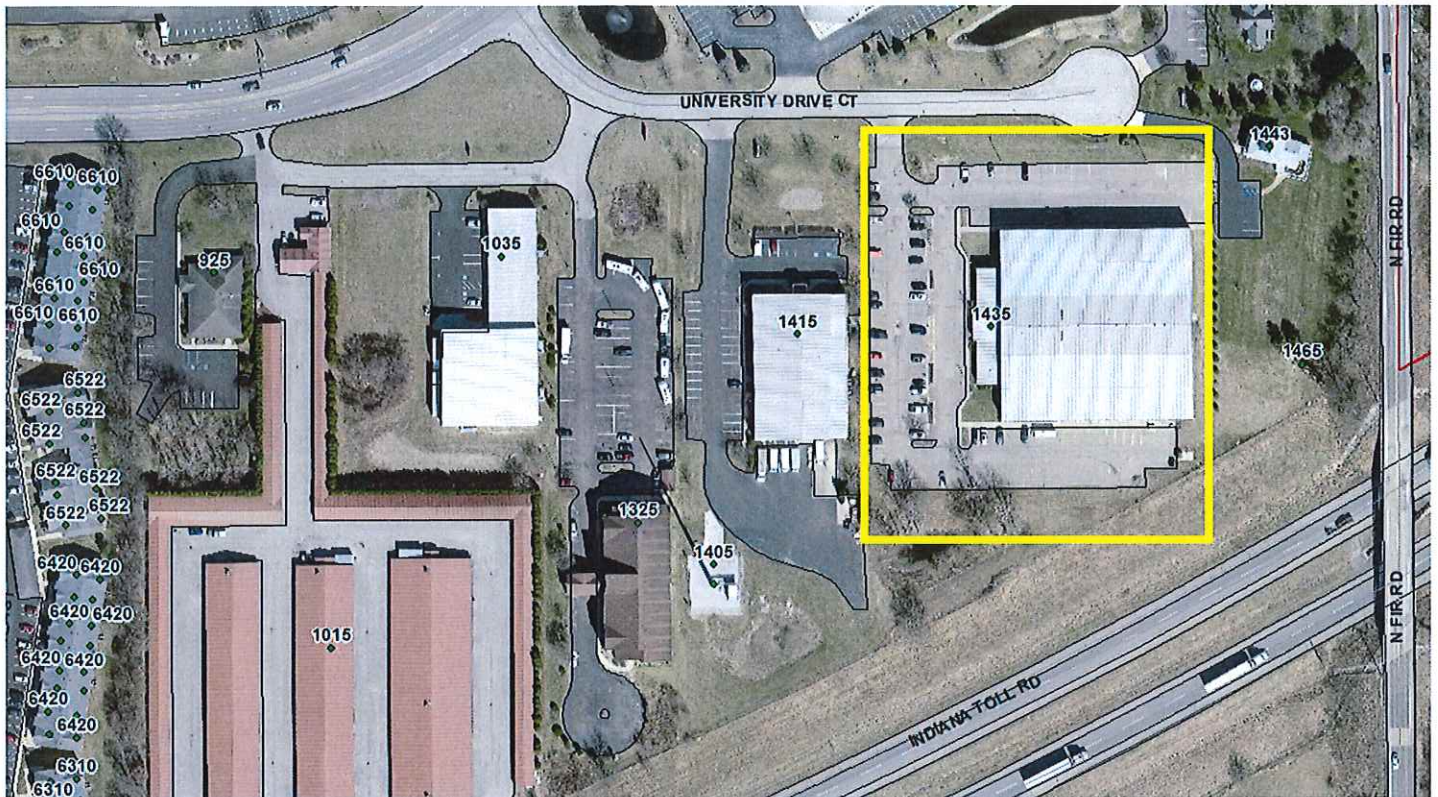
1. No outdoor storage shall be permitted.
2. Additional landscaping shall be provided (where necessary) in all areas, compliant with the minimum landscaping and screening regulations (Section 137-815).

The recommendation is based on the following findings of fact:

1. Existing Conditions – The property is currently developed as an indoor recreational center. Other uses on University Drive Court are office design studio, a law office, hotel, dental office, retail, and self storage. The property is located at the eastern edge of the University Drive commercial corridor.
2. Character of Buildings in Area – The buildings along the University Drive corridor are primarily single and multi-tenant commercial/retail.
3. The Most Desirable/Highest and Best Use – Due to the property’s location at the eastern edge of a cul-de-sac, the most desirable use of the property would be to add self storage as an additional use.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area. Currently, a range of commercial & industrial land uses, are permitted within the PUD being amended.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, did not include University Drive past the intersection with Main Street, (service commercial) or north of the Toll Road (low density residential). This area has developed as mainly retail but also has religious, multi-family and office uses.

ATTACHMENTS

Photographs, Petition, Conceptual Site Plan, Location Map



Front view (west elevation)



Side facing Toll Road (south elevation)



Side facing University Drive Court (north elevation)

Friday, May 20, 2022

Deborah S. Block, IAMC, MMC

JUN 01 2022

City Clerk
Mishawaka, IN



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

RE: PETITION FOR PUD AMENDMENT

The undersigned SOUTH BEND SOCCER, INC., an Indiana Corporation ("Petitioner"), respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Address: 1435 University Drive Ct, Granger, IN, 46530

Parcel ID: 030-1012-015601

Legal Description: Lot Numbered 1A in Cass Road Plaza Minor Lot 1 Replat, as per plat thereof recorded December 9, 2014 as Instrument Number 1430875 in the Office of the Recorder of Saint Joseph County, Indiana.

Petitioner- owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for use as an indoor soccer facility.

Petitioner desires to sell said real estate to a third-party which will use the property for a climate controlled self-storage facility, and therefore Petitioner respectfully requests that the zoning classification for the property be amended to allow for a climate controlled self-storage facility.

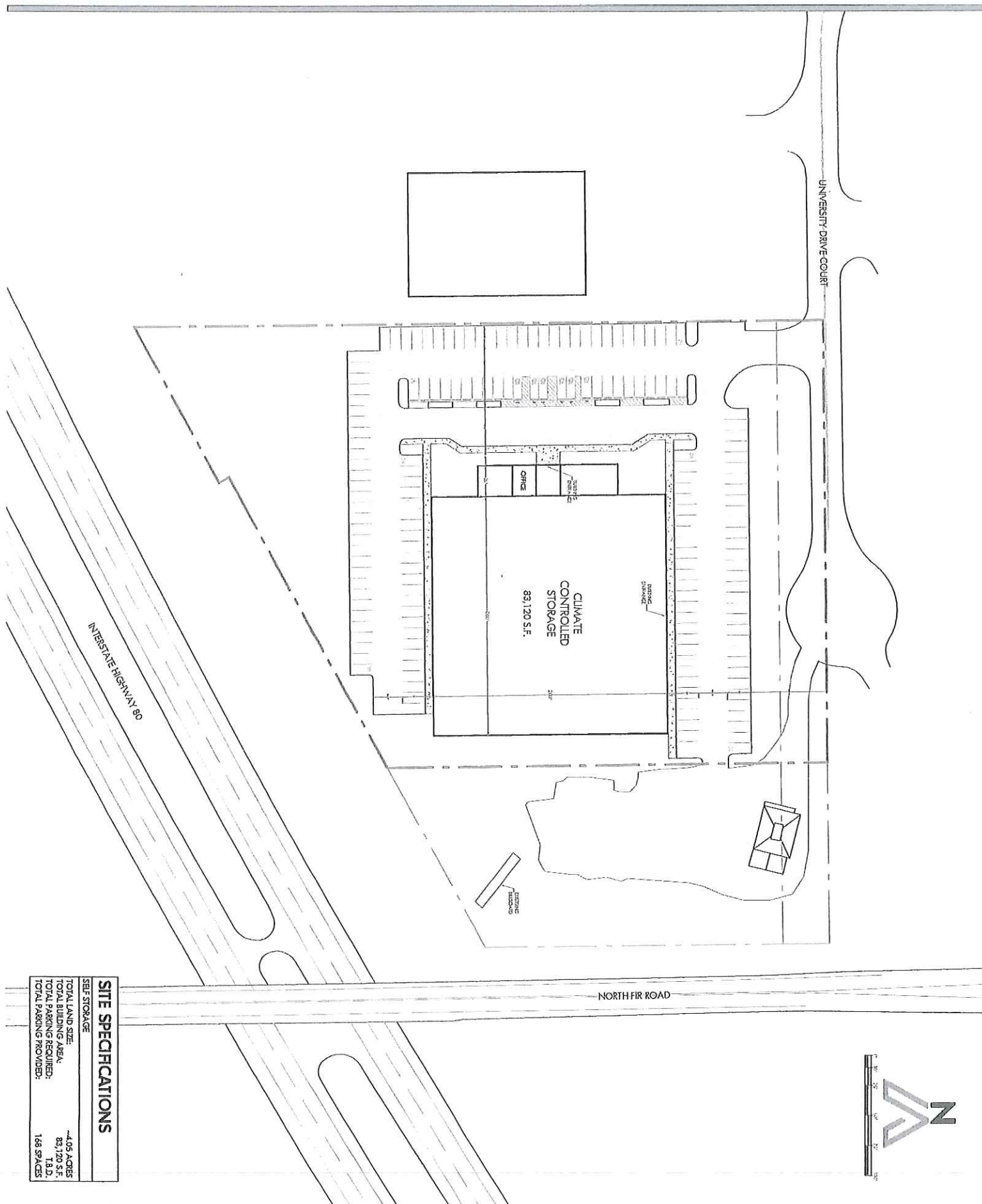
Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of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

Signature(s) of Property Owner(s)

Mike Garrett
Vice President, INDOOR
SOUTH BEND SOCCER, INC.,
an Indiana corporation

CONTACT PERSON:

Name: Alex Gauthreaux
Address: 201 Saint Joseph Street, STE 200
New Orleans, LA 70130
Phone Number: 985-974-2347
Email Alex@Verdad.com



SITE SPECIFICATIONS

SELF STORAGE	
TOTAL LAND SIZE:	4.05 ACRES
TOTAL BUILDING AREA:	83,120 S.F.
TOTAL PARKING REQUIRED:	168 SPACES
TOTAL PARKING PROVIDED:	168 SPACES

PROPOSED SELF STORAGE

NOTE: ALL DIMENSIONS AND LAND/BUILDING AREA CALCULATIONS ARE APPROXIMATE.

1211 S. WHITE CHAPEL BOULEVARD
SOUTH LAKE, TEXAS 76092

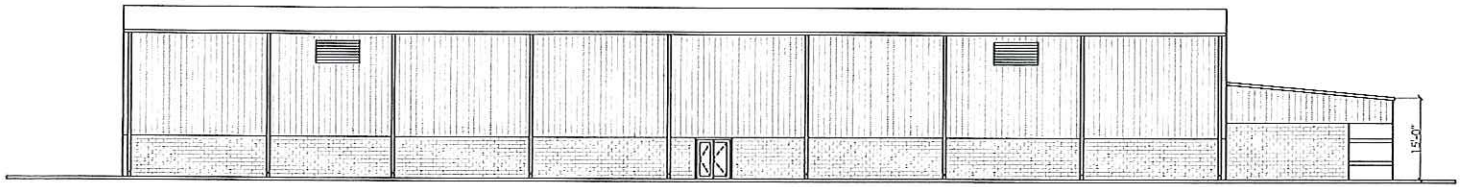
817.807.8114 | 817.912.0550 | F
VERDAD.COM | W

EAST UNIVERSITY DRIVE & UNIVERSITY DRIVE COURT | GRANGER | IN

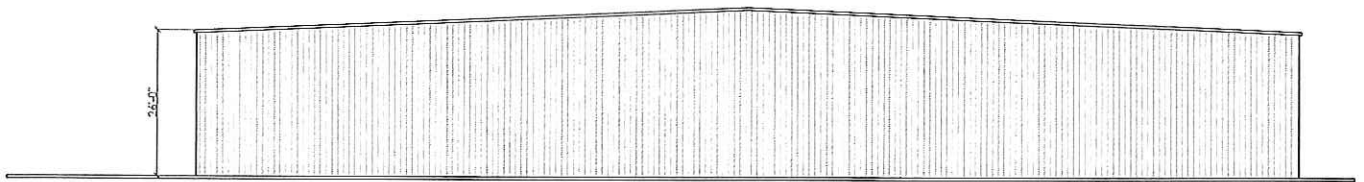
01

VERDAD

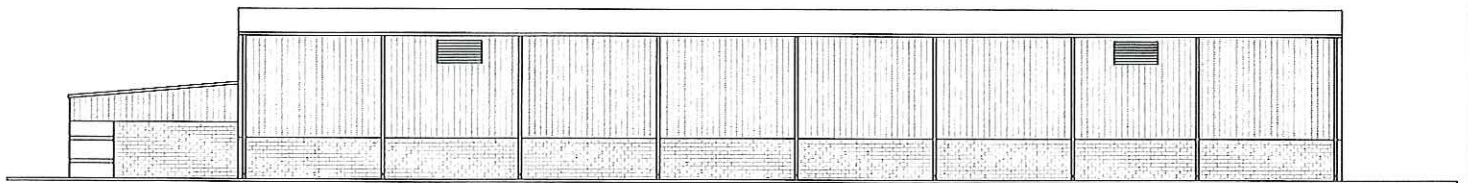
THIS SITE PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE. IT IS SUBJECT TO GOVERNMENTAL CODES, TENANT MIX, AND CIVIL ENGINEERING REQUIREMENTS AS WILL BE DICTATED BY THE GOVERNING CITY OR MUNICIPALITY.



