

AGENDA

September 06, 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): 2341 006 1202
Meeting Password: KkPxGV3BB33

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: 23410061202@mishawaka.webex.com

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of August 15, 2022
5. Petitions, Communications, Remonstrance and Memorial

Petition No. 2022-14	Rezone from C-2 Shopping Center to S-1 Extensive Open Space to remain a natural open space due to floodplain - V/L south of 4601 Grape Rd.
Petition No. 2022-15	Vacation of public right-of-way for 1 st alley between lots 44, 45, 46, and 47 - Battell's 2 nd Park Addition

Petition No. 2022-16 PUD Amendment to allow second restaurant with drive-thru in proposed multi-tenant commercial building - south of 3615 Bremen Hwy.

Petition No. 2022-17 Rezone from C-1 General Commercial to S-2 Planned Unit Development to allow Mixed-Use Commercial & Residential Development - NE. corner of N. Main St. & University Dr.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2022-27 Amendment to Collective Bargaining Between the City and Local 364 Sewer Department-Expiring 12-31-2024

P.O. No. 2022-28 Amendment to Collective Bargaining Between the city and Mishawaka Fraternal Order of Police Lodge 91- Expiring 12-31-2022

P.O. No. 2022-29 Additional Funds-

ARP Coronavirus Local Fiscal Recovery Grant

180-50-439-05	Grants and Subsidies	
	Boys and Girls Club	\$750,000.00
	Youth Service Bureau	\$375,000.00
	Troop Town	\$325,000.00
	Mishawaka Building Trades	\$275,000.00
	M-P-H Public Library	\$50,000.00
	The Res	\$35,000.00
		<u>\$1,810,000.00</u>

8. Resolutions

R2022-20 Declaratory Resolution for Tax Abatement for proposed Steelhead Apartments Multi- Family Residential Development - 2754 Lincolnway East & Adjacent parcels

9. Ordinances on Second Reading

- P.O. NO. 2022-19 Rezone C-2 shopping center commercial to C-7 Auto Oriented Restaurant for speculative outlot- Lot 1 CAT Mishawaka, LLC. Minor Subdivision (Assigned to Land Use Planning Committee)
- P.O. No. 2022-20 Rezone from C-1(Existing Insurance Office) to R-1 Single Family Residential (Conversion back to house) - 2212 LWE (Assigned to Land Use Planning Committee)
- P.O. No. 2022-21 Rezone from I-1 Light Industrial to R-1 Single Family Residential for an existing house - 805 S. Logan St. (Assigned to Land Use Planning Committee)
- P.O. No. 2022-22 Annexation and Rezone to S-2 PUD for commercial use - 14325 Cleveland Rd. (Assigned to Land Use Planning Committee) **Public hearing - no Vote**
- P.O. No. 2022-23 Rezone from C-1 to R-1 to rebuild single family residential house - 911 N. Main St. (Assigned to Land Use Planning Committee)
- P.O. No. 2022-24 Rezone from C-2 Center Commercial & C-7 Auto oriented restaurant to C-4 Auto Oriented Commercial for Drive N' Shine Car Wash Facility - 3605 Bremen Highway (Assigned to Land Use Planning Committee)
- P.O. No. 2022-25 Establishing the Cedar Street multiple site a Historic District. (Assigned to Land Use Planning Committee)
- P.O. NO. 2022-26 Amusement and Entertainment Ordinance (Assigned to Public Health & Safety Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

- R2022-17 Use Variance to allow Food Truck in the parking lot of Pilo's Body Shop - 1017 Jefferson Blvd. (Petitioner requesting postponement to September 19th)

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

August 15, 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, August 15, 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 Maggie Brown, followed by a moment of silence in remembrance of the tragic passing of Congresswoman Jackie Walorski and her staffers Zach Potts and Emma Thompson along with Edith Schmucker.

Mr. Hixenbaugh opened the floor to any comments that any of the members of the council wished to make with regard to the tragic loss that the community had suffered and he invited Clerk Block and Mayor Wood to share any thoughts that they had as well.

Mr. Bellovich stated it was a very tragic loss that the state of Indiana and the United States incurred when Jackie, Zach Potts, Emma and Mrs. Schmucker were killed in the accident. Mr. Bellovich stated he had known Jackie for about 7 years and speaking from the standpoint of being a military veteran, she had done an awful lot for the veterans in Northern Indiana and across the state and she would certainly be missed. Mr. Bellovich stated young Mr. Zach Potts came into the GOP of Saint Joe County a couple of years ago and he had been like a whirlwind getting a lot done and having a lot of energy for the GOP there in the county and he would also be missed.

Mayor Wood thanked Mr. Hixenbaugh and stated it was very thoughtful to have the remembrance that evening. Mayor Wood stated it was a tragic event, followed by a week of a lot of sorrow and sadness. Mayor Wood stated they had heard from family and staff specifically of the congresswoman but also of families who were involved that were very appreciative of the city of Mishawaka for all that the city did to make to make the event surrounding the funeral easier for them. Mayor Wood stated he heard an awful lot about how proud they were of the city of Mishawaka specifically. Mayor Wood stated they also heard from the Capitol Police and they had members of Congress there and these kinds of events were no real rarity for them and they dealt with a lot of communities and specifically said that this one was among the best at helping to organize and just the amount of professionalism that was on display from the Mishawaka Fire Department, Mishawaka Police Department and others involved and he wanted to state that first of all. Mayor Wood stated personally, it was certainly a tragic loss as well and it showed that at any moment in time you could be called home. Mayor Wood stated he got the opportunity to meet Jackie and came up together in over 22 years now where he had known her since before she was involved in politics back when she worked in local media. Mayor Wood stated he got to know her early on in his council days and watched her rise at the local office then at the state office and finally the federal office. Mayor Wood states she was a very difficult person to replace in every one of those offices she served in and that was because she brought a lot of passion and a true commitment to serve. Mayor Wood stated whether you agreed with her politics or you did not, you always knew where she stood and he appreciated that about her and as somebody who disagreed with her on occasion, he always appreciated that about her. Mayor Wood stated she preferred to think of how she helped Mishawaka specifically and when he thought back about

how she changed Mishawaka, it had been for the positive. Mayor Wood stated they were a better city because of her leadership. Mayor Wood stated first of all, she brought her offices there and she could have opened an office anywhere but chose Mishawaka to do it which was a good service to their constituents, the same citizens that they all served. Mayor Wood stated she was a friend of veterans and when you thought about it what they had there and what they were blessed with and what was unique to Mishawaka to have was the VA clinic. Mayor Wood stated the VA clinic would not be there but for two things. Mayor Wood stated first of all, it took the feds to propose the project to work towards it and it at the same time, there was a lot of competition for that clinic there in the region. Mayor Wood stated it was located very specifically where it was because the city worked to clear a site and have it ready in their medical campus and secondly, it took somebody pushing on the federal end and Congresswoman Walorski was a champion not only of that center but that center in Mishawaka. Mayor Wood stated he would say that there was some opposition to it being Mishawaka from the then governor himself and from a senator who did not want to see it but thought that there were other places that it might be more appropriate. Mayor Wood stated Jackie was able to get her way in that and he thought Mishawaka was better for it and he thought their veterans were better for it. Mayor Wood stated she was very personable too and she was a friend of law enforcement and they had a good relationship on the law enforcement side of things as well. Mayor Wood stated she was just a regular person and he stated the last time he saw her in person, she was with her mom shopping at Lowe's and the last time he spoke with her, she was in Washington DC and she called him very specifically to say that she saw a press conference he had done with regard to the Merrifield Park fight that they had and she said she was proud of the way Mishawaka handled it. Mayor Wood stated she expressed the fact that she appreciated the common sense and them taking the stand that they did. Mayor Wood stated here she was, dealing with all of the big issues in DC and she certainly did not have to call and share that message and there was a million other things she could have been doing but for her to pick up the phone and do that, was very classy. Mayor Wood they also lost two of her staffers and they were kids who were his kid's age and some of their kid's age and it was just tragic all around. Mayor Wood stated the families were certainly struggling with how to cope and comprehend, but it was these kinds of events that really made you grateful for what you had and it certainly reinforced his priorities which were God, family and Mishawaka. Mayor Wood thanked the council for the opportunity.

Clerk Block stated she was sad out of town last week and was not able to participate in any of the events in honoring Jackie and her heartfelt sympathy went to her husband and her mother, who was still alive and it was hard to imagine losing a child. Clerk Block stated she knew many of them in the room probably did know what that was like but she had known Jackie probably for most of her life and they were not on the same political spectrum, but that did not matter when they saw each other and they had relatives together despite not being related personally but she did see her on several occasions. Clerk Block stated with Zach, she saw him probably at least once a month for the last couple years at election board meetings and he was always cordial and very, very professional and very nice and he was just two weeks away from his wedding. Clerk Block stated she did not know Emma or the lady driving the other car but these events did make you realize how fragile life was and that they should all appreciate their families and appreciate each other and appreciate the camaraderie that they had, even if they may not all have the same political beliefs. Clerk Block stated politics were completely out of this and it was just a very tragic event and lives were changed forever.

Mr. Hixenbaugh closed by expressing on behalf of the Mishawaka Common Council their condolences to the families of all who were involved and lost their lives in this tragic incident. Mr. Hixenbaugh stated they will be in their thoughts and prayers and in particular, if he could exercise a moment of personal privilege, he wanted to express his personal condolences to Mr. Dean Swihart, Congresswoman Walorski's husband who many of them knew as a long time distinguished educator for the School City of Mishawaka. Mr. Hixenbaugh stated during the media coverage of the tragic event, he heard reference to the fact that what stood out in the minds of many was that Congresswoman Walorski lived a life of service to the community and he thought that applied to all the others who were involved in this as well. Mr. Hixenbaugh again offered the council's condolences to the families of all who had been impacted by it and may they all rest in peace.

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 (P), Mr. Compton (P), Mrs. Voelker (A), 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 August 1, 2022 were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and the City Planning Commission regarding their recommendations from their August 9, 2022 meetings.

Honorable Members:

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

Appeal No. 2022-27	An appeal submitted by Sharon A. Helman requesting a Use Variance for 1017 East Jefferson Boulevard to allow a food truck in the parking lot.
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The Board, with a vote of 3-2, recommended approval subject to the following conditions:

1. The truck shall be located a minimum of 10' from the north property line.
2. Hours of operation shall be no more than six hours per day, three days per week.

3. Use Variance shall expire one year from the date of Common Council approval.

Appeal No. 2022-29 An appeal submitted by Princess City Properties LLC requesting approval of a Use Variance at 702 South Logan Street to allow retail sales in I-2 Heavy Industrial District.

The Board, with a vote of 5-0, recommended approval.

Respectfully,
Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

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 No. 2022-08 A petition submitted by CAT Mishawaka, LLC, requesting to rezone Lot 1 of CAT Mishawaka, LLC's Minor Subdivision from C-2 Shopping Center Commercial District to C-1 General Commercial District for speculative outlot.

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

Petition No. 2022-09 A petition submitted by Chris A. and Susan Skodinski requesting to rezone 2212 Lincolnway West from C-1 General Commercial District to R-1 Single Family Residential District.

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

Petition No. 2022-10 A petition submitted by Brandon S. Cripe & Dawn Renee Cripe & Chloe Ann Cripe requesting to rezone 805 South Logan Street from I-1 Light Industrial District to R-1 Single Family Residential district.

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

Petition No. 2022-11 A petition submitted by Robert Wright, Gary Wright, Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker, and Virginia & Terry DeFreeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest, Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life, requesting to

annex and zone 14325 Cleveland Road, Granger, to S-2 Planned Unit Development for commercial use.

The Commission, with a vote of 6-1, recommended approval subject to the attached conditions.

Petition No. 2022-12 A petition submitted by Pierre Smith & Germaine Smith requesting to rezone 911 North Main Street from C-1 General Commercial District to R-1 Single Family Residential District.

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

Petition No. 2022-13 A petition submitted by LaFree Properties, LLC ½ INT & Piraccini John A. and Jayne L. ½ INT requesting to rezone 3605 Bremen Highway from C-2 Shopping Center Commercial and C-7 Automobile Oriented Restaurant Commercial District to C-4 Automobile Oriented Commercial District.

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

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

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

PROPOSED ORDINANCE NO. 2022-19

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

**Rezone C-2 shopping center commercial to C-7 Auto Oriented Restaurant for speculative outlot – Lot 1 CAT Mishawaka, LLC. Minor Subdivision
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2022-20

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

**Rezone from C-1 (Existing Insurance Office) to R-1 Single Family Residential (Conversion back to house) – 2212 LWE
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2022-21

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

Rezone from I-1 Light Industrial to R-1 Single Family Residential for an existing house – 805 S. Logan St.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2022-22

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY IN THE CITY OF MISHAWAKA, INDIANA PROVIDING ZONING CLASSIFICATION THEREFORE

Annexation and Rezone to S-2 PUD for commercial use – 14325 Cleveland Rd.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2022-23

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

Rezone from C-1 to R-1 to rebuild single family residential house – 911 N. Main St.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2022-24

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

Rezone from C-2 Center Commercial & C-7 Auto oriented restaurant to C-4 Auto Oriented Commercial for Drive N’ Shine Car Wash Facility – 3605 Bremen Highway

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2022-25

AN ORDINANCE TO ESTABLISH THE CEDAR STREET MULTIPLE SITE DISTRICT WITHIN THE CITY OF MISHAWAKA, INDIANA.

Establishing the Cedar Street multiple site a Historic District

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2022-26

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

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

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

RESOLUTION R2022-17

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: 1017 EAST JEFFERSON BOULEVARD, MISHAWAKA, INDIANA.

Use Variance to allow Food Truck in the parking lot of Pilo's Body Shop – 1017 E. Jefferson Blvd.

Pablo Bueno, the owner of Pilo's Body Shop and Auto Sales LLC at 1017 E. Jefferson Blvd., spoke in favor of **RESOLUTION R2022-17**. Mr. Bueno stated he planned to add a food vending truck to his property and wanted to explain how it would be beneficial to them. Mr. Bueno stated the initial intention was to help draw business to the location, but now they would have dual purposes. Mr. Bueno stated it would also serve as a supplement income to his business due to economic hardship. Mr. Beuno stated as they were aware, the US economy had shrunk for a second quarter according to the Bureau of Economic Analysis and the past six months of contraction had indicated recession. Mr. Bueno stated their main income was from Pilo's Body Shop and the auto sales department had declined since the pandemic due to the rising cost of vehicles and of course, the computer chip. Mr. Bueno stated like all business, the body shop had fluctuated in their five plus years of business in the city of Mishawaka. Mr. Bueno stated although they had been able to survive over the past years through the pandemic, they were now concerned about their livelihood due to the already mentioned shrinking economy. Mr. Bueno stated Pilo's Body Shop had unfortunately become part of the statistics that faced their economy, such as staff shortage, inflation impact and many other unprecedented challenges that they might already know from the broken record they heard on the news across the nation every day. Mr. Bueno stated they had in fact not seen a new customer in the past five to six weeks, which they prayed would change for the better soon and it had over the past week. Mr. Bueno stated regarding their use variance which they had submitted an official proposal, he wanted to address some concerns from the Planning Department. Mr. Bueno stated according to the Planning Department, they were concerned about parking and he could assure that this would not be an issue. Mr. Bueno stated business had never been high enough, therefore, they had yet to run out of parking and they always had eight to ten parking spaces available. Mr. Bueno stated even at their busiest, they only got one to two customers per day, most of the time per week. Mr. Bueno stated most of the food orders would be placed by phone or online which meant most of them would be ready to pick up and go. Mr. Bueno stated they created a system that allowed

customers to be directed accordingly to and from their vehicle. Mr. Bueno their customer or customers would enter through a designated entrance and exit through a designated exit. Mr. Bueno stated drive up customers would be given a pager to take to their vehicle and would sound off when their order was ready and once the order was ready, they would drive up to pick up the order and go. Mr. Bueno stated because their vending food truck operation would be designed for to-go orders, there would be no interference with the shop operations as there would be designated parking spaces for both businesses. Mr. Bueno stated they had thought through and through and would adjust accordingly. Mr. Bueno stated he had mentioned this would be a form of supplement to his business that would allow customers to continue to eat local. Mr. Bueno stated this would also give an opportunity to his sons Ernesto and Jose, who had experienced economic challenges themselves and they would be working in the truck. Mr. Bueno stated it would help Ernesto fund his studies and business that would also give him hands-on experience while learning good business, ethics and customer relations. Mr. Bueno stated his son Jose, a single father whose employer cut his work and he was in the RV industry, which the council may have already heard about the closing of multiple plants laying off hundreds of personnel. Mr. Bueno stated mostly, he wanted to teach his family not to fall victims of malicious acts of today's youth and be veered in a positive direction in life. Mr. Bueno stated the hours would be 2 to 8, three days a week.

Mr. Compton wanted to ask about his existing business and believed a came before them in the past to open the business. Mr. Compton asked if he personally came to them several years ago to open that business. Mr. Bueno asked if he was referring to Pilo's Body Shop or the body shop before. Mr. Compton stated it was a bread store and then they allowed a variance for a body shop and they asked specific questions about the business that was going to be done there and one of those questions was will there be auto sales and stated the answer was no. Mr. Bueno stated that would not have been him and that would have been the previous owner. Mr. Compton stated he understood, but the variance covered him and they were already operating, he thought, outside of the variance and to grant another one, he was not sure if that was what they wanted or if that was what he was comfortable doing. Mr. Compton stated he understood that he may not have been the body shop owner who originally started that business as the body shop and maybe the owner of the building did not tell him he could not do that, but he was pretty sure if they looked back, the variance they passed previously said body shop only. Mr. Compton stated he would rely on some of his fellow councilmembers and their memories, but that was how he remembered it.

Mr. Mammolenti thanked him for coming that evening and stated his description of his proposal was very detailed. Mr. Mammolenti asked about his hours and if 2 to 8 were correct, because originally it said 11 or 10AM to 8PM. Mr. Bueno stated after the Board of Zoning Appeals meeting, they agreed on the 2 to 8 hours now. Mr. Mammolenti also asked where he would plan to keep the food truck parked when it was not in operation. Mr. Bueno stated in their property and there were six parking spaces on the northwest end of the property and there was four more parking spaces directly in front of the property on Jefferson. Mr. Bueno stated there were also eight more parking spaces along the eastside of the building as well. Mr. Mammolenti then asked if it would not move inside or behind and if it would remain in the same spot. Mr. Bueno stated the truck would be on the northeast end, ten feet from Jefferson Boulevard and it would go from point A to point B and point B to point A even when it was not in operation, because they might move it around the city if other locations were allowed and they have still yet to get to that point.

Mr. Banicki asked if this was limited to a one-year deal for this particular variance. Mr. Bueno stated they challenged him to one year to try it out and he accepted it because he was confident of what he was proposing that evening. Mr. Bueno stated he had been in business for many years with managing his shop, auto sales, managing a radio station and he came from a long line of managers. Mr. Bueno stated he would like to say that he was a good manager and did things well and was capable of addressing things and taking charge when he needed to. Mr. Banicki asked about the one year because he would have to come back before the council and if things were not working out, then they could say he was done. Mr. Bueno stated he was still committed to it. Mr. Banicki asked if he was willing to agree to the set hours in the proposal as the only hours he could operate on the property. Mr. Bueno stated they agreed from 2 to 8 Thursday and Friday and he was given two days of the week to choose and he choose Thursday and Friday. Mr. Banicki stated he did not want it to vary with the operation of the truck being on a Monday and a Tuesday one week and then a Thursday and Friday the next week, hypothetically. Mr. Bueno stated once he established the dates, that was it and he was willing to commit to it. Mr. Banicki stated Mr. Compton was correct in saying that at one point that was in fact zoned for car sales about that was taken away probably before he had gotten there, so it was an illegal use of the property and they saw that. Mr. Banicki stated he has been in the automotive business for 44 years and sometimes when you got slow business, you tried to do what you could to make ends meet, but the reality was it was limited. Mr. Banicki stated what they were asking was he meet the requirements that were agreed upon before he even took over, because it was not zoned for car sales. Mr. Bueno asked for clarification if he had to do away with the car sales. Mr. Banicki stated absolutely, because it was not part of the variance and actually they could close him down but they would not want to do that. Mr. Bueno stated he did not know what to say and he was a licensed state dealer and they had spent a lot of money to get where they were at. Mr. Banicki stated maybe he could work through the Planning Department to see what it would take to do that and when you were looking at so many different businesses on such a small piece of property, it just made it tough. Mr. Bueno it was something he really would have to think through.

Mr. Hixenbaugh stated he appreciated the creativity of his proposal and as a father of two sons, he was always in favor of putting two boys to work anything that something could be done to make that happen. Mr. Hixenbaugh stated as somebody who had sat through multiple hearings in multiple years on this property, it bothered happen that it did not appear the current use was consistent with the expectation of the council and that was an issue they would have to work through. Mr. Hixenbaugh asked if he was currently serving food out of the truck on the site. Mr. Bueno stated he had not been. Mr. Hixenbaugh then commented that he was like Mr. Compton and Mr. Banicki in the fact that he was a little uncomfortable because of the history of the property in question and it looked like things were currently headed in a better direction, but as an elected official and an attorney, he was not real comfortable with the vagueness he was hearing with regard to the hours of operation and what day of the week it was going to be and how long it was going to be. Mr. Hixenbaugh stated his preference was that they had black and white expectations, not just for their purposes but also for his purposes so that there was not any misunderstanding coming a year from then when it came back before them for review. Mr. Hixenbaugh stated he would like to see a specific schedule with regard to the days of the week and he wanted to see specific hours of operation and in his opinion, was that he thought the staff recommendation that the hours be less on Saturday than they were during the week made some

sense, so if it was going to be no more than four, no more than six, he would like to the hours spelled out. Mr. Hixenbaugh stated if they just talked about the number of hours, it could pose some problems if he were open for three hours but it was 9 to midnight, not that he was assuming he would do this and that there would frankly not be a market for it. Mr. Hixenbaugh stated he did not hear that that was his intent, but that was why he thought that this needed to be spelled out and needed a resolution for this to pass that would have all of the concrete details in there and rather than him being put on the spot to think all of that through that evening, he would rather wait and make sure that they had the verbiage correct in the ordinance and that they were comfortable with it and that they had their council attorney take a chance to look at it and make sure he had a chance to think through what was going to make sense. Mr. Hixenbaugh stated from his perspective if he had to vote on it right now with all of the uncertainty, he would be forced to vote no. Mr. Hixenbaugh stated he did not know that that would be his vote with all of the questions answered and if it was all in writing, but at that point he would vote no and it was nothing against Mr. Bueno and he liked his proposal. Mr. Hixenbaugh stated it was just about the history here that worried him and asked if he would be willing to agree to table this matter until their next council meeting which would be right after Labor Day in September so that he could think through what his operation would look like and they could revise the resolution to reflect the specific details. Mr. Bueno stated if he waited any longer, that was going to push him into winter and then nothing was going to happen because there was going to be a positive winter as well. Mr. Hixenbaugh stated he understood that and it would be up to one of his colleagues whether they wanted to make a motion or not and whether the council wanted to approve it but just so he knew, it was nothing against him and he liked his idea but at that time, based on what they heard that evening and the way the resolution was drafted, he was going to vote no on this. Mr. Hixenbaugh wished him well and stated if he obtained a majority vote, hopefully there would be an ability for people to come visit his business at some point. Mr. Hixenbaugh thanked him for his answers.

Mr. Mammolenti asked for Mr. Bueno's sake, if this went to a vote that evening and it did not pass, how long he would have to wait in order to apply again. Mr. Trippel stated he believed it was six months and Mr. Prince agreed with that sentiment. Mr. Hixenbaugh clarified that if the matter had received an unfavorable vote, he would have to wait six months to come back in front of them again. Mr. Hixenbaugh told Mr. Mammolenti the floor was still his. Mr. Mammolenti stated he just wanted to make sure Mr. Bueno understood that if he wanted to proceed or if there was no motion that evening and it went to a vote and he did not take Mr. Hixenbaugh up on the offer that he would have to wait the additional six months. Mr. Bueno stated if that was the case, he would like to think it through and come back to the next meeting. Mr. Mammolenti stated with that being said, with him in understanding of the potential situation that evening, he made the motion that they postpone the issue to their next scheduled council meeting which was the day after Labor Day September 6th. The motion was made and seconded to postpone the public hearing of **PROPOSED RESOLUTION 2022-17** until their next regularly scheduled council meeting on Tuesday, September 6th at 7PM in the Council Chambers.

Mr. Emmons made clarification that at the zoning board meeting it was discussed about the number of hours and he was limited to basically 18 to 20 hours. Mr. Emmons asked if that was correct and that had not been stipulated that evening but at the meeting, he was required to say he'd have between 18 and no more than 20 hours. Mr. Bueno stated even at 6 hours a day, three

days a week, it's only 18 hours. Mr. Emmons he was just saying that that was stipulated. Mr. Bueno stated he was not planning to run a full-time business there.

Mrs. DeMaegd stated she had seen the food truck would be parked on Jefferson and asked how he would have signage for it. Mr. Bueno stated the food truck itself would have big signs.

Mr. Hazen stated he was confused a little bit and stated right now, he was not zoned to sell vehicles and asked if Mr. Prince could answer his question.

Ken Prince, Executive Director of Planning, stated in 2009, according to the staff report, staff identified that both the body shop and car sales were a permitted use from the resolution back in 2009. Mr. Prince stated he did not have a copy of that resolution but he was emailing Krista to pull it, scan it and he would forward it to the council for review. Mr. Prince stated he believed car sales were in fact permitted and that was not a violation based on the staff report that was produced.

Mr. Bueno wanted it clarified if he was in fact permitted. Mr. Hixenbaugh stated that was correct and Mr. Prince believed that the auto related uses were appropriate and he did not have the underlying document that was passed by the council way back when but they did not have that in front of them at that time. Mr. Hixenbaugh stated even if the document was there, that would not address his personal concern with regard to lack of specificity with the hours of operation. Mr. Hixenbaugh stated he was willing to assume the auto-related use was okay but he was not going to forget the history of problems with the property that went way in the past before he took control of it. Mr. Hixenbaugh stated he was not going to hold him accountable for that but he did want to make sure they knew what they were getting into because it appeared things were going much better on the site than in the past and he would hate to see any type of misunderstanding happen. Mr. Hixenbaugh stated some time to allow them to do that additional research and some time for him to communicate with Mr. Prince the specific days of operation and specific hours of operation would be helpful to all of them. A voice vote was held for the motion and the motion to postpone the issue to their next scheduled council meeting Tuesday, September 6th was passed.

RESOLUTION R2022-18

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: 702 SOUTH LOGAN STREET Use Variance to allow retail sales in I-2 Light Industrial District – 702 S. Logan St.

Brian Winan, 1820 South Bend Avenue and owner of Princess City Properties that owned the building in question, spoke in favor of **RESOLUTION R2022-18**. Mr. Winan stated the building had a nice area in the front for retail sales and it was zoned I-2 and they were asking for only part of the building based on parking restrictions, the front 3300 square feet, be allowed to be a variance of C-1 so they could have retail sales. Mr. Winan stated they met the parking requirement of parking spaces and would like to do what was proposed at the table that evening.

Mr. Emmons asked if he could expound on exactly what kind of retail sales he was planning. Mr. Winan stated at that time, they were planning to sell household items as they listed in their paperwork. Mr. Winan stated they had a person in there using it for storage at that time that bought out of state sales and household items. Mr. Winan stated they did not know that they were going to stay as a retailer but that was where they left was at household items. Mr. Emmons asked how much of it was used. Mr. Winan stated it could be new and they just wanted to open it up for their real estate agent, John and Anthony Piraccini to be able to open up that lease to other options other than the I-2, which had not worked out since he owned the building since 2019. Mr. Emmons asked if there would be any outside sales. Mr. Winan stated there would not be any and everything would be enclosed inside and it had a nice showroom as he had seen. Mr. Emmons asked if he was sticking to the covenant of no sales of fireworks other than what was permitted by the city of Mishawaka. Mr. Winan stated that was correct and there currently was an ordinance which he believed was either two or three months before the 4th of July and not that he would use it but there was also an ordinance to sell Christmas trees in November or December on the same property. Mr. Emmons stated he did not know whether those were outside or not and thought they had to be inside. Mr. Winan stated he was not worried, because they had not sold Christmas trees there ever. Mr. Emmons stated his main concern was that he did not want stuff outside being displayed and sold and asked if everything would be inside and what his hours were. Mr. Winan stated it would be and whatever the retail would be for that particular item and he did not know, typically household items would be 9 or 10 to 7 or eight in the evening and maybe even less in that area. Mr. Emmons stated he had a problem with him not knowing what the hours were and thought he should have had the hours in there so that people knew and the community itself knew and so they were consistent, set hours. Mr. Emmons stated he thought the council needed to know what those hours were if he was going to have a retail business at that location. Mr. Winan stated they could set it to close by 8PM and not open before 7AM if that worked. Mr. Emmons asked what the days of operation would be. Mr. Winan stated he wouldn't want to limit it and would do seven days a week. Mr. Emmons stated it seemed to him from the statement that was made at the meeting of the Planning Commission, he was a bit wobbly compared to what he was that night and he had problem with that and he was kind of changing his thinking. Mr. Winan he did not recall a difference in what he was saying from that meeting until the one that evening. Mr. Emmons stated it was the uncertainty of the hours of operation and he was leaving it hanging. Mr. Winan stated nobody asked for the hours at that meeting, so he did not change his mind on anything.

Mrs. DeMaegd asked if this would be like an antique mall or something of that nature or if the business would involve new furniture, tables, lamps and objects like that. Mr. Winan stated it was household items and what they did were there were used, antique, resale and it really depended on the tenant that would lease the property. Mr. Winan stated they were just trying to give the opening to the real estate agents to be able to go out and market this.

Mr. Hixenbaugh stated it was going to sound like he was being asked the same questions, but he was still fuzzy to the idea and concept and wanted to see the building reused, but he was struggling with how he would explain to somebody who asked what was going to be done there and what the household commodities were. Mr. Hixenbaugh stated he heard somewhat of an antique, resale possibility and it may be that the concept just was not flushed out and the market was going to tell him what a willing tenant would want to do there. Mr. Hixenbaugh asked how

he identified household commodities as being what it was that he wanted to identify as being the rental space. Mr. Winan stated it seemed like the most neutral, neighborhood friendly type of commodity to be sold there. Mr. Winan stated they had a sea store across the street so he did not think that would not be a good idea and it was not equipped to be a restaurant either. Mr. Winan stated they did not want to bring in anything controversial, so it really made sense for household items. Mr. Hixenbaugh stated when you thought about what he envisioned taking places, what wouldn't be sold that he normally would think would fall within the definition of household items. Mr. Winan stated things such as cold drinks, food, fireworks outside of the time that was already permitted, automobiles, automotive products, along with hairdressers, barbershops and insurance agencies would not be involved there. Mr. Hixenbaugh stated he was still a bit fuzzy on the details but he was clearing the picture up and appreciated his patience in answering the questions. Mr. Hixenbaugh asked for clarification if this could be new household items if a tenant wanted to lease the space from him. Mr. Winan stated absolutely it could be used for that. Mr. Hixenbaugh asked if it could be furniture. Mr. Winan stated yes. Mr. Hixenbaugh asked would it be landscaping and architectural materials. Mr. Winan stated no. Mr. Hixenbaugh stated it sounded like they were honing in on furniture and those items that would be used in the interior of the homes and stated he appreciated Mr. Winan's patience in helping him get to the endgame there.