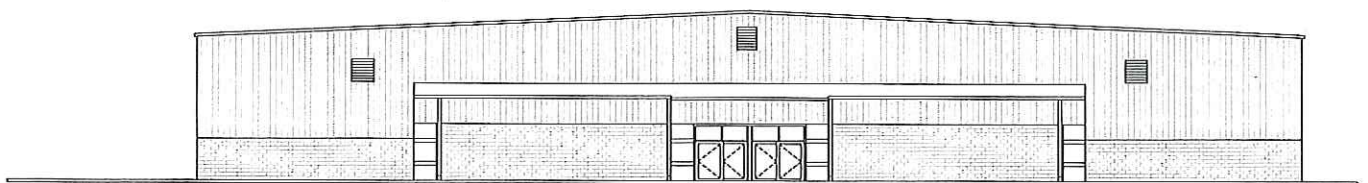
NORTH ELEVATION



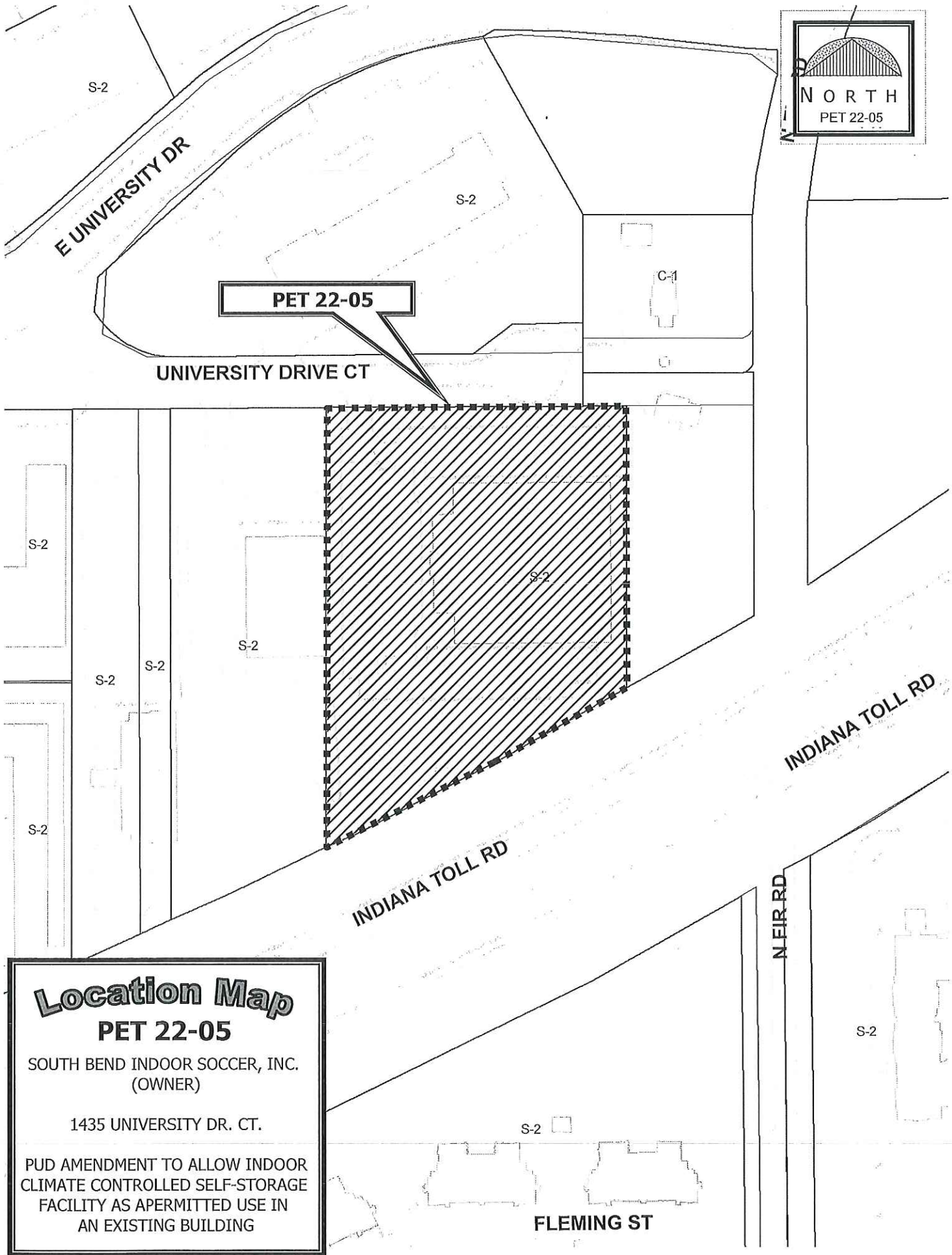
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



PET 22-05

UNIVERSITY DRIVE CT

C-1

INDIANA TOLL RD

INDIANA TOLL RD

N. FIR RD

S-2

FLEMING ST

Location Map

PET 22-05

SOUTH BEND INDOOR SOCCER, INC.
(OWNER)

1435 UNIVERSITY DR. CT.

PUD AMENDMENT TO ALLOW INDOOR
CLIMATE CONTROLLED SELF-STORAGE
FACILITY AS APERMITTED USE IN
AN EXISTING BUILDING

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-06

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-17

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, 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:

Parcel 1 (Tax Key #016-1010-0449)

Lot 3, on Hill Street, together with the east half of the adjacent vacated alley to the west and the north half of the adjacent vacated alley to the south, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel 2 (Tax Key #016-1010-0451, 016-1010-0452, 016-1010-0453, and 016-1010-0454)

The south 36' of Lot 5, and Lot 7, both on Hill Street, together with the east half of the adjacent vacated alley to the west, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana, and

Parcel 3 (Tax Key #016-1010-0458)

The north 50' of the west half of Lot 6, on Hill Street, together with the south half of the adjacent vacated alley to the north, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

COMMON ADDRESS: Vacant parcels on North Hill Street between West Front and West First Streets

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-3 City Center Commercial District designated in "The Zoning Ordinance of 1966" as amended.

Proposed Ordinance No: 22-17

Ordinance No: _____

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

1. Existing Conditions – The parcels are currently vacant partially serving as a temporary contractor staging area for the nearby city construction projects. The Mill at Ironworks mixed-used development is located to the north.
2. Character of the Buildings – The adjacent properties are primarily vacant with the exception of a large mixed-use building to the north and an apartment building and restaurant to the south.
3. The desirable/highest and best use – Because the parcel is located within the downtown area, the rezoning to C-3 City Center Commercial is a desirable use for this property. All of the adjacent parcels are also zoned C-3 permitting various commercial and residential uses.
4. Conservation of property values – As opposed to the range of potential industrial development that could occur with its current zoning, rezoning these properties to the C-3 City Center classification will have a favorable and stabilizing impact in the area, conserving property values in the immediate and surrounding neighborhood.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within these properties. The proposed C-3 City Center Commercial zoning is consistent with the Comprehensive Plan and the overall development plan for the downtown area.

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 _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: 22-17

Ordinance No: _____

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: Parcels on N. Hill St. between W. Front St. & W. First St.

Date: June 14, 2022

Petition: 22- 06

Prepared By: DJS

GENERAL INFORMATION

Applicant: City of Mishawaka Board of Public Works & Safety

Status: Majority Property Owner

Request: To rezone from I-1 Light Industrial & I-2 Heavy Industrial to C-3 City Center Commercial

Zoning Classification: I-1 Light Industrial & I-2 Heavy Industrial

Lot Size: Approximately 0.66 acres

Applicable Regulations: Section 137-328 thru 137-360 / C-3 City Center Commercial District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-3 City Center Commercial (Vacant & Multi-Family Residential and Commercial / The Mill at Ironworks)
South: C-3 City Center Commercial (Vacant, Restaurant / Jesus Latin Grill, and Multi-Family Residential / Mishawaka Main Jr. High Apartments)
East: C-3 City Center Commercial (Vacant & City-Owned Parking Lot)
West: C-3 City Center Commercial (Vacant)

Thoroughfare: N. Hill St., W. Front St. & W. First St.

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The City of Mishawaka, through its Board of Public Works, is requesting to rezone three parcels of property located on N. Mill Street between W. Front Street and W. First Street from I-1 Light Industrial and I-2 Heavy Industrial to C-3 City Center Commercial. The Board of Public Works is the majority property owner with the other deeded owners being the City of Mishawaka and Calet Partnership.

Parcels 1 and 2 to the west of N. Hill Street are currently owned by the City. The parcels, which include five separate tax parcels (016-1010-0449, and 016-1010-0451 through -0454), are vacant. Parcel 1 was acquired in July 2021 and currently serves as a contractor staging and storage area for the construction of Ironworks Plaza, Phase III. This project is being constructed north of The Mill at Ironworks and includes

an ice rink, café, and event center. Parcel 2 was acquired by the City in the first quarter of 2021. Two residential homes were located on this parcel until being demolished in late 2021.

Parcel 3 (tax parcel 016-1010-0458) to the east of N. Hill Street is currently owned by Calet Partnership. This parcel is included in the petition as a Planning Department initiated amendment since the rezoning petition is not signed by this owner. Per Section 137-41 / Amendment of this Chapter and the Zoning Map, a zoning map amendment may be initiated by the Department of City Planning. The parcel is vacant and serves as a point of access for the adjacent construction staging area to the north. Parcel 3 will soon be acquired by the City.

All parcels are zoned I-1 Light Industrial or I-2 Heavy Industrial reflecting the historical use of the properties and adjacent area for the Uniroyal/Ball Band manufacturing complex.

The City desires to rezone the properties to the C-3 City Center Commercial District to allow for projected development that is consistent with the overall downtown development plan and recent nearby construction. A local developer has approached the City with plans to construct a multi-family residential apartment building in the block bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street. A development agreement between the City and contingent developer is anticipated in the near future.