Mr. Mammolenti asked for clarification regarding inbound and outbound freight or delivery trucks of the material and if they would operate during those hours as well. Mr. Winan stated yes and he would not want to receive or unload or load after hours and there was a loading door on the north side of the building that they could load in and out of. Mr. Mammolenti stated he understood that but also understood the difficulty in transportation issues they were currently having, so they tried to set shipping and receiving hours. Mr. Mammolenti stated he would appreciate if he or whoever let the folks know that their receiving hours were within those hours of operation.

Question was called for at 8:00PM for **RESOLUTION R2022-18 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2022-19

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, CONSENTING TO AND ACKNOWLEDGING HOUSE ENROLLED ACT

1002

Matt Lentsch, Executive Director of Development and Legislative Affairs for Mishawaka Utilities at 1712 East Lasalle Avenue, spoke in favor of **RESOLUTION R2022-18**. Mr. Lentsch stated he was before them with something that none of them had maybe seen in their lifetime and that was the elimination of a tax and the House Enrolled Act 1002 was passed by the House and had passed legislative session to eliminate the URT, the Utilities Receipt Tax and obviously had ramification for their ratepayers and this tax that they charged and passed on no longer would be in effect. Mr. Lentsch stated they could celebrate a tax that had been eliminated and they could

pass on then the savings to their ratepayers. Mr. Lentsch stated he appreciated the opportunity to come before them to say the House Act had been passed and he appreciated the fact that they all were able to hear it and they were asking the council to consent and acknowledge this act so that they could communicate it and pass on the savings. Mr. Lentsch stated he would be happy to take any questions.

Mr. Hixenbaugh thanked him for his work and this and for bringing it to them and thanked Mr. Trippel as well for his help in drafting the resolution and just putting the fine point on it. Mr. Hixenbaugh stated if passed, this would acknowledge the reduction of 16 cents on the drinking water as an approximate monthly savings for most ratepayers and \$1.35 of the electric portions of the utility bill again, for most ratepayers. Mr. Hixenbaugh made a comment that as always, when someone from utilities was present, they would be remised if they didn't thank Mishawaka Municipal Utilities for the fine work that their utility employees did to make sure they had continuity of service that was the envy of all surrounding communities. Mr. Hixenbaugh asked Mr. Lentsch to pass that along to everybody who had a role to play in that and they appreciated the work they did on a daily basis to keep the utilities arriving at all of their doorsteps. Mr. Lentsch stated they had a lot of good people in the city of Mishawaka and a lot of continuity that many communities around the area and around the state would be envious of. Mr. Lentsch stated they measured their outages in minutes, not hours or days and they needed to make sure that they kept the integrity of utility strong so that they could continue that for years to come.

Question was called for at 8:04PM for **RESOLUTION R2022-19 Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. DeMaegd, Mr. Hazen, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mr. Hixenbaugh. The resolution passed 8-0.

PRIVILEGE OF THE FLOOR

Hayley Nice, 443 Ballard Avenue, spoke under **PRIVILEGE OF THE FLOOR**. Ms. Nice stated she was there that evening because she was very upset about overturning of Roe V Wade by the Supreme Court in June. Ms. Nice stated pregnancy was a big ask for anyone to take on and they could not fathom the reasons one would need or want an abortion. Ms. Nice stated cities all over the country either had passed legislation to help protect reproductive rights and bodily autonomy. Ms. Nice stated with their gerrymandered republican super majority that was hell-bent on stripping Hoosiers of their ability to make decisions with their doctor, pregnant people across the state and in neighboring states, some as young as 10 years old and whose body would most likely struggle through pregnancy and childbirth, were left with few options to fight for their freedom to make safe, legal healthcare decisions. Ms. Nice stated as a married woman, she'd like to plan her family and have a future where if she had a daughter, she would have the freedom to choose for any reason when she wanted to be pregnant. Ms. Nice stated banning abortion not only affected pregnant people but also disabled people and already there were instances of people with cancer, arthritis, lupus, psoriasis and more patients that had needed medications but had been denied. Ms. Nice stated the abortion ban bill that had been passed banned the medications necessary for a safe abortion and abortion care and also banned abortion clinics who performed 98% of abortions in their state. Ms. Nice stated the legislative government

was not made of doctors and should not be limiting how doctors could give care to their patients. Ms. Nice stated 20% of pregnancies failed and had complications that could harm an assigned female or birth person. Ms. Nice stated with all of this being said, she hoped the city council considered protecting access to abortion in Mishawaka. Ms. Nice stated she was happy to help craft the legislation or collaborate with members of the council on the matter and she highly suggested that the councilmembers take a look at the Grace Act that was passed in Dallas, Texas. She also brought up an issue that in South Bend, all of the bus stops had benches and shelters but in Mishawaka the bus stops did not and people had to sit out there for at least a half hour if they just missed the bus.

Mr. Hixenbaugh thanked her for her comments and they would take those thoughts under their advisement on both of her points. Mr. Hixenbaugh asked with regard to the second issue was whether that was a function of what Transpo, the combined public transit agency put in place, whether it was a municipal function but they would certainly look into it nevertheless.

Janet Whitfield-Hyduck, 622 West 8th Street, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Whitfield-Hyduck first shouted out Joe Van Nevel and Code Enforcement, because they had a meeting with the West End Neighborhood Watch Group and he discussed some of the issues in their areas with him and Code and she was happy to see that over the last couple weeks because she saw neighbors who she had never seen out in their yards cutting their grass and trying to make it presentable. Mrs. Whitfield-Hyduck Mr. Van Nevel, Vic Kasznia as well as their staff for going out and doing what they did to get out and help make a difference in their community because their area had been looking bad and it truly was a great area and could sense that something was starting to happen.

Connie Johnson, 1719 Pamela Street, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Johnson stated she spoke with Mr. Emmons in the past week about Southwest Little League or Mishawaka Little League at 1104 Carlton Street and the city, from her understanding, were trying to build houses back there instead of leaving it as a little league. Mrs. Johnson stated she understood they had a lease on it in the city of Mishawaka and they broke their contract by letting what they called a travel league play back there and they did not have enough income to run to little leagues. Mrs. Johnson stated she did not understand why the city did not like the travel league, because all of the kids were older than 13 years of age and couldn't play at the little leagues anymore with her nephew being one of those kids. Mrs. Johnson stated she knew they did not have it on the agenda yet and Mr. Emmons stated it could take a while but they seemed like they were moving way faster. Mrs. Johnson stated she had been in Mishawaka all her life, since she was born and a lifetime resident and she did not want to see that area turned into a housing project and would affect her property value, whether it be cheap housing or expensive housing. Mrs. Johnson stated that was a big concern to her since she had lived there all her life. Mrs. Johnson ended asking the council if they knew what exactly was going on with the property at that time and what the plans truly were.

Mr. Hixenbaugh appreciated her being there that evening and appreciated her comments and addressed her concerns stating from a council standpoint, at least he had not heard from many others or approached even informally with regard to a plan for the development of that property. Mr. Hixenbaugh stated he was unaware of any of the circumstances and he was sure she could

understand that anything involving two little leagues and a travel team was a private contractual matter that they would have to work out in terms of a lease and whether it was violated or not. Mr. Hixenbaugh stated in terms of plans for the property, the council had not been made aware of any specific developmental property or proposals unless someone else was aware of something that he was not. Mr. Hixenbaugh made a suggestion for her stating Ken Prince would be a great resource for this type of issue and suggested after the meeting if she wanted to touch base with Mr. Prince he may be able to shed light on what the plans were for the property and would make the council of it as well and they would keep their eye on what was going on over there, because they all had a vested interest in good solid development everywhere, including at the old little league site.

Mr. Prince stated the issue with the little league was not the fact that it was baseball, but that they worked the partnership with East End to have that not for profit little league use those fields and so traveling teams were for profit and they felt like it was inappropriate to have for profit teams use public land in that matter. Mr. Prince stated that was the fundamental rub regarding the lease that their legal department had been working on with the little league. Mr. Prince stated at the same time, the reason why there were survey crews out there was that Habitat for Humanity would like to do a partnership on that property and for them to even submit a plan for them to consider, they would have to do that survey and they had encouraged them to do so and to put together a plan and once they had that plan, there would be a public hearing process and public meetings regarding what that plan was for everybody to weigh in on but they were just not at that point yet.

NEW BUSINESS

Mr. Emmons announced a change in their neighborhood meeting on August 18th and they were changing from having a tour because there were so many people that wanted to do it that the Mayor advised the new City Hall was not completed yet to have so many people come through with the installation of the furniture and things sitting around and everything, so they would have to postpone that to a later date. Mr. Emmons stated at the August 18th meeting instead, they would have a K-9 presentation about drugs, how they identified the drugs and so forth which should be pretty interesting. Mr. Emmons stated all were welcome and that meeting would be held at St. Bavos at 7PM on August 18th.

Mr. Compton wanted to apologize to the council and found the minutes in April of 2011 and they did approve auto sales and there was question about and he was hoping he could apologize to Mr. Bueno as well, but it appeared he was no longer present. Mr. Compton stated this still gave Mr. Bueno his opportunity to get his ducks in a row and he planned on stopping by his business, since it was right down the street from him.

Mr. Mammolenti thanked several of the folks who were involved making the National Night Out at Twin Branch park possible and it was a great success and it would not have happened without Rich and Carol Mullins who had been organizing it for 30 years who did an outstanding job. Mr.

Mammolenti also thanked Lieutenant Reppert who was present that evening who did a lot of work behind the scenes and also thanked the Mayor along with Police and Fire for showing up that evening. Mr. Mammolenti stated there was a wonderful turnout and thanked everyone for a great job.

Mrs. DeMaegd echoed Mr. Mammolenti's thanks for the National Night Out with the West End Neighborhood Watch. Mrs. DeMaegd stated they had a great showing and lots of people were interested and hopefully, they would get some more neighborhood watch groups going in the city.

ADJOURNMENT 8:22PM

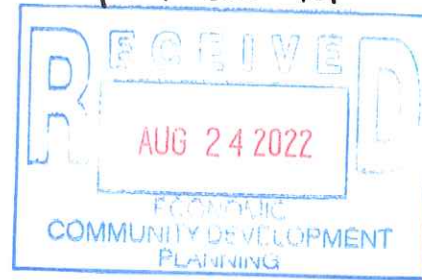
Deborah S. Block /s/
Deborah S. Block, IAMC, MMC, City Clerk

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

SEP 01 2022

City Clerk
Mishawaka, IN

P65 22-14



Date: August 17, 2022

To The: Honorable Members of the
Common Council of the
City of Mishawaka, Indiana

RE: Anthony Rucano Petition for Rezoning:

The undersigned, respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOT # 2 OF THE PLAT OF "HEALTHQUEST-GRAPE ROAD MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 0342657 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE CONTAINING 2.52 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also, commonly known as the vacant land South of and adjacent to 4601 Grape Road, Mishawaka, Indiana 46545.

The above-described parcel of land is presently zoned "C-2" Commercial District.

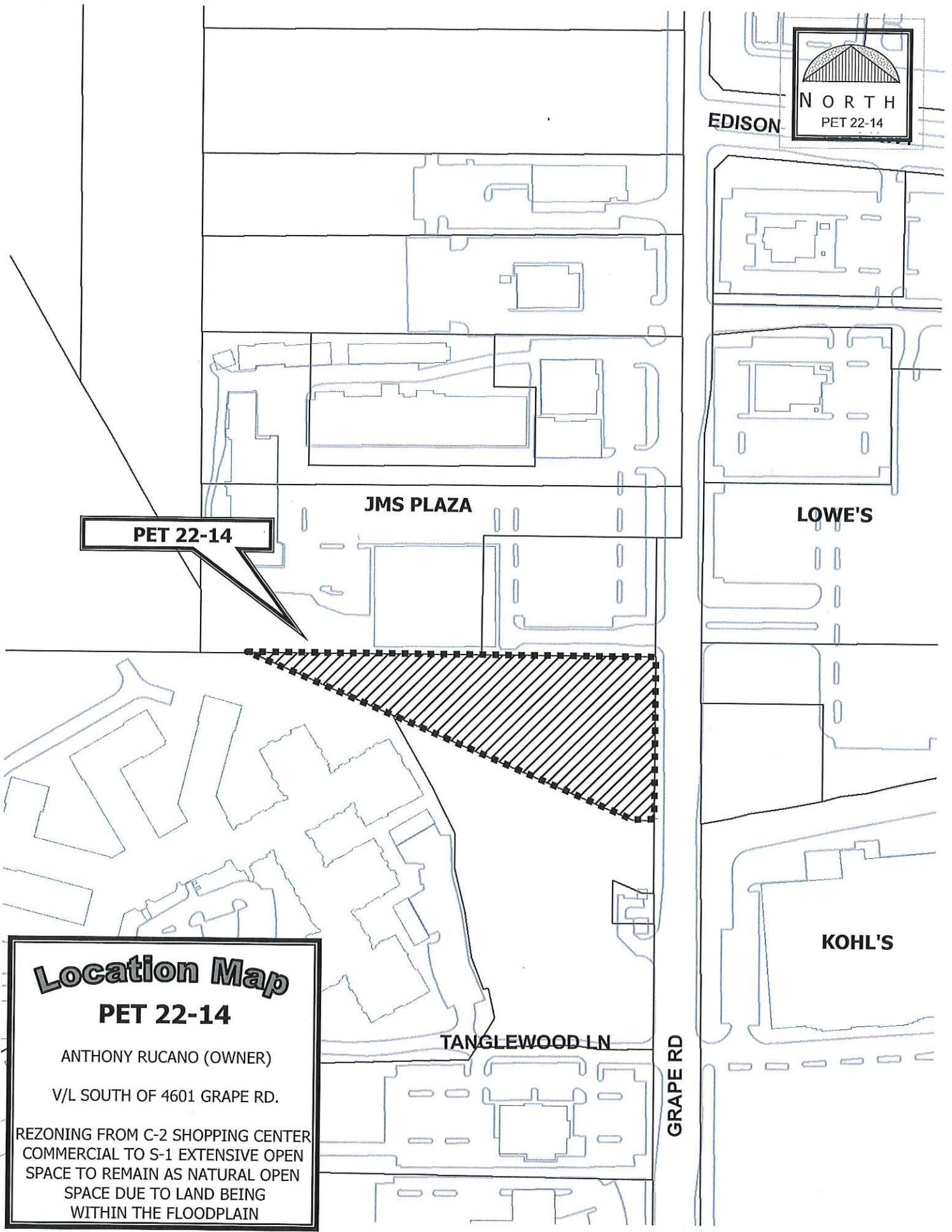
The Petitioners desire said real estate, to be rezoned to the "S-1" Special District classification. The purpose for the rezoning is to allow for the real estate to be downzoned and remain as natural open space without the Commercial District classification. Presently the entire property falls within the 100-year flood plain and lies adjacent to Juday Creek.

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 parcel of real estate located in the City of Mishawaka.

Name: Anthony Rucano

Contact person:
Anthony Rucano
14675 Wheaton Drive
Granger, Indiana 46530
(574) 296-1366

INDIANA HOMESTORY@SBCGLOBAL.NET



EDISON

JMS PLAZA

PET 22-14

LOWE'S

KOHL'S

TANGLEWOOD LN

GRAPE RD

Location Map

PET 22-14

ANTHONY RUCANO (OWNER)

V/L SOUTH OF 4601 GRAPE RD.

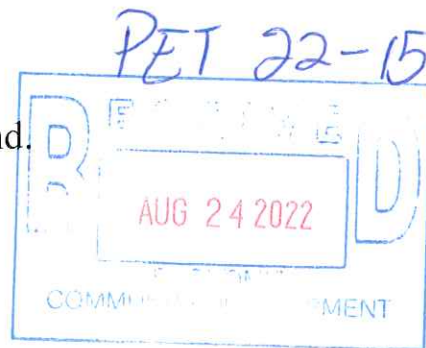
REZONING FROM C-2 SHOPPING CENTER
COMMERCIAL TO S-1 EXTENSIVE OPEN
SPACE TO REMAIN AS NATURAL OPEN
SPACE DUE TO LAND BEING
WITHIN THE FLOODPLAIN

July 20, 2022

SEP 01 2022

City Clerk
Mishawaka, IN

To the Honorable members of the Common Council, and,
Mishawaka City Plan Commission, both of Mishawaka, Ind.



RE: Petition for Vacation of Public Right of Way

The undersigned, Thomas McLaughlin, Cory Smith and Erin Corcoran, respectfully request of the Mishawaka Common Council and the Mishawaka City Plan Commission to vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

The 1st E/W alley, N of Wilson Blvd., between lot 44 and (combined) lots 45, 46 and 47 in Battell's 2nd Park Addition (commonly known as between 515 Clay St and 804 Wilson Blvd.).

The purpose for this request is fourfold. Firstly, a theft has recently occurred from a (and the only) garage that is on the alley at the Clay St. address. Unimpeded access to this non-thoroughfare, non-logical-shortcut-to-anywhere alley, now that the 'sanctity' of it has been breached by parties unknown and will only open up further potential violations of the Clay St. property. For the last couple of years, an unusual vehicle* has also been parked regularly in the driveway of the Clay St. address that has the potential to attract vandalism from persons having unimpeded alley traverse. (*for educational, informational and advertising purposes)

Secondly, the backyard fence on this alley, where it intersects the N/S alley, had been hit numerous times over the years from persons unneedingly driving west in the alley then turning north. A boulder (duly marked) had been strategically placed to protect the fence some years back but it too has continued to be hit also... giving further evidence to the hazards that a normal property-marking fence in such a location is subject to. (That fence is presently freshly-removed... in the process of being replaced entirely with a new one. Damage to such new one is of course even more unwanted. Alley closure would allow the new fence to remain intact.)

Thirdly, an electric wire strung from a pole in the N/S alley to go along the west half of the E/W alley, to service the Wilson address house, hangs so low as to not give clearance to any possible trucks that would use the E/W alley without hitting it, except for the temporary measures privately undertaken to attempt to keep such wire out of harm's way.

Fourthly, the Mishawaka Engineering Department informed us last year that this alley, presently dirt/gravel, was on a list to be paved along with the intersecting N/S alley (repaving). I had discussed with Deborah Wheeler how this alley had indeed been resurfaced with crushed concrete some years ago, leaving it in excellent condition. However, subsequent to that, the alley was used as a shortcut thoroughfare for trucks and construction equipment for the sewer separation project on either Clay St. or Wilson Blvd., leaving the good surface now chewed up and back to where it was beforehand. Despite this, I politely declined Deborah's offer redo the alley yet again in an even more expensive way. Vacating the alley will keep yet more upkeep expense to the city from occurring.

Petitioners further state that they are the owners of the properties immediately adjacent to the above-described right-of-way.

Wherefore, the Petitioners pray and respectfully request that the Common Council for the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after the hearing, an appropriate ordinance be enacted, vacating the above-described right-of-way located in the City of Mishawaka.

Thomas M. McLaughlin

Thomas McLaughlin, Adj. Owner,
Lots 43+44, Battell's 2nd Park Addition
515 CLAY ST.

Cory W. Smith

Cory Smith/Erin Corcoran, Adj. Owners,
Lots 45+46+47, Battell's 2nd Park Addition
804 WILSON BLVD.

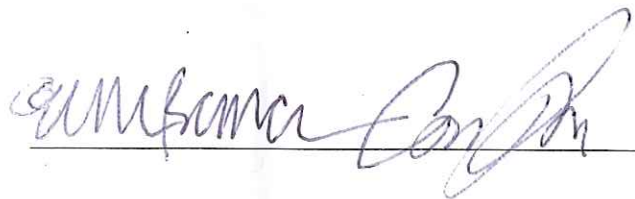
Contact Person:
Brian McLaughlin
515 Clay St.
Mishawaka, Ind.
574 339-6778

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Petitioners further state that they are the owners of the properties immediately adjacent to the above-described right-of-way.

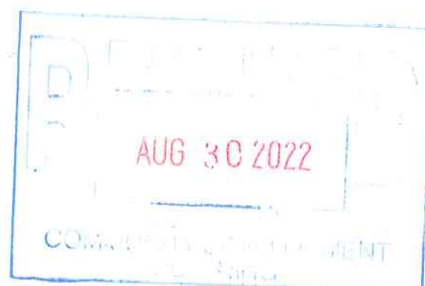
Wherefore, the Petitioners pray and respectfully request that the Common Council for the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after the hearing, an appropriate ordinance be enacted, vacating the above-described right-of-way located in the City of Mishawaka.

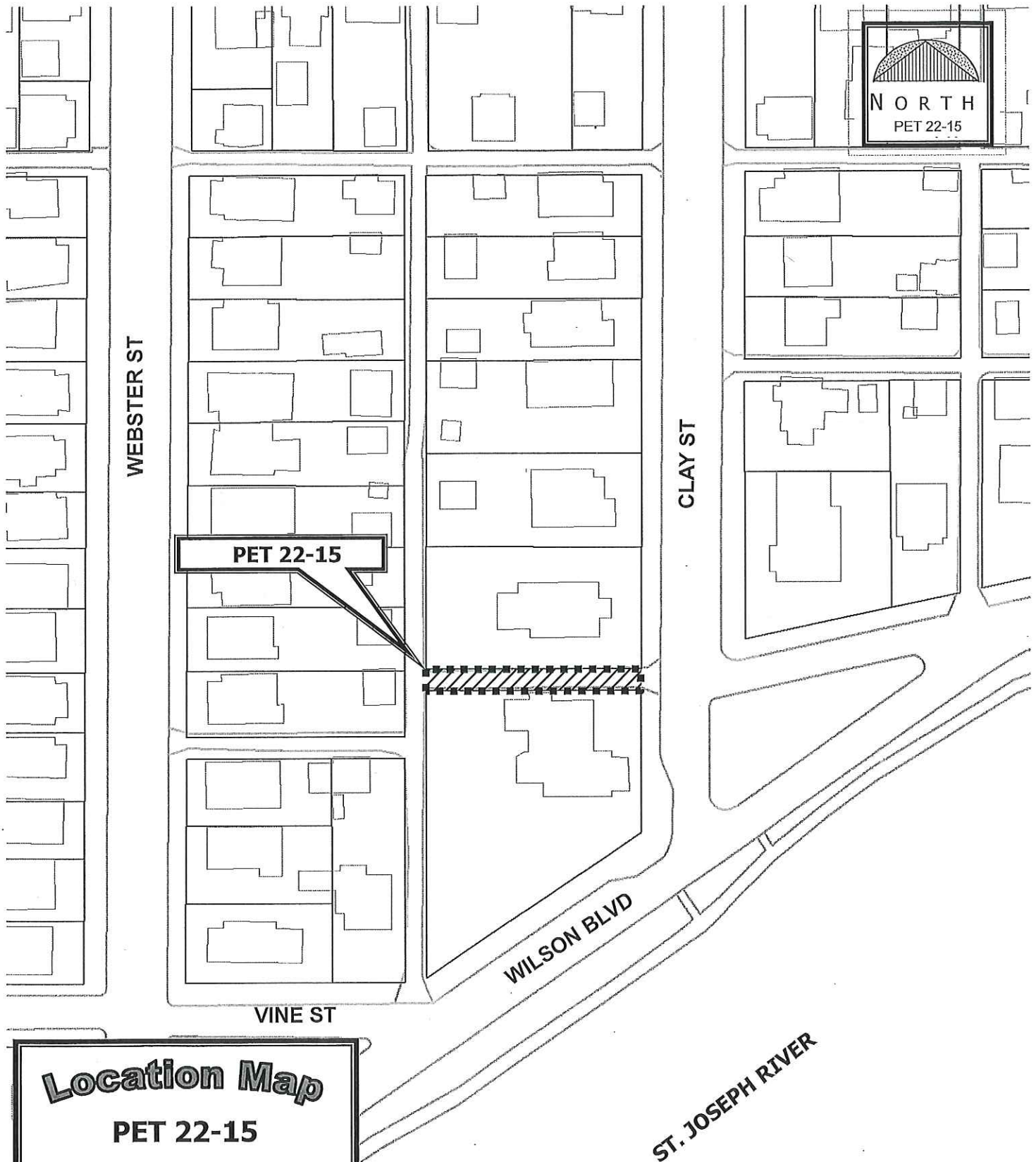
Thomas McLaughlin, Adj. Owner,
Lots 43+44, Battell's 2nd Park Addition



Cory Smith/Erin Corcoran, Adj. Owners,
Lots 45+46+47, Battell's 2nd Park Addition

Contact Person:
Brian McLaughlin
515 Clay St.
Mishawaka, Ind.
574 339-6778





PET 22-15

WILSON BLVD

ST. JOSEPH RIVER

Location Map

PET 22-15

THOMAS & PATRICIA A. MCLAUGHLIN AND
CORY SMITH & ERIN CORCORAN (OWNERS)

515 CLAY ST. & 804 WILSON BLVD.

PUBLIC RIGHT-OF-WAY VACATION FOR
THE 1ST E/W ALLEY LYING BETWEEN LOT
44 AND LOTS 45, 46, AND 47 IN BATTELL'S
2ND PARK ADDITION

SEP 01 2022

City Clerk
Mishawaka, IN



August 24, 2022

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

PETITION FOR PUD AMENDMENT

The undersigned, Ann Witkowski and Mark Kosanovich, as Tenants in Common, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, Indiana, to wit:

PARCEL 1:

A TRACT OF LAND CONSISTING OF APPROXIMATELY ONE (1) ACRE IN THE SOUTHEAST PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, BOUNDED BY A LINE RUNNING AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION, TWENTY (20) RODS NORTH OF THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER THEREOF; RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID SECTION, EIGHT (8) RODS; THENCE RUNNING WEST 370 FEET; THENCE SOUTH EIGHT (8) RODS; THENCE EAST 370 FEET TO THE PLACE OF BEGINNING, EXCEPT THAT PORTION OF THE LAND CONVEYED TO THE STATE OF INDIANA IN WARRANTY DEED RECORDED JUNE 3, 1974 IN DEED RECORD 786, PAGE 494.

PARCEL 2:

A TRACT OF LAND CONTAINING 1 1/2 ACRES, IN THE SOUTHEAST PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION NUMBERED 28, TOWNSHIP NUMBER 37 NORTH, RANGE NUMBER 3 EAST, WHICH TRACT IS BOUNDED BY A LINE RUNNING AS FOLLOWS, VIZ: BEGINNING ON THE EAST LINE OF SAID SECTION NUMBER 28 AT A POINT 14 RODS NORTH OF THE SOUTHEAST QUARTER THEREOF, THENCE RUNNING NORTH ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 6 RODS; THENCE WEST 40 RODS; THENCE SOUTH 6 RODS; THENCE WEST 40 RODS; THENCE SOUTH 6 RODS; THENCE EAST 40 RODS TO THE PLACE OF BEGINNING, EXCEPT THAT PORTION OF THE LAND CONVEYED TO THE STATE OF INDIANA IN WARRANTY DEED RECORDED APRIL 19, 1974 IN DEED RECORD 784, PAGE 467.

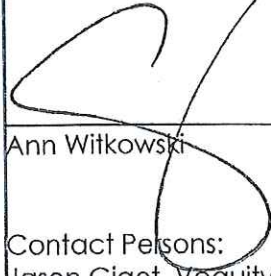
Petitioners own one hundred percent (100%) of the above-described parcel of land, which carries a zoning classification of S-2 Planned Unit Development (Ordinance 5057) specifically for a mix of uses on an overall 16.8-acre group of parcels (PUD Limits), with the uses limited as follows:

- C-1 General Commercial Uses
- Self-Lock Storage Facilities
- One Restaurant with Drive Through Facilities within PUD Limits
- Written Approval of All Properties Owners within PUD Limits

Petitioners desire said real estate to be amended to allow for:

- Allow Two Restaurants with Drive Through Facilities within PUD Limits
- Waive Written Approval of All Property Owners within PUD Limits

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 amending the PUD of the above-described parcel of land located in the City of Mishawaka.



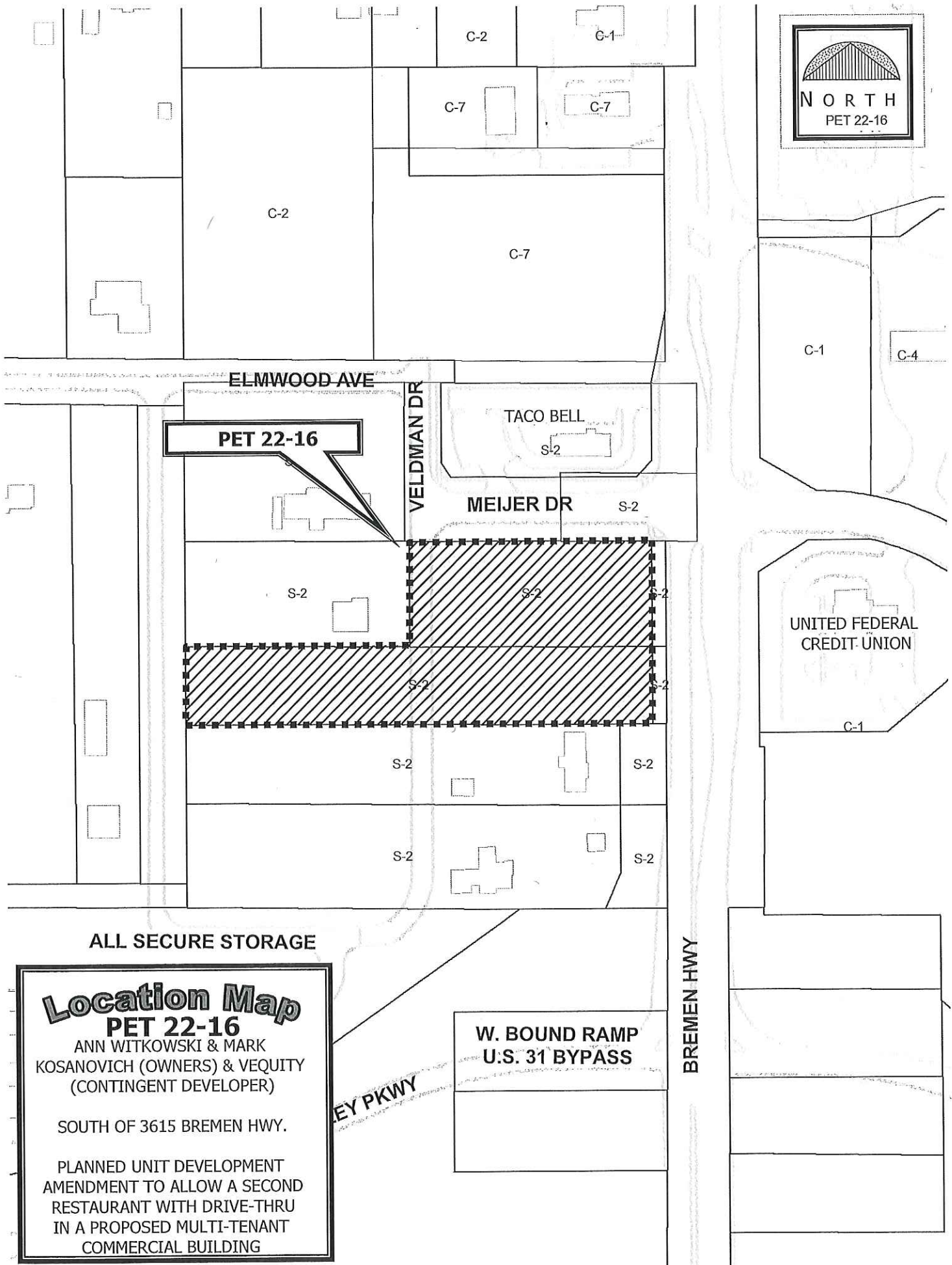
Ann Witkowski

Contact Persons:
Jason Gigot, Vequity
226 N. Morgan St., Ste. 400
Chicago, IL 60607
312-550-3408
j.gigot@vequity.com



Mark Kosanovich

Jeffrey Schaffer, Abonmarche
315 W. Jefferson Blvd.
South Bend, IN 46601
574-232-8700
jschaffer@abonmarche.com



SEP 01 2022

City Clerk
Mishawaka, IN

DATE: August 23, 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 **Memorial Health Systems Inc** 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:

See attached legal description.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General Commercial District and S-2 Planned Unit Development District. Said property is currently vacant.

Petitioner(s) desire said real estate to be rezoned to S-2 Planned Unit Development District. Petitioner(s) further state that they intend to utilize said land for.

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.

Jeff Costello
Memorial Health Systems

CONTACT PERSON:

Steve Ruby, PLA
Abonmarche Consultants
(574) 528-2201
sruby@abonmarche.com

TRACT 1:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, WHICH IS DESCRIBED AS: BEGINNING AT A 5/8" CAPPED REBAR SET ON THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD WHICH IS IN NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST, 40.00 FEET FROM A POINT ON THE WEST LINE OF SECTION 27 AND CENTERLINE OF GUMWOOD ROAD WHICH IS SOUTH 00 DEGREES 28 MINUTES 39 SECONDS EAST, 714.90 FEET (S 00 DEGREES 21 MINUTES 04 SECONDS EAST, 715.00 FEET, RECORD) FROM A BRASS ' PLUG FOUND MARKING THE NORTHWEST CORNER OF SECTION 27; THENCE NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST 147.66 FEET (158.00 FEET, RECORD) TO A FOUND 1/2" REBAR; THENCE NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST, 462.00 FEET TO A FOUND 1/2" REBAR; THENCE SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 621.77 FEET (627.26 FEET, RECORD) TO A 5/8" CAPPED REBAR SET ON THE NORTH RIGHT OF WAY LINE OF CASS ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE SOUTH 89 DEGREES 27 MINUTES 13 SECONDS WEST, 601.47 FEET (SOUTH 89 DEGREES 17 MINUTES 44 SECONDS WEST, 620.02 FEET, RECORD) TO A 5/8" CAPPED REBAR SET ON THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF GUMWOOD ROAD, NORTH 00 DEGREES 28 MINUTES 39 SECONDS WEST, 566.05 FEET (NORTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 573.41 FEET, RECORD) TO THE POINT OF BEGINNING.

ALSO:

RIGHTS AND BENEFITS OF AN EASEMENT AGREEMENT DATED AUGUST 25, 1988, BETWEEN UNIVERSITY GARDENS, INC., AN INDIANA CORPORATION AND CHARTER MEDICAL-ST. JOSEPH COUNTY, INC., AN INDIANA CORPORATION RECORDED AUGUST 29, 1988 AS DOCUMENT NUMBER 8823780 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

TRACT 2:

THE FOLLOWING DESCRIBED REAL ESTATE IN ST. JOSEPH COUNTY, IN THE STATE OF INDIANA, TO WIT:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 27 WHICH IS NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST 606.06 FEET (RECORD NORTH 613.48 FEET) FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, SAID POINT ALSO BEING SOUTH 715.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27, AND SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF GROUND DESCRIBED AS PARCEL I ON DEED DOCUMENT NO. 9810239 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA, RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID PARCEL FOR THE NEXT FOUR COURSES, SOUTH 89 DEGREES 45 MINUTES 41 SECONDS EAST, 198.00 FEET (RECORD NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST) AND NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55.00 FEET AND NORTH 89 DEGREES 45 MINUTES 41 SECONDS WEST, 198.00 FEET (RECORD SOUTHWEST) TO THE WEST LINE OF SAID SECTION 27 AND THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 55.00 FEET (RECORD SOUTH) TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

THE WEST FORTY (40) FEET OF THE FOLLOWING-DESCRIBED REAL ESTATE:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 27 WHICH IS NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST 606.06 FEET (RECORD NORTH 613.48 FEET) FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, SAID POINT ALSO BEING SOUTH 715.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27, AND SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF GROUND DESCRIBED AS PARCEL I ON DEED DOCUMENT NO. 9810239 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA, RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID PARCEL FOR THE NEXT FOUR COURSES, SOUTH 89 DEGREES 45 MINUTES 41 SECONDS EAST, 198.00 FEET (RECORD NORTH 89 DEGREES 24 MINUTES 04 SECONDS EAST) AND NORTH 00 DEGREES 21 MINUTES 04 SECONDS EAST, 55.00 FEET AND NORTH 89 DEGREES 45 MINUTES 41 SECONDS WEST, 198.00 FEET (RECORD SOUTH WEST) TO THE WEST LINE OF SAID SECTION 27 AND THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 21 MINUTES 04 SECONDS WEST, 55.00 FEET (RECORD SOUTH) TO THE POINT OF BEGINNING.

Uses:

1. Permitted uses shall be limited to those identified in the C-1 General Commercial and C-2 Shopping Center Commercial Districts.
2. One car wash may be allowed.
3. Two restaurants with a drive through may be allowed.
4. Townhomes and/or Multifamily Residential uses may be allowed.
5. Residential uses may be combined with commercial uses, where the commercial use is on the ground floor and residential uses located above the commercial use.
6. Off-premise signs/billboards shall be prohibited.
7. Outside storage and display shall be prohibited.
8. All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view as follows:
 - a. Dumpsters shall be screened by a wall matching the buildings materials of the principal building.
 - b. Dumpster locations shall be located away from any roads and out of view of Main Street and University Drive.

Traffic Impact:

1. Any additional right-of-way required for either Main Street or University Drive improvements associated with the proposed development project shall be dedicated.
2. Phasing improvements associated with this project shall be determined by the City Director of Engineering.
3. The number, locations, and/or type of curb cuts on any City street to access the project site shall be determined by the City Director of Engineering.
4. Improvements shall take place consistent with an approved site plan as required herein.

Road and Pedestrian Connections:

1. A hierarchy of the internal vehicular road networks shall be provided as follows:
 - a. A minimum access throat/stacking area of 85 lineal feet on the site shall be provided at each proposed entrance point from its intersection with the public right-of-way.
 - b. Internal stacking and turning movements at intersections shall be provided and protected based on actual proposed uses as the planned unit development is built out.
 - c. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
2. Access and utility easements shall be dedicated for the potential future development of the property to the east.
3. A sidewalk and/or pedestrian access plan shall be submitted concurrent with the filing of the first final planned unit development site plan submission, including:
 - a. Pedestrian access within the site to all businesses located therein, except the car wash;
 - b. Pedestrian access at a minimum from within the site to the northeast corner of the intersection of Main Street and University Drive; and

Stormwater Management:

1. The type and extent of stormwater facilities proposed within the PUD shall be limited/restricted by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height.
2. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
3. Shielding of lighting shall be required to the on-site residential uses and to current and future residential uses to the east of the site.

Signage:

1. Signage shall be allowed in accordance with the Mishawaka C-1 on-premise sign standards and varied as follows:
 - a. The car wash site at the corner of Main Street and University Drive shall be allowed two freestanding signs, with a maximum combined size of 450 square feet and 270 square feet of copy area.
 - b. An additional freestanding sign shall be allowed on the lot at the northeast corner of Main Street and University Drive for a development sign with space for each business in the development. The sign shall be a maximum of 35 feet in height, 450 square feet in size, and 270 square feet in copy area. A signage easement shall be established for this sign to allow the multiple businesses within the site to place a sign on the directory sign.
 - c. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the site.
 - d. Temporary construction fence covering which may include information about the project, elevations, renderings, slogans, logos, advertising, and other similar information shall be allowed.

Landscaping:

1. Landscaping shall follow the established standards in the C-1 General Commercial District and varied as follows:
 - a. An opaque six-foot fence shall be mandatory along property lines that are contiguous to any residentially zoned property, in conjunction with one of or a combination of the following:
 - i. One deciduous shade (over-story) tree every 30 feet; or
 - ii. Eight evergreen trees for every 100 feet.
2. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.

Parking:

1. The car wash shall have no minimum parking requirements.
2. For residential uses, a minimum of 1 spaces per residential unit shall be provided.

3. All other uses shall require a minimum of 4 spaces per 1,000 sq. ft. of floor area.

Setbacks:

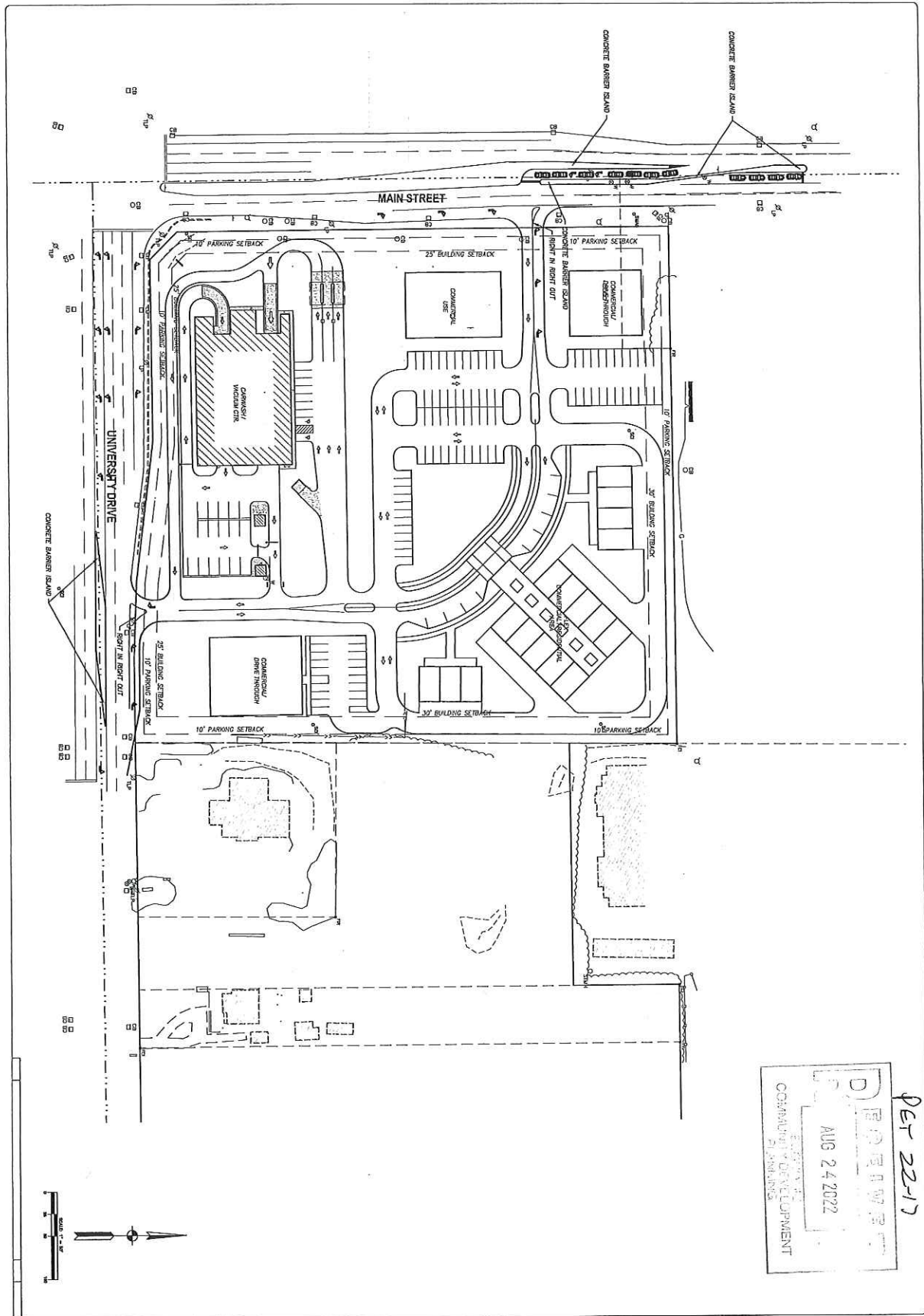
1. Setbacks shall follow the established standards in the C-1 General Commercial District.

Building Height:

1. Building height shall follow the established standards in the C-1 General Commercial District.

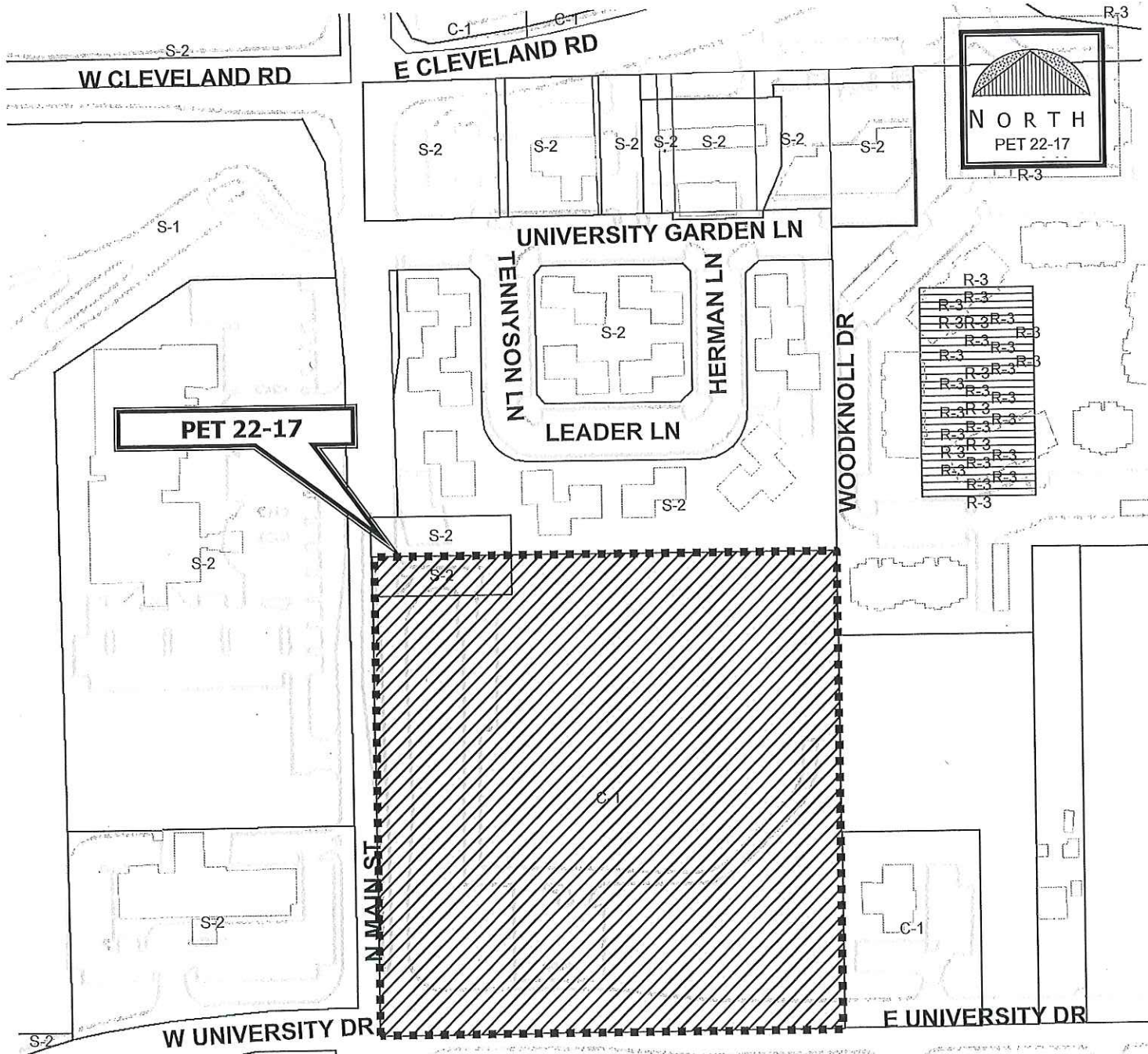
Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first final planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads, sidewalks, pedestrian access, and other related infrastructure.



PET 22-17
 AUG 24 2022
 COMMUNITY DEVELOPMENT
 PLANNING

CONCEPTUAL LAYOUT UNIVERSITY & MAIN DEVELOPMENT MISHAWAKA, INDIANA		ABONMARCHE 315 N. Jefferson Blvd. South Bend, IN 46601 (574) 233-8000 Fax (574) 233-4440 abonmararche.com
DRAWN BY CHECKED BY DESIGNED BY DATE	PROJECT NO. 22-0781 1 of 1	PROJECT NO. 22-0781 1 of 1



Location Map PET 22-17

MEMORIAL HEALTH SYSTEM INC.
(CURRENT OWNER)

NE CORNER OF N. MAIN ST. &
E. UNIVERSITY DR.

REZONING FROM C-1 GENERAL COMM.
TO S-2 PLANNED UNIT DEVELOPMENT
TO ALLOW A MIXED-USE COMMERCIAL
& RESIDENTIAL DEVELOPMENT

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, AMC, MMC

AUG 15 2022

City Clerk
Mishawaka, IN

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022 - 27

ORDINANCE NO. _____

**AN ORDINANCE APPROVING AN AGREEMENT BETWEEN
THE CITY OF MISHAWAKA SEWER DEPARTMENT AND THE TEAMSTERS
LOCAL UNION No. 364 AMENDING THE COLLECTIVE BARGAINING
AGREEMENT EXPIRING ON THE 31st DAY OF DECEMBER, 2024**

WHEREAS, the City of Mishawaka Sewer Department and the Teamsters Local Union No. 364, have mutually reached an agreement on an amendment to the Collective Bargaining Agreement expiring the 31st day of December 2024; and

WHEREAS, said agreement is memorialized in the attached Memorandum of Understanding executed on the 11th day of August, 2022 by the City of Mishawaka, Indiana, acting by and through its Board of Public Works and Safety and the Teamsters Local Union No. 364; and

WHEREAS, the attached Memorandum of Understanding was needed to clarify the time frame changes in the Department of Transportation (DOT) rules on how an individual has to obtain a Commercial Driver's License (CDL).

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

Section 1. The attached Memorandum of Understanding executed the 11th Day of August, 2022, is hereby approved.

Section 2. Article 11 Seniority, Section 1. Types of Seniority of the Collective Bargaining Agreement is amended to provide as follows: In the event an employee who has completed his/her 90 day probationary period but has not obtained his/her CDL, the employee will have no bidding rights until the employee has received his/her CDL. If the employee is unable to obtain his/her CDL within the twelve (12) month period from date of hire, the employee will have no seniority and will be terminated.

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, this _____ day of _____, 2022, at _____ o'clock, P.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



Deborah S. Block, MMC, MMC

CITY OF MISHAWAKA

AUG 15 2022

City Clerk
Mishawaka, IN

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

August 15, 2022

Mishawaka Common Council
600 East Third Street
Mishawaka, Indiana 46544

Re: City of Mishawaka Sewer Department and Teamsters Local Union No. 364 agreement to change the Collective Bargaining Agreement ("CBA") to extend the time permitted to obtain a Commercial Drivers License ("CDL")

President and Honorable Council Members:

The City of Mishawaka Sewer Department and the Teamsters Local Union No. 364 entered a Memorandum of Understanding ("MOU") to amend the CBA to extend the time permitted to obtain a CDL. The amendment is necessitated by changes in the Department of Transportation rules on how an individual has to obtain a CDL.

Article 11, Seniority, Section 1. Types of Seniority is to be changed by deleting the following language:

In the event a probationary employee has been given a thirty (30) or sixty (60) day extension after their ninety (90)-day probationary period to obtain his CDL, the employee will have no bidding rights until the employee has received his CDL. If the employee is unable to obtain his CDL within the agreed extension period, the employee will have no seniority and will be terminated.

The following language is to be inserted:

In the event an employee who has completed his/her 90 day probationary period but has not obtained his/her CDL, the employee will have no bidding rights until the employee has received his/her CDL. If the employee is unable to obtain his/her CDL within the twelve (12) month period from date of hire, the employee will have no seniority and will be terminated.

Approval of the amendment to the CBA by the Mishawaka Common Council is required, so I've attached a proposed ordinance for your review and consideration.

Sincerely


Patrick J. Hinkle

Patrick J. Hinkle
Corporation Counsel
600 E. Third Street
Mishawaka, IN 46544
(574) 258-1702
fax: (574) 254-0197

John J. Roggeman
City Attorney
600 E. Third Street
Mishawaka, IN 46544
(574) 258-1702
fax: (574) 254-0197

David V. Bent
Assistant City Attorney
320 W. Fourth Street
Mishawaka, IN 46544
(574) 255-3680
fax: (574) 255-3969

Deborah S. Block, IAMC, MMC

AUG 12 2022

City Clerk
Mishawaka, IN

MEMORANDUM OF UNDERSTANDING
CITY OF MISHAWAKA
SEWER DEPARTMENT

THIS MEMORANDUM OF UNDERSTANDING sets forth the agreement between the City of Mishawaka Sewer Department and Teamsters Local Union No. 364.

ARTICLE 11
SENIORITY

Section 1. Types of Seniority

It is agreed between the parties that due to changes in the Department of Transportation (DOT) rules on how an individual has to obtain a Commercial Driver's License (CDL), a change to this section is needed to clarify the time frame only to obtain a CDL.

In the event an employee who has completed his/her 90-day probationary period but has not obtained his/her CDL, the employee will have no bidding rights until the employee has received his/her CDL. If the employee is unable to obtain his/her CDL within the twelve (12) month period from date of hire, the employee will have no seniority and will be terminated.

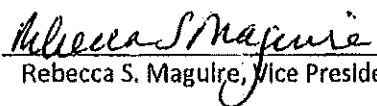
This Memorandum of Understanding shall be in full force and effect from July 1, 2022, to and including December 31, 2024.

CITY OF MISHAWAKA BOARD OF
PUBLIC WORKS AND SAFETY

By:


Kenneth B. Prince, President

By:


Rebecca S. Maguire, Vice President

By:

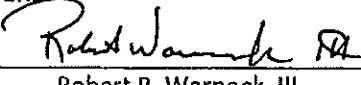
Ronald E. Watson, Member

ATTEST:


Kari Myers, Clerk, BPWS

LOCAL UNION NO. 364 affiliated with the
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

By:


Robert R. Warnock, III

Title:

President

Date Signed: August 11, 2022

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

AUG 24 2022

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-28
ORDINANCE NO. _____

**AN ORDINANCE APPROVING AN AMENDMENT TO THE COLLECTIVE
BARGAINING AGREEMENT BETWEEN THE CITY OF MISHAWAKA AND THE
MISHAWAKA FRATERNAL ORDER OF POLICE LODGE 91**

WHEREAS, the City of Mishawaka and the Mishawaka Fraternal Order of Police Lodge 91 entered into a Collective Bargaining Agreement ("CBA") effective from January 1, 2018 to December 31, 2020, which was extended to December 31, 2022; and

WHEREAS, on August 9, 2022, the attached Memorandum of Understanding between the City of Mishawaka and the Mishawaka Fraternal Order of Police, Lodge 91, amending the CBA was approved by the Board of Public Works and Safety, City of Mishawaka.

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

Section 1. The attached Memorandum of Understanding between the City of Mishawaka and the Mishawaka Fraternal Order of Police, Lodge 91, that was approved by the Board of Public Works and Safety, City of Mishawaka, on August 9, 2022, is hereby approved.

Section 2. The CBA is amended at page 13, paragraph E, line 3, after the word "squad" to delete the words "Tactical Emergency Response Team" and insert the words "Special Weapons and Tactics".

Section 3. The CBA is amended at page 13, paragraph E, line 7, after the word "instructors" to insert the words "Emergency Response Team (ERT)".

Section 4. The CBA is amended at page 36, paragraph E, line 6, after the word "rate" to insert the following words:

"In the event no one fills the request for additional officers, the OIC may contact the ERT "On Call." The ERT will then designate an officer (or officers) from the appropriate ERT platoon to be activated in uniform capacity. The ERT officers(s) will be considered shift strength, however, shall not be used for the purpose of motorized patrol or considered preceding shift as opposed to the above stated officers who accepted the request. ERT officers activated in this manner will be

compensated at a flat rate of 4 hours of twice their prevailing wage, and shall NOT count as hours worked against them as it pertains to future overtime assignments. In the event that the detail requires the officer to stay more than 4 hours, then the compensation should remain at twice the prevailing rate, hour for hour. Should the shift change during the 4 hours that the ERT officer is activated, then revert back to standard emergency extra duty procedures."

Section 5. 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, this ____ day of _____, 2022, at _____ o'clock P.M.

Common Council
City of Mishawaka, Indiana

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, City Clerk

Presented by me, the undersigned City Clerk of the City of Mishawaka, Indiana, to the Mayor of the City of Mishawaka, Indiana, for approval on the ____ day of _____, 2022 at _____ o'clock __.m.

Deborah S. Block, City Clerk

Having examined the foregoing Ordinance, I do as the Mayor of the City of Mishawaka, Indiana, approve said Ordinance and return the same to the City Clerk of the City of Mishawaka, Indiana, this ____ day of _____, 2022.

David A. Wood, Mayor
City of Mishawaka, Indiana



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF LAW

Deborah S. Block, JAMC, MMC

August 24, 2022

AUG 24 2022

Mishawaka Common Council
600 East Third Street
Mishawaka, IN 46544

City Clerk
Mishawaka, IN

Re: Police Department Collective Bargaining Agreement Amendment

President and Honorable Members:

On August 9, 2022, the City of Mishawaka, acting by and through its Board of Public Works and Safety, approved a Memorandum of Understanding that amended the Collective Bargaining Agreement with the Mishawaka Fraternal Order of Police, Lodge 91.

The Collective Bargaining Agreement was amended to add language that allows the police department to contact members of the Emergency Response Team who are on call to be utilized to fill a request for additional uniformed officers.

Please see the attached proposed ordinance and Memorandum of Understanding.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Hinkle", is written over the word "Sincerely,".

Patrick J. Hinkle

Patrick J. Hinkle
Corporation Counsel
600 E. Third Street
Mishawaka, IN 46544
(574) 258-1702
fax: (574) 254-0197

John J. Roggeman
City Attorney
600 E. Third Street
Mishawaka, IN 46544
(574) 258-1702
fax: (574) 254-0197

David V. Bent
Assistant City Attorney
320 W. Fourth Street
Mishawaka, IN 46544
(574) 255-3680
fax: (574) 255-3969

MEMORANDUM OF UNDERSTANDING REGARDING AMENDMENT TO THE CURRENT COLLECTIVE BARGAINING AGREEMENT

This Memorandum of Understanding ("MOU") is entered into between the City of Mishawaka ("City") and the MISHAWAKA FRATERNAL ORDER OF POLICE, LODGE 91 ("Union").

WHEREAS, the City and the Union entered into a Collective Bargaining Agreement ("CBA") effective from January 1, 2018 to December 31, 2020, which was extended to December 31, 2022; and

WHEREAS, it has become necessary to amend the CBA regarding Article VII; Extra Duty and Extra Duty pay; Section 2- Extra Duty Pay; (3) Emergency Extra Duty; Paragraph E (page 13); and

WHEREAS, it has become necessary to amend the CBA regarding Article XVII; Department Strength; Section 2 - Minimum Strength; Paragraph E (page 36).

NOW, THEREFORE, the parties hereby agree as follows:

1. The CBA is amended at page 13, paragraph E, line 3, after the word "squad" to delete the words "Tactical Emergency Response Team" and insert the words "Special Weapons and Tactics".

2. The CBA is amended at page 13, paragraph E, line 7, after the word "instructors" to insert the words "Emergency Response Team (ERT)".

3. The CBA is amended at page 36, paragraph E, line 6, after the word "rate" to insert the following words:

"In the event no one fills the request for additional officers, the OIC may contact the ERT "On Call." The ERT will then designate an officer (or officers) from the appropriate ERT platoon to be activated in uniform capacity. The ERT officers(s) will be considered shift strength, however, shall not be used for the purpose of motorized patrol or considered preceding shift as opposed to the above stated officers who accepted the request. ERT officers activated in this manner will be compensated at a flat rate of 4 hours of twice their prevailing wage, and shall NOT count as hours worked against them as it pertains to future overtime assignments. In the event that the detail requires the officer to stay more than 4 hours, then the compensation should remain at twice the prevailing rate, hour for hour. Should

the shift change during the 4 hours that the ERT officer is activated, then revert back to standard emergency extra duty procedures."

4. This MOU may be amended only by written agreement signed by each of the parties involved.

5. This MOU is effective August 2, 2022, to and including December 31, 2022.

6. All parties agree by signing this MOU that they have the necessary authority to enter into this MOU.

IN WITNESS WHEREOF, the parties through their duly authorized representatives enter into this MOU.

The Mishawaka Fraternal Order of
Police Lodge 91

08/8/22
Date

[Signature]
Richard Freeman, President of
Mishawaka Fraternal Order of Police,
Lodge 91

The City of Mishawaka Police
Department

08/03/22
Date

[Signature]
Kenneth Witkowski, Chief, Mishawaka
Police Department

Approved by the Board of Public Works and Safety, City of Mishawaka

8/9/2022
Date

[Signature]
Kenneth B. Prince, President

[Signature]

Rebecca S. Maguire, Vice President

[Signature]
Ronald E. Watson, Member

ATTEST:

[Signature]
Kari Mayers, Clerk of the Board

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, AMC, MMC

SEP 02 2022

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2022-29

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 American Rescue Plan Coronavirus Local Fiscal Recovery Grant fund in the sum of \$ 1,810,000.00 for assignment as follows:

ARP Coronavirus Local Fiscal Recovery Grant

Other Services and Charges

180-50-439-05

Grants and Subsidies

Boys and Girls Club	\$750,000.00
Youth Service Bureau	\$375,000.00
Troop Town	\$325,000.00
Mishawaka Building Trades	\$275,000.00
M-P-H Public Library	\$50,000.00
The Res	<u>\$35,000.00</u>

\$1,810,000.00

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, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

RESOLUTION NO. 2022-20

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA DECLARAING CERTAIN AREAS
WITHIN THE CITY OF MISHAWAKA, INDIANA, COMMONLY KNOWN AS

2754 LINCOLNWAY EAST & ADJACENT PARCELS

TO BE AN ECONOMIC REVITALIZATION AREA
AND ECONOMIC DEVELOPMENT TARGET AREA
FOR PURPOSES OF A REAL PROPERTY TAX ABATEMENT FOR

BARAK GROUP, L.L.C. and/or ITS ASSIGNS

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk of the City of Mishawaka, Indiana for consideration by the Common Council of the City of Mishawaka, Indiana, requesting that the area commonly known as 2754 Lincolnway East the and adjacent parcels shown on the attached Exhibit A and described below, which includes Parcel Numbers 016-1082-3252.02, -3252.04, and -3253, to be an Economic Revitalization Area and Economic Development Target Area under the provisions of Indiana Code § 6-1.1-12.1-1 et seq. (the "Act"):

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.