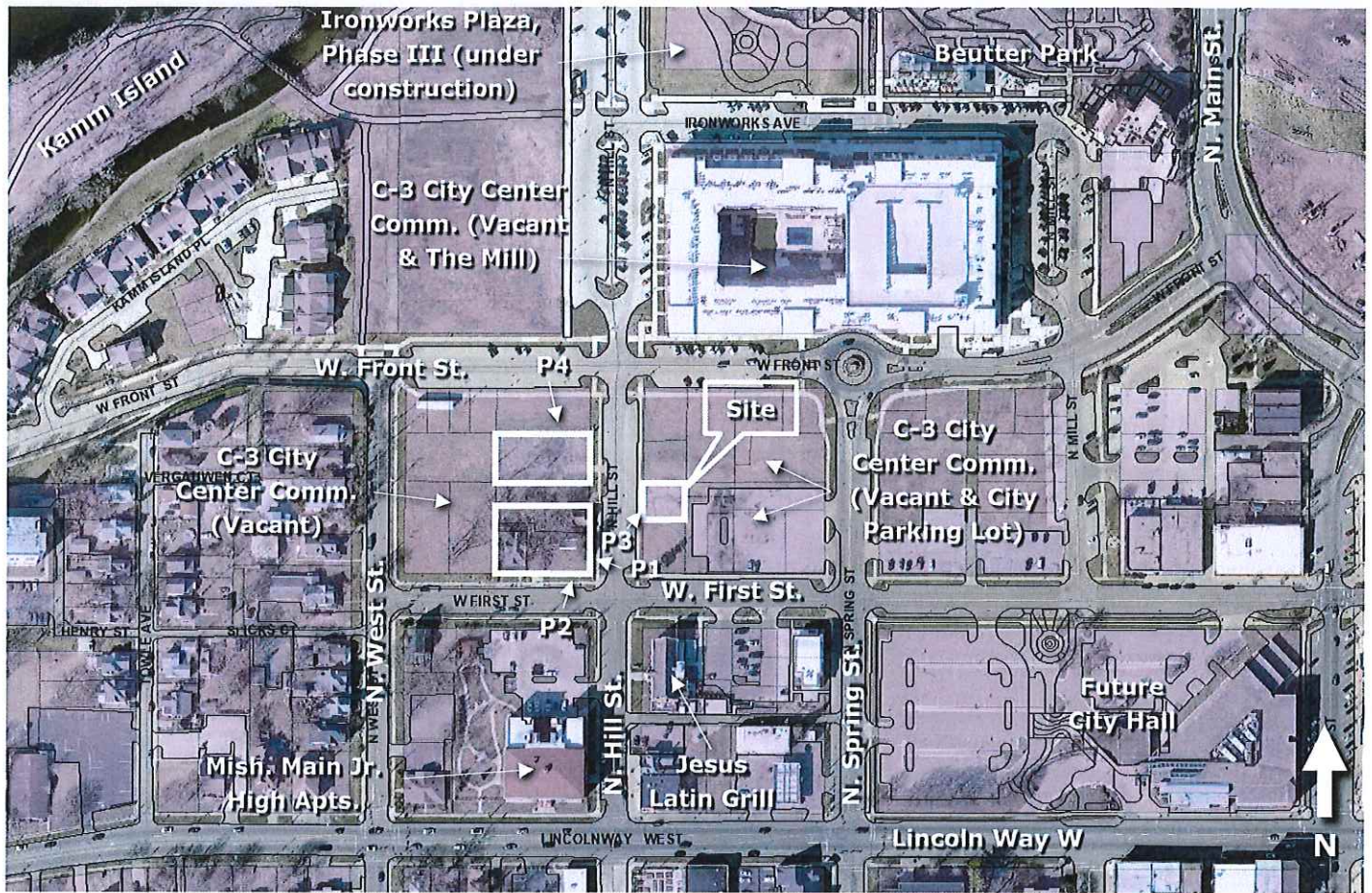
RECOMMENDATION

The Planning Department recommends approval of Petition 22-06 to rezone several properties located on N. Mill Street between W. Front Street and W. First Street from I-1 Light Industrial and I-2 Heavy Industrial to C-3 City Center Commercial. This recommendation is based upon the following findings of fact:

1. Existing Conditions – The parcels are currently vacant partially serving as a temporary contractor staging area for the nearby city construction projects. The Mill at Ironworks mixed-used development is located to the north.
2. Character of the Buildings – The adjacent properties are primarily vacant with the exception of a large mixed-use building to the north and an apartment building and restaurant to the south.
3. The desirable/highest and best use – Because the parcel is located within the downtown area, the rezoning to C-3 City Center Commercial is a desirable use for this property. All of the adjacent parcels are also zoned C-3 permitting various commercial and residential uses.
4. Conservation of property values – As opposed to the range of potential industrial development that could occur with its current zoning, rezoning these properties to the C-3 City Center classification will have a favorable and stabilizing impact in the area, conserving property values in the immediate and surrounding neighborhood.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within these properties. The proposed C-3 City Center Commercial zoning is consistent with the Comprehensive Plan and the overall development plan for the downtown area.

ATTACHMENTS

Photographs, Petition, Zoning Map, Tax Parcel Map & Location Map



Aerial Photograph
 Vacant Parcels – Downtown Mishawaka
 South of The Mill at Ironworks



P1. Looking westerly toward vacant Parcel 2 from N. Hill St.



P2. Looking northerly toward Parcel 2 and Parcel 1 staging area to the north from W. First St.



P3. Looking northeasterly toward Parcel 3 from N. Hill St.

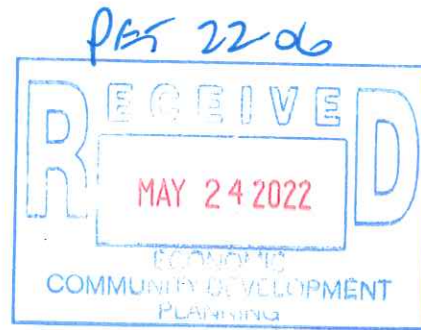


P4. Looking southerly toward Parcel 1 staging area from W. Front St.

Deborah S. Block, IAMC, MMC

JUN 01 2022

City Clerk
Mishawaka, IN



DATE: May 23, 2020

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

RE: PETITION TO REZONE

The undersigned the City of Mishawaka, through its Board of Public Works & Safety respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Parcel 1 (Tax Key #016-1010-0449)

Lot 3, on Hill Street, together with the east half of the adjacent vacated alley to the west and the north half of the adjacent vacated alley to the south, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel 2 (Tax Key #016-1010-0451, 016-1010-0452, 016-1010-0453, and 016-1010-0454)

The south 36' of Lot 5, and Lot 7, both on Hill Street, together with the east half of the adjacent vacated alley to the west, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

The above Parcels 1 & 2 are located within the east half of the block bound by W. Front Street, N. West Street, W. First Street, and N. Hill Street.

The Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-2 Heavy Industrial District (Parcel 1) and I-1 Light Industrial District (Parcel 2). Said property is current vacant.

Calet Partnership is the owner of the below of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Parcel 3 (Tax Key #016-1010-0458)

The north 50' of the west half of Lot 6, on Hill Street, together with the south half of the adjacent vacated alley to the north, as shown on the Original plat of the Village of St. Joseph Iron Works, now the City of Mishawaka, recorded in Plat Book 1, Page 17, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel 3 is located within the west half of the block bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street.

The above described parcel of land which carries a zoning I-2 Heavy Industrial (Parcel 3) is included in this petition as a Planning Department initiated amendment. Per Section 137-41 / Amendment of this Chapter and the Zoning Map, a zoning map amendment may be initiated by the Department of City Planning. Said property is currently vacant.

The Petitioners desire all parcels of said real estate to be rezoned to the C-3 City Center Commercial District. Petitioners further state that they intend to utilize said land for future development consistent with those permitted in the C-3 District.

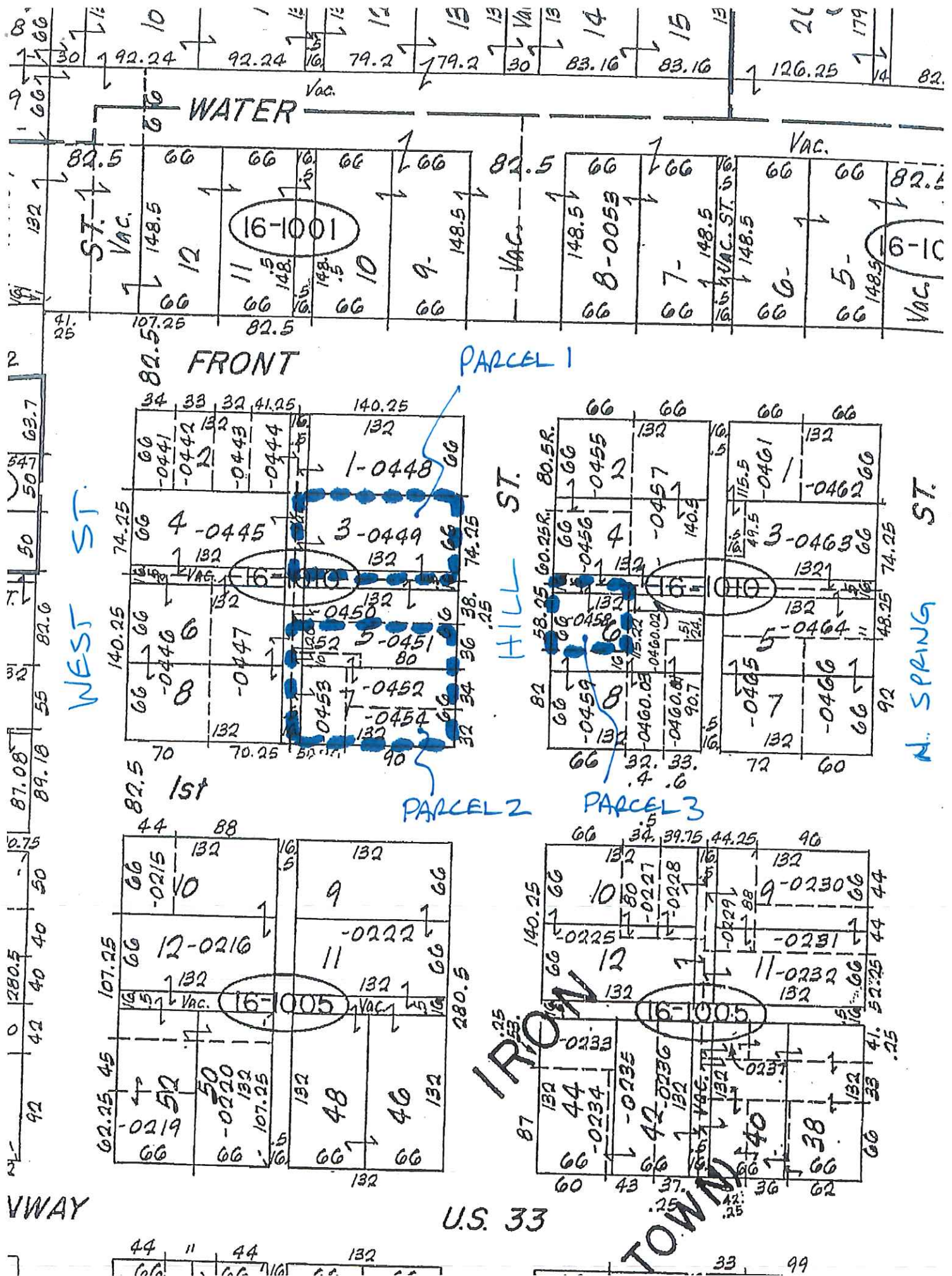
Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcels of land located in the City of Mishawaka.



Kenneth B. Prince, ASLA, AICP
Executive Director, Planning & Community Development
President, Board of Public Works & Safety

CONTACT PERSON:

DEREK J. SPIER, AICP
CITY PLANNER
600 E. THIRD STREET
MISHAWAKA, IN 46545
(574) 258-1625
DSPIER@MISHAWAKA.IN.GOV





N.T.S.

↑
2



THE MILL

PET 22-06

W FRONT ST

N. WEST ST.

N HILL ST

PARCEL 3

PARCEL 1

PARCEL 2

W FIRST ST

N SPRING ST

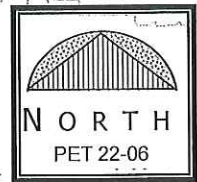
Location Map

PET 22-06

CITY OF MISHAWAKA &
CALET PARTNERSHIP (OWNERS)

VACANT LOTS ON N. HILL ST.
BETWEEN W. FRONT ST. & W 1ST ST.

REZONING FROM I-1 & I-2 TO C-3
CITY CENTER COMMERCIAL TO MATCH
ADJACENT ZONING AND PERMIT
FUTURE C-3 USES



THE MILL

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

C-3

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C-3

C-3

PET 22-06

W FRONT ST

N. WEST ST.

N HILL ST

N SPRING ST

PARCEL 1

PARCEL 2

PARCEL 3

W FIRST ST

Location Map

PET 22-06

CITY OF MISHAWAKA &
CALET PARTNERSHIP (OWNERS)

VACANT LOTS ON N. HILL ST.
BETWEEN W. FRONT ST. & W 1ST ST.