All the above described property being located within the municipal corporation of the City of Mishawaka, Indiana, and

WHEREAS, this declaration of the above described area as an "Economic Revitalization Area" shall expire on December 31, 2024, unless officially extended by the Common Council of the City of Mishawaka, Indiana, and

WHEREAS, the area so described above, shall be eligible for a deduction from an increase in assessed valuation resulting from the redevelopment or rehabilitation of said property, and

WHEREAS, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the improvement of real property used within that area so described.

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

1. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements under the Act for tax abatement;
2. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
3. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
4. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
5. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
6. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
7. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of the Act;
8. The Common Council hereby declares the area herein described be designated as an Economic Revitalization Area and Economic Development Target Area, and hereby adopts a Resolution designating this area as an Economic Revitalization Area and Economic Development Target Area for purposes of real property tax abatement;
9. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration; AND
10. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this ____ day of September, 2022.

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.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

BUILDING - COMMUNITY DEVELOPMENT - PLANNING

August 30, 2022

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Tony Hazen, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Mike Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Greg Hixenbaugh, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mr. Maggie DeMaegd, At-Large City Council
Mrs. Deborah Block, City Clerk

Deborah S. Block, MMC, MMC

AUG 30 2022

City Clerk
Mishawaka, IN

**RE: Declaratory Resolution 2022-20
Tax Abatement- Barak Group
Proposed Steelhead Apartments Multi-Family Residential Development**

Dear Council Members and Clerk:

Please find attached Declaratory Resolution 2022-20 pertaining to a petition for tax abatement that has been filed for consideration at the Tuesday, September 6th meeting. The request was submitted by Steve Ruby, Landscape Architect with Abonmarche Consultants, acting as the developer's surveyor, civil engineer, and site design consultant. Nir Davidson, one of the development partners of the River Rock apartments, currently serves as the President of the Barak Group.

Per the project description submitted with abatement application, the first phase of the development will include the conversion of the existing Mishawaka Inn at 2754 Lincoln Way East into a 47-60 unit multi-family apartment building. A second phase is anticipated to include the construction of a second apartment building located along the St. Joseph River to the northeast of the existing hotel. The new building will provide an additional 46-50 units, which would result in a total of 93-110 new residential housing units on the 4 acre site. The units will be rented at market rate with an average monthly rent between \$800 to \$1,100 dependent on apartment size and configuration. According to market research published by Cressy Commercial, the annual absorption rates for apartment units in the Mishawaka area exceed the number of units currently under construction. Additional site improvements will include walking trails along the river, landscaped outside seating and gathering areas, a resident barbeque area, and expanded parking areas to the north and west of the existing hotel. The parcels included are shown on Exhibit A as attached to the resolution.

An investment of \$1.5 to \$1.8 million is anticipated for the costs associated with the renovation and conversion of the existing hotel building with an additional investment of \$4.75 to \$5.5 million related to the construction of the second building. The first phase is planned for construction in the first quarter of 2023 with the second phase to begin in the second quarter of 2024.

PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT • ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999

Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

The total investment, including the property acquisition, is anticipated to be \$6.85 to \$8.1 million. If the site is redeveloped as envisioned, an aged underutilized hotel that currently has negative reputation will be transformed into a viable and highly visible apartment complex on riverfront property. Due to the prior lack of investment in the property, underutilization of the existing hotel, and reduction in property values over the last 5 years, Planning Staff recommended that a real property tax abatement be submitted to assist in redevelopment.

The proposed request is for a five-year abatement on the improvements with a higher than normal annual percent abatement schedule starting at 100% the first year and decreasing 5% annually (95%, 90%, 85%, and 80%) over the 5 year life of the abatement. This abatement schedule is identical to the tax abatements that were approved for both the completed River Rock apartments on Mishawaka Avenue and the planned River Walk apartments north of the river and west of Central Park.

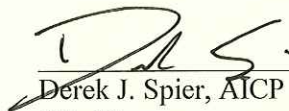
A copy of the tax abatement application and Staff prepared declaratory resolution are attached for your review and information. The property is not located within the City's tax increment finance district which would have required review and approval by the Redevelopment Commission.

As you are aware, tax abatement requests before the Common Council are considered in two steps. The first step is the Declaratory Resolution where the abatement is essentially accepted for consideration.

Once the Declaratory Resolution is approved, the Clerk's Office has specific advertising requirements to notify other taxing entities within the jurisdiction that could be impacted by the abatement. This allows for input from those other taxing units prior to the Council's consideration and vote on the request. The second step is the hearing and consideration of a confirming resolution where the merits of the request are considered. The only item being considered at the September 6th meeting is the Declaratory Resolution, which staff is recommending approval of to allow the appropriate advertising to take place. If approved, staff will prepare a more detailed financial analysis of the request as part of your consideration of the confirming resolution.

Please do not hesitate to contact me with any questions.

Sincerely,


Derek J. Spier, AICP
City Planner

cc: David A. Wood, Mayor

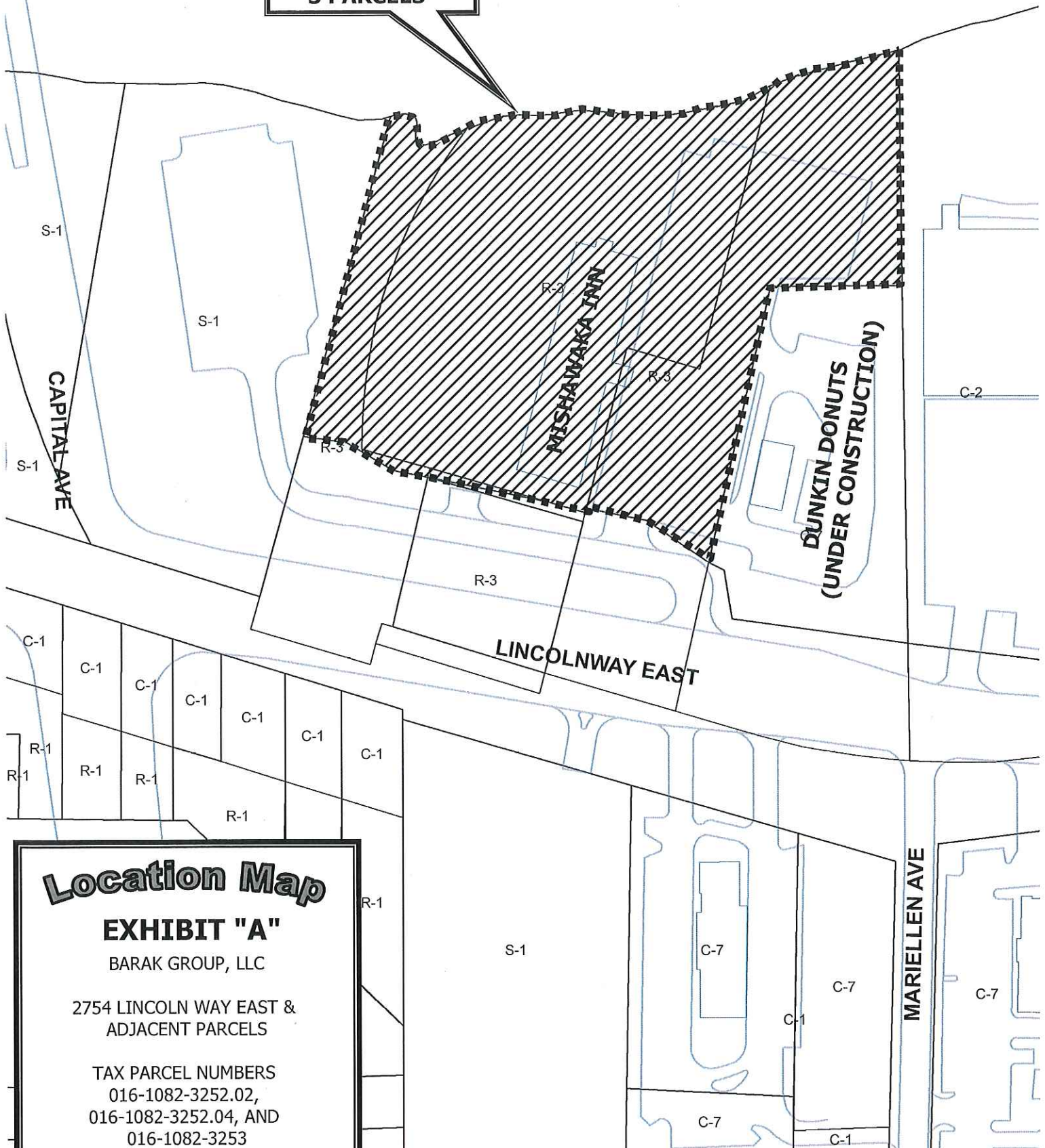
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City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999
E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com



ST. JOSEPH RIVER

3 PARCELS



Location Map

EXHIBIT "A"

BARAK GROUP, LLC

2754 LINCOLN WAY EAST &
ADJACENT PARCELS

TAX PARCEL NUMBERS
016-1082-3252.02,
016-1082-3252.04, AND
016-1082-3253



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Barak Group					
Address of taxpayer (number and street, city, state, and ZIP code) 12455 Adams Road, Suite C, Granger, IN 46530					
Name of contact person Nir Davison, President		Telephone number (574) 258-4155		E-mail address nirdavison@gmail.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body Common Council of the City of Mishawaka		Resolution number			
Location of property 2754 Lincolnway Avenue East		County St. Joseph		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Investment of \$1.5-1.8 million in the renovation and conversion of the former Mishawaka Inn hotel into 60 market rate apartments, along with overall site improvements related to the development. This is Phase 1 of a project that is intended to include new construction of an additional 40+ units in a second building.				Estimated start date (month, day, year) March 2023 (Phase 1)/June 2024 (Phase 2)	
				Estimated completion date (month, day, year) May 2024 (Phase 1)/November 2025 (Phase 2)	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number 0.00	Salaries \$0.00	Number Retained 0.00	Salaries \$0.00	Number Additional 2.00	Salaries \$90,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		750,000.00		635,000.00	
Plus estimated values of proposed project		7,800,000.00		7,800,000.00	
Less values of any property being replaced		0.00		0.00	
Net estimated values upon completion of project		8,550,000.00		8,435,000.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 08/23/22	
Printed name of authorized representative NIA DAVISON				Title Member	

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



City of Mishawaka Building – Community Development - Planning

APPLICATION FOR DESIGNATION AS AN ECONOMIC REVITALIZATION AREA

REAL PROPERTY TAX ABATEMENT

Indiana State law requires that the designation application and statement of benefits form (SB-1/RE) be submitted prior to the initiation of the project. Additionally, final approval of the Economic Revitalization Area designation must be obtained before starting the installation of the new manufacturing equipment for which tax abatement is being requested.

Prior to submitting the attached application to the City's Department of Planning & Community Development, all questions must be answered as completely as possible and must be signed on the Statement of Benefits Form (SB-1/RE) and last page of the application. Incomplete or unsigned applications will not be accepted. A non-refundable application fee of \$300.00 is required when making an application for Economic Revitalization Area designation and is payable to the City of Mishawaka at the time of submission.

All firms requesting Economic Revitalization Area designation are required to conduct an initial site visit with city staff members prior to a public hearing on the tax abatement request. During that visit, the company shall reveal the capital investment levels, job creation and/or retention levels and hourly wage rates the applicant has committed to the City of Mishawaka in order to receive consideration for Economic Revitalization Area designation and tax abatement deduction.

Additionally, the City of Mishawaka, by and through the Common Council, reserves the right to rescind or "claw back" an Economic Revitalization Area designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, as well as the applicant's failure to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City rescinds the Economic Revitalization Area designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be determined at the time of the "claw back."

Questions, applications, and fees should be directed to the:

City of Mishawaka
Building - Community Development - Planning
600 East Third Street
Mishawaka, Indiana 46544
Attention: Kenneth B. Prince, City Planner
574-258-1625
kprince@mishawaka.in.gov



1. Name of the company for which Economic Revitalization Area (ERA) designation is being requested:

Barak Group

2. State the name, title, address and telephone number of a company representative who may be contacted concerning this application:

Name and Title: Nir Davison, President

Address: 12455 Adams Road, Suite C, Granger, IN 46530

Telephone: 574.258.4155

3. State the name, title, address and telephone number of a company representative who may be sent annual compliance surveys. Please note that the annual survey will determine if your company is compliant with the terms of the abatement agreement and whether the abatement will continue or be terminated, so the contact should be made aware of the survey's importance.

Name and Title: Steve Ruby, Landscape Architect – Abonmarche Consultants

Address: 315 West Jefferson Blvd., South Bend, IN 46601

Telephone: 574.538.2201

4. Location of property for which ERA designation (real property tax abatement) is being sought (this information is available through the Township Assessor's Office):

a) Street Address: 2754 Lincolnway East, Mishawaka, IN 46544

b) Township: Penn Township

c) Taxing District Number: 022

d) Council District Number: District 3

e) Tax Parcel Number(s): 016-1082-325202

f) Current Zoning of the Property: R 3 – Residential

g) Case/approval number of any variance, rezoning, or approval petition(s) which is/are required or have been obtained for this project: PET 22-07

5. What is the amount of the most recent assessment attributable to (this information is available from the most recent property tax form):
- Land: \$164,700
- Improvements: \$431,100
- Inventory: N/A
- Equipment: N/A
6. Has this project/tax abatement request been discussed with City of Mishawaka Staff and has a site visit been conducted? xx Yes No
7. Does your company currently conduct manufacturing operations at this location? If so, how long has your company been at this location? No, the project is a residential project and will not involve manufacturing activities
- a) Please provide your firm's North American Industry Classification System (NAICS) Code Classification. N/A
- b) Please list any special certifications/designations.
N/A
8. Does your firm have other operations in the US? In Indiana? If so, please list the location of other operations. Also please indicate the location of your firm's headquarters if not located in Mishawaka.
Barak Group Headquarters in Granger, Indiana. Additional properties under development in Elkhart, Mishawaka and South Bend, along with other operations in Michigan and Florida.
9. What is the size of the real estate that will be developed? (in acres) 3.98 +/- acres
10. What is the estimated construction or rehabilitation cost? Phase 1 \$1.5-1.8m; Phase 2 \$4.75-5.5m
11. Have building permits been obtained? *(Please note that state statute requires petitioner to file abatement application **before** obtaining permits) Yes xx No
12. Does your company/business require contractors working on construction projects on your property to use the E-Verify system to verify the eligibility of their employees to work in the United States?
 Yes No
13. What is the anticipated date for construction to begin? Phase 1: 1st Quarter 2023
Phase 2: 2nd Quarter 2024
14. What is the anticipated date for project completion? Phase 1: 12-18 months after start of construction; Phase 2: End of 2025
15. Profile of Company that will occupy the property for which tax abatement is being requested:
- a) Are your employees represented by a union? If so, by whom? No
- b) Does your business/company verify the eligibility of your employees to work in the United States using the E-Verify system? Yes No

- c) Number of current full time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**) N/A
- d) What benefits are offered to your company's employees? (i.e. sick time, vacation, health insurance, 401(k), other retirement benefits, profit sharing, etc.) N/A
- e) Approximate value of benefits for existing and new employees on a per hour basis (e.g. benefits are valued at an additional \$3.00 per hour, etc.) N/A
- f) What is the total dollar amount spent on retained salaries? N/A
- g) Number of created full-time permanent hourly employees by skill level (include average hourly wage rate **excluding benefits and overtime**)

Skilled _____ Average hourly wage rate for skilled positions _____

Semi-skilled _____ Average hourly wage rate for unskilled positions _____

Clerical _____ Average hourly wage rate for clerical positions _____

Salaried 2 Average salary (per hour) for salaried positions \$21/hr

TOTAL NUMBER OF NEW EMPLOYEES (permanent and full-time) _____

- h) What is the total dollar amount to be spent on new salaries? \$90,000
- i) What is the blended hourly wage rate (the blended rate of hourly and salaried employees), excluding benefits and overtime, for:

Current hourly employees N/A

Retained hourly employees N/A

New hourly employees \$21/hr

- j) (if applicable)What is the usual market for goods or services produced by the company? List the percentage of the company's product or service that reaches:

Inside St. Joseph County: _____%

Outside St. Joseph County, but inside Indiana: _____%

Outside Indiana, but within 500 miles _____%

Outside of 500 miles _____%

Outside of the United States: _____%

- k) (if applicable)List the name and location (City and State) of your five largest vendors or suppliers:

1. N/A

16. Describe the project for which tax abatement is being requested. Include the types of improvements that will be made, and indicate whether improvement is freestanding or an expansion to existing facility. In addition, indicate whether your company will utilize the entire project space or lease a portion of it to an outside company.

The proposed project involves the rezoning and conversion of the existing hotel building into a 47-60 unit multi-family apartment building. A future project phase will include the construction of a second apartment building to include an additional 46-50 units, providing for a total of 106-110 new residential housing units on the site. The developer is proposing an investment of \$1.5-1.8 million specifically for the costs associated with the renovation and conversion of the existing hotel building, with an additional investment of \$4.75-5.5 million related to the construction of the second building. Additional site improvements will include walking trails along the river, landscaped outside seating and gathering areas and a resident BBQ area. The total investments by the developer including property acquisition, renovation of the existing building and construction of the new building will represent approximately \$6.85-8.1 million dollars, transforming a building and site that has not seen significant investment in many years, and has established a negative reputation while occupying a highly visible riverfront location. The developer is anticipating utilizing the full 4 acres for the construction of the buildings, site improvements and parking.

The developer is seeking a 5 year abatement of taxes under the following schedule for each separate phase of the proposed development:

<u>Year 1</u>	<u>100% Deduction</u>
<u>Year 2</u>	<u>95% Deduction</u>
<u>Year 3</u>	<u>90% Deduction</u>
<u>Year 4</u>	<u>85% Deduction</u>
<u>Year 5</u>	<u>80% Deduction</u>

It is the understanding of the developer that the abatement period for each phase would not start until the appropriate building permits are issued to begin the construction activities related to the identified phase. As such, the Abatement period for Phase 2 would not begin until construction permits would be issued for the new building.

17. Briefly describe the product or service of the company/business which will occupy the property for which tax abatement is being requested.

The proposed future use of the property will be approximately 106-110 multi-family residential apartments. Converting the existing under-performing commercial hotel use to apartments will expand housing opportunities within the City of Mishawaka. A project site plan, individual unit layout and proposed building floor plan are included with this application.

18. What evidence can be provided to show the positive impact the abatement will have on the project property and surrounding area?

The existing hotel building has experienced a lack of investment, and currently operates with only 27% of the rooms in use. Property tax records indicate that while the value of the land has appreciated by 6%, the value of the building and improvements have actually decreased by 25% over the last 5 years, falling from \$788k to \$470k. The investment of the developer will help reverse this trend, resulting in increases in the valuation of the property and allowing the City to recover any abated taxes over the life of the property. Additionally, the project will result in the construction of approximately 106-110 multi-family residential apartments, expanding housing opportunities within the City of Mishawaka. The project will be a market rate rental project, with rents expected to range between \$800-1,100 per month based on apartment size and configuration. The abatement, in conjunction with cost savings associated with renovation of the existing structure, should allow for the developer to maintain rent costs that are attainable to a larger share of the local housing market demand. According to market research published by Cressy Commercial, the current multi-family absorption rates in the City of Mishawaka were over 150 units per year, while only 56 units were under construction. It is expected that the multi-family market demand will remain strong as interest rates increase, reducing the home purchase demands. This project should be well received within the local market.

19. Please give a detailed description of what the impact on your business will be if the proposed project is not undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

The developer is committed to closing on the acquisition of the property in mid-August, and moving ahead with the project. The value of the requested abatement represents additional

dollars that will be available for investment by the developer to increase the scope and level of investment into the construction of the project.

20. Will you require any additional assistance from the City of Mishawaka?

The developer has sought the support and assistance of the Mishawaka Plan Commission and Council to rezone the property to R3 to accommodate the proposed multi-family use of the project, as well as the Mishawaka BZA for a variance to allow for a reduction in the amount of required parking to support the residents of the project.

21. Have you applied for any assistance from the State of Indiana?

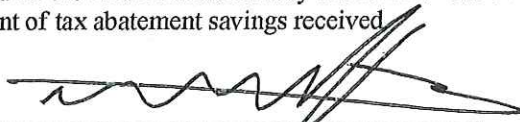
The developer has not applied for assistance from the State of Indiana regarding the proposed development project.

22. Miscellaneous Attachments Required:

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plan of the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.

I hereby certify that the information and representations on this application for Real Property Tax Abatement are true and complete.

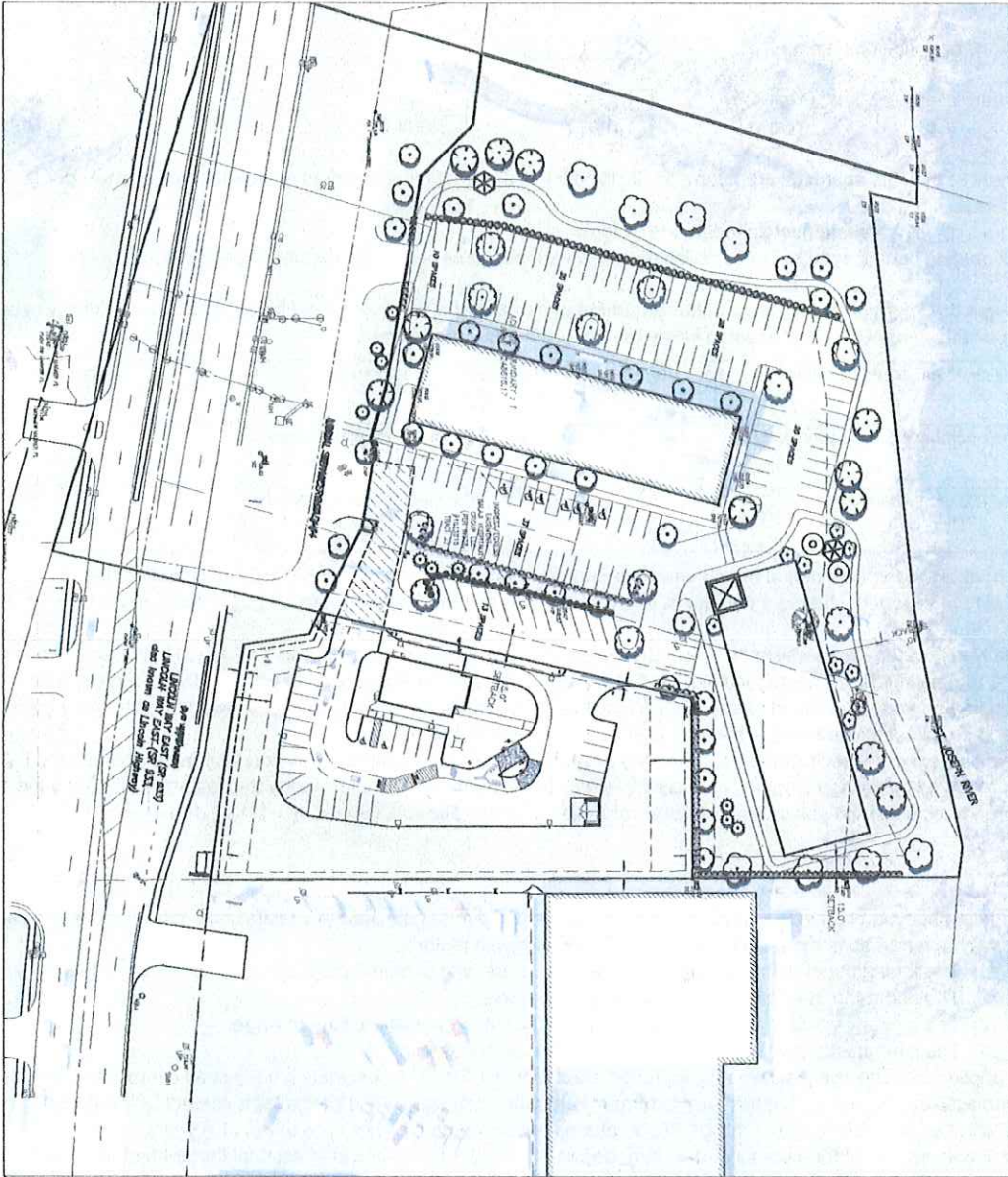
I understand that if this request for property tax abatement is granted that I will be required to participate in a mandatory annual compliance process. The survey will measure compliance with the project description, job creation and retention figures (and associated salaries), investment, and other information contained in the final resolution authorizing the property tax abatement. I also acknowledge that failure to respond to the mandatory annual compliance or failure to achieve investment, job creation, retention, and salary levels contained in the final resolution may result in a loss of tax abatement deductions, and may result in the repayment of tax abatement savings received.



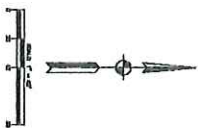
Signature of Owner or Authorized Representative

owner
Title

August 16th 22
Date



Current Zoning: C-1 General Commercial
 Current Zoning: C-7 General Commercial
 Proposed R-3 Residential Zoning
 Proposed Apartment Units: 100-106
 Parking Required: 159
 Parking Provided: 128

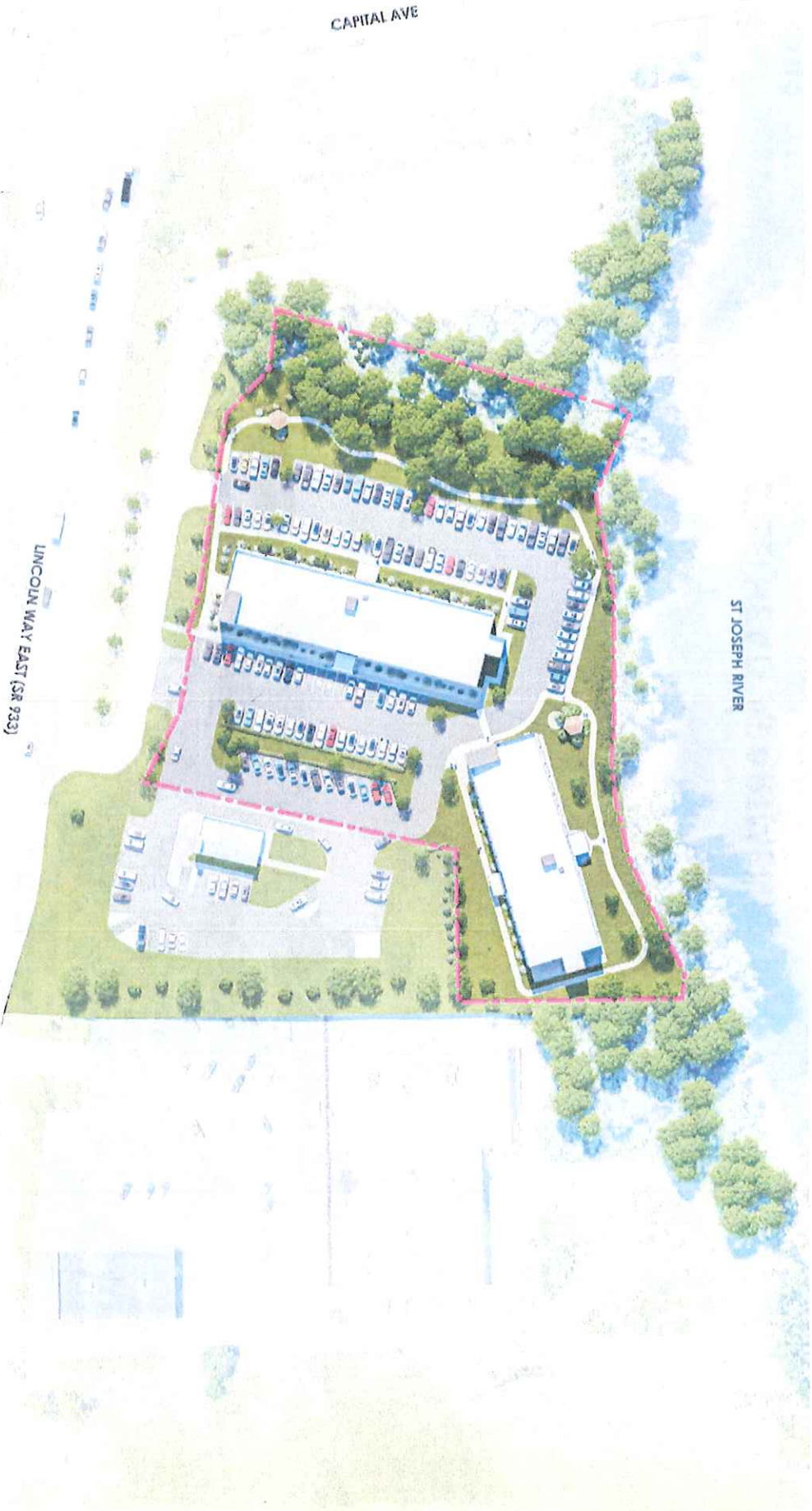


NO. 100-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-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STEELHEAD APARTMENTS

JUNE 3, 2022

IMAGES FOR ILLUSTRATION PURPOSES ONLY





IMAGES FOR ILLUSTRATION PURPOSES ONLY

STEELHEAD APARTMENTS

June 3, 2022



IMAGES FOR ILLUSTRATION PURPOSES ONLY

STEELHEAD APARTMENTS

June 3, 2022



 **ABONMARCHE**

IMAGES FOR ILLUSTRATION PURPOSES ONLY

STEELHEAD APARTMENTS

June 3, 2022



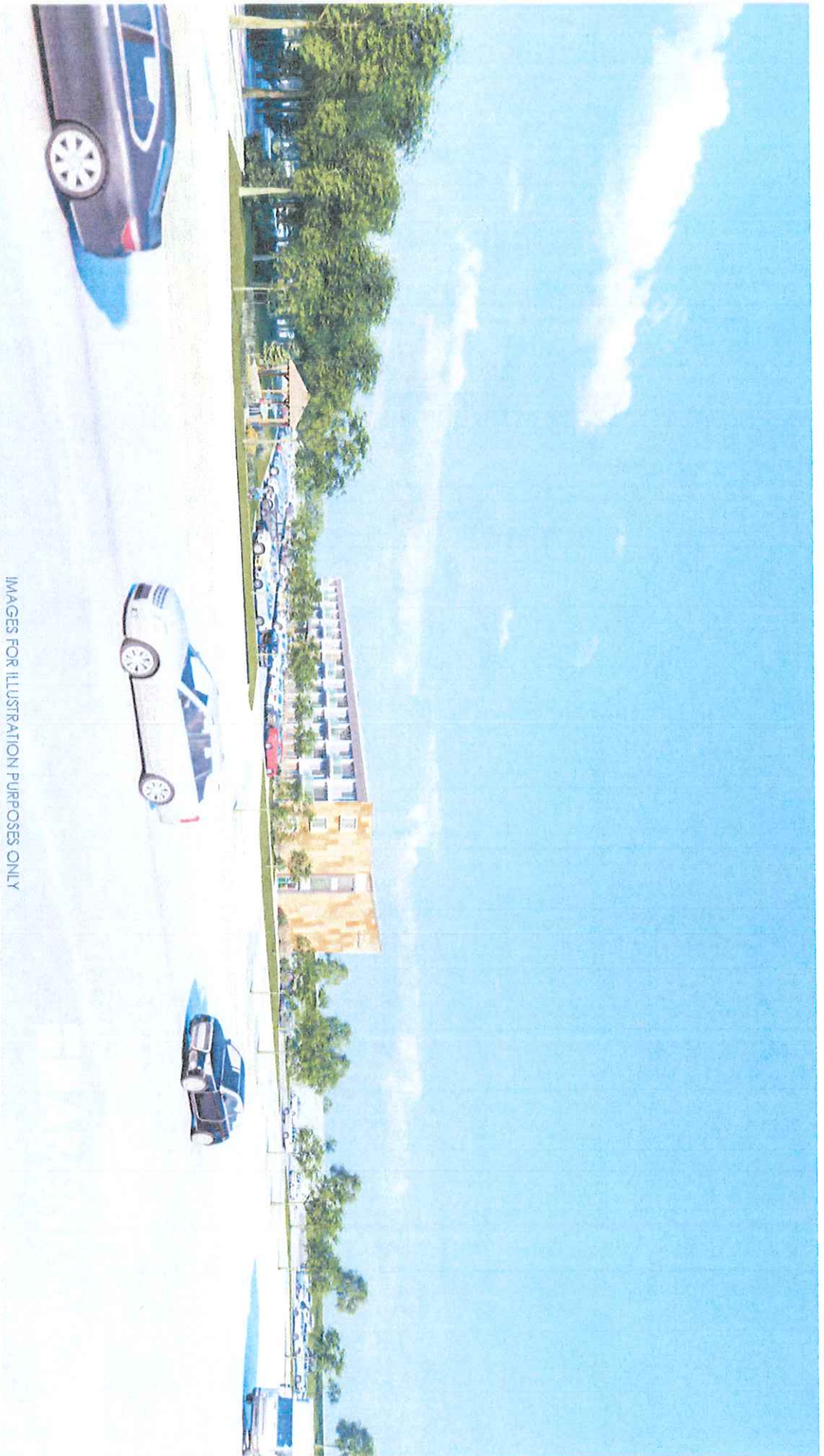
IMAGES FOR ILLUSTRATION PURPOSES ONLY

STEELHEAD APARTMENTS

June 3, 2022


Barak Group LLC

 **ABONMARCHE**



IMAGES FOR ILLUSTRATION PURPOSES ONLY

STEELHEAD APARTMENTS

June 3, 2022



STEELHEAD APARTMENTS

June 3, 2023

14.050 SF / FLOOR



LEGEND

	STANDARD
	CHLOROPHYLL
	PHYLLOPLAST
	CELL WALL
	CELLULOSE

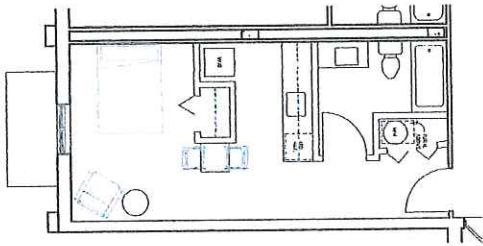
APARTMENT BREAKDOWN		
DESCRIPTION	QTY.	UNITS PER SQUARE FOOT
STUDIO UNIT	44	720.00
1 BEDROOM UNIT	22	520.00
2 BEDROOM UNIT	71	600.00
TOTAL UNITS	47	620.00

14.100 SF

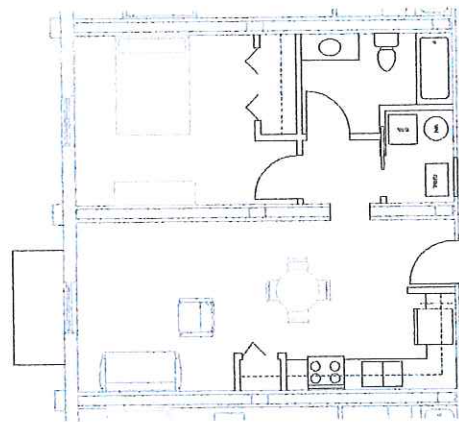


STEELHEAD APARTMENTS
MISHAWAKA INDIANA
08-01-2022

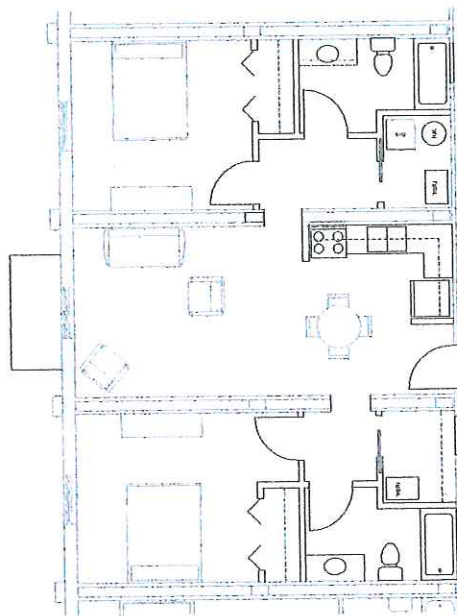




① STUDIO UNIT
11'0" x 11'0"
328 SF



② ONE BEDROOM UNIT
11'0" x 11'0"
658 SF



③ TWO BEDROOM UNIT
11'0" x 11'0"
1003 SF

STEELHEAD APARTMENTS
MISHAWAKA, INDIANA
08-01-2022



Steelhead Apartments Construction Budget Estimates

These estimates should be considered preliminary stage estimates. An extensive evaluation of the existing structure, mechanical systems, floor plan layouts, and fire suppression system needs is currently in progress. Information gathered during the evaluation will impact the final renovation activities and costs.

I. Exterior

A. Roof: \$200,000

B. Siding improvements: \$225,000

C. Landscape: \$115,000

II. Interior

A. 47 Units: \$1,002,000

14 studio units @ \$15k = \$210,000

22 single bed units @ \$20k = \$440,000

11 double bed units @ \$32k = \$352,000

B. Common Areas: \$200,000

C. Common - Mechanicals: \$100,000

D. Fire Suppression: \$250,000

E. Elevator: Unknown

F: Others

Projected estimation at this stage \$1,800,000

AUG 1 2022

City Clerk
Mishawaka, IN

PETITION 22-08

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-19

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:

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF INTERSECT OF THE NORTH LINE OF INDIANA TOLL ROAD RIGHT OF WAY WITH THE EAST LINE OF GRAPE ROAD RIGHT OF WAY, SAID POINT ALSO BEING ON THE SOUTH LINE AND 110.00 FEET EAST OF THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 28; THENCE N 89°30'42" E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 811.32 FEET TO A POINT; THENCE N 00°29'18" W A DISTANCE OF 972.65 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF UNIVERSITY DRIVE; THENCE N 89°30'42" E ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 165.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°30'42" E ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 189.50 FEET; THENCE S 00°29'18" E A DISTANCE OF 230.00 FEET TO A POINT; THENCE S 89°30'42" W A DISTANCE OF 189.50 FEET TO A POINT; THENCE N 00°29'18" W A DISTANCE OF 230.00 FEET THE POINT OF BEGINNING AND CONTAINING 1.0 ACRES OF LAND MORE OR LESS.

COMMON ADDRESS: Vacant land at 625 West University Drive

which real estate is now classified as C-2 Shopping Center Commercial District shall hereafter be within and a part of that District known as C-1 General Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The subject property, which includes vacant land previously occupied by part of a parking lot for a former movie theater, is currently zoned for

Proposed Ordinance No: 2022-19

Ordinance No: _____

commercial use and located along a predominantly commercial corridor. Adjacent land uses include a cemetery to the north; a retail firearms business and indoor shooting range under construction to the west and south; and hotels and a vacant commercial outlot to the east.

2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial including retail and hotels.
3. The most desirable/highest and best use – Because of the property's location and the adjacent existing commercial zoning and development, the most desirable use of the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. Permitted C-1 General Commercial uses are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 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: Part of 655 W. University Drive – Proposed Lot 1 of the CAT
Mishawaka, LLC's Minor Subdivision (Plat 22-06)

Date: August 9, 2022

Petition: 22- 08

Prepared By: DJS

GENERAL INFORMATION

Applicant: CAT Mishawaka LLC / Development Management Group LLC

Status: Property Owner / Consulting Representative

Request: To rezone from C-2 Shopping Center Commercial District to C-1 General Commercial for a speculative commercial outlot

Zoning Classification: C-2 Shopping Center Commercial District

Lot Size: 1.0 acres being a part of an approximate 4.38 acre parent parcel – Area to be rezoned is not currently a separate parcel or subdivided lot, but is proposed to be subdivided per Plat 22-06

Applicable Regulations: Section 137-300 thru 137-303 / C-1 General Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: S-1 Extensive Open Space (Cemetery / St. Joseph Valley Memorial Park)

South: C-2 Shopping Center Commercial (Retail & Indoor Shooting Range / Range USA – Proposed Lot 2 of Plat 22-06)

East: C-1 General Commercial (Hotels / Quality Inn, Fairfield Inn and Best Western & Vacant / Outlot)

West: C-2 Shopping Center Commercial (Retail & Indoor Shooting Range / Range USA – Proposed Lot 2 of Plat 22-06)

Thoroughfare: W. University Drive

School District: South Bend Community School Corporation

Township: Clay

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

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

ANALYSIS

The Petitioners, CAT Mishawaka LLC and Development Management Group LLC, are requesting to rezone property located south of W. University Drive approximately 1,145' east of Grape Road from C-2 Shopping Center Commercial District to C-1 General Commercial District for a speculative commercial outlot. The rezoning will allow the owner to market the future outlet for any permitted use in the C-1 District.

Adjacent land uses include the St. Joseph Valley Memorial Park (cemetery) to the north; a retail firearms business and indoor shooting range under construction to the west and south; and Quality Inn, Fairfield Inn, Best Western, and a vacant commercial outlot to the east.

The 1.0 acre area to be rezoned is part of an approximate 4.38 acre parent parcel (Tax Parcel 029-1002-0103.02) partially under development for Range USA, a retail firearms business and indoor shooting range. The property was previously occupied by a movie theatre until demolished in 2019. Range USA will be located on a 3.38 acre lot being proposed Lot 2 (Plat 22-06) with the speculative 1.0 acre outlot being Lot 1. A copy of the proposed subdivision plat, which was submitted concurrently with the rezoning petition, is attached.

In November 2021, a Use Variance (Appeal 21-40/Resolution 2021-28) was approved to allow for the indoor shooting range component of the firearms retail business. Planning Staff recommended that a petition be filed concurrent with the Use Variance to rezone the entire 4.38 acre property from the C-2 Shopping Center Commercial District to the C-1 General Commercial District. Staff informed the applicant that the C-2 District has greater building and parking setbacks than the C-1 District that would impact how the property and any future outlot could be developed. Since the C-2 District with the approval of the Use Variance allowed the property to be initially developed as desired, the applicant chose not to file a rezoning petition at that time.

The rezoning petition initially proposed future Lot 1 be rezoned to the C-7 Automobile Oriented Commercial District but was later amended to the C-1 General Commercial District. The Engineering Department recommended denial of the C-7 District, which would permit a restaurant with drive-thru, due to the required improvements within the W. University Drive right-of-way. Planning Staff then recommended that the rezoning petition be revised to the C-1 General Commercial District. The C-1 District omits drive-thru restaurants, which are higher traffic generators, as a permitted use. Engineering Staff stated that the C-1 District would be supported with the applicant's understanding that additional right-of-way improvements, including but not limited to a new right-turn lane, would likely still be required. It appears that such improvements should be more easily accommodated within the limits of the property and right-of-way. In short, the City's position is that Lot 1 should not be rezoned to the C-7 District to allow the property to be marketed for uses that may ultimately be deemed unfeasible.

The conceptual site plan shows the owner's intent to comply with the required height, area and developmental regulations of the C-1 General Commercial District. However, the plan does include a proposed restaurant with drive-thru, which is a C-7 permitted use that would not be permitted in the C-1 District. If developmental variances or design review waivers are required, the Board of Zoning Appeals and/or Plan Commission shall be petitioned when a final site plan is submitted.

With this petition, the property owner is only seeking to establish the proper zoning required for a yet to be determined commercial use. The C-1 District will also allow for less restrictive building and parking setbacks than currently required in the C-2 District. 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, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development.

Since the property is currently zoned for similar intensive commercial uses as those permitted in the C-1 District and located along W. University Drive commercial corridor, Staff supports the request for rezoning. C-1 District uses will not be out of character and will be compatible with the existing adjacent land uses and zoning. Furthermore, commercial use is consistent with the recommended use per the comprehensive plan.

Excluding the above Engineering Department comments, all other pertinent City Departments have reviewed and approved the request without comment.

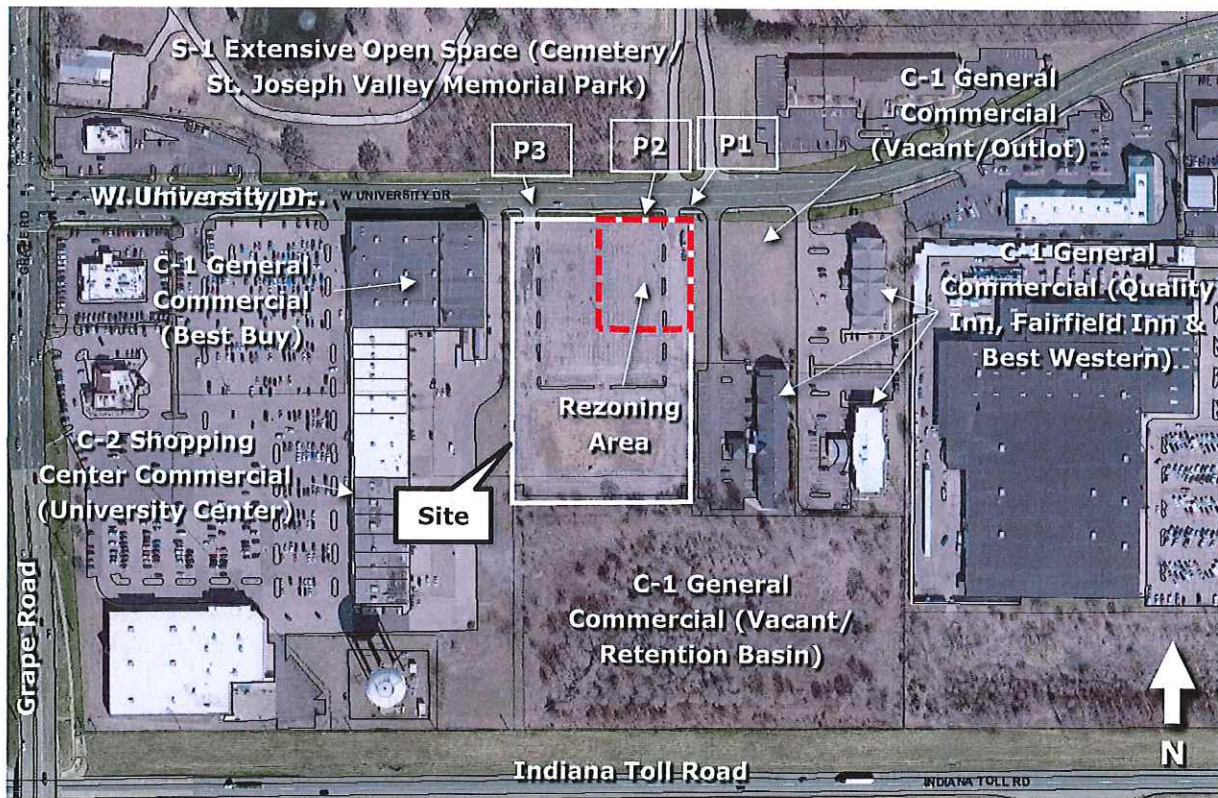
RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 22-08 to rezone a 1.0 acre area, more specifically being proposed Lot 1 of the CAT Mishawaka, LLC's Minor Subdivision, from C-2 Shopping Center Commercial District to C-1 General Commercial District for a speculative commercial outlot. This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property, which includes vacant land previously occupied by part of a parking lot for a former movie theater, is currently zoned for commercial use and located along a predominantly commercial corridor. Adjacent land uses include a cemetery to the north; a retail firearms business and indoor shooting range under construction to the west and south; and hotels and a vacant commercial outlot to the east.
2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial including retail and hotels.
3. The most desirable/highest and best use – Because of the property's location and the adjacent existing commercial zoning and development, the most desirable use of the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. Permitted C-1 General Commercial uses are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Site Photographs, Petition, Preliminary Site Plan, Subdivision Plat (Plat 22-06), Location Map



Aerial Photograph
Proposed Lot 1 of CAT Mishawaka, LLC's Minor Subdivision



P1. Looking southwesterly from the northeast corner of the property along W. University Drive.



P2. Looking into proposed Lot 1 from the current access point along W. University Drive.



P3. Looking into proposed Lot 2 (Range USA - 655 W. University Dr.) currently under construction from the existing and future access drive.



June 21, 2022

Deborah S. Block, IAC, MMC

PHONE (513) 784-0010

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

JUN 30 2022

City Clerk
Mishawaka, IN

ADDRESS 3805 Edwards Rd. Suite 390
Cincinnati, OH 45209

WEB comptonaddy.com

EMAIL marketing@comptonaddy.com

RE: **PETITION TO REZONE**
Portion of Property at 655 West University
Parcel ID #029-1002-010302
Tax Parcel #71-04-28-251-007.000-005

The undersigned, **CAT Mishawaka, LLC** respectfully shows 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:

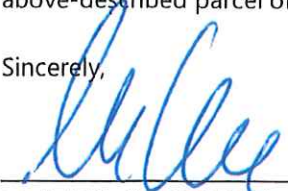
A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT OF INTERSECT OF THE NORTH LINE OF INDIANA TOLL ROAD RIGHT OF WAY WITH THE EAST LINE OF GRAPE ROAD RIGHT OF WAY, SAID POINT ALSO BEING ON THE SOUTH LINE AND 110.00 FEET EAST OF THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 28; THENCE N 89°30'42" E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 811.32 FEET TO A POINT; THENCE N 00°29'18" W A DISTANCE OF 972.65 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF UNIVERSITY DRIVE; THENCE N 89°30'42" E ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 165.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°30'42" E ALONG SAID SOUTH RIGHT OF WAY A DISTANCE OF 189.50 FEET; THENCE S 00°29'18" E A DISTANCE OF 230.00 FEET TO A POINT; THENCE S 89°30'42" W A DISTANCE OF 189.50 FEET TO A POINT; THENCE N 00°29'18" W A DISTANCE OF 230.00 FEET THE POINT OF BEGINNING AND CONTAINING 1.0 ACRES OF LAND MORE OR LESS.

Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which carries a zoning classification of 'C-2' District. Said property is currently being developed for use as an indoor gun range.

Petitioner(s) desire said real estate to be **rezoned to 'C-7' District**. Petitioner(s) further state that they intend to utilize said land for the development of a restaurant with drive-thru service, a use permitted by right under the desired zoning classification.

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.

Sincerely,


Mark Wilhoite, CAT Mishawaka, LLC
3805 Edwards Road, Suite 309
Cincinnati, OH 452029
(513) 852-1231

6-22-22
Date

CONTACT PERSON
DEVELOPMENT MANAGEMENT
GROUP LLC - c/o KEN KNUCKLES
4209 GAVATIN PIKE
NASHVILLE, TN 37216
(615) 227-5863
KKNUCKLES@DMGNASHVILLE.COM



PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST
CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

PLF 22-06

COMMUNITY DEVELOPMENT

[illegible]

OWNERS CERTIFICATION
THIS IS TO CERTIFY THAT THE UNDERSIGNED, CAT MICHAYAKA, LLC IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT HEREIN AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

JOHN B. STONE, NOTARY PUBLIC,
EXPIRATION DATE, AUGUST 22, 2004.
JOHNAN E. B. RESIDENT OF ST. JOHNS COUNTY, INDIANA.

[illegible]

BUREAU OF CERTIFICATION,
J. LEONARD C. LUNG, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR
LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAN
CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON JUNE 22,
2022, THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF ALL MONUMENTS ARE
ACCURATELY SHOWN, AND THAT THE MONUMENTS WILL BE NOTICED IN ACCORDANCE
WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF THE CITY OF INDIANAPOLIS,
INDIANA, FURTHER, I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN
CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS
REQUIRED BY LAW.

James D. Lane
TERENCE D. LANE, PG No. 80040523

Subdivision Plan

PROJECT NAME

LFA
WRIGHT NIGHTMAN
 775 S. MIDCOTT ST.
 SOUTH BEND, IN 46701
 574.233.1041

www.wrightnightman.com

REVISION

DATE 02/15

DATE: 1-1-98

SECONDARY PL

11/02/2011

1041



S-1

ST. JOE VALLEY
CEMETERY

PET 22-08

C-7

W UNIVERSITY DR

S-2

C-1

BEST BUY

C-2

C-1

FAIRFIELD
INN

C-1

QUALITY
INN

C-1

BEST
WESTERN

C-1

UNIVERSITY
CENTER

C-2

C-1

Location Map **PET 22-08**

CAT MISHAWAKA LLC

LOT 1 OF CAT MISHAWAKA LLC'S
MINOR SUBDIVISION (PLAT 22-06)

REZONING FROM C-2 SHOPPING
CENTER COMMERCIAL TO C-7
AUTO ORIENTED RESTAURANT
COMMERCIAL FOR SPECULATIVE
OUTLOT

INDIANA TOLL RD

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 22-09
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2022-20
ORDINANCE NO. _____

Deborah S. Block, AMC, MMC

AUG 11 2022

City Clerk
Mishawaka, IN

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

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

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

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

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

Lot 4, Byerley Sub

COMMON ADDRESS: 2212 Lincolnway West

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. There are commercial uses located along Lincolnway West and residential uses to the west of the property, 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, 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 single-family use;
3. Because the parcel is located in an area with adjacent residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2022-20

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-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 general commercial, but its use as a single-family home would be compatible and consistent with other 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: 2212 Lincolnway West

Date: Aug. 9, 2022

Petition: 22 09

Prepared By: KM

GENERAL INFORMATION

Applicant: Chris A. and Susan Skodinski

Status: Property Owners

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

Zoning Classification: C-1 General Commercial District

Lot Size: 39' X 191.5'

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: St. Joseph River
South: C-4 Automobile Oriented Commercial District
East: R-3 Multi-Family Residential District (vacant land)
West: R-1 Single Family Residential District

Thoroughfare: Northeast corner of Lincolnway West and Byerly Court

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner is requesting to rezone 2212 Lincolnway West from C-1 General Commercial District to R-1 Single Family Residential District. The property is located on the northeast corner of Lincolnway West and Byerly Court. The neighborhood is a mix of residential and commercial uses along Lincolnway.

The Petitioner is selling the property and said all parties who have expressed interest want to use as a single-family residence. Built in 1928 as a single-family residence, it has been used as an office since 1998 and is currently vacant.

Prior to the 1980's residential uses were permitted in commercially zoned 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 #22-09 to rezone 2212 Lincolnway West from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are commercial uses located along Lincolnway West and residential uses to the west of the property, 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, 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 single-family use;
3. Because the parcel is located in an area with adjacent 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 general commercial, but its use as a single-family home would be compatible and consistent with other historic residential uses in the area.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP



2212 Lincolnway West



View of empty lot to the east



View of residential to the west

JUL 27 2022

City Clerk
Mishawaka, IN



Pkt 22-09

July 5, 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 Chris A. & Susan Skodinski 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 4 Byerley Sub, Rarceel Number 71-09-17-327-014-000-023,
Known as 2212 Lincolnway West, Mishawaka, Indiana 46544.

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C1 District. Said property is vacant.

Petitioner(s) desire said real estate to be rezoned to R1 District. Petitioner(s) further state that they intend to utilize said for rezoning back to residential for sale.

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 discribed parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

Chris A. Skodinski

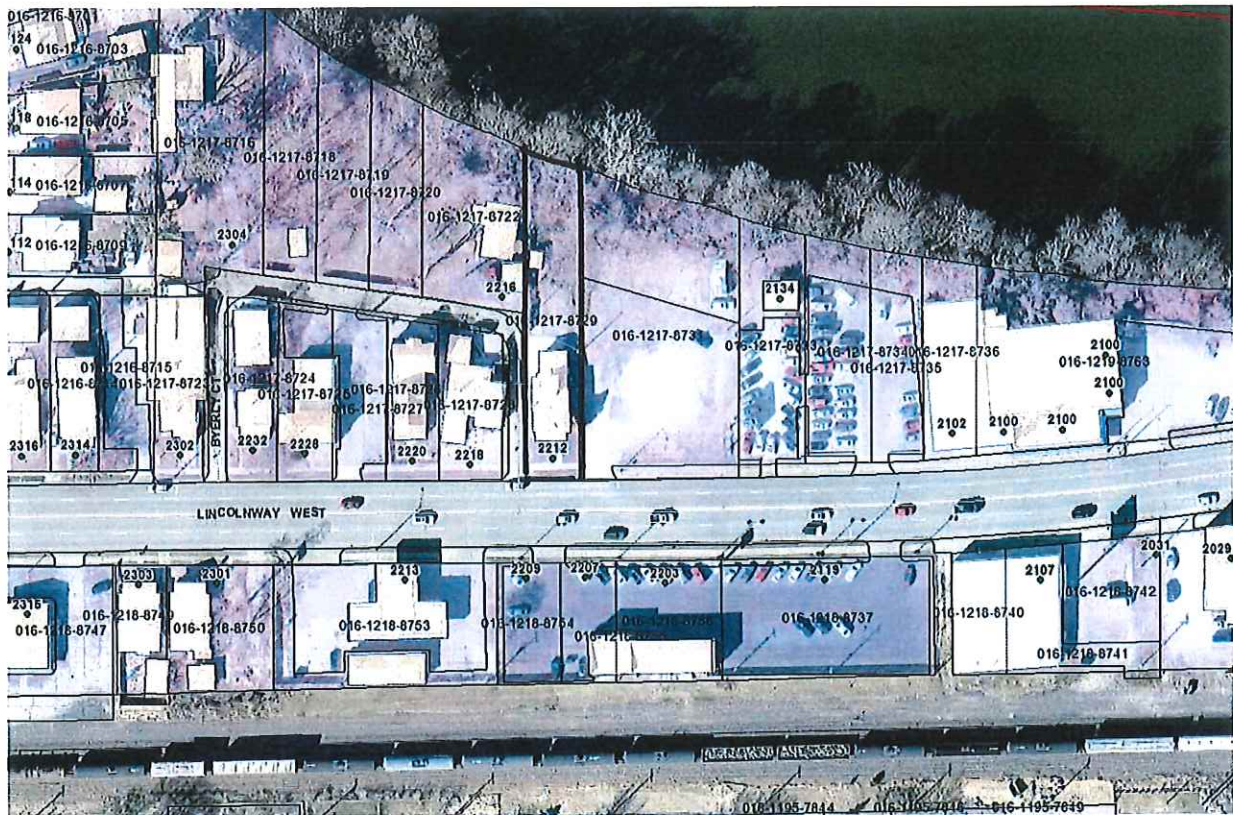
Signatures(s) of Property Owners(s)

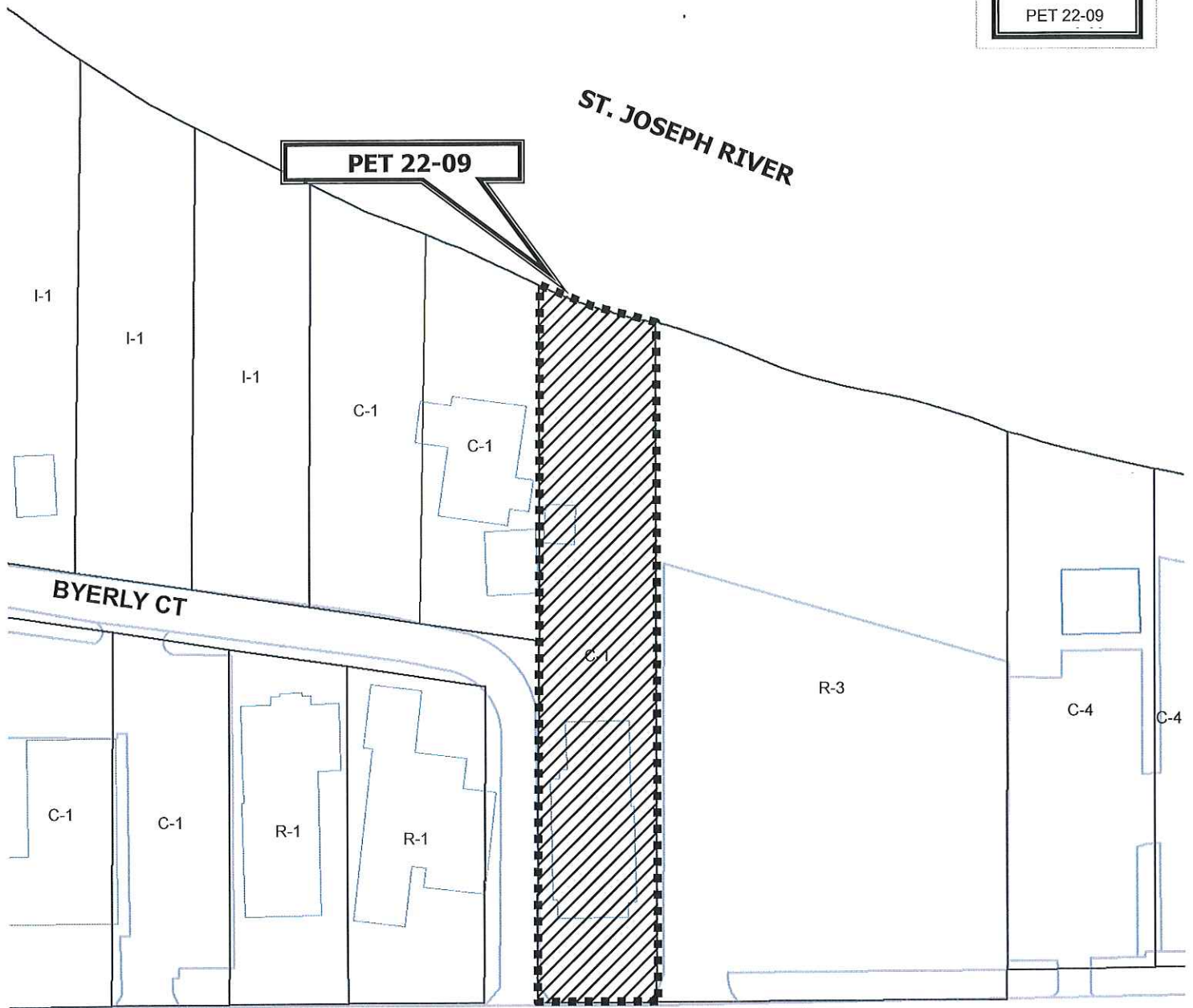
Susan Skodinski

CONTACT PERSON:

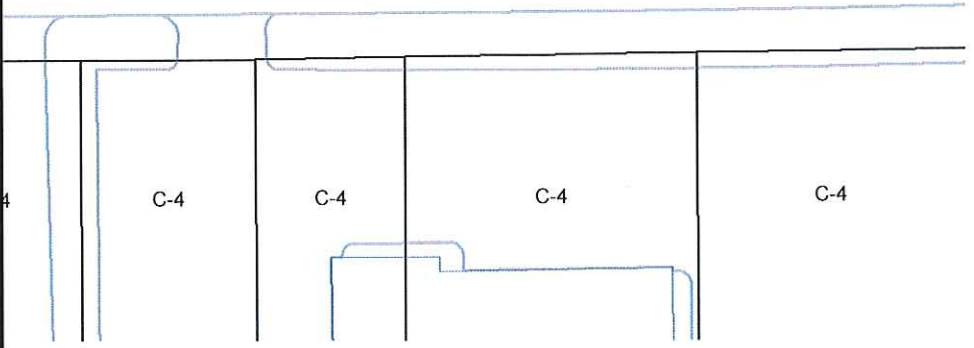
Name: Chris Skodinski
Address: 59308 Downey Ave.
Mishawaka, IN 46544
Phone: 574-257-1415
Fax: 574-257-1422
Email: chrisbenefits@datacruz.com

PETITION #22-09
2212 Lincolnway West





Location Map
PET 22-09
CHRIS A. & SUSAN SKODINSKI
(OWNERS)
2212 LINCOLN WAY EAST
REZONING FROM C-1 GENERAL
COMMERCIAL (EXISTING INSURANCE
OFFICE) TO R-1 SINGLE-FAMILY
RESIDENTIAL (CONVERSION
BACK TO HOUSE)



1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 22-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-21

ORDINANCE NO. _____

Deborah S. Block, IAMC, MMC

AUG 11 2022

City Clerk
Mishawaka, IN

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

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

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

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

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

Lot 43, Morgan Park

COMMON ADDRESS: 805 South Logan 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. There are industrial uses north and east of the property, but the neighborhood surrounding the property, mainly to the west, 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, its relationship to surrounding properties, and the potential of development as an industrial project, 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;

Proposed Ordinance No: 2022-21

Ordinance No: _____

4. As opposed to the range of limited industrial 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 low density residential and 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: 805 S. Logan St.