REZONING FROM I-1 & I-2 TO C-3
CITY CENTER COMMERCIAL TO MATCH
ADJACENT ZONING AND PERMIT
FUTURE C-3 USES

JUN 15 2022

City Clerk
Mishawaka, IN

PETITION 22-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-18

ORDINANCE NO. _____

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

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

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

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

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

A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING A PORTION OF LAND CONVEYED TO SMITA V. PATEL, AS DESCRIBED IN INSTRUMENT NUMBER 1533882, ST. JOSEPH COUNTY RECORDER, AND ALL OF LAND CONVEYED TO BALAJI HOSPITALITY GROUP, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1013215, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTER LINE OF LINCOLN HIGHWAY EAST IN THE CITY OF MISHAWAKA AS FORMERLY LOCATED, PRIOR TO THE WIDENING OF SAID HIGHWAY BY RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF MISHAWAKA, PASSED APRIL 1, 1935, WHICH IS RECORDED IN MISCELLANEOUS RECORD 55 AT PAGE 327 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS 412.5 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND IS THE SOUTHWEST CORNER OF SAID PATEL LAND; THENCE EASTERLY, FOLLOWING SAID CENTERLINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 313.2 FEET TO A POINT 725.7 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND WHICH WAS CONVEYED BY GEORGE F. LAING TO HARRY A. SIPLE AND OLLO D. SIPLE, HUSBAND AND WIFE, BY A WARRANTY DEED DATED FEBRUARY 20, 1937, WHICH IS RECORDED IN DEED RECORD 290 AT PAGES 446-447 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; THENCE CONTINUING EASTERLY, FOLLOWING SAID CENTER LINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 111.18 FEET; THENCE NORTH 12° 51' 58" EAST A DISTANCE OF 193.83 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF LINCOLNWAY CAPITAL CORNER MINOR SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 2022-

Ordinance No: _____

01612, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 12° 51' 58" EAST, ALONG THE WESTERLY LINE OF SAID SUBDIVISION, A DISTANCE OF 271.49 FEET TO A MAG NAIL MARKING THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 89° 44' 21" EAST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 127.85 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 00° 15' 39" WEST, ALONG THE EAST LINE OF SAID PATEL LAND, 189.6 FEET, MORE OR LESS, TO THE SOUTHERLY EDGE OF WATER OF THE ST. JOSEPH RIVER; THENCE WESTERLY AND SOUTHWESTERLY, FOLLOWING THE MEANDERING OF SAID EDGE OF WATER, TO THE NORTHWESTERLY CORNER OF SAID PATEL LAND, SAID CORNER BEING NORTH 16° 4' EAST (DEED BEARING PER PATEL LAND) OF THE POINT OF BEGINNING; THENCE SOUTH 16° 4' WEST, ALONG THE WEST LINE OF SAID PATEL LAND, A DISTANCE OF 517 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD. SUBJECT TO ADDITIONAL RIGHT OF WAY FOR LINCOLN HIGHWAY (LINCOLNWAY / STATE ROUTE 933) AS SHOWN ON INDOT PLANS PROJECT NO. STP -517110151, CONTRACT "IR 31091", DATED NOVEMBER 24, 2009. PARCEL SUBJECT TO SURVEY.

COMMON ADDRESS: 2754 Lincolnway East

which real estate is now classified as C-1 General Commercial District and C-7 Automobile Oriented Restaurant Commercial District shall hereafter be within and a part of that District known as R-3 Multi-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. Existing Conditions – The subject property, which includes a hotel and large underutilized parking area, is located along the highly travelled Lincoln Way corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include a St. Joseph River public access site to the west; a park and two fast-food restaurants, one currently under construction, to the south; and a restaurant with drive-thru, currently under construction, and multi-tenant strip center to the east.
2. Character of Buildings – The adjacent properties include several multi and single-tenant commercial buildings ranging in size from 2,300 sq. ft. to 37,700 sq. ft. The proposed conversion of the existing approximate 43,500 sq. ft. hotel into an apartment building and adjacent construction of a new similar sized apartment building will vary in character from the existing adjacent commercial structures.
3. The most desirable/highest and best use – Due to the property's location adjacent to various commercial uses and being along one of the most heavily travelled corridors in the City, the most desirable use of the property is continued commercial or medium density residential use (i.e. apartment complexes).
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area. The R-3 Multi-Family Residential zoning will not permit future commercial use of the property as currently allowed in the existing C-1 General Commercial zoning. Investment in an existing dilapidated property and

Proposed Ordinance No: 22-18

Ordinance No: _____

construction of a new apartment building could potentially spur further investment in the area in addition to the two restaurants currently under construction.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. However, the proposed multi-family (medium density) residential use is consistent with and will not be out of character with the adjacent commercial use.

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 _____, 2022, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2022, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2022, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 2754 Lincoln Way East - Existing Mishawaka Inn

Date: June 14, 2022

Petition: 22- 07

Prepared By: DJS

GENERAL INFORMATION

Applicant: Balaji Hospitality Group, LLC & Smita V. Patel / Abonmarche Consultants, Inc.

Status: Property Owners / Site Design Consultant

Request: To rezone from C-1 General Commercial District and C-7 Automobile Oriented Restaurant Commercial to R-3 Multi-Family Residential District to allow for a residential apartment complex

Zoning Classification: C-1 General Commercial District & C-7 Automobile Oriented Restaurant Commercial

Lot Size: Approximately 3.98 acres

Applicable Regulations: Section 137-215 thru 137-217 / R-3 Multi-Family Residential District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: St. Joseph River & Unincorporated St. Joseph County north of River – I Industrial (Power Generation Facility / I&M Hydroelectric Plant)

South: S-1 Extensive Open Space (Laing Park) & C-7 Auto Oriented Restaurant Commercial (Restaurants with Drive-Thru / McDonald's & Wendy's – Under Construction)

East: C-7 Auto Oriented Restaurant Commercial (Restaurant with Drive-Thru / Dunkin' Donuts – Under Construction) & C-2 Shopping Center Commercial (Multi-Tenant Commercial / Twin Branch Retail Center)

West: S-1 Extensive Open Space (Frank Zappia – St. Joseph River Public Access Site & Parking – IDNR Owned)

Thoroughfare: Lincoln Way East

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available and/or will be extended/connected to the site at the expense of the developer.

Comprehensive Plan: General Commercial (Downtown Retail Sales & Shopping Centers)

ANALYSIS

The Petitioners, Balaji Hospitality Group LLC & Smita V. Patel, are requesting to rezone an approximate 3.98 acre area located at 2754 Lincoln Way East from C-1 General Commercial and C-7 Auto Oriented Restaurant Commercial to the R-3 Multi-Family Residential District to allow for a residential apartment complex.

The property to be rezoned includes three unplatted parcels (Tax Parcel 016-1082-3252.02, -3252.04, & -3253) located on the north side of Lincoln Way East approximately 120' east of Capital Avenue (S.R. 933). The proposed rezoning area includes the Mishawaka Inn and adjacent parking lot to the east. Excluding the removal of the southern part of the parking lot and construction of an access/frontage drive completed in conjunction with the Capital Avenue realignment, the use of the property has remained relatively unchanged since the late 1960s when developed as a Holiday Inn.

Per the preliminary site plan, the contingent developer is proposing to convert the existing hotel into a multi-family apartment building and construct a new apartment building along the St. Joseph River. The unit mix is anticipated to include a maximum of 60 studio units in the current building and 46 one to two bedroom units in the new building. The studio units, which may decrease in number following interior inspection and review of existing walls, will be approximately 270 sq. ft. including the bathrooms. The one to two bedroom units will be approximately 540 sq. ft. to 810 sq. ft. including the bathrooms. Excluding preservation of the existing structure, all other site improvements will be razed.

Two access points are currently proposed off of a public frontage drive to the south. The drive connects Lincolnway East and the Frank Zappia St. Joseph River public access site to the west. The existing eastern access serves a large underutilized parking area for Mishawaka Inn and the Dunkin' Donuts property (Lot 1 of the Lincolnway Capital Corner Minor Subdivision / Plat 21-08) currently under construction. An ingress/egress easement dedicated on the plat permits access across the subject property to the southern Dunkin' Donuts access (2774 Lincolnway East / Tax Parcel 016-1082-3252.03). An additional ingress/egress easement will be required on a future subdivision plat to permit further access between the northern Dunkin' Donuts access and the public frontage drive. The proposed western access, which will be located at an existing curb cut, will provide access to a new parking area west of the existing building. The parking areas and access drives will loop around the current building as conceptually shown on the preliminary site plan.

The preliminary site plan shows the developer's intent to comply with the required height, area and developmental regulations of the R-3 Multi-Family Residential District except for the required number of parking spaces. A developmental variance (AP 22-19) was submitted concurrent with the rezoning petition to allow a reduction in the number of parking spaces from the required 1.5 spaces per unit (159 spaces for the 106 proposed units) to 1.2 spaces per unit (128 spaces). The Board of Zoning Appeals will consider the request prior the Plan Commission meeting. Planning Staff supports the proposed parking space reduction.

Per the FEMA Flood Insurance Rate Map (FIRM) Panel No. 18141C0217 (effective date of December 15, 2015), a portion of the property is located within Zone AE – Special Flood Hazard Areas subject to inundation by the 1% annual chance flood. Zone AE areas have determined base flood elevations. The Flood Insurance Study (FIS) for St. Joseph County, Indiana and incorporated areas – FIS Number 18141CV00B (revised date December 16, 2015) established a base flood elevation of 703.5' for the site. This elevation is shown in the FIS – Floodway Data for Eller Ditch cross section A (Table 10, Page 27). Any structures built below the flood protection grade, which is the base flood elevation plus 2', must be designed and constructed to be watertight and be capable of resisting the effects of the regulatory flood. The 2' generalized contours show an approximate elevation of 706' to 712' where the new building is proposed.

An Elevation Certificate, as required per the City's Flood Control regulations, must be prepared for the new building following completion of construction and submitted prior to obtaining a Certificate of Occupancy. The Elevation Certificate must show that the "as-built" elevation of the top of the lowest floor, as defined per FEMA, is at or above the flood protection grade.

Eller Ditch is located within the property along the west property line. Planning Staff believes that the ditch is a county regulated drain subject to all rules and regulations of the St. Joseph County Surveyor and Drainage Board. If determined to be a regulated drain, a 75' maintenance easement from the top of the bank will be required on the future subdivision plat.

With this petition, the contingent developer is only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, soil erosion control, and all other required improvements pertinent to the proposed development.

Since the property is currently zoned for commercial use and located along the heavily travelled Lincoln Way East corridor, the Staff supports the request for rezoning. The proposed conversion of an existing hotel into an apartment building and adjacent construction of a new apartment building is essentially a down zoning that will not allow more intensive commercial use of the property as currently permitted in the C-1 District. A multi-family residential apartment complex is not out of character and is compatible with the existing adjacent commercial and recreational land uses.

The Building, Electric, and Water Departments have reviewed and approved the rezoning request providing no additional comments.

The Engineering Department provided the following comments to be addressed with the final site plan. No comments were given specifically related to the proposed rezoning and use of the property.

1. The property currently utilizes a lift station and force main that crosses Lincoln Way for the sanitary sewer. This is a private system and shall be evaluated for condition and if it is adequately sized. Also, unsure how the additional proposed building will be served. Recommend looking at an appropriately sized lift station / force main to service the entire development including the Dunkin' Donuts property.
2. Left turn lane on Lincoln Way may need to be further modified to allow more stacking from what is currently designed for site. Evaluate and coordinate with INDOT.
3. Sidewalks shall be constructed along Lincoln Way frontage. Extend what was constructed for the Dunkin' Donuts.

The Fire Department commented that hydrants will need to be added to adequately serve the property. Also, proper fire department access is required for the new residential apartment building. These items shall be addressed with final site plan.

RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 22-07 to rezone an approximate 3.89 acres area located at 2754 Lincoln Way East from C-1 General Commercial and C-7 Automobile Oriented Restaurant Commercial to R-3 Multi-Family Residential District to allow for a multi-family residential apartment complex. This recommendation is based on the following findings of fact:

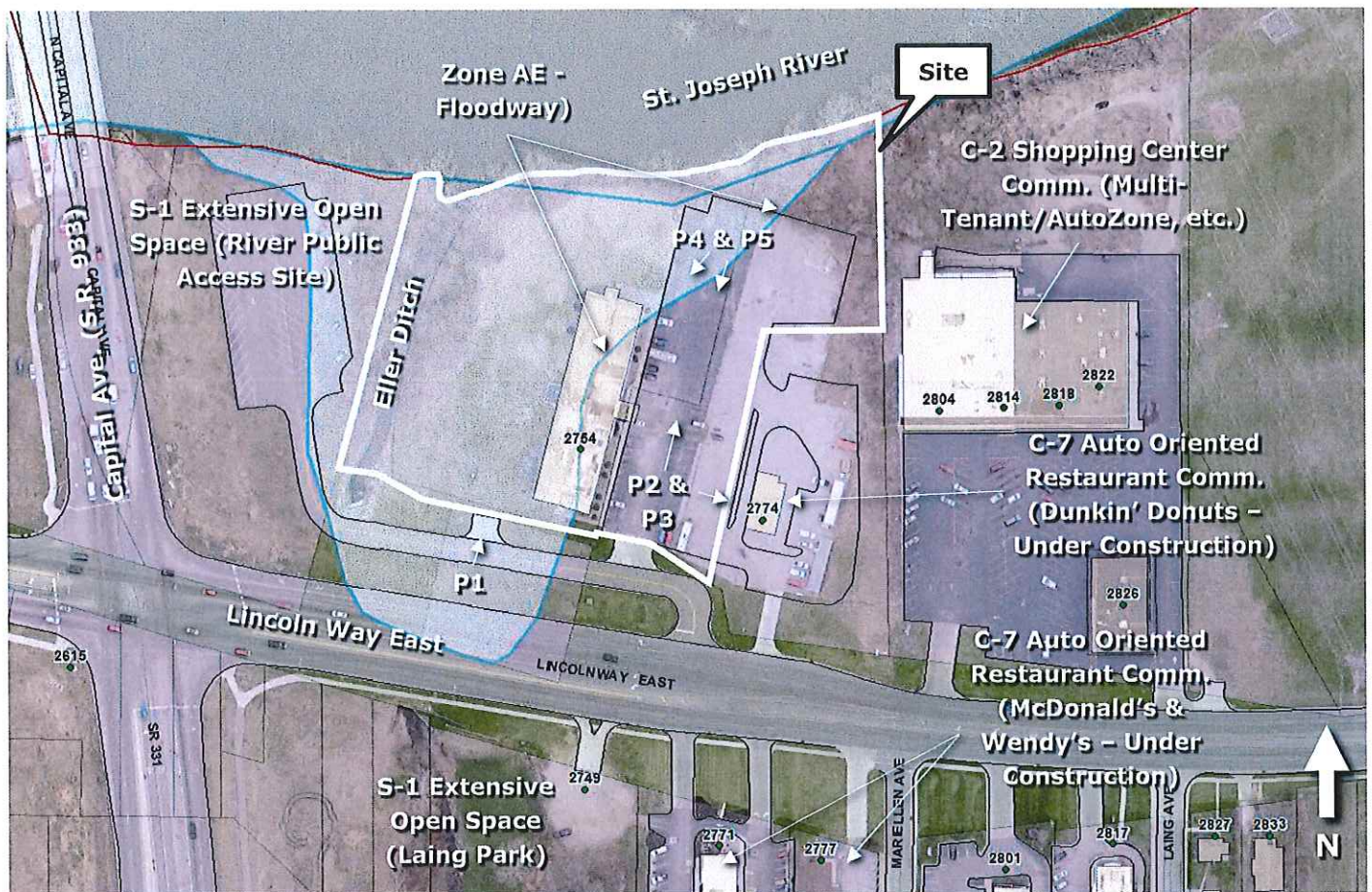
1. Existing Conditions – The subject property, which includes a hotel and large underutilized parking area, is located along the highly travelled Lincoln Way corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include a St. Joseph River public access site to the west; a park and two fast-food restaurants, one currently under construction, to the south; and a restaurant with drive-thru, currently under construction, and multi-tenant strip center to the east.
2. Character of Buildings – The adjacent properties include several multi and single-tenant commercial buildings ranging in size from 2,300 sq. ft. to 37,700 sq. ft. The proposed conversion of the existing approximate 43,500 sq. ft. hotel into an apartment building and adjacent construction of a new similar sized apartment building will vary in character from the existing adjacent commercial structures.
3. The most desirable/highest and best use – Due to the property's location adjacent to various commercial uses and being along one of the most heavily travelled corridors in the City, the most

desirable use of the property is continued commercial or medium density residential use (i.e. apartment complexes).

4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area. The R-3 Multi-Family Residential zoning will not permit future commercial use of the property as currently allowed in the existing C-1 General Commercial zoning. Investment in an existing dilapidated property and construction of a new apartment building could potentially spur further investment in the area in addition to the two restaurants currently under construction.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. However, the proposed multi-family (medium density) residential use is consistent with and will not be out of character with the adjacent commercial use.

ATTACHMENTS

Aerial Photograph, Photographs, Petition, Preliminary Site Plan & Location Map



Aerial Photograph
Existing Mishawaka Inn
2754 Lincoln Way East



P1. Looking northerly from the access/frontage drive to the west of Mishawaka Inn and future parking area.



P2. Looking northerly from the existing parking area east of Mishawaka Inn and west of Dunkin' Donuts.



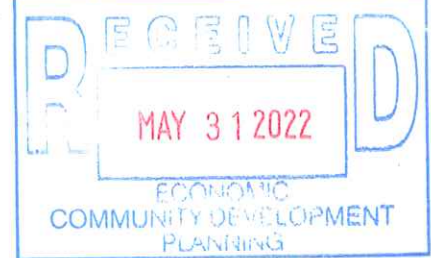
P3. Looking easterly from the parking area between Mishawaka Inn and Dunkin' Donuts under construction.



P4. Looking southwest toward the existing Mishawaka Inn from the general location of the proposed new building.



P5. Looking southerly from the existing parking area and general location of the proposed new apartment building toward Mishawaka Inn (west) and the Dunkin' Donuts (east).



DATE: May 25, 2022

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

FROM: Steve Ruby
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, Indiana 46601
(574) 360-9804
sruby@abonmarhce.com

Deborah S. Block, IAMC, MMC

JUN 01 2022

**City Clerk
Mishawaka, IN**

RE: Petition for Re-Zoning Classification - 2754 Lincolnway E. Mishawaka, IN

The undersigned **Balaji Hospitality Group LLC & Smita V. Patel** respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

PROVIDED LEGAL DESCRIPTION: (Parcel: 71-09-13-102-012.000-023, 016-1082-3253, 016-1082-325202)

(See Attached Legal)

Petitioners own one hundred (100%) percent of the above-described parcel of land which is located in the State of Indiana. The petitioners desire to have the above said properties rezoned from the Current C-1 Commercial (General Commercial) to an R-3 Residential to be used as residential long term stay Apartment Development.

AND C-7

The Petitioner has Submitted a variance request to the BZA seeking to reduce the parking requirement of 1.5 parking spaces as currently stated in Sec. **137-217 (7) A1** to 1.2 Parking space per unit.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and the location of the proposed building structures.

Petitioners further show this proposed re-zoning to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be rezoned and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above-described parcel of real estate to the City of Mishawaka with a R-3 Residential District zoning classification.



Balaji Hospitality Group LLC (016-1082-325202)



Printed



Smita V. Patel (016-1082-3253 & 016-1082-3252.04)



Printed



EXHIBIT A

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING A PORTION OF LAND CONVEYED TO SMITA V. PATEL, AS DESCRIBED IN INSTRUMENT NUMBER 1533882, ST. JOSEPH COUNTY RECORDER, AND ALL OF LAND CONVEYED TO BALAJI HOSPITALITY GROUP, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1013215, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTER LINE OF LINCOLN HIGHWAY EAST IN THE CITY OF MISHAWKA AS FORMERLY LOCATED, PRIOR TO THE WIDENING OF SAID HIGHWAY BY RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF MISHAWAKA, PASSED APRIL 1, 1935, WHICH IS RECORDED IN MISCELLANEOUS RECORD 55 AT PAGE 327 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS 412.5 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND IS THE SOUTHWEST CORNER OF SAID PATEL LAND; THENCE EASTERLY, FOLLOWING SAID CENTERLINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 313.2 FEET TO A POINT 725.7 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND WHICH WAS CONVEYED BY GEORGE F. LAING TO HARRY A. SIPLE AND OLLO D. SIPLE, HUSBAND AND WIFE, BY A WARRANTY DEED DATED FEBRUARY 20, 1937, WHICH IS RECORDED IN DEED RECORD 290 AT PAGES 446-447 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; THENCE CONTINUING EASTERLY, FOLLOWING SAID CENTER LINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 111.18 FEET; THENCE NORTH 12° 51' 58" EAST A DISTANCE OF 193.83 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF LINCOLNWAY CAPITAL CORNER MINOR SUBDIVISION, RECORDED AS INSTRUMENT NUMBER 2022-01612, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 12° 51' 58" EAST, ALONG THE WESTERLY LINE OF SAID SUBDIVISION, A DISTANCE OF 271.49 FEET TO A MAG NAIL MARKING THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 89° 44' 21" EAST, ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 127.85 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 00° 15' 39" WEST, ALONG THE EAST LINE OF SAID PATEL LAND, 189.6 FEET, MORE OR LESS, TO THE SOUTHERLY EDGE OF WATER OF THE ST. JOSEPH RIVER; THENCE WESTERLY AND SOUTHWESTERLY, FOLLOWING THE MEANDERING OF SAID EDGE OF WATER, TO THE NORTHWESTERLY CORNER OF SAID PATEL LAND, SAID CORNER BEING NORTH 16° 4' EAST (DEED BEARING PER PATEL LAND) OF THE POINT OF BEGINNING; THENCE SOUTH 16° 4' WEST, ALONG THE WEST LINE OF SAID PATEL LAND, A DISTANCE OF 517 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD. SUBJECT TO ADDITIONAL RIGHT OF WAY FOR LINCOLN HIGHWAY (LINCOLNWAY / STATE ROUTE 933) AS SHOWN ON INDOT PLANS PROJECT NO. STP -517110151, CONTRACT "IR 31091", DATED NOVEMBER 24, 2009. PARCEL SUBJECT TO SURVEY.

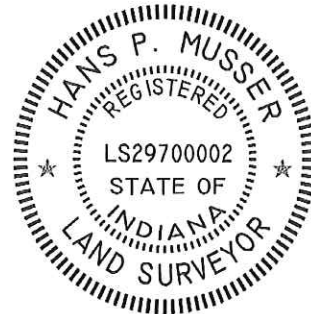
THIS DOCUMENT WAS PREPARED BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002.



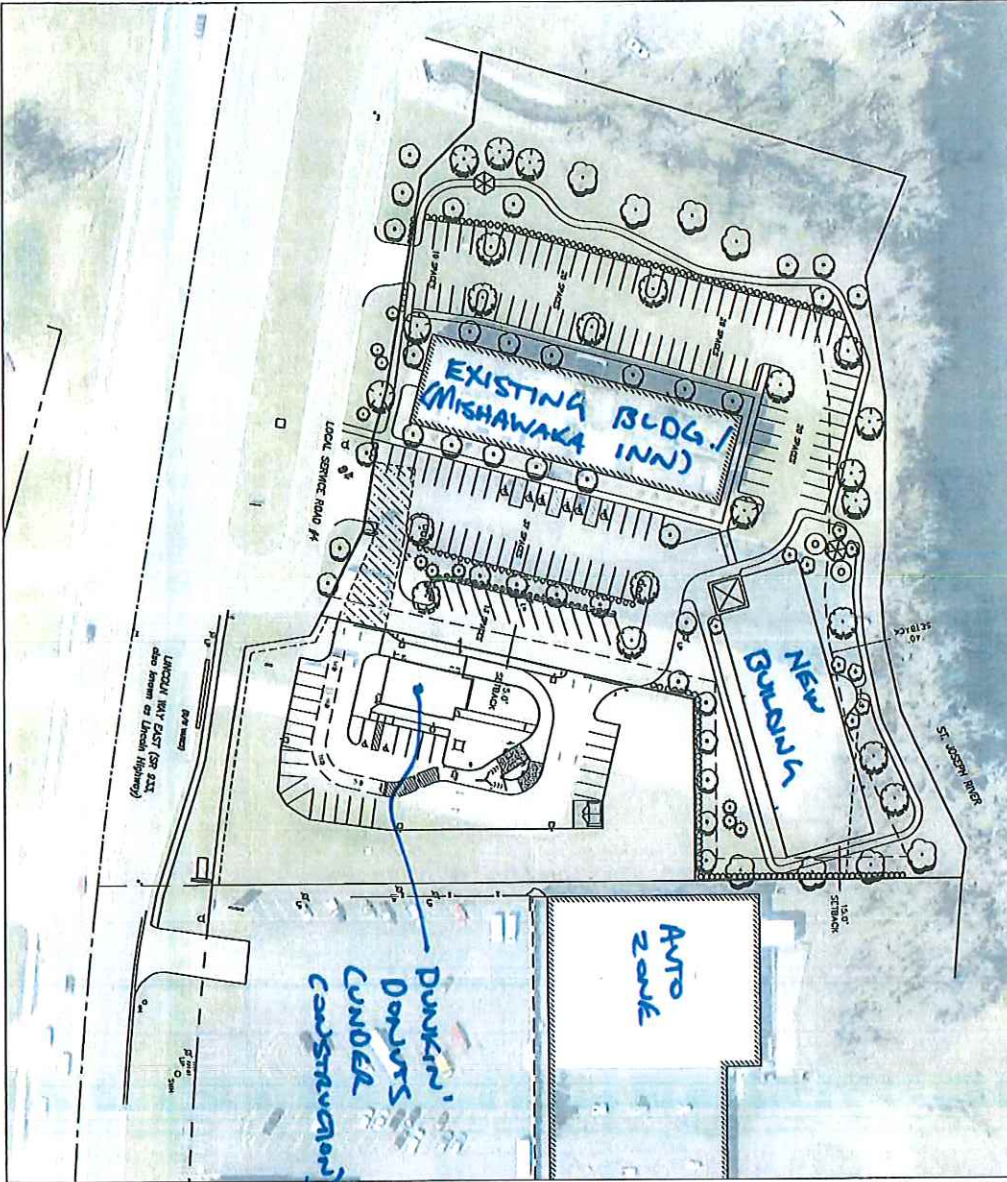
HANS P. MUSSER, PS

5/25/2022

DATE



PRELIMINARY SITE PLAN



Current Zoning: C-1 General Commercial
 Current Zoning: C-7 General Commercial
 Proposed R-3 Residential Zoning
 Proposed Apartment UNITS: 100-105
 Parking Required: 159
 Parking Provided: 128