Date: Aug. 9, 2022

Petition: 22 10

Prepared By: KM

GENERAL INFORMATION

Applicant: Brandon S. Cripe, Dawn Renee Cripe, Chloe Ann Cripe

Status: Property Owners

Request: Rezone from I-1 Light Industrial District to R-1 Single Family Residential

Zoning Classification: I-1 Light Industrial District

Lot Size: 39' X 115'

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: I-1 Light Industrial District
South: R-1 Single Family Residential District
East: I-2 Heavy Industrial District
West: R-1 Single Family Residential District

Thoroughfare: Logan Street south of Milburn Boulevard

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioners are requesting to rezone 805 S. Logan Street from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located south of Milburn Boulevard. The neighborhood is a mix of residential and industrial uses (mainly east of the property).

The Petitioners are selling the property to a family member and is not able to obtain financing until the property is rezoned. The house was built in 1954 as a single family residence and has been used as a single family residence.

Prior to the 1980's residential uses were permitted in industrial zoned 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 #22-10 to rezone 805 S. Logan 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. There are industrial uses north and east of the property, but the neighborhood surrounding the property, mainly to the west, 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, its relationship to surrounding properties, and the potential of development as an industrial project, 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 limited industrial 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 low density residential and would be compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, AERIAL, LOCATION MAP



805 S. Logan Street

Deborah S. Block, MMC, MMC

JUL 27 2022

City Clerk
Mishawaka, IN



Pet 22-10

DATE: July 11, 2022
Common Council
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned Brandon S. Cripe & Dawn Renee Cripe & Chloe Ann Cripe 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:

One story home located at 805 South Logan Street, Mishawaka Indiana 46544.

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

Petitioners desire said real estate to be rezone to R-1 District. Petitioners further state that they intend to utilize said land for a home.

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


Brandon S. Cripe

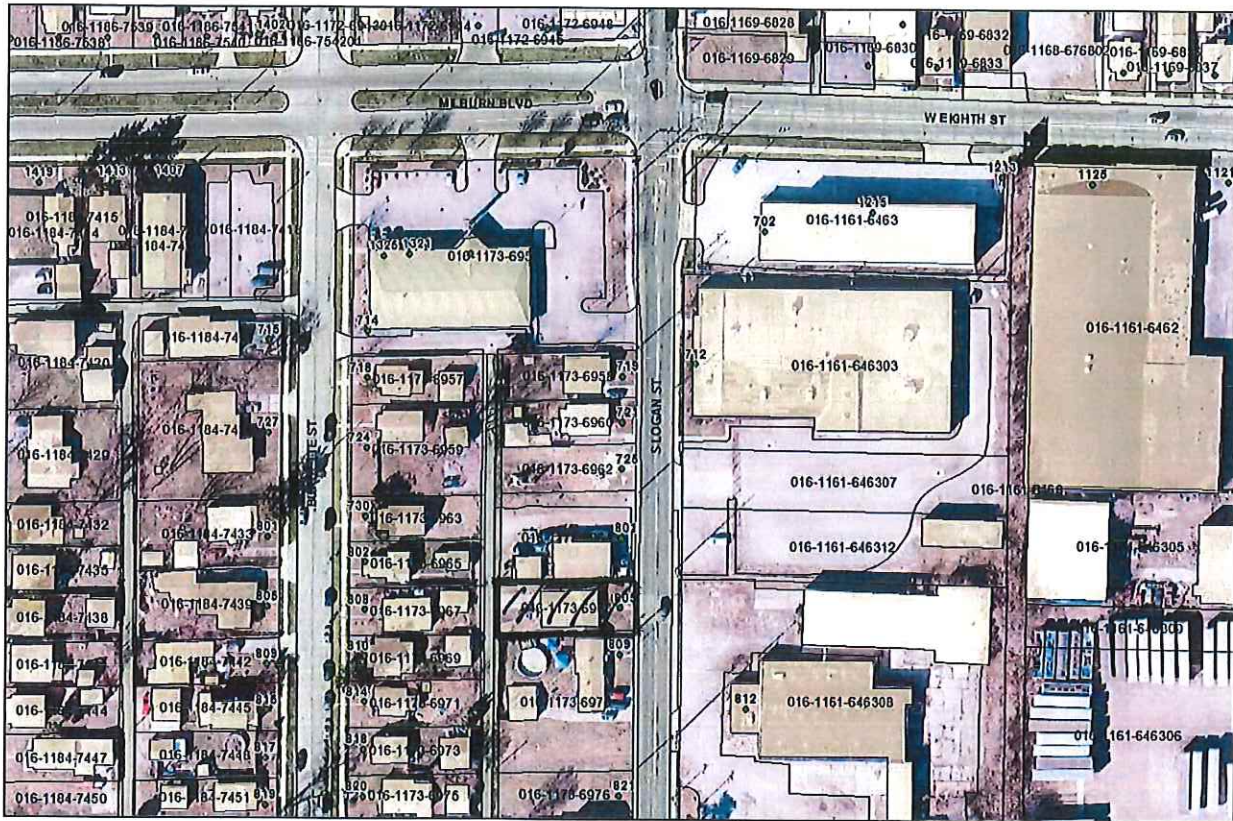

Dawn Renee Cripe


Chloe Ann Cripe

CONTACT PERSON:

Dawn Cripe
11650 E 310 S, LaGrange IN 46761
574-254-0563
bdecruise@att.net

PETITION #22-10
805 S. Logan Street





BURDETTE ST

S LOGAN ST

RE ST

DELAWARE ST.

PET 22-10

Location Map

PET 22-10

BRANDON S., DAWN RENEE &
CHLOE ANN CRIPE
(OWNERS)

805 S. LOGAN STREET

REZONING FROM I-1 LIGHT
INDUSTRIAL TO R-1 SINGLE-
FAMILY RESIDENTIAL FOR AN
EXISTING HOUSE

C-1 C-1 C-1 C-1 C-1 C-1

C-1

C-1

R-1

R-1

R-1

I-1

I-1

R-1

I-1

R-1

I-1

R-1

R-1

R-1

R-1

R-1

I-1

R-1

I-1

R-1

I-1

I-2

I-2

I-2

I-2

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION #22-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-22

ORDINANCE NO. _____

Deborah S. Block, IAMC, MMC

AUG 11 2022

City Clerk
Mishawaka, IN

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and the zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHWESTERLY A DISTANCE OF 321.50 FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 285 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE SOUTHEASTERLY A DISTANCE OF 346 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INDIANA EAST-WEST TOLL ROAD; THENCE CONTINUING SOUTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, A DISTANCE OF 883.75 FEET MORE OR LESS; THENCE SOUTHWESTERLY A DISTANCE OF 213.50 FEET MORE OR LESS TO POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF GROUND HAVING A TAX KEY NUMBER OF 006-1008-0093 AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL WHICH IS ALSO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, NORTH 89°51'36" WEST, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF

Ordinance No. _____

THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 60.01 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: 14325 Cleveland Road, Granger

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of S-2 Planned Unit Development District, subject to the attached conditions.

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

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial

Proposed Ordinance No. _____

Ordinance No. _____

uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

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

PETITION #22-11
14325 Cleveland Road
Conditions of Approval

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash zoning districts, except where noted herein, based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.
4. Filling stations shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.
2. Phasing of utility and road improvements, including internal collector drives associated with this project, shall be as determined by the City Director of Engineering.
3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road Connections:

1. Private collector road connections shall be provided through the site as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval.

2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site may be required. Internal stacking and turning movements at intersections shall be provided and protected as necessary. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Cleveland Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering as required to protect the City Wellfield at Juday Creek.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering. Utilities, including municipal water and sewer, must be in place prior to the occupancy of any phase of the proposed development.

Lighting:

1. All site lighting shall be limited to a maximum of 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 25' in height and shall include a masonry base. Animated/Electronic Reader boards shall be limited to no more than 50 square feet per sign.

- b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 15' in height and contain a display area of no more than 90 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.
3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings on the south half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest. Buildings on the north half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended, only where visible from adjacent public right-of-way.
2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.

5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

STAFF REPORT

Location: 14325 Cleveland Road including four tax parcels
Property is generally bound by Cleveland Road to south, the
Indiana Toll Road to the north, and Capital Avenue to the east

Date: August 9, 2022

Petition: 22- 11

Prepared By: DJS

GENERAL INFORMATION

Applicant: Robert A. Wright; Gary E. Wright; Rosalie McCay, a Revocable Trust and as Trustee, and George A. Walker and Virginia & Terry De Freeuw Trust and as Trustee, and Carolyn Bulkin and Jerome Frances Walker each with 1/5 interest; and Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life / Danch, Harner & Associates, Inc.

Status: Property Owners / Site Design, Engineering & Surveying Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a mixed use development containing commercial uses as permitted in the C-1, C-2, C-4, C-7, C-9, and C-10 Districts

Existing Zoning: Unincorporated St. Joseph County (R Single Family District)

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 51.52 acres

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial & Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern:

North:	Indiana Toll Road, Capital Avenue & S-2 Planned Unit Development (Medical & Office / Beacon Campus north of the Toll Road)
South:	Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
East:	Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
West:	Unincorporated St. Joseph County – R Single Family (Church / Michiana Covenant Presbyterian)

Thoroughfare: Cleveland Road

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Residential Growth.

ANALYSIS

Proposal:

The applicant is proposing to annex, establish zoning, and approve a preliminary planned unit development site plan to allow for commercial uses as permitted in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts. It is our understanding that the property owners have a contingent purchaser for all the parcels who is interested in a phased commercial development to include several automobile dealerships and related accessory uses.

The 51.52 acre site, which includes four separate parcels (Tax Parcels 006-1011-0132.03, -0132.04, -0132.06, and 006-1008-0093), is located on the north side of Cleveland Road approximately 820' west of Capital Avenue. The southwest parcel appears to include a small single family residential home and a large accessory structure. All other parcels are vacant of structures and are currently tillable farmland. The adjacent properties to the north of the Toll Road were annexed into the City of Mishawaka in 2008 and 2012 with S-2 Planned Unit Development zoning classification allowing all C-1 General Commercial permitted uses. Portions of these PUDs have been subsequently amended to allow for other commercial uses and deviations from the original development regulations.

As indicated on the preliminary site plan, the commercial develop will include several new and used automobile dealerships and accessory uses, including but not limited to, automobile repair, service, and body shops. No specific users or contingent purchaser has been identified. Although development phasing is not shown on the plan, the property will likely be developed in multiple phases.

The applicant is requesting that all permitted uses per the above referenced commercial districts be allowed. Planning Staff believes that all of these uses, except for a filling station, as conceptually shown in the southwest corner of the site plan, are appropriate. The filling station use is not appropriate because the site is located within the City's Judy Creek Wellfield, 5-year time of travel, and the underground fuel storage tanks pose a potential threat to the wellfield. Staff is recommending that the property and each individual development parcel shall adhere to the required area, height, and development regulations of the most restrictive zoning district in which the use would be permitted unless otherwise outlined in the conditions of approval.

Two access locations off of Cleveland Road are being proposed to serve the development. These locations and all required roadway improvements, including but not limited to deceleration/acceleration lanes, passing blisters, and turning lanes, shall be subject to review and approval by the Engineering Department as a part of the planned unit development site plan review for each specific development parcel.

Due to the project being located within a future Juday Creek 5-year well head protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to maintained on-site via a surface stormwater retention or detention basin.

Although conceptual in nature, the plan shows landscaping along the perimeter of the property, within landscaping islands, and along access drives internal to the development. More detailed landscaping plans shall be submitted with each planned unit development site plan, and are subject to review and approval by the Planning Staff.

If the proposed rezoning and annexation request is approved, a detailed final site plan for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

Annexation:

In 2008 and 2012, the Toll Road and adjacent properties to the north were annexed into the City and zoned S-2 Planned Unit Development for commercial use. Portions of the property have been developed with various medical related buildings (Beacon Medical Group).

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations as outlined above, approximately 1515.57 feet, or 22.4%, of the total 6,751.72 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located to the north of Cleveland Road approximately 820' west of Capital Avenue, and is bordered to the north by the Indiana Toll Road and various medical related uses; to the west by a church located within unincorporated St. Joseph County; to the south by several single-family houses and agricultural land located within unincorporated St. Joseph County, and to the east by a single-family residential house and agricultural land located in unincorporated St. Joseph County. The Cleveland Road corridor between State Road 23 and Capital Avenue includes a variety of single and multi-family residential, assisted living/memory care, religious, and medical land uses.

Zoning Change:

Staff believes that the proposed zoning of this property to the S-2 Planned Unit Development District for various commercial uses is appropriate given the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka. With the completion of Beacon Parkway to the north, providing a major gateway into the City from the Toll Road and northeast part of St. Joseph County, development pressures within this portion of the city and county will only intensify in the future. Although located a quarter of a mile to south, the 250 acre Penn Farm properties were also annexed into the City in 2012 and zoned for C-1, C-5 Neighborhood Commercial, C-7, and C-8 High Density Suburban Commercial uses.

Transportation/Roads:

According to the latest available traffic counts, there were 10,999 annual average daily trips (AADT) (March 2022) along Cleveland Road east of Fir Road and 11,997 AADT (May 2022) along Cleveland Road west of Currant Road. The counts at these locations have increased over the last 15 years ranging from just under 8,900 AADT to their current peaks. With the existing and anticipated increase in commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent and/or continue to increase in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, includes a grade separation project for the Canadian National railroad at Cleveland Road west of Capital Avenue. The construction date for this project is estimated for 2024. Added travel lanes are proposed along Cleveland Road between Ash Road (County Line) and Bittersweet Road for construction in 2025. A small road west of the Indiana Toll Road connecting Beacon Parkway to Cleveland Road is proposed for construction in 2030. Veteran's Parkway is proposed to be extended from its current northern terminus to Cleveland Road which would provide a connection to Douglas Road. This extension is proposed for construction in 2035. Anticipated completion dates for the above project may be amended in future years dependent on projected travel demand and funding.

All pertinent City Departments have reviewed and approved the request for annexation and zoning with the Engineering, Electric, and Water Departments providing the following comments:

Engineering Department:

1. There are currently no utilities serving this site.
2. Approaches onto Cleveland Road shall be constructed with the extension of Veteran's Parkway.

Electric Department:

1. The property is outside of the Mishawaka Utilities Electric Division service territory.

Water Department:

1. The project is located within a future Juday Creek 5-year well head protection area pending the construction of a new well field to the northeast of the Douglas Road and Fir Road intersection.

RECOMMENDATION

Staff recommends approval of Petition 22-11 to annex 51.52 acres of land and zone to S-2 Planned Unit Development to allow for a mixed use development containing commercial uses as permitted in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts subject to the following conditions.

Conditions of Approval

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.
4. Filling stations shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.
2. Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering.
3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road Connections:

1. Private collector road connections shall be provided through the site as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by

the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval.

2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected accordingly. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Cleveland. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 15' in height and shall include a masonry base. Animated/Electronic Reader boards shall be prohibited for these signs.
 - b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest.
2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.
5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St.

Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.

2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

ATTACHMENTS

Aerial Map, Photographs, Rezoning & Annexation Petition, Preliminary Site Plan, and Location Map



Aerial Photograph
14325 Cleveland Road including four parcels
Proposed Commercial Development



P1. Looking northerly into the annexation area from the southwest corner of property.



P2. Looking southwesterly into the property from the Capital Avenue bridge over the Toll Road.

JUL 27 2022

City Clerk
Mishawaka, IN

Date: June 25, 2022

To: The Honorable Members of the Common Council
City of Mishawaka, Indiana

Re: Petition for Annexation & Rezoning for:

Robert Wright
14492 Cleveland Road
Granger, Indiana 46530

Gary Wright
19499 Darden Road
South Bend, Indiana 46637

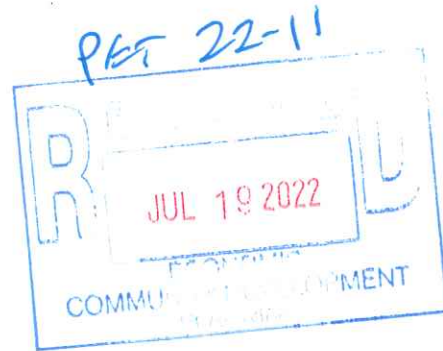
Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and
Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and
Jerome Francis Walker each with 1/5 interest.

Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate
during natural life.

The undersigned, respectfully show that they are the owners of the following described real estate
located in the unincorporated portion of St. Joseph County, Indiana:

Annexation and Rezoning Legal Description:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE
NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3
EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE
PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF
SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH
QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON
THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-
90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO
(2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH
55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-
OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-
WAY LINE OF CAPITAL AVENUE FOR THE NEXT FIVE (5) COURSES, SOUTH
42°40'53" EAST, A DISTANCE OF 31.28 FEET (REC. SOUTH 42°34'37" EAST, 28.51 FEET),
AND SOUTH 45°32'38" EAST, A DISTANCE OF 100.12 FEET (REC. SOUTH 45°26'22"
EAST, 100.12), AND THENCE SOUTH 48°23'31" EAST, A DISTANCE OF 402.00 FEET
(REC. SOUTH 48°17'15" EAST, 402.00 FEET), AND SOUTH 41°51'47" EAST, A DISTANCE
OF 350.13 FEET (REC. SOUTH 41°45'31" EAST, 350.13 FEET), AND SOUTH 37°41'14"
EAST, A DISTANCE OF 55.20 FEET (REC. SOUTH 37°34'58" WEST. 55.20 FEET) TO A
POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER
OF SAID SECTION 23; THENCE NORTH 89°51'36" WEST ALONG SAID NORTH LINE OF
THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A
DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST
QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH
00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1357.98 FEET MORE
OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD;



THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD FOR THE NEXT THREE COURSES, NORTH 89°41'58" WEST, A DISTANCE OF 330.00 FEET MORE OR LESS; AND NORTH 00°00'00" WEST (ASSUMED BEARINGS), A DISTANCE OF 20.00 FEET MORE OR LESS AND NORTH 89°41'58" WEST, A DISTANCE OF 993.83 FEET MORE OR LESS TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 26; THENCE NORTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 20.00 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 51.52 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Also commonly known as 14201 Block of Cleveland Road (A.K.A. 52590 Evergreen Road), 14301 Block of Cleveland Road, 14325 Cleveland Road, Granger, IN 46530.

The above-described parcels of land are presently zoned "R" Single Family District in the unincorporated county.

Petitioners desire to annex and rezone the real estate described above to the "S-2" Planned Unit Development District classification. The purpose for the annexation and rezoning is to allow for a mixed land use development allowing uses permitted in the following Districts: "C-1" Commercial, "C-2" Commercial, "C-4" Commercial, "C-7" Commercial, "C-9" Commercial and "C-10" Commercial.

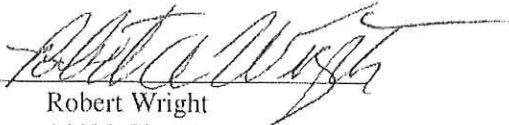
Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexation and rezoning the above-described parcel of real estate located in the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

Robert Wright
14492 Cleveland Road
Granger, Indiana 46530
Ph. No. _____

Gary Wright
Gary Wright
19499 Darden Road
South Bend, Indiana 46637
Ph. No. 574-318-6497

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and
Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and
Jerome Francis Walker each with 1/5 interest.
Ph. No. _____

Lane Wright Dora Pauline Wright
For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life
Estate during natural life.
Ph. No. 574-272-2081



Robert Wright

14492 Cleveland Road

Granger, Indiana 46530

Ph. No. 574 245 0051

Gary Wright

19499 Darden Road

South Bend, Indiana 46637

Ph. No. _____

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.

Ph. No. _____

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14492 Cleveland Road

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19499 Darden Road

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Ph. No. _____

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.

Ph. No. 574-298-9690 Rosalie McCay X
574-248-7772 Virginia DeFreeuw X

Darlene S. Walker ph. 574-520-9505 X

For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.

Ph. No. _____

Sandra Walker, 574-876-1350

X Sandra Walker

Rosalie McCay
Virginia DeFreeuw
Darlene S. Walker

Mishawaka Common Council
Mishawaka Plan Commission
600 East Third Street
Mishawaka, Indiana 46544

June 25, 2022

Re: Petition for Annexation & Rezoning for:

Robert Wright
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Granger, Indiana 46530

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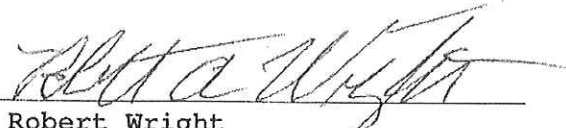
Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.

Dear Common Council and Plan Commission Members,

This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Common Council and Plan Commission meeting(s) at which our Annexation and Rezoning Petition request will be heard.

If you have any questions concerning this matter, please feel to contact me/us.

Sincerely,



Robert Wright

14492 Cleveland Road

Granger, Indiana 46530

Ph. No. 574 245 0051

Gary Wright

19499 Darden Road

South Bend, Indiana 46637

Ph. No. _____

For: Rosalie Mc Cay-A Revocable Trust & as Trustee, and George A. Walker and Virginia & Terry De Freeuw Family Trust & as Trustee and Carolyn Bulkin and Jerome Francis Walker each with 1/5 interest.

Ph. No. _____

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Ph. No. _____

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Ph. No. _____

Rosalie McCay
Virginia DeFreeuw
Darlene S. Walker

Sandra Walker. 574-876-1350

X Sandra Walker

Mishawaka Common Council
Mishawaka Plan Commission
600 East Third Street
Mishawaka, Indiana 46544

June 25, 2022

Re: Petition for Annexation & Rezoning for:

Robert Wright
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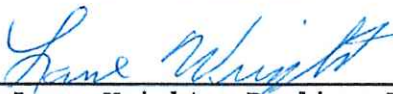
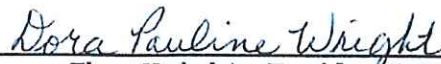
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Robert Wright
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 Ph. No. _____


 Gary Wright
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 South Bend, Indiana 46637
 Ph. No. 574-318-6447

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 Ph. No. _____

 
 For: Lane Wright, Pauline Dora, The Wright Family Revocable Living Trust, Reserving Life Estate during natural life.
 Ph. No. 574-272-2081

PART OF THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26,
ALL IN TOWNSHIP 38 NORTH RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

[illegible]

1). INCREASE OF TABULATED DATA AREA,50.15± AG.

TOTAL SPACES REQUIRED =	1,320± SPACES
TOTAL SPACES PROVIDED =	1,600± SPACES

	SQUARE FOOTAGE	% OF SITE
BUILDINGS	249,000±	10.99
ASPHALT PAVEMENT	1,470,500±	67.32
OPEN SPACE	473,963±	21.69
TOTAL	2,194,463±	100.00

6) FORMALLY APPROVE: THE SIGNED AND DATED INSTRUMENTS ARE

1. *Staphylococcus aureus* (ATCC 12228) was grown in Tryptone Yeast Broth (Difco) at 37°C. Cells were harvested at mid-log phase and washed with distilled water. Cells were then resuspended in distilled water and adjusted to a concentration of 1×10^8 cells/ml. Cells were then washed with distilled water and adjusted to a concentration of 1×10^8 cells/ml. Cells were then washed with distilled water and adjusted to a concentration of 1×10^8 cells/ml.

TO ANNEX AND REZONE THE REAL ESTATE DESCRIBED ABOVE TO THE "3-2" PLANNED UNIT DEVELOPMENT DISTRICT CLASSIFICATION. THE PURPOSE FOR THE ANNEXATION AND REZONING IS TO ALLOW FOR A MIXED LAND USE DEVELOPMENT ALLOWING USES PERMITTED IN THE FOLLOWING DISTRICTS: "C-1" COMMERCIAL, "C-2" COMMERCIAL, "C-4" COMMERCIAL, "D-7" COMMERCIAL, "D-8" COMMERCIAL AND "D-10" COMMERCIAL.

④ 25'-FT FRONT SETBACK



678 JOURNAL OF MANAGEMENT INQUIRY



REVISIONS

DATE	7/12/22	DRAWN BY	JSC
SCALE	1" = 150'	CHECKED BY	MJD
FILE #		PROJECT NAME	

2.1. HARNER 8910032

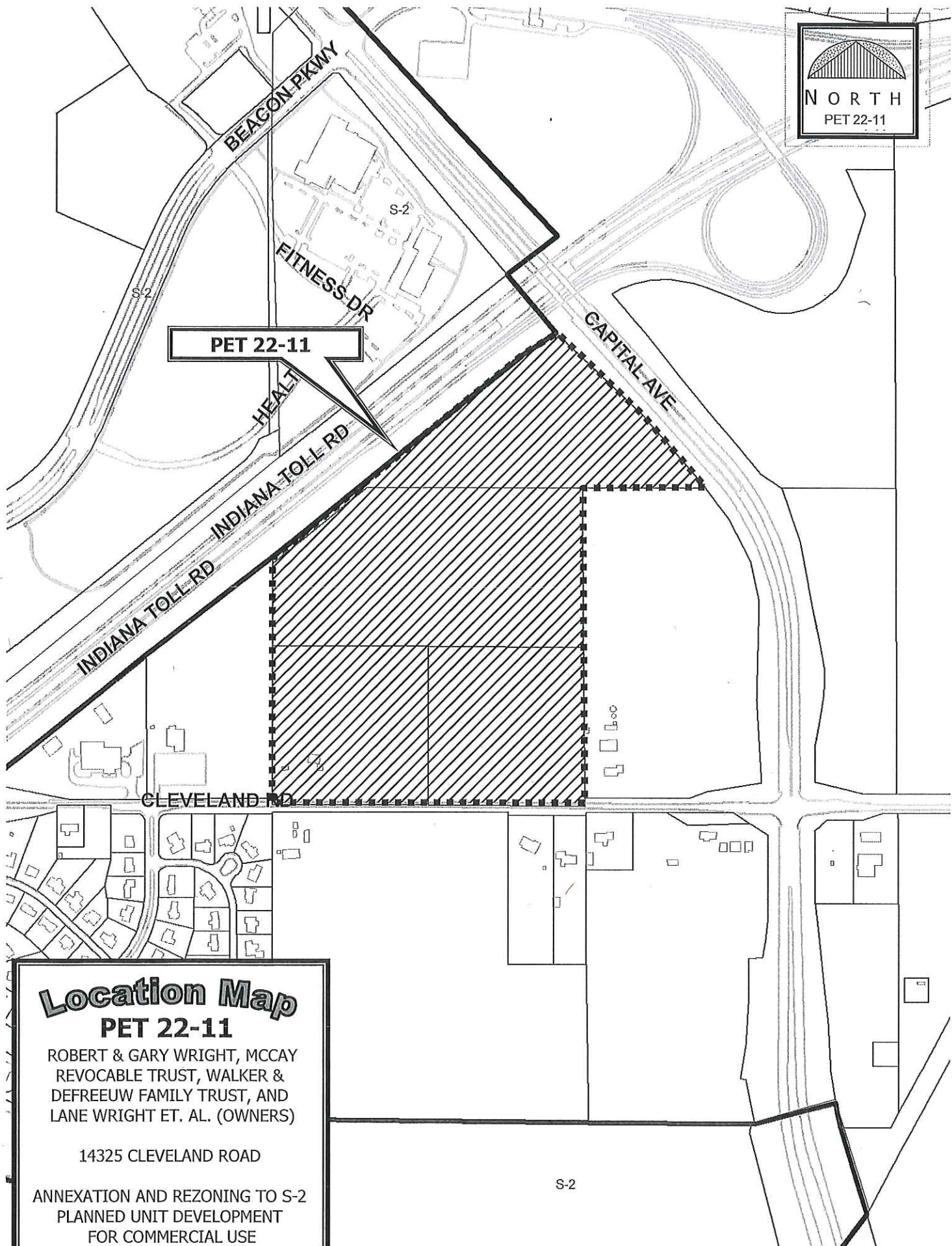
JOHN J. MCGEE
1815 20TH STREET
BIRMINGHAM, AL 35203
(205) 251-1234

100

THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26,
IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



R. L. HARNER
REGISTERED
No.
910032



Location Map PET 22-11

ROBERT & GARY WRIGHT, MCCAY
REVOCABLE TRUST, WALKER &
DEFREEUW FAMILY TRUST, AND
LANE WRIGHT ET. AL. (OWNERS)

14325 CLEVELAND ROAD

ANNEXATION AND REZONING TO S-2
PLANNED UNIT DEVELOPMENT
FOR COMMERCIAL USE

S-2

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. P... AMC, MMC

AUG 11 2022

City Clerk
Mishawaka, IN

PETITION 22-12

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-23

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 13 Ex 12 Ft W Side for Alley, Lawrence & Battells Block 63

COMMON ADDRESS: 911 North Main 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-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. There are a few commercial uses south of the property, but 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, 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 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;

Proposed Ordinance No: 2022-23

Ordinance No: _____

4. As opposed to the range of limited 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 General Commercial but its use as 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: 911 N. Main Street

Date: Aug. 9, 2022

Petition: 22 12

Prepared By: KM

GENERAL INFORMATION

Applicant: Pierre Smith and Germaine Smith

Status: Property Owners

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

Zoning Classification: C-1 General Commercial District

Lot Size: 33' X 121'

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: C-1 General Commercial District (residential use)
South: C-1 General Commercial District (residential use)
East: C-5 Neighborhood Commercial District (Battell Center)
West: R-1 Single Family Residential District

Thoroughfare: Main Street between Broadway and Battell

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioners are requesting to rezone 911 North Main Street from C-1 General Commercial District to R-1 Single Family Residential District. The property is located on Main Street between Broadway and Battell Streets and the neighborhood is mainly residential in nature.