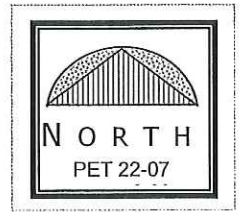


LINCOLNWAY HOTEL SITE,
 MISHAWAKA, IN

ABONMARCHÉ
 10000 N. LINCOLNWAY
 MISHAWAKA, IN 46545
 219.251.1111
 www.abonmarche.com

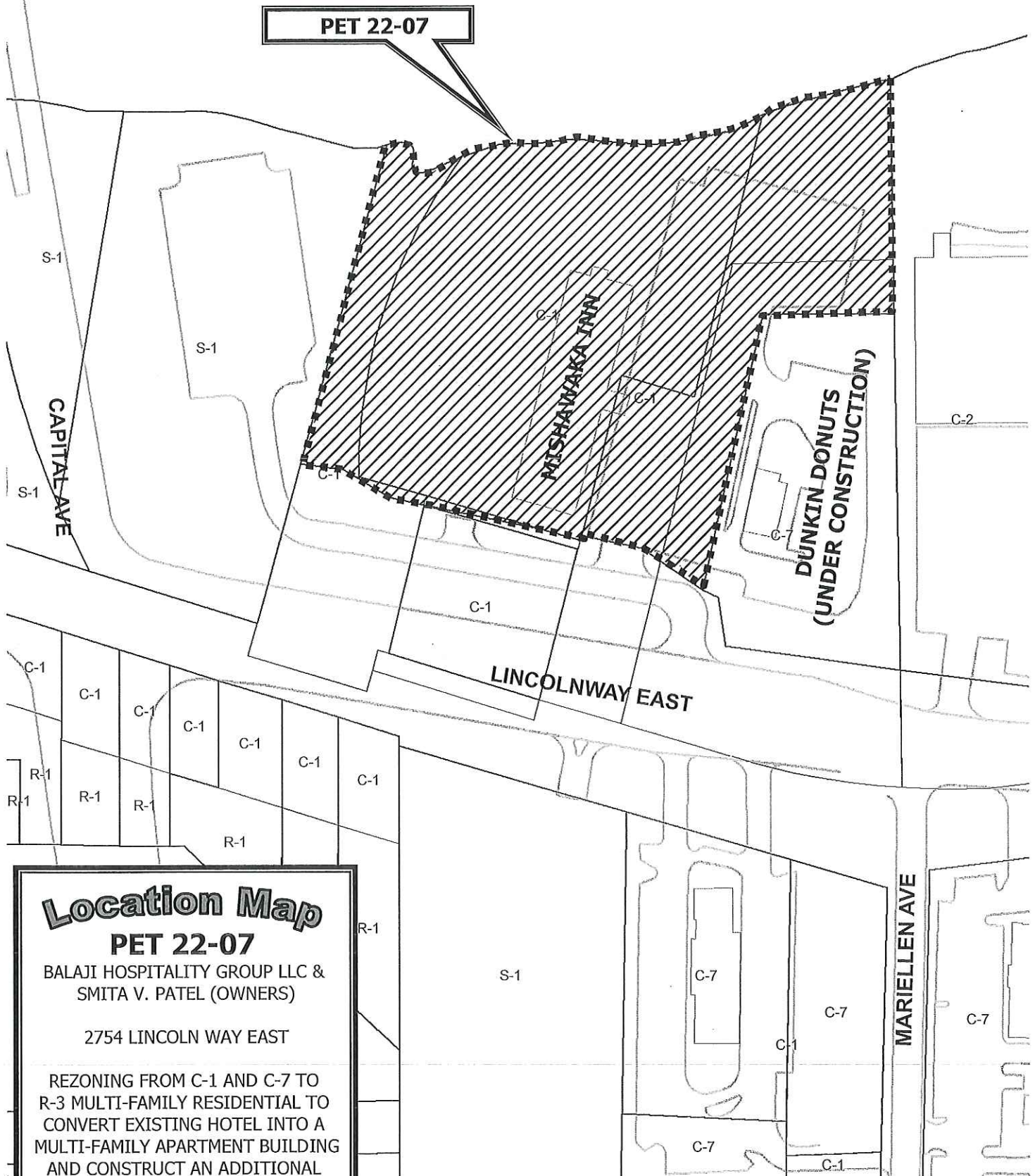
preliminary
 not for
 construction

22-0682



ST. JOSEPH RIVER

PET 22-07



Location Map

PET 22-07

BALAJI HOSPITALITY GROUP LLC &
SMITA V. PATEL (OWNERS)

2754 LINCOLN WAY EAST

REZONING FROM C-1 AND C-7 TO
R-3 MULTI-FAMILY RESIDENTIAL TO
CONVERT EXISTING HOTEL INTO A
MULTI-FAMILY APARTMENT BUILDING
AND CONSTRUCT AN ADDITIONAL

JUN 15 2022

City Clerk
Mishawaka, IN

APPEAL #22-13

RESOLUTION NO. 2022-13

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:

4125 Grape Road, 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 **4125 Grape Road, Mishawaka, Indiana**, more particularly known and described as follows:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 33, T. 38 N., R. 3 E, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 33; THENCE S. 00°00'00" W., ALONG THE NORTH & SOUTH ¼ LINE OF SECTION 33 AND THE CENTERLINE OF GRAPE ROAD, 396.91 FT; THENCE N. 89°59'26" W., 659.34 FT.; THENCE N. 00°07'54" E., 295.72 FT. TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33, THENCE N. 89°54'12" E., ALONG SAID NORTH LINE, 658.43 FT. TO THE PLACE OF BEGINNING. CONTAINING 5.995 ACRES. SUBJECT TO LEGAL HIGHWAYS.

The Use Variance will allow microblading services 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. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the business will provide similar personal services/salon uses;
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 it is included in a commercial establishment;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-1 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than the existing business; and
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial.

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 _____, 2022, at _____ o'clock ____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2022,
at _____ o'clock ____ m.

Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2022-13
4125 Grape Road
Page 3 of 3

APPROVED by me this _____ day of _____, 2022, at
_____ o'clock _____ m.

David A. Wood, Mayor

STAFF REPORT

Location: 4125 Grape Road

Date: May 10, 2022

Appeal: 22 13

Prepared By: KM

GENERAL INFORMATION

Applicant: Joers Partnership LLC/Kelly Reynolds
Status: Property Owner/Tenant
Request: Use Variance to allow microblading services within a salon
Zoning Classification: C-1 General Commercial District
Lot Size: 5.89 acres
Applicable Regulations: 137.42 Board of Zoning Appeals (4) Variance of Use

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial District
South: C-1 General Commercial District
East: C-2 Shopping Center Commercial District
West: R-3 Multi-Family Residential District

Thoroughfare: Southwest Corner of Grape and Day Roads
School District: South Bend Community School District
Public Utilities: All utilities are available
Comprehensive Plan: General Commercial

ANALYSIS

The Appellants are requesting a Use Variance to allow for microblading services within Salon Studio Suites that will be renting 4125 Grape Road (northern most tenant space). Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

In the past few years, we have received several requests for microblading. The latest request was located inside an existing salon at That Hair Place, 3931 Lincolnway East.

It should be noted that while microblading is a service that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district. The need for a Use Variance arises from the fact that a tattoo establishment is not an approved use within the C-1 zoning district.

All pertinent City departments have reviewed and approved the request.

RECOMMENDATION (S)

Staff recommends in **favor** of Appeal #22-13 to allow microblading services at Salon Studio Suites, 4125 Grape Road. This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the business will provide similar personal services/salon uses;
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 it is included in a commercial establishment;
3. The need for the variance arises from some condition peculiar to the property involved in that the C-1 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than the existing business; and
5. The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial.

ATTACHMENTS

Photographs, Appeal, Aerial, Location Map



View of north end of plaza

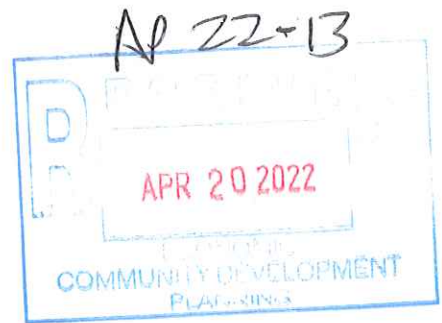


View of future tenant space

Deborah S. Block, IAMC, MMC

APR 28 2022

City Clerk
Mishawaka, IN



To: Board of Zoning Appeals

City of Mishawaka, In

Salon Studio Suites LLC respectfully shows the Board:

Property owner Ronald Joers, Joers Partnership LLC 4125 Grape Rd Mishawaka ,In 46545 in Clay township.

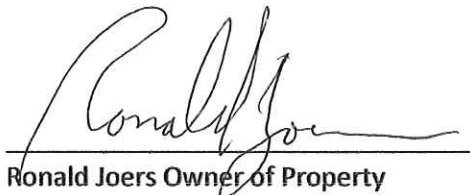
Pt Se Sw Sec 33-38-3c Beg Ne Cor S 396.91' W 659.34 N 395.72 E 658.43

Appellant presently occupies the above property in the following manner: Salon Studio Suites

Appellant desires to offer Microblading services in this location.

Use variance:

1. Will approval be injurious to the public health and safety, morals or general welfare of the community? No this service is strictly for semi permanent tattooing makeup.
2. Will the use and value of the area adjacent to the property include the variance be affected in a substantially adverse manner? No it will not effect other tenants.
3. Does the need for the variance arise from some condition peculiar to the property involved? No there is a no tattooing ordinance in Mishawaka
4. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied? No it does not. It is simply to allow us to do PMU
5. Will approval interfere with Mishawaka 2000 comprehensive plan? No several other companies have been approved for this.