The home, built in 1905, was damaged by fire and the Petitioners plan to demolish the existing structure and build a new house on the property. The property needs to be rezoned to R-1 to allow a new home to be built.

Prior to the 1980's residential uses were permitted in commercial zoned 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 #22-12 to rezone 911 N. Main Street from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are a few commercial uses south of the property, but 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, 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 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 limited 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 General Commercial but its use as residential would be compatible and consistent with the historic residential uses in the area.

ATTACHMENTS

PETITION, PHOTOGRAPHS, PLOT PLAN, AERIAL, LOCATION MAP



911 N. Main Street



View of home to the south

JUL 27 2022

City Clerk
Mishawaka, IN

Date: 7/20/2022

Honorable Members of the Common Council
City of Mishawaka, Indiana

Mishawaka City Plan Commission
City of Mishawaka, Indiana



RE: PETITION TO REZONE

The undersigned Pierre Smith & Germaine Smith 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:

911 N. Main Street; Mishawaka, IN 46544

Parcel ID: 016-2011-0336

Legal description: Lot 13 Ex 12 Ft W Side for Alley Lawrence & Battells Blk 63

Petitioners own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C1 (commercial) District. Said property is a Single Family Residential Home.

Petitioners desire said real estate to be rezoned to R1 (residential) District. Petitioners further state that they intend to utilize said land for rebuilding single family residential home.

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

Sign: Pierre Smith

Print: PIERRE SMITH

Sign: Germaine Smith

Print: Germaine Smith

Contact person:

Pierre Smith

310 S. Kentucky St.

South Bend, IN 46619

TEL: 574 532 0502

EMAIL: SMITH_PIERRE@yahoo.com

Alley

Alley

33.2'

Existing Garage

6'-2 3/8"

5'-2 3/8"

6'

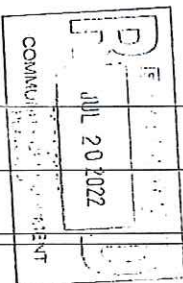
5'

121'

25'

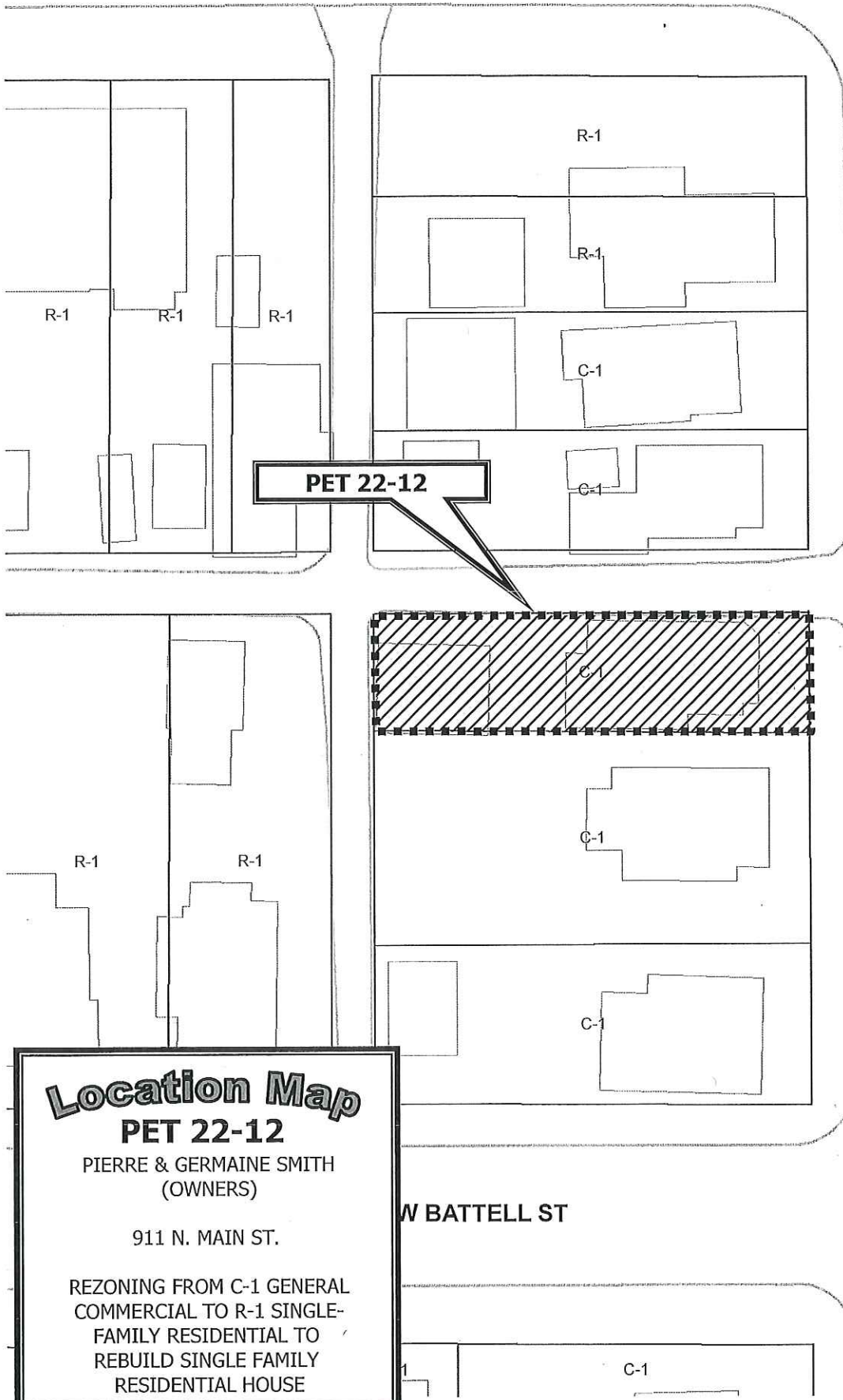
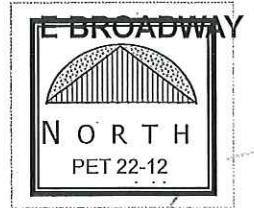
Main St.

911 N. Main St
Site Plan



PK 22-12

W BROADWAY



PET 22-12

N MAIN ST

C-5

Location Map

PET 22-12

PIERRE & GERMAINE SMITH
(OWNERS)

911 N. MAIN ST.

REZONING FROM C-1 GENERAL
COMMERCIAL TO R-1 SINGLE-
FAMILY RESIDENTIAL TO
REBUILD SINGLE FAMILY
RESIDENTIAL HOUSE

W BATTELL ST

E BATTELL ST

C-1

C-5

AUG 11 2022

City Clerk
Mishawaka, IN

1st Reading

2nd Reading

Passed

Failed

Continued To

PETITION 22-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-24

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 NUMBER 2 OF BREMEN HIGHWAY REPLAT, A REPLAT OF LOTS A AND B OF THE L.T.A. REPLAT, RECORDED APRIL 5, 2011, AS THE INSTRUMENT NUMBER 1109271 IN THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BREMEN HIGHWAY REPLAT AS RECORDED AS INSTRUMENT NUMBER 1109271 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89 DEGREES 49 MINUTES 23 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF ELMWOOD AVENUE, 16.70 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 16 SECONDS EAST, 64.35 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BREMEN HIGHWAY; THENCE SOUTH 00 DEGREES 10 MINUTES 41 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE, 62.14 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 519 SQUARE FEET, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

ALSO, THE NORTH HALF OF VACATED ELMWOOD AVENUE LYING SOUTH AND ADJACENT TO LOT 2 AS SET OUT IN ORDINANCE NO. 5681 RECORDED JANUARY 28, 2020 AS INSTRUMENT NUMBER 2020-02593 OF THE ST. JOSEPH COUNTY RECORDS.

COMMON ADDRESS: 3605 Bremen Highway

Proposed Ordinance No: 2022-24

Ordinance No: _____

which real estate is now classified as C-2 Shopping Center Commercial District and C-7 Automobile Oriented Restaurant Commercial District shall hereafter be within and a part of that District known as C-4 Automobile Oriented Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions. The southern shopping district along Bremen Highway is a busy commercial corridor, and the majority of the properties along Bremen Highway are commercial in use and would be compatible to the area, most recently the addition of Taco Bell immediately to the south and All Secure Storage along the bypass ramp.
2. Character of Buildings - The character of the buildings along Bremen Highway from Ireland to the St. Joseph Valley Parkway are predominantly commercial;
3. The most desirable/highest and best use - Because the parcel is located near retail, gas stations, and drive thru restaurants, the rezoning to C-4 Automobile Oriented Commercial District is a desirable use for this property;
4. Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as Bremen Highway is the southern commercial corridor which permits multiples commercial uses; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as General Commercial, and given its location on Bremen Highway, the proposed commercial use is consistent with the Plan.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 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: _____

Ordinance No: _____

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

David A. Wood, Mayor

STAFF REPORT

Location: 3605 Bremen Highway

Date: August 9, 2022

Petition: 22 13

Prepared By: CH

GENERAL INFORMATION

Applicant: LaFree Properties LLC & John A & Jayne L Piraccini/Abonmarche Consultants/Drive & Shine

Status: Property Owners/Representative/Contingent Purchaser and Business

Request: Rezone from C-2 Shopping Center Commercial and C-7 Automobile Oriented Restaurant Commercial District to C-4 Automobile Oriented Commercial District

Zoning Classification: C-2 Shopping Center Commercial & C-7 Automobile Oriented Restaurant Commercial District

Lot Size: 4.33 acres

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

SPECIAL INFORMATION

Area Development Pattern: North: C-7 Automobile Oriented Restaurant Commercial (hair salon) and unincorporated St. Joseph County R Residential (single family homes)
South: S-2 Planned Unit Development (Taco Bell & single family home)
East: C-1 General Commercial (Meijer) and C-7 Automobile Oriented Restaurant Commercial (McDonalds)
West: Unincorporated St. Joseph County R Residential (single family homes)

Thoroughfare: Bremen Highway

School District: Penn-Harris-Madison

Public Utilities: All utilities are available and/or will be extended to/throughout the site at the developer's expense

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

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from C-2 Shopping Center Commercial & C-7 Automobile Oriented Restaurant Commercial District to C-4 Automobile Oriented Commercial District. The property is located on the west side of Bremen Highway between Ireland Road and Meijer Drive.

The eastern 300' of the property was annexed in 1995 and rezoned C-7 for a drive thru restaurant. The remainder was annexed in 1998 and rezoned C-2 Shopping Center Commercial. The hair salon and outbuilding were split off in 2011, leaving 4.33 acre Lot 2 vacant for development. In 2020, Elmwood Avenue (to the south) was vacated and demolished as a part of the realignment which included the extension of Meijer Drive to the south and construction of Veldman Drive to the west.

The reason for the change to C-4 Automobile Oriented Commercial District is to allow a Drive & Shine car wash. The Drive & Shine on Main & Douglas has been in operation for over 25 years. A Drive & Shine car wash is currently under construction at the northwest corner of Lincolnway East and Bittersweet.

The Engineering Department had no concerns with the change in zoning, however, did have comments about the location of the drive approach, additional right of way to be dedicated, and coordinate with the St. Joseph County Drainage Board regarding Laing Ditch legal drain. Those comments were shared with Abonmarche to aid in developing the site plan.

The Planning Department shares Engineering's concerns about the access point and the drainage board. Laing 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.

The Electric Department noted that Mishawaka Utilities shares territory with AEP. Again, these comments do not apply to the rezoning, but may be needed in developing the site.

Other pertinent City Departments reviewed and approved the request.

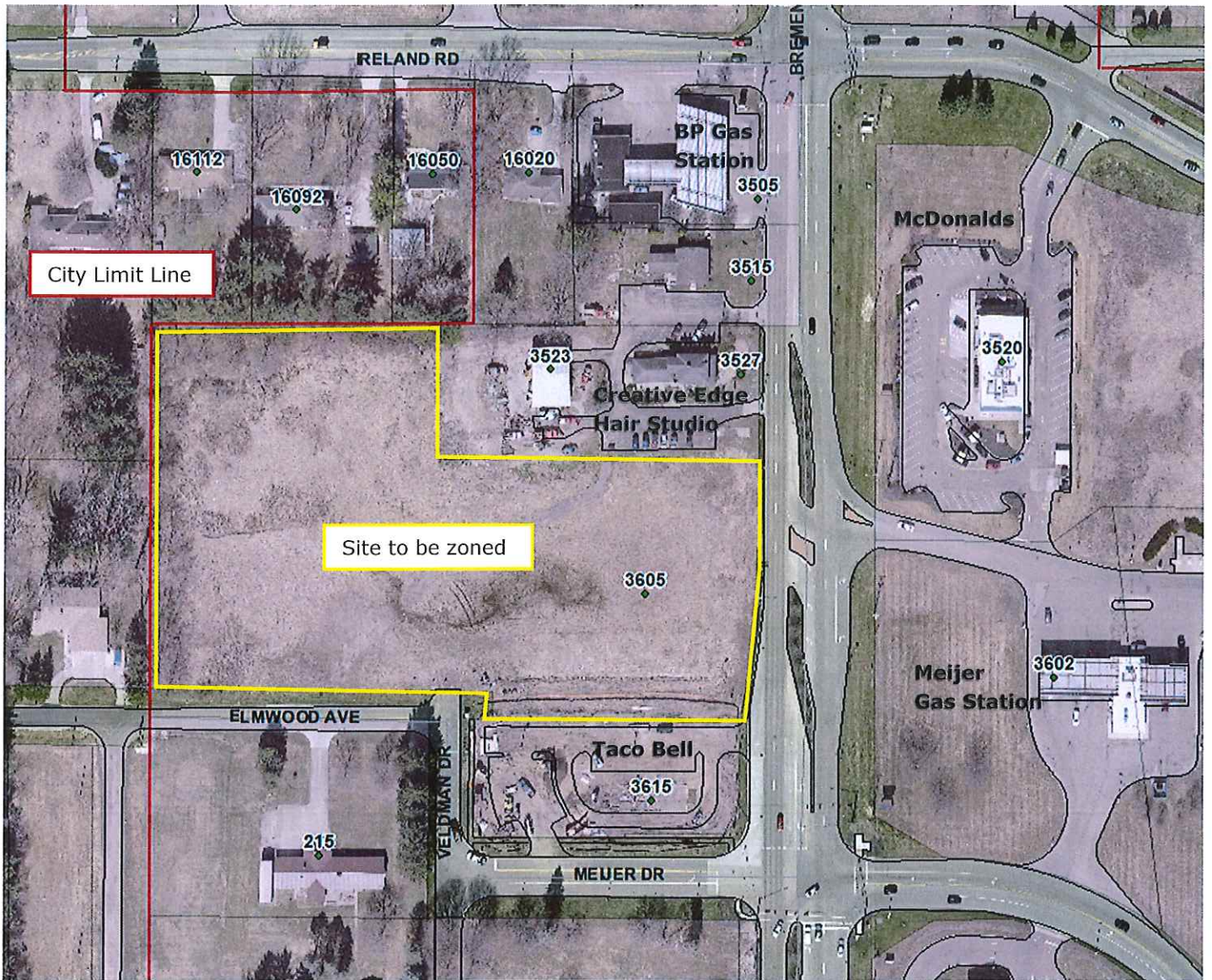
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #22-13 to rezone the property at 3605 Bremen Highway to C-4 Automobile Oriented Commercial District. This recommendation is based upon the following findings of fact:

1. Existing Conditions. The southern shopping district along Bremen Highway is a busy commercial corridor, and the majority of the properties along Bremen Highway are commercial in use and would be compatible to the area, most recently the addition of Taco Bell immediately to the south and All Secure Storage along the bypass ramp.
2. Character of Buildings - The character of the buildings along Bremen Highway from Ireland to the St. Joseph Valley Parkway are predominantly commercial;
3. The most desirable/highest and best use - Because the parcel is located near retail, gas stations, and drive thru restaurants, the rezoning to C-4 Automobile Oriented Commercial District is a desirable use for this property;
4. Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as Bremen Highway is the southern commercial corridor which permits multiples commercial uses; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as General Commercial, and given its location on Bremen Highway, the proposed commercial use is consistent with the Plan.

ATTACHMENTS

PHOTOS, PETITION, SITE PLAN, AERIAL, LOCATION MAP





Looking south from hair salon



Looking north from Taco Bell



Deborah S. Block, MMC, MMC Engineering • Architecture • Land Surveying

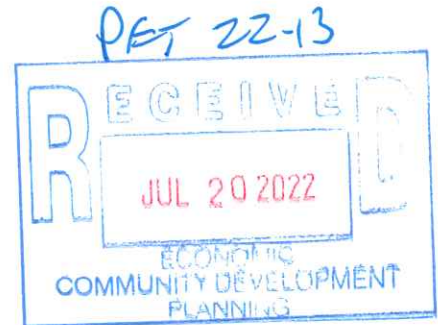
JUL 27 2022

**City Clerk
Mishawaka, IN**

DATE: July 20, 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



RE: Petition for Re-Zoning Classification – 3605 Bremen Hwy, Mishawaka, IN 46506

The undersigned Lafree Properties, LLC 1/2 INT & Piraccini John A. and Jayne L. 1/2 INT 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:

LOT NUMBER 2 OF BREMEN HIGHWAY REPLAT, A REPLAT OF LOTS A AND B OF THE L.T.A. REPLAT, RECORDED APRIL 5, 2011, AS THE INSTRUMENT NUMBER 1109271 IN THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BREMEN HIGHWAY REPLAT AS RECORDED AS INSTRUMENT NUMBER 1109271 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89 DEGREES 49 MINUTES 23 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF ELMWOOD AVENUE, 16.70 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 16 SECONDS EAST, 64.35 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BREMEN HIGHWAY; THENCE SOUTH 00 DEGREES 10 MINUTES 41 SECONDS WEST ALONG SAID WEST RIGHT OF WAY LINE, 62.14 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 519 SQUARE FEET, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.

ALSO, THE NORTH HALF OF VACATED ELMWOOD AVENUE LYING SOUTH AND ADJACENT TO LOT 2 AS SET OUT IN ORDINANCE NO. 5681 RECORDED JANUARY 28, 2020 AS INSTRUMENT NUMBER 2020-02593 OF THE ST. JOSEPH COUNTY RECORDS.

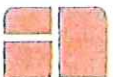
Wherefore, Petitioners respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above-described parcel of real estate to the City of Mishawaka with a C4-Commercial District zoning classification.

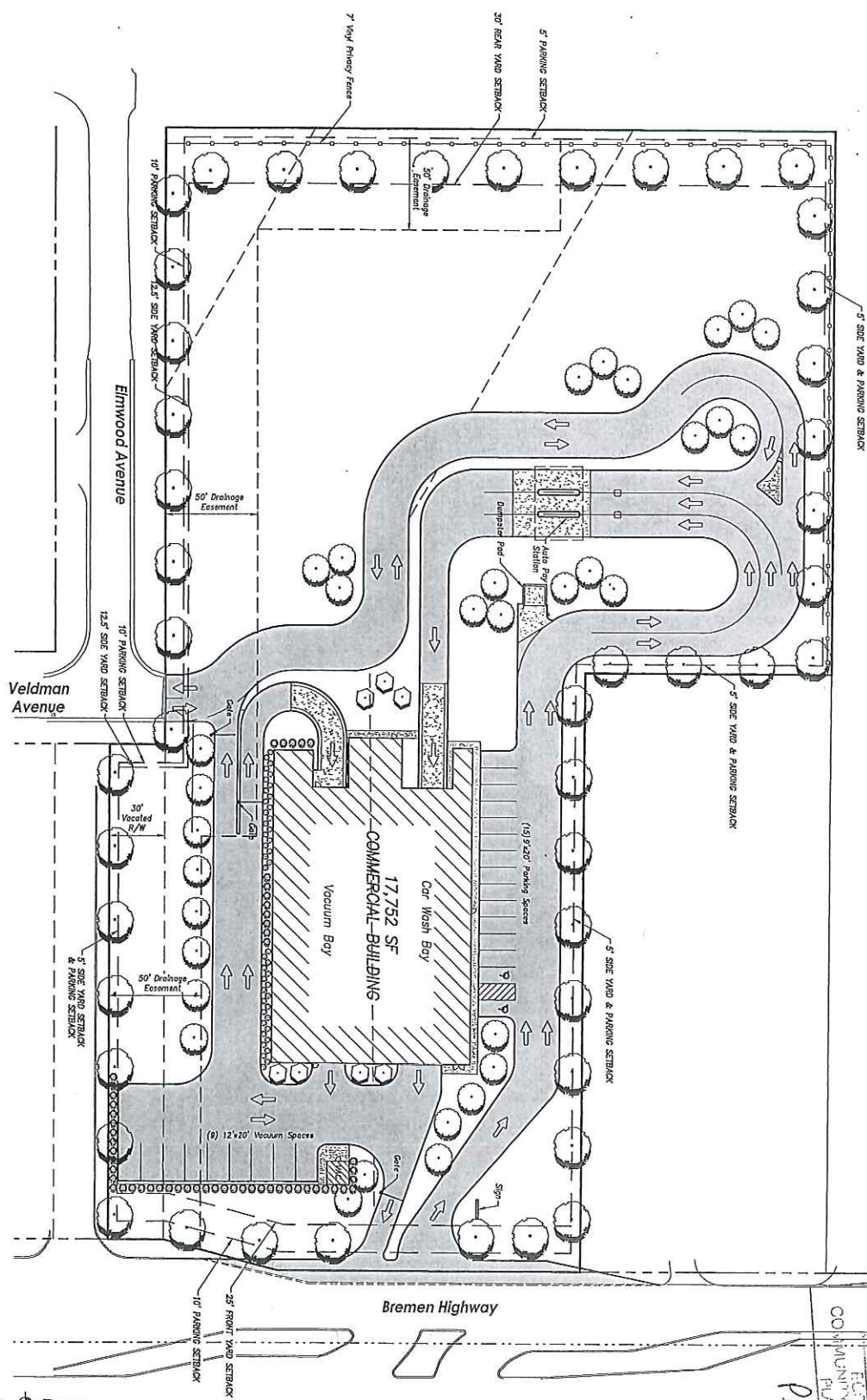
Bonnie LaFree Sutter
LaFree Properties, LLC Trustee & POA

Bonnie LaFree Sutter
Printed

Jayne L. Piraccini
John A. & Jayne L. Piraccini

Jayne L. Piraccini
Printed
John A. Piraccini





REVIEWED
 JUL 20 2022
 ECOTAGE INC
 COMMUNITY DEVELOPMENT
 PLANNING
 PLS 22-13

GRAPHIC SCALE
 (1" = 20' FEET)
 1 inch = 20 ft.

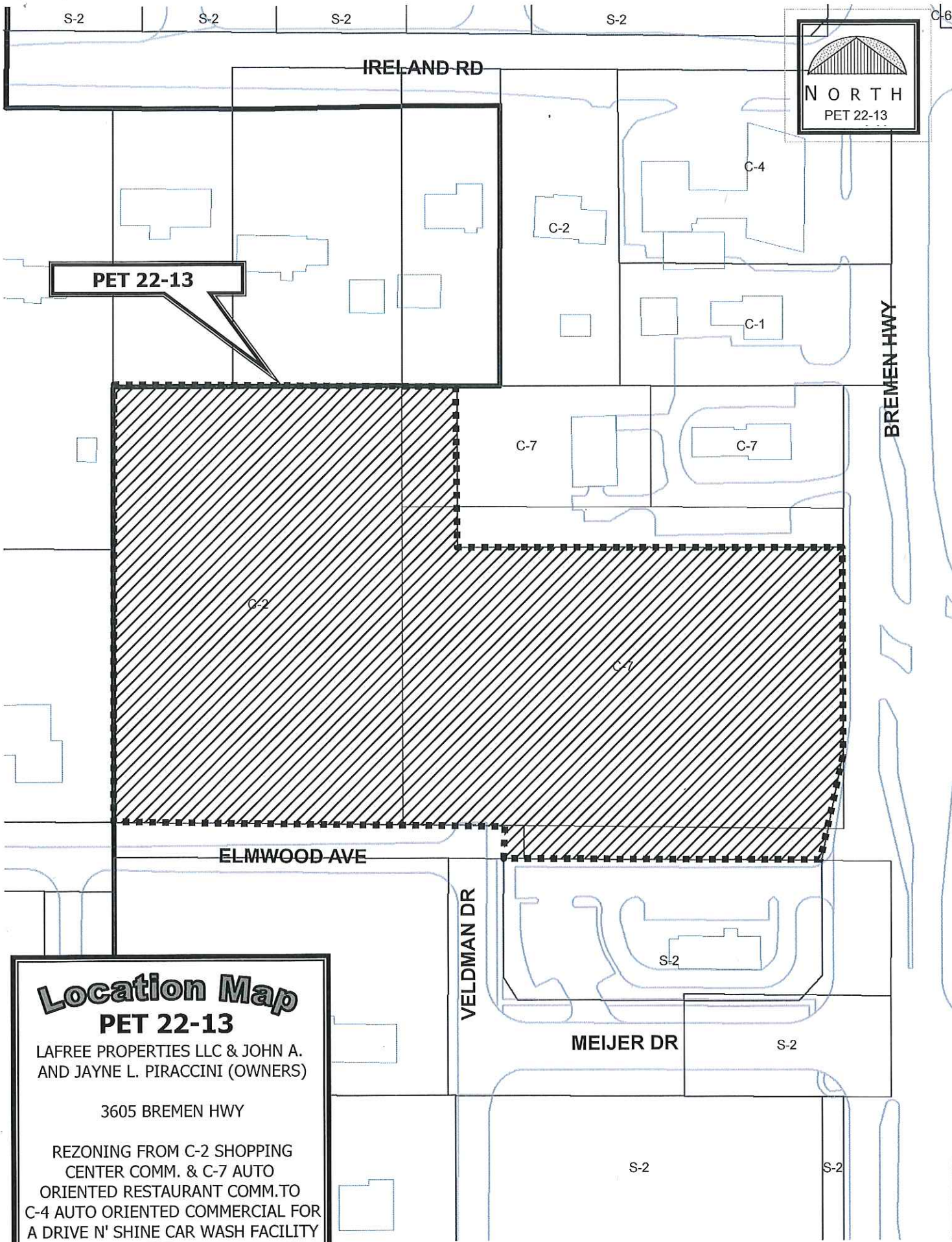
NO. 1 RETURN DISPOSITION
 DATE
 22-0912
 2 of 2

CONCEPT LANDSCAPE PLAN
 PRELIMINARY
 Not for
 Construction

**DRIVE & SHINE H-15
 BREMEN HIGHWAY
 MISHAWAKA, INDIANA**

ABONMARCHÉ
 215 W. Jefferson Blvd.
 South Bend, IN 46601
 574.233.7700
 574.231.4140
 abonmarche.com

Portage
 South Bend
 South Haven
 Valparaiso
 Benton Harbor
 Elkhart
 Goshen
 Hobart
 LaCrosse



PET 22-13

BREMEN HWY

ELMWOOD AVE

VELDMAN DR

MEIJER DR

Location Map

PET 22-13

LAFREE PROPERTIES LLC & JOHN A.
AND JAYNE L. PIRACCINI (OWNERS)

3605 BREMEN HWY

REZONING FROM C-2 SHOPPING
CENTER COMM. & C-7 AUTO
ORIENTED RESTAURANT COMM. TO
C-4 AUTO ORIENTED COMMERCIAL FOR
A DRIVE N' SHINE CAR WASH FACILITY

1st Reading
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO.

ORDINANCE NO. 2022-25

HPC # 22-01

Deborah S. Block, MMC, MMC

AUG 08 2022

City Clerk
Mishawaka, IN

AN ORDINANCE TO ESTABLISH THE CEDAR STREET MULTIPLE SITE DISTRICT WITHIN THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, Chapter 125 of the Municipal Code provides for the establishment of Historic Districts within the City of Mishawaka, and

WHEREAS, three property owners on Cedar Street wish to protect the fabric of their houses by establishing a small multiple site Historic District, and

WHEREAS, two of the homes (321 & 403 N Cedar), are listed as Outstanding in the updated 1995 Survey, indicating the importance of the history to be preserved and protected, and

WHEREAS, the Historic Preservation Commission held a public hearing on August 2, 2022 for the purpose of allowing discussion and public comment on the proposed designation of the Cedar Street Multiple Site District, and

WHEREAS, the Cedar Street Multiple Site District Guidelines are attached as Exhibit A, including a boundary map, and

WHEREAS, the Commission voted to send the Guidelines and map to the Common Council with a favorable recommendation for the creation of Cedar Street Multiple Site District.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, COUNTY OF ST. JOSEPH, STATE OF INDIANA, THAT:

SECTION 1: The map setting forth the proposed conservation district for the site is hereby approved by the Common Council and the Cedar Street Multiple Site District is hereby designated.

The Cedar Street Multiple Site District shall consist of the following addresses:

315 N Cedar Street
321 N Cedar Street
403 N Cedar Street

The individual properties making up the District are legally described as follows:

Lots 14 -16 Riverside Addition.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, COUNTY OF ST. JOSEPH, STATE OF INDIANA, THAT the above reference property be designated as Cedar Street Multiple Site District.

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 p.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



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

Deborah S. Block, AMC, MMC

AUG 08 2022

City Clerk
Mishawaka, IN

August 3, 2022

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Historic Preservation Commission Recommendation
August 2, 2022 Public Hearing
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Historic Preservation Commission was held on the above referenced date at which time the following Ordinance was considered:

HPC # 22-01

A proposed ordinance to establish 315 N Cedar Street, 321 N Cedar Street and 403 N Cedar Street, Mishawaka Indiana, as the Cedar Street Multiple Property Historic District. The property is legally described as: Lots 14, 15, & 16 Riverside Addition, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

The Commission recommended approval.