Ronald Joers Owner of Property

Contact Person:

Kelly Reynolds

4125 Grape Rd.

239-603-2807

Blownawayindiana@yahoo.com

Joers Partnership
4119 Grape Road
Mishawaka, Indiana 46545

Phone 574-277-9711
Fax 574-277-9724

April 19, 2022

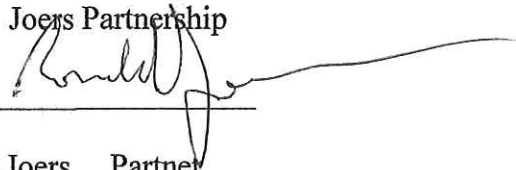
TO: City of Mishawaka, In Board of Zoning Appeals

RE: Microblading Services Zoning for Salon Studio Suites

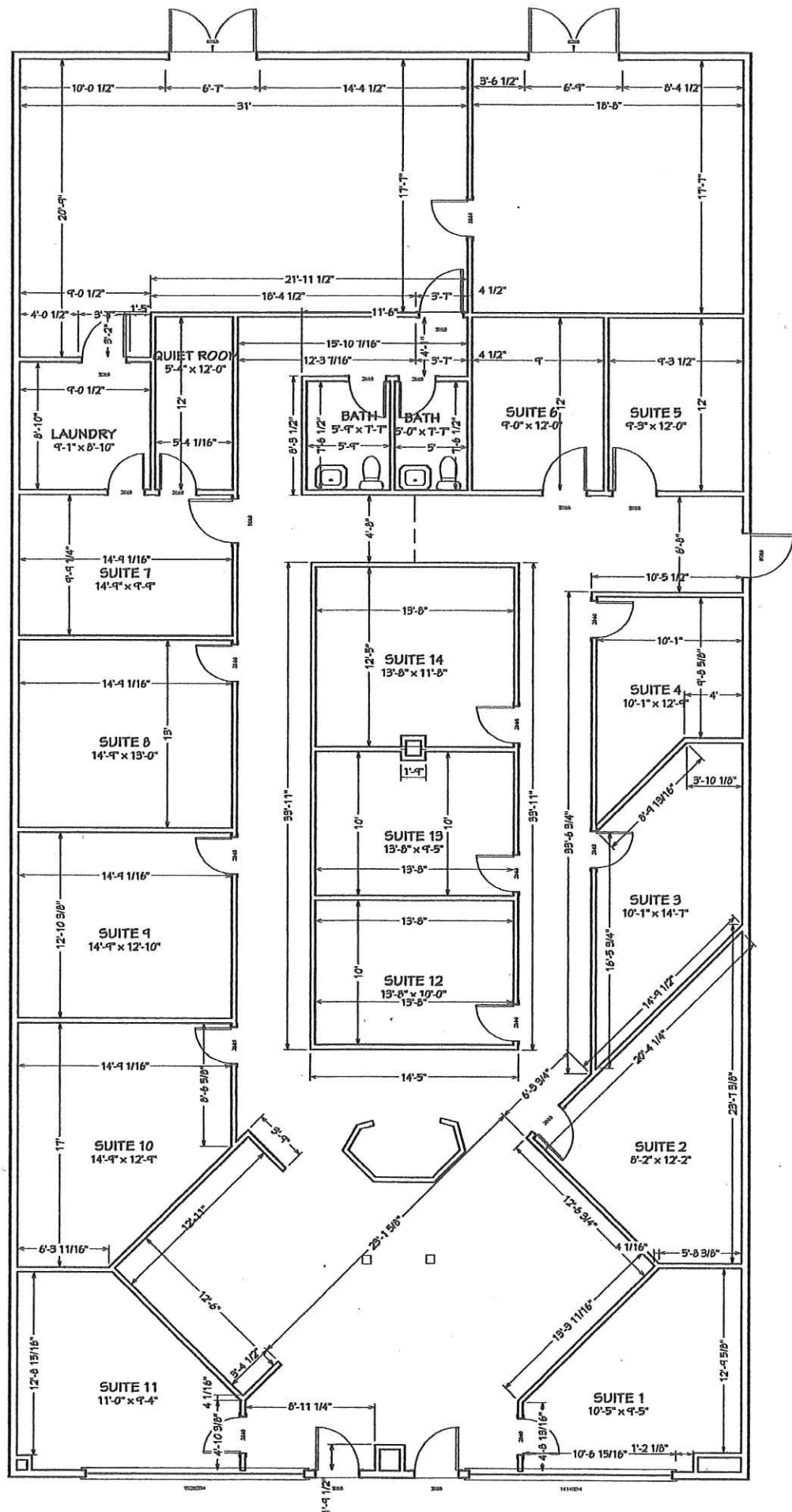
Kelly Reynolds representing her business Salon Studio Suites, the Lessee at 4125 Grape Road, Mishawaka, Indiana 46545, has our approval to represent Joers Partnership the Lessor, the owners of the location, for a zoning permit, to permit a Microblading Service at the location.

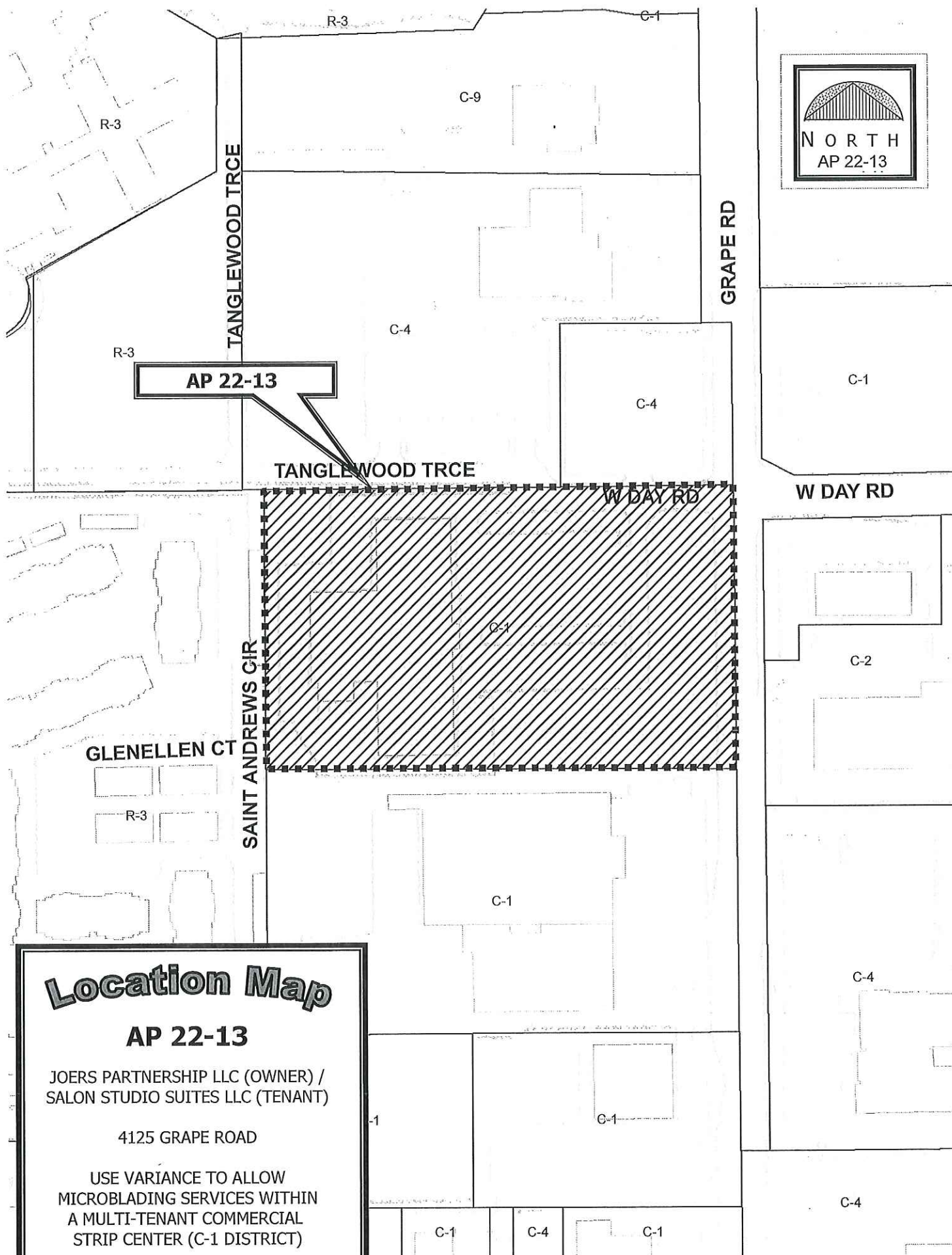
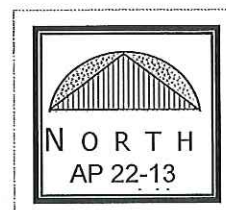
Lessor: Joers Partnership

By



Ronald Joers Partner





Location Map

AP 22-13

JOERS PARTNERSHIP LLC (OWNER) /
SALON STUDIO SUITES LLC (TENANT)

4125 GRAPE ROAD

USE VARIANCE TO ALLOW
MICROBLADING SERVICES WITHIN
A MULTI-TENANT COMMERCIAL
STRIP CENTER (C-1 DISTRICT)

RESOLUTION NO. 2022-14

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
IN DECLARING DORMANT FUNDS**

WHEREAS, the Common Council of the City of Mishawaka, Indiana is the City legislative and fiscal body and is by law authorized to adopt ordinances and resolutions governing the administration of City fiscal matters;

WHEREAS, the Common Council of the City of Mishawaka, has determined the City Controller needs authority to close dormant fund accounts, and

WHEREAS, the State Board of Accounts has declared all cities and towns are to be on the same fund number system and removing unused funds will simplify this requirement, and

WHEREAS, the following funds have zero balances and are inactive:

Fund 213 – Park Rental Deposit

Fund 215 – Disaster Relief Fund

Fund 218 – Special Judgement

Fund 219 – Alley Paving

Fund 220 – Sidewalk and Curb Repair

Fund 221 – Energy Savings Improvements

Fund 229 – Unsafe Building

Fund 243 – State Grants

Fund 265 – Insurance Recovery

Fund 273 – Local Law Enforcement Block Grant

Fund 274 – Edward Byrne JAG Grant

Fund 275 – NSP (1) Grant

Fund 277 – NSP (3) Grant

Fund 281 – DOC Community Development

Fund 283 – Redevelopment Revolving

Fund 284 – Consolidated Projects

Fund 293 – TIF Central Bus Dist General

Fund 294 – TIF South Side General

Fund 295 – TIF Northwest General

Fund 296 – CBD Debt Reserve

Fund 297– NW Debt Service Reserve

Fund 298 – SS Debt Service Reserve

Fund 310 – CBD Bond and Interest

Fund 311 – NW Bond and Interest

Fund 312 – SS Bond and Interest

Fund 402 – Park Bond Capital

Fund 403 – Local Major Moves Construction

Fund 404 – Radio System

Fund 405 – Fire Station Construction

Fund 419 – CBD Area Capital

Fund 421 – SS Area Capital

Fund 429 – Cumulative Building/Fire Equipment

Fund 403 – CBD Bond and Interest

Fund 503 – General Improvement

Fund 628 – Clay Water Meter

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Mishawaka, Indiana, as follows:

1. That the said funds are declared dormant and the City Controller is authorized to deactivate/delete said funds.
2. This resolution shall be in full force and effective upon passage and shall remain in full force and effective by the City Council of Mishawaka, Indiana.

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on the _____ day of _____, 2022 at _____ m.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of _____, 2022, at the hour of _____ m.

Deborah S. Block, IAMC, MMC, City Clerk

This Resolution approved and signed by me on the _____ day of _____ 2022, at the hour of _____ m.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Deborah S. Block, AMC, MMC

JUN 10 2022

City Clerk
Mishawaka, IN

Date: June 10, 2022
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Resolution for Removal of Dormant Funds

For Council approval is a resolution authorizing the removal of inactive funds that have zero balances, some for over fifteen or more years.

State Board of Accounts is requiring all cities and towns to change their fund numbering system in 2022. Now is the logical time to clean up inactive funds and not carryover funds to the new system.

Please contact me with any questions.

c: David A. Wood, Mayor

RESOLUTION NO. 2022-15

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, IN
AUTHORIZING ELECTRONIC FUNDS TRANSFERS**

WHEREAS, Indiana Code I.C. 36-1-3 et seq, known as “Home Rule”, permits any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, the Common Council of the City of Mishawaka, Indiana is the City legislative and fiscal body and is by law authorized to adopt ordinances and resolutions governing the administration of City fiscal matters;

WHEREAS, the Common Council of the City of Mishawaka, has determined that it is reasonable and appropriate to establish a resolution authorizing the use of electronic fund transfers for official City business of the City of Mishawaka to adopt internal procedures and controls governing such use.

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of IC 36-1-8-11.5, by the Common Council of the City of Mishawaka, Indiana as follows:

1. Electronic Fund Transfers. The City of Mishawaka is hereby authorized to use electronic fund transfers for official business of the City of Mishawaka.

2. Authority of Controller. The City Controller is hereby authorized and responsible for:

- a. Selecting the financial institution(s) to be used by the City of Mishawaka, Indiana for electronic fund transfers;
- b. Executing the application and agreement with the selected financial institution(s) for the City of Mishawaka, Indiana;
- c. Overseeing the use of electronic fund transfers for official City business of the City of Mishawaka, Indiana;
- d. Maintaining the agreement and the relationship between the City of Mishawaka, Indiana and the financial institution(s);
- e. Establishing appropriate security procedures for passwords, codes, controls, and other authorizations to protect and preserve the funds and assets of the City of Mishawaka, Indiana;
- f. Reviewing all transactions and confirmation in connection with the use of electronic fund transfers for property authorization, documentation, itemization, and purpose.

3. Administration of Payments. The City Controller shall not draw a warrant for an electronic fund transfer unless:

- a. There is a fully itemized invoice or bill for each expense;
- b. Each invoice or bill is approved by the City employee or representative receiving the goods or services;
- c. The invoice or bill is filed with the City Controller;
- d. The City Controller audits and certifies before payment that the invoice or bill is true and correct; and
- e. Payment of the invoice or bill is allowed by the Mishawaka Board of Public Works on the accounts payable register.

All electronic fund transfers must be for official business of the City of Mishawaka, Indiana and shall not be personal in nature.

4. Electronic Fund Transfers. Electronic fund transfers shall include automated clearinghouse payments (ACH), wire transfers, direct deposit, on-line banking transactions, telephone transfers, and other electronically authorized or implemented transfers or payments.

Notwithstanding the provisions of this Resolution, the City shall comply with all other requirements regarding the payment of claims by a political subdivision.

This resolution shall be in full force and effective upon passage and shall remain in full force and effective by the City Council of Mishawaka, Indiana.

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on the _____ day of _____, 2022 at _____ m.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____ day of _____, 2022, at the hour of _____ . m.

Deborah S. Block, IAMC, MMC, City Clerk

This Resolution approved and signed by me on the _____ day of _____ 2022, at the hour of _____ . m.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Deborah S. Block, IAC, MMC

Date: June 10, 2022
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Resolution for Authorization of EFT Payments

JUN 10 2022

City Clerk
Mishawaka, IN

For Council's approval is a resolution authorizing the use of electronic funds transfer as a form of payment.

Current statute allows the City to pay various items such as taxes and bond payments by EFT. Additional vendors require payment by EFT such as our health insurance claims and purchased power.

Many vendors request payment by EFT and I turn them down. We are very selective and have internal controls in place for those vendors we do pay by EFT, and those controls are listed in the attached resolution.

For continued compliance I am requesting approval of this resolution. The statute is below.

Please contact me with any questions.

IC 36-1-8-11.5 Payment of claims; electronic funds transfer

Sec. 11.5. (a) As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

(b) The fiscal body of a political subdivision or the board of a municipally owned utility may adopt a resolution to authorize an electronic funds transfer method of payment of claims. If a proper body adopts a resolution under this subsection, the political subdivision or municipally owned utility may pay money from its funds by electronic funds transfer.

(c) A political subdivision or municipally owned utility that pays a claim by electronic funds transfer shall comply with all other requirements for the payment of claims by political subdivisions or municipal utilities.

c: David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Deborah S. Block, IAC, MMC

JUN 10 2022

City Clerk
Mishawaka, IN

Date: June 10, 2022
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Resolution to request a GAAP audit

For Council's approval is a resolution requesting to have the State Board of Accounts audit our financial statements based on GAAP (Generally Accepted Accounting Principles).

Though we have always had a GAAP audit, State statute now requires a resolution as we are below the 75,000 population requirement.

This will be an annual resolution in preparation of our audit.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor

JUN 10 2022

City Clerk
Mishawaka, IN

RESOLUTION NO. 2022 - 16

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, APPROVING THE REQUEST FOR THE INDIANA
STATE BOARD OF ACCOUNTS TO EXAMINE THE FINANCIAL
STATEMENTS PREPARED IN ACCORDANCE WITH GAAP (GENERALLY
ACCEPTED ACCOUNTING PRINCIPLES)**

WHEREAS, on January 20, 2021 the Indiana State Board of Accounts amended State Examiner Directive 2015-4;

WHEREAS, this directive applies to all audited entities subject to examination under IC 5-11-1, except the States, Universities, and any audited entity required to present GAAP statements under IC 5-1-11.5;

WHEREAS, IC 5-1-11.5-4 requires municipalities with populations of more than 75,000 to prepare financial statements using the modified accrual basis of account in accordance with GAAP prior to issuing any bonds;

WHEREAS, the City of Mishawaka is not required to present GAAP financials and must adopt a resolution by the legislative body approving to request the State Board of Accounts to examine the financial statements prepared in accordance with GAAP;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Mishawaka, Indiana, approves the request of the State Board of Accounts to examine the City of Mishawaka 2021 GAAP Financial Statements.

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of _____ 2022, at ____ o'clock ____ . m.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____ 2022, at ____ o'clock ____ . m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of _____, 2022, at ____ o'clock ____ . m.

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

JUN 02 2022

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-09

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS
PURSUANT TO IC 5-13-9-5**

Whereas, the City of Mishawaka (the "City") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on public funds certificates of deposit for the purpose of investing its operating and utility funds;

Section 1. Now, therefore, pursuant to IC 5-13-9-5, the Common Council of the City of Mishawaka hereby authorizes the investing officer of the City to invest in certificates of deposit of depositories that have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires one (1) year after the adoption date.

Section 2. This ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this _____ day of _____, 2022 at _____ o'clock, _____. M.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 2022 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2022 at

_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Deborah S. Block, IAMC, MMC

JUN 02 2022

City Clerk
Mishawaka, IN

Date: June 2, 2022
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Investment of Public Funds

For the June 6th meeting I am requesting first reading on our Investment of Public Funds ordinance. This ordinance has an annual renewal and is necessary to allow me to invest in financial institutions outside of the Mishawaka city limits.

I work with Baker Tilly who requests bids and recommends the most advantageous interest rates and maturity dates.

Please contact me with any questions.

c: David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAC, MMC

JUN 02 2022

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-10

ORDINANCE NO. _____

AN ORDINANCE TRANSFERRING FUNDS FROM THE
MOTOR VEHICLE HIGHWAY RESTRICTED FUND OF THE
CITY OF MISHAWAKA TO THE LOCAL ROAD & BRIDGE
MATCHING GRANT FUND OF THE CITY OF MISHAWAKA
FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2022
AND AN ORDINANCE APPROPRIATING ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

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

Section 1. There is hereby transferred from the Motor Vehicle Highway Restricted
(MVHR) Fund of the City of Mishawaka to the Local Road & Bridge Matching Grant Fund of
the City of Mishawaka the sum of \$975,180.65 as required for the Community Crossing
Grant.

Motor Vehicle Highway Restricted Fund (MVHR)

From:

Capital Outlays

203-50-442-01

Street Repair

\$975,180.65

Local Bridge and Road Matching Grant Fund

To:

Other Services and Charges

244-50-436-03

Street Repair

\$975,180.65

Section 2. Which requires the appropriation of additional funds for the fiscal year
ending December 31, 2022 in addition to that set out in detail in the published budget.

Section 3. There is hereby appropriated from the Local Bridge and Road
Matching Grant Fund of the City of Mishawaka the sum of \$1,950,360.00 for assignment as
follows:

Local Road & Bridge Matching Grant Fund

Other Services and Charges

244-50-436-03

Street Repair

\$1,950,361.00

Section 4. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

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

On this _____ day of _____, 2022 at _____ o'clock, _____. M.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this _____ day of _____, 2022 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2021 at

_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Deborah S. Block, IAMC, MMC

Date: June 2, 2022

JUN 02 2022

To: Honorable Members of the Common Council

City Clerk
Mishawaka, IN

From: Rebecca Maguire

Re: Transfer from MVH Restricted and Additional Appropriation Local
Road & Bridge Matching Fund

I am requesting for first reading, approval for the transfer of \$975,180.65 from the Motor Vehicle Highway Restricted Fund to the Local Road & Bridge Matching Grant Fund as this is our necessary match for the Community Crossings Grant. These funds are budgeted funds for the purpose of the match.

This transfer along with the \$975,180.35 grant already received from the State must be appropriated. Therefore, I am also requesting approval of the additional appropriation for a total of \$1,950,361.00.

This ordinance allows for both the transfer and appropriation in this fund and is required every year to show proper accounting of the grant and match.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor
Christine Jamrose, Director of Engineering/City Engineer

1st Reading
 2nd Reading
 Passed
 Failed
 Continued To

JUN 02 2022

City Clerk
 Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-11

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
 DETERMINING THE **REDUCTION** OF
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

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

Section 1. An emergency exists which requires the reduction of funds for the
 fiscal year ending December 31, 2022 as set out in detail in the published budget.

Section 2. There is hereby reduced from the Cumulative Capital Development
 (CCD) fund of the City of Mishawaka the sum of \$19,036.00 for assignment as follows:

Cumulative Capital Development

Reduction:

Other Services and Charges

417-50-436-90	Service Contracts/ Software Maintenance	\$19,036.00
---------------	--	-------------

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

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

on this _____ day of _____, 2022 at _____

o'clock, _____. M.

 Gregg Hixenbaugh, President

ATTEST:

 Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana
on this _____ day of _____, 2022 at _____
o'clock, _____. M.

Deborah S. Block, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2022 at
_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Deborah S. Block, IAMC, MMC

Date: June 2, 2022
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Reduction in Cumulative Capital Development Fund and
Additional in CEDIT

JUN 02 2022

City Clerk
Mishawaka, IN

I am requesting for first reading, approval for a budget reduction in the CCD fund of \$19,036.00 and the same additional appropriation in the CEDIT fund. The DLGF reduced the CCD budget from the requested \$700,000 to \$680,694. I expected the tax rate to be .046 and it came in at .045. Additionally, circuit breaker loss for this fund came in higher than estimated as well.

This fund is used exclusively by the IT department and due to the extensive needs concerning network security, upgrading systems, and increasing costs in maintenance contracts we budget every penny.

Next year I will ask to reestablish the rate to .05 and new legislation will prohibit the rate from eroding year after year.

Also, I am requesting additional CEDIT funds to be approved for Consulting in the amount of \$150,000. Expenses this will fund include the new website, a salary study for civil city employees, and the increase in our financial statement preparation.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor
Patrick Stokes, IT Director

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAC, MMC

JUN 02 2022

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-12

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2022 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the CREDIT Fund of the City of Mishawaka the sum of \$169,036.00 for assignment as follows:

CREDIT

Professional Services

430-50-436-90	Services Contracts/ Software Maintenance	\$ 19,036.00
430-50-431-06	Consulting	<u>\$150,000.00</u>
	Total	\$169,036.00

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

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

On this _____ day of _____, 2022 at _____ o'clock, _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana
on this _____ day of _____, 2022 at _____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2022 at
_____ o'clock, _____. M.

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

JUN 02 2022

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-13

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2022

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

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2022 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the General, MVH, and Park Funds of the City of Mishawaka the sum of \$273,295.00 for assignment as follows:

General Fund

Personal Services		
101.01.411.70	Mayor	\$5,118
101.02.411.70	Controller plus payroll taxes and pension	\$32,918
101.03.411.70	Clerk	\$5,132
101.04.411.70	Human Resources	\$1,240
101.05.411.70	Information Technology	\$11,616
101.06.411.70	Law	\$3,670
101.07.411.70	Council	\$3,927
101.13.411.70	Engineering	\$12,326
101.14.411.70	Code	\$10,627
101.15.411.70	Building	\$6,715
101.20.411.70	Police civilian plus payroll taxes and pension	\$15,222
101.21.411.70	Planning	\$8,800
101.22.411.70	Central Services	<u>\$21,252</u>
		\$138,563

Motor Vehicle Highway Fund

Personal Services		
201.50.411.70	MVH plus payroll taxes and pension	\$61,484

Park Fund

Personal Services		
204.50.411.70	Park plus payroll taxes and pension	<u>\$73,248</u>

Total \$273,295

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

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

on this _____ day of _____, 2022 at _____

o'clock, _____. M.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana
on this _____ day of _____, 2022 at _____
o'clock, _____. M.

Deborah S. Block, MMC, City Clerk

APPROVED BY ME this _____ day of _____, 2022 at
_____ o'clock, _____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kurtis D. Vardaman, Deputy Controller

Date: June 2, 2022
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: Additional Appropriation for Civil City personal services

At budget time last year, Civil City, MVH, Park, and Elected Official salary ordinances were submitted with a 2% increase. When they were amended to 5% we were too far along to amend the budget and still meet the budget deadline.

This Additional Appropriation amends the budget for those departments that had amended salary ordinances. I have used a miscellaneous personal services account line for each department.

All employees have been paid their correct amount in 2022 and this appropriation will not change anyone's salary.

Thank you for your consideration. Please contact me with any questions.

c: David A. Wood, Mayor