Pursuant to I.C. 36-7-11 the Historic Preservation Commission hereby certifies to the Mishawaka Common Council the attached proposed Ordinance regarding the above matter.

Sincerely,

Christa Hill

Christa Hill
Secretary, Historic Preservation Commission

enc

TOMORROW LIVES IN THE LIGHT OF OUR PAST

Cedar Street Historic District Guidelines



MISHAWAKA
HISTORIC
PRESERVATION
COMMISSION

600 East Third Street
Room 201
Mishawaka, IN 46544
Phone: (574) 258-1625

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INTRODUCTION

The goal of the Cedar Street Historic District (CSHD) is to preserve the historic fabric of the block in a way that harmonizes proposed modifications within a tiered system. The guidelines are not meant to restrict creativity, but to set up a framework within which sympathetic design will occur. Within such a framework, there can be many different design solutions which may be appropriate. The intent of these design guidelines is to maintain the integrity of our street, as originally constructed; to protect property values for homeowners; to keep single family homes where they have been built traditionally; to regulate the building of new homes; and to assist with the renovation and moving of existing homes. The following guidelines also regulate new construction, should such a circumstance arise.

The houses contained within the CSHD are zoned R-1 Single Family Residential which permits only single-family style homes.

The objective of the Mishawaka Historic Preservation Commission (MHPC) is the preservation and conservation of the unique character of many of the city's residential and commercial areas recognizes that the preservation and protection of the elements that make these areas attractive is consistent with the goal of residential and business district vitality. The historic district objective is to protect a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. The conservation district objective is to retain the overall physical dimension of areas through appropriately scaled and sited new construction as well as sensitive rehabilitation of those structures which continue to retain functional usefulness.

LEGAL DESCRIPTION

Lots 14-16 Riverside Addition

ADDRESSES BY CATEGORY

Contributing
315 Cedar

Outstanding
321 Cedar
403 Cedar

HISTORY OF CEDAR STREET

In 1900 what is now known as North Cedar Street was called Maple Street. It was part of a vacant 30 acre tract bordered by the St. Joseph River to the south and the Elkhart and Western railroad tracks to the west. A primitive bridge at Main Street was the only route across the river at the time.

Due to rapid population and industrial growth along both sides of the river, the City Council recognized the need for more bridges. In 1902 a "Bridge Committee" was formed. Approval was granted to construct 2 new bridges at Cedar and Logan streets and to replace the trestle bridge on Main Street. The Cedar Street bridge was the first to be completed in August of 1904 at a cost of \$51,000. The vacant 30 acres northeast of Main Street and on the west side of the new Cedar Street became very desirable and fulfilled the demand for new housing.

Realizing the economic potential of the area, James A. Roper, Vice President of First National Bank and a member of the "Bridge Committee", David Shaw, Mishawaka Postmaster, and Archibald G. Graham, City Attorney, incorporated the St. Joseph Valley Land and Improvement Company. These 3 individuals are credited with founding what became known as the plat of the Riverside Addition to the City of Mishawaka. The plat was approved by the Common Council on May 6, 1904.

The Cedar Street bridge "transformed the vacant land into prime real estate." The South Bend Tribune published the following notice in June, 1904:

"The new Riverside Addition at the north end of the new Cedar Street bridge is sure to be the most beautiful residence location in Mishawaka. It being free from the smoke and odors of the factories, where the land is high and dry...This addition is only a few minutes walk from the street car line and within four blocks from the center of the city." (a)

Seven lots facing the newly named Cedar Street were created measuring 45'w x 119'd. Single family homes were built here between 1915 and 1930 in the style of Bungalow and American Foursquare. These properties have historical significance because they are examples of early 20th century homes for middle class residents. Homes at 321 North Cedar (built 1915) and 403 North Cedar (built 1926) have been given Outstanding ratings per the Historic Sites and Structures Inventory. The current owners have received the Historic Preservation Commission's Heritage Home Awards.

(a) The South Bend Tribune, p. 7, June 10, 1904

Historical information about the Riverside Addition was provided by Michael Esposito

RIVERSIDE ADDITION HISTORY

(extracted from Mike's contribution to the previous draft):

Riverside was founded by three well-known leaders in St. Joseph County: James A. Roper, David A. Shaw and Archibald G. Graham.¹

James Roper was a Civil War veteran who, at age 16, served with Company F of the 48th Indiana Volunteer Infantry. After the war, he became involved with furniture manufacturing and in 1888, established the Roper Furniture Company.² He and H.G. Niles helped the Dodge brothers found Mishawaka's utility companies.³ Roper was the vice-president of the First National Bank in Mishawaka, and eventually became its president.⁴ He was appointed as a city commissioner in 1901⁵ and served on the Mishawaka "bridge committee."⁶

David Shaw was the Mishawaka postmaster from 1903⁷ to 1909.⁸ He was the only founder to live in neighborhood—his home was 337 Edgewater Dr.⁹ Shaw served on the board of the Mishawaka Trust and Savings Bank¹⁰ and eventually became involved with automobile Manufacturing.^{11 12}

Archibald G. Graham was a well-known lawyer who helped organize Mishawaka into a city. In 1899, he was elected as city attorney, where he served until 1908.¹³ He moved to South Bend and co-founded the law firm of Brick, Gates & Graham.¹⁴

In 1900, only one bridge—what is now called the Main Street Bridge—connected the north and south areas of town. With an ever growing population, the city of Mishawaka needed more routes over the river. In 1902, Mishawaka formed a "bridge committee," which approached the county commissioners about building a new bridge.¹⁵ Seeing the need, commissioners approved the project. Cedar Street was chosen as the site¹⁶ and in August 1904 the new bridge was in place.¹⁷ A street was built between the bridge and Maple Street, where it meets what is now Mishawaka Avenue. In 1905, all of Maple was renamed North Cedar Street.¹⁸

Manufacturing growth kept the housing market booming well into the 1900s. An article published in The South Bend Tribune in 1903 reviewed the Mishawaka real estate market in detail. "Never before in the history of Mishawaka...has the real estate market been so active." The article added, "Many who purchased lots two years ago have realized from 33 to 50 percent [sic] on the investment." At least 300 more new homes were needed in 1903 and, "[B]y this time next year 500 will not satisfy the demand."¹⁹

The opportunities in real estate propelled Roper, Shaw and Graham into action. Two months after the bridge committee recommended the Cedar Street site, the men incorporated the "St. Joseph Valley Land and Improvement Company."²⁰ On that same day, they bought the former Kremer property (5.5 acres) from E&W for \$1.00.²¹ They still needed the old Bower property (2.75 acres) to have enough land to build Riverside. Shaw acquired it in October 1903 for \$1,500.²²

As the company organized, the city laid out the road connecting the bridge to Maple Street. The designated route cut across the Riverside property, separating a narrow tract from the main section. Rather than having Riverside straddle the street, the land to the east was incorporated into Edgewater Place.²³

Mishawaka Common Council approved the plat of Riverside on May 6, 1904²⁴ and the following month, a notice appeared in The South Bend Tribune:

The Ideal Place to Live

*The new Riverside addition at the north end of the New [sic] Cedar street [sic] bridge is sure to be the most beautiful residence location in Mishawaka. It being free from the smoke and odors of the factories, where the land is high and dry...This addition is only a minute's walk from [the] street car line and within four blocks from center of the city.*²⁵

The plat filed with the Common Council divided Riverside into 28 lots, nine of which abutted the river.²⁶ A sampling of title transfer notices in the Tribune showed lots ranged in price from \$400 to \$575 in 1905-06 and would rise to \$600 to \$900 by 1910-11.

In 1914, James Roper was sued by an ad agency in Chicago for \$30,000.²⁷ In 1915, he, and four others were sued by five different banks for claims totaling \$35,000.²⁸ In 1916, the Drovers' National bank of Chicago sued Roper and others in circuit court for \$22,240. The next year, Drovers went back to court alleging Roper transferred assets to his wife and other people to avoid paying the judgement.²⁹ As this was happening, Roper's furniture business, which had moved to Dixon Illinois in 1910,³⁰ went bankrupt³¹ and the factory building was acquired by Mishawaka Rubber & Woolen Manufacturing. The Mishawaka Woolen Company gradually absorbed all the industrial properties along the river. Roper and his wife left town, moving to Long Beach, California in 1916.³² In 1939, at age 93, Roper died. He was the longest lived and last to die of the founders.³³

David Shaw left town in 1913,³⁴ but not for financial reasons. Shaw went to work for the Grant Motor Company. The manufacturing plant opened in Cleveland, Ohio and while there Shaw became the company president.³⁵ He died in the early 1930s.³⁶

Archibald Graham stayed in the area and continued a prosperous law practice in South Bend. In 1926, he ran in the Republican primary for the U.S. Senate, but was not nominated. He died in 1935 at age 62.³⁷

End Notes:

¹ The Abstract and Title Corporation of South Bend. (1942, March 27). Abstract of Title to Real Estate in St. Joseph County, State of Indiana, South Bend, Indiana: Author, item 47.

² James A. Roper dies at age 93. (1939, Sept. 1). The South Bend Tribune, p. 23.

³ Development of water works is interesting. (1922, March 9). The South Bend Tribune, p. 1.

⁴ Former manufacturer now in California. (1922, March 9). The South Bend Tribune, p. 91.

⁵ City commissioners organize. (1901, July 22). The South Bend Tribune, p. 5.

⁶ Bridge committee to meet. (1902, Jan. 27). The South Bend Tribune, p. 5.

⁷ Social, personal and general news. (1903, Feb. 9). The South Bend Tribune, p. 7.

⁸ Postoffice work is now finished. (1910, Feb. 23). The South Bend Tribune, p. 16.

⁹ The Hibbert Directory Company (1911). Hibbert's 1908 - 1910 City Directory of South Bend and Mishawaka Indiana, Vol. 30. South Bend: The Hibbert Directory Company, p. 17.

¹⁰ Facts about the Mishawaka trust. (1914, June 8). The South Bend Tribune, p. 11.

¹¹ Simplex touring care turns turtle. (1910, July 7). The South Bend Tribune, p. 10.

¹² Moving plant to Cleveland. (1916, May 11). The South Bend Tribune, p. 17.

- ¹³ Indiana politician dies. (1935, Mar. 18). The Star Press, p. 1.
- ¹⁴ Fassett, C.N. (1918, April 06). South Bend men who have made their mark. The South Bend Tribune, pp. 9. 64 The Grant statue. (1885, Aug. 1). The Chicago Tribune, p. 8.
- ¹⁵ Bridge committee to meet. (1902, Jan. 27). The South Bend Tribune, p. 5.
- ¹⁶ Location of the new bridge (1902, March 22). The South Bend Tribune, p. 7.
- ¹⁷ Local statistics. (1904, Aug. 31). The South Bend Tribune, p. 7.
- ¹⁸ News of Mishawaka. (1905, Jan. 17). The South Bend Tribune, p. 7.
- ¹⁹ Good place to buy. (1903, July 11). The South Bend Tribune, p. 15.
- ²⁰ The Abstract and Title Corporation of South Bend. (1942, March 27). Abstract of Title to Real Estate in St. Joseph County, State of Indiana, South Bend, Indiana: Author, item 47.
- ²¹ The Abstract and Title Corporation of South Bend. (1942, March 27). Abstract of Title to Real Estate in St. Joseph County, State of Indiana, South Bend, Indiana: Author, item 47.
- ²² Real estate transfers. (1903, Oct. 22). The South Bend Tribune, p. 10.
- ²³ Real estate transfers. (1904, July 2). The South Bend Tribune, p. 7.
- ²⁴ Common Council of the City of Mishawaka. (1904, June 16). Plat of the Riverside Addition to the City of Mishawaka. Mishawaka, IN: St. Joseph County.
- ²⁵ The ideal place to live. (1904, June 10). The South Bend Tribune, p. 7.
- ²⁶ Common Council of the City of Mishawaka. (1904, June 16). Plat of the Riverside Addition to the City of Mishawaka. Mishawaka, IN: St. Joseph County.
- ²⁷ Sues for \$30,000 on guarantee contract. (1914, June 10). South Bend News-Times, p. 1.
- ²⁸ Sue on notes for recovery of \$35,000. (1915, Sept. 17). The South Bend Tribune, p. 5.
- ²⁹ Bulky transcript is cause of discussion in J.A. Roper suit. (1917, Nov. 13). South Bend News-Times, p. 4.
- ³⁰ Ropers have sold factory buildings. (1910, July 2). The South Bend Tribune, p. 18.
- ³¹ Roper Furniture Co. at Dixon fails. (1916, Nov. 28). The South Bend Tribune, p. 11.
- ³² Roper-Falk nuptials. (1916, Nov. 28). The South Bend Tribune, p. 14.
- ³³ James A. Roper dies at age 93. (1939, Sept. 1). The South Bend Tribune, p. 23.
- ³⁴ To reside in Detroit. (1913, July 12). The South Bend Tribune, p. 10.
- ³⁵ Moving plant to Cleveland. (1916, May 11). The South Bend Tribune, p. 14.
- ³⁶ Two to retire in post office. (1933, Sept. 19). The South Bend Tribune, p. 17.
- ³⁷ Indiana politician dies. (1935, Mar. 18). The Star Press, p. 1.

HOUSE HISTORY - 315 Cedar

This contributing house was built in 1921 and was owned by Earl Robinson until 1941. The 1942 Polk Directory lists the house as vacant, then Clyde Johnson in 1943 & 1944, and Mrs. Dold McClelland in 1945. Russell Ross then owned the home from 1946 until it was sold to the Portolese family in the summer of 1963.

"Portolese Family Home" by Mike Portolese

This home at 315 N Cedar St., a traditional American Four-Square, has been the Portolese family home since the summer of 1963. Michael & Rosalie Portolese married in September of 1960 and had their first child, Michael Jr. in July of 1961 and their second child, Timothy, in April of 1963. Having two children in their small apartment on Grove St. was tight quarters and the search for a home of their own began. The Ross family was selling their Cedar St. home and Mike & Rosalie fell in love with it, purchased it, and moved in the summer of 1963. Shortly thereafter, Mike and Rosalie found that they were expecting their third child.

Angela was born in May of 1964 and the three-bedroom home served the family very well. It's close proximity to Bingham School, Central Park, and Merrifield Park was an ideal location to raise a family. Mike was a Mishawaka Firefighter stationed at the old Central Fire Station and could easily walk to work and Rosalie was a crossing guard for Bingham School.

Living next door at 321 N Cedar was Margaret Schenck. She had moved into her home only three months prior to the Portolese's and quickly became an adopted member of the family. As a teacher at North Side School, Miss Schenck did not marry and lived in her home alone. She often said that the Portolese children were as much family to her as anyone. Miss Schenck taught the Portolese children about nature, farming, and was also a caregiver to the children when Mike & Rosalie needed.

The garage at 321 Cedar burned in the summer of 1967 taking with it many of the Schenck family heirlooms. Mike Portolese worked to salvage what he could and tore the shell of the garage down for her. Her new garage was built in 1968 by Merle Campbell, a friend of Margaret's and life returned to normal.

As a member of Queen of Peace Church, Mike Jr. and Lisa met Terry and Jayne Ross and became good friends. Mike had remembered that the family home was purchased from a Ross family and asked Terry if someone in his family had owned the home. Both were surprised to find that 315 N Cedar was Terry's childhood home. They often laughed about having grown up in the same house and had the same bedroom! During one of the Ross family reunions, they returned to tour the home and shared stories of cherished Ross family events that were held in the home.

As a home built in the early part of the 20th century, some modern conveniences were lacking. In the basement was an old coal fired furnace that had been converted to natural gas that looked like an octopus and no air conditioning. There is one full bath upstairs and a relatively small kitchen. A new furnace was installed in the early 1970's along with central air conditioning which made the home very popular on hot summer days with the neighbors. The bathroom was remodeled with new tile and fixtures in the mid-1970's and the kitchen was updated in the late 1990's.

Mike and Rosalie took great pride in their home with their gardens and manicured lawn. Today, the home sits vacant after Mike passed away in 2013 and with Rosalie now living in assisted living. The three Portolese siblings plan on selling the home in the fall of 2022 or spring of 2023 and hope that the home can again bring joy, shelter, and love to another family.

HOUSE HISTORY - 321 Cedar

In 1904, James Roper, one of the developers of Riverside, and his wife, Ella purchased Riverside Lot 15. The Ropers sold this lot to Harry* and Dulcie Ellsasser in 1910 for \$900. The Ellsassers built the home, a two-story craftsman-style bungalow, in 1915. The house has hardwood floors and crown molding throughout. Other notable features of the home are a picture-ledge in the dining room, built-in bookshelves in the study, and a "jack-and-jill" closet in one of the two bedrooms on the second floor. In 1925, the Ellsassers added the detached garage.

Harry and Dulcie lived in the home for 34 years, selling it in 1944 to Edmund and Evelyn Fiekers. The house changed ownership one more time until it was purchased by Margaret Schenck in 1962. Margaret lived there for 32 years, selling the house in 1994.

Between 1994 and 2004, the house had four different owners.

"The Joswick Family Home" by Sarah Joswick

In 2004, I relocated from Madison, Wisconsin to Mishawaka to work as a Records Manager at Bayer Healthcare. I had just graduated with a Master's in Library Science so this was my first "professional" job.

When I lived in Madison, I would often drive through the "craftsman" districts, admiring the style and architecture of the bungalows and dream of one day owning a similar piece of history. However, given the high price of real estate in Madison, I felt that dream was not likely to become a reality.

Nevertheless, my new job provided me the opportunity to purchase my first home. Working with a realtor, I toured houses in the area. When asked what type of home I was looking for, I told the realtor that "I would know it when I saw it." I never thought to mention a craftsman style bungalow, having long since put that dream out of my mind. The fourth house I visited was 321 Cedar Street. At first glance, I fell in love. After walking through the house and seeing the various built-ins customary of this style of home, I knew this was the house for me. However, it turned out that another buyer had already put an offer on the home. I was so worried about my "dream home" slipping away that I counter-offered more than the asking price (a move discouraged by my realtor). Fortunately, that decision paid off and in October 2004, I became the next owner of this historic home.

Over the past eighteen years, I have taken great pride in this home and worked to maintain its original style and character. For instance, in 2009, after quite a bit of research, I had the house repainted in the traditional tri-color scheme of craftsman-style houses. In August 2010, as a result of this "diligent care of a vintage home," my home received a Heritage Home Award from the City of Mishawaka Historic Preservation Commission.

My son, Eli was born in 2008 and has spent his entire life in this house. Now, as a teenager, when he returns home after spending time at the much newer houses of his friends, he often comments on how special and unique our house is in comparison. I am proud to have raised a son who appreciates the beauty and characteristics of this historic home and who recognizes the importance of preservation.

My original life-plan when I moved to 321 Cedar Street was to stay in this house and area for only three to five years before moving back to Madison. Eighteen years later, I am still here and have no plans to

move. In fact, my new plan is to stay at least seventeen more years so that I can become the homeowner who has spent the most years in the home.

*In 1919, Harry Ellsasser became the contact person for those wishing to purchase lots on Park Avenue. In 1942, Harry Ellsasser and six others successfully petitioned the city planning commission to rezone this lot and four others in the Riverside addition, along with multiple lots in the Edgewater addition, from commercial to a class A residential zone.

HOUSE HISTORY - 403 Cedar

The home, built in 1926, has only had three owners. School teacher George Fee bought the house from the original owner in the 1940's. Current owner Susan Godair, has owned the house since 1996. Ms. Godair grew up in the area; her family owned a florist shop at the corner of Cedar and Madison. Originally classified as Notable in the 1995 Survey, recent reviews by Indiana Landmarks staff elevated the status to Outstanding.

"The Fee House" by Susan Godair

Visually picture in your mind the beginning scene from the classic movie, A Christmas Story. I did so enjoy the movie as it reminded me of my home growing up. You see I was raised and grew up at the edge of the bridge in my grandmother's house along side the Edgewater Floral Shop, my parent's flower business. Oh all the stories I could share with you from my childhood memories. At the corner of Madison and Cedar streets began the first of five houses looking north on Cedar: The Owens, The Brady's, McNamara's, Portolese's, Miss Schenek and George Fee's lovely 4 Square American house. Right next door was Rosenstine's rubber company, and the a railroad track on the north side running back and forth, east and west, to and from the UniRoyal plant, Ball Band, Woolen's . There's plenty of history in this town. Note, my older brother, David, looked so much like Ralphie at 8 yrs old and also wanted a red rider beebee gun.

According to the abstract of title to this property, it was purchased in 1943 by George Fee.

Back to George Fee. A very pleasant man, pleasant and funny humor, engaging, and a very successful car sales man at Gates Chevrolet, a family business. And, he was a wood worker with some time working as a shop teacher. George resembled a different George, a famous tv/actor/comedian - George Goble. A delightful entertainer with a distinctive hair cut and style, a butch or flat top style. Only people over 50 would know him from his movies and guest spots on the Ed Sullivan show. Everybody was fond of the Fee family. The Fee house was a "must not miss" stop on Halloween night, always a homemade treat - carmel popcorn balls or taffy apples.

George Fee died, in his home on Cedar St, in the winter of 1994. A transfer with my employer from IL to Elkhart was approved due to my many visits with my aging parents. The Fee house was 5 houses north of my parents house and would be so convenient for caring on them. There was one other interested party so they, the family, decided to take a blind bid from each and lucky me I had the highest bid and the Fee house became home. I decided to trust George's reputation, honesty and good character and bought the house sight unseen. Answered prayer, I knew this was the perfect house for me.

Zoom to January 1995 I moved into my new home. The house is so lovely, well cared for hardwood floors, walnut baseboards and gorgeous crown moldings throughout the main floor. A charming stairway to the upstairs to three bedrooms. My favorite room is the sunroom, with 8 windows for the sun to burst through. There's a total of 31 original windows in the house.

August, 2010, I was given an award from the City of Mishawaka, Historic Preservation Commission, Heritage Home Award for "diligent care of a vintage home". Each May I look forward to and shiver with delight for the sign the city posts in my front yard recognizing the historical worthiness of the history.

TERMINOLOGY AND DEFINITIONS

Historic District: A full Historic District regulates all exterior changes to a property, site or setting.

CSHD: Cedar Street Historic District

MHPC: Mishawaka Historic Preservation Commission

ARCHITECTURAL INTENT

PRIMARY BUILDINGS: The single family dwelling occupying a single lot.

ACCESSORY STRUCTURES: Any structure secondary to the principal building on the lot.

MASS: The three dimensional outline of a building.
Consider the mass of all building parts (i.e., house, garage, integrated porch, and breezeway).

FOUNDATION/ FIRST FLOOR ELEVATION: The supporting base upon which a building sits and the finished elevation of the first floor living space.

BUILDING MATERIALS: The visual, structural, and performance characteristics of the materials visible on a building exterior.

OPENINGS/FENESTRATION: The design, arrangement, and proportioning of windows, doors, and openings.

OTHER ARCHITECTURAL DETAILS: These items extend the mid-century house mass into the landscape.

PATIOS AND PORCHES: Flat constructed areas, adjacent to the house, which extend the living space into the exterior environment.

PARKING & STORAGE ACCESS: Locations of driveways and access to storage of all vehicles, including but not limited to cars, RVs, boats, ATVs, etc.

SETBACK: The distance a building is set back from a property line.

ORIENTATION: The direction a building faces.

BUILDING ENTRY: The actual and visually perceived approach and entrance to a building.

SPACING: The distance between contiguous buildings along a block face.

BUILDING HEIGHT: The vertical distance measured from the established grade opposite the middle of the front wall of the building to the highest point of the roof. Whenever a building is located upon a terrace or slope, height may be measured from the average grade level of the building wall.

BUILDING OUTLINE: The silhouette of a building as seen from the street.

GUIDELINES FOR EXISTING STRUCTURES

District Wide

The overall approach of the guidelines is to ensure that any future changes don't detract from the overall appearance of the street or adjacent properties.

Properties will be grandfathered as of the date of council approval. Any changes or modifications after this period will need to follow the established guidelines.

Review is required for Non-Contributing buildings. The Mishawaka Historic Preservation Commission considers proposed work to ensure that the changes are compatible with the existing street. Window and door size and placement as well as building materials should maintain the look for vintage materials on homes of the period.

Front yard fences and decking are generally discouraged, as this street does not contain such historically.

Mature trees should not be removed except in instances of disease, to allow for an addition, and/or if causing damage to the sidewalk and or damaging structures.

In-kind repair will not require a COA (aluminum gutter with aluminum gutter, asphalt roof with asphalt roof in same or complimentary color).

Building color is not restricted by these guidelines.

Non-Contributing

The overall approach is to ensure that any future changes don't detract from the overall appearance of the street or adjacent properties.

Contributing

Porches- Homes with existing closed porches will be encouraged to return to an open porch to match adjacent properties. Existing open porches should remain open and not be enclosed.

Siding-Homes with aluminum, asphalt or vinyl siding may maintain existing. Homeowners will be encouraged to replace siding with material consistent with that used at the time of initial construction.

Windows- Windows will be encouraged to be of the same size and opening style as original. Glass divisions should match, but true dividers are not required.

Notable

Homes should retain original elements if possible. If replacement is proposed, materials should be consistent with that used at the time of initial construction. Removal of non-sensitive changes is encouraged.

Windows- Repair of original windows is encouraged.

Siding- Repair of original siding is encouraged, rather than covering with new materials.

Outstanding

Retention of original elements is of paramount importance. Repair original material rather than replacements. If replacement is warranted, material should be of the highest quality and reproduction in design.

Windows- Repair of original windows is encouraged. If new windows must be installed, they should be visually indistinguishable from the original.

District Wide

Type of Work	No Approval Required	Certificate of Appropriateness Required
Decks	• Decks not seen from the road. • Repair of existing decks.	Decks on the front of structures.
Demolition	Accessory buildings (detached garages, sheds, pools, etc.)	Any primary structure, or portion of any primary structure.
Fences	Fences that do not project past the established front setback.	Front yard fences.
Gutters	In-kind repair (same material and same or complimentary color)	
Landscaping	Removal of trees in the side or rear yard.	Removal of mature trees in the front yard (between the sidewalk and the house).
New Constructions	Accessory buildings (detached garages, sheds, pools, etc.)	All new primary structures and any addition visible from the street.
Roof	In-kind repair (same material and same or complimentary color)	Replacement of slate and tile when repair is infeasible.

Contributing

Type of Work	No Approval Required	Certificate of Appropriateness Required
Porches	Opening of existing closed porch.	Enclosing of existing open porch. New front porch.
Siding	Maintenance of existing aluminum, asphalt, or vinyl siding.	
Windows/Doors	Same size and opening type as original.	Changes to size or opening type.

Notable

Type of Work	No Approval Required	Certificate of Appropriateness Required
Porches	Opening of existing closed porch.	Enclosing of existing open porch. New front porch.
Siding	Maintenance/repair of existing aluminum, asphalt, or vinyl siding.	Covering original siding.
Windows/Doors	Repair of original windows.	Changes to size or opening type New windows of same size.

Outstanding

Type of Work	No Approval Required	Certificate of Appropriateness Required
Porches	Opening of existing closed porch.	Enclosing of existing open porch. New front porch.
Siding	Maintenance/repair of existing aluminum, asphalt, or vinyl siding.	Covering original siding.
Windows/Doors	Repair of original windows.	Changes to size or opening type. New windows of the same size.

ENFORCEMENT PROCEDURES

Enforcement of the preservation guidelines for an historic district are made possible in the Historic Preservation Ordinance of Mishawaka, Ordinance No. 3444, Chapter 125 of Mishawaka's Code of Ordinances. The HPC shall issue a Certificate of Appropriateness before any construction, reconstruction, alteration, demolition, or moving of any house or structure within the historic district is commenced. This Ordinance does not, however, prevent the ordinary maintenance and repair of any building or structure which does not involve a change in any exterior feature, nor does it prevent the reconstruction, alteration, demolition or moving of any building or structure which the Building Commissioner or other official has determined to be a hazard to public safety.

A Certificate of Appropriateness shall be required for any work which alters any portion of a structure that is visible from the street. Changes or alterations to a side or rear wall do not require a Certificate of Appropriateness, provided that these walls are not visible from the street. The Department of City Planning and its staff will be responsible for determining what is and what is not visible from the street. This decision will be made on an individual basis taking into account multiple views and angles which can be viewed from the street.

PROCESS FOR CONSTRUCTION APPROVAL

The final decision is made at a public hearing before the Mishawaka Historic Preservation Commission.

CERTIFICATE OF APPROPRIATENESS FILING REQUIREMENTS AND APPLICATION

I. The following documentation is required:

A. NEW CONSTRUCTION

1. Site plan indicating existing structure, driveways, major landscaping, and location of proposed new buildings, driveways and landscaping.
2. Photographs showing a view from the street with the building site and adjacent properties.
3. Façade rendering.
4. Description or sample of materials to be used.
5. An additional supporting materials necessary for the Preservation Commission to make a decision.

B. REHABILITATION OF AN EXISTING STRUCTURE AND MAJOR LANDSCAPING:

1. Photographs indicating existing condition.
2. Description of proposed rehabilitation activity.
3. Description or samples of materials used.
4. For substantial rehabilitation, applicant(s) must also supply site plans, elevations, floor plans, and additional supporting materials necessary for the Preservation Commission to make a decision.

II. A Ten Dollar (\$10) fee shall be charged to cover the cost of processing the application.

III. Applications are to be filed at least two (2) weeks prior to the regularly scheduled Commission meeting.

MISHAWAKA LAND DEVELOPMENT CODE

https://www.municode.com/library/in/mishawaka/codes/code_of_ordinances?nodeId=PTIILADECO

MISHAWAKA – HISTORIC PRESERVATION COMMISSION

Created in 1990, the Mishawaka Historic Preservation Commission is a group of citizens appointed by the mayor with the goal of educating city residents about the methods and merits of preservation, and safeguards the City's historic and cultural heritage by working to preserve sites of significance.

The main goals of the Mishawaka Historic Preservation Commission are to:

1. Work with Neighborhoods to create Historic Districts and Preservation Guidelines.
2. Help homeowners protect and preserve their properties.
3. Provide FREE professional advice to city residents.
4. Create public enthusiasm for the protection of the unique character of the community's past, present and for the future.

PROCEDURE FOR THE REVISION OF THE CSHD DESIGN GUIDELINES

Guidelines will be reviewed every 5 years. In this event:

1. Changes to the guidelines, if desired, may be initiated only by majority of the homeowners within the Cedar Street Historic District.
2. The homeowners inform the MHPC of the proposed changes to the guidelines.
3. Actual revisions to the guidelines are finalized by the Mishawaka Historic Preservation Commission (MHPC).
4. All property owners in the Cedar Street Historic District are notified of the proposed changes in the guidelines. They are given copies of the proposed changes and notice of the time and place of the public hearing on the proposals.
5. The MHPC provides a system whereby all property owners have the opportunity to cast a vote on the proposals. Each lot will get one vote.
6. If a majority of the property owners who cast a vote to approve the changes, the new guidelines are sent to the MHPC for ratification.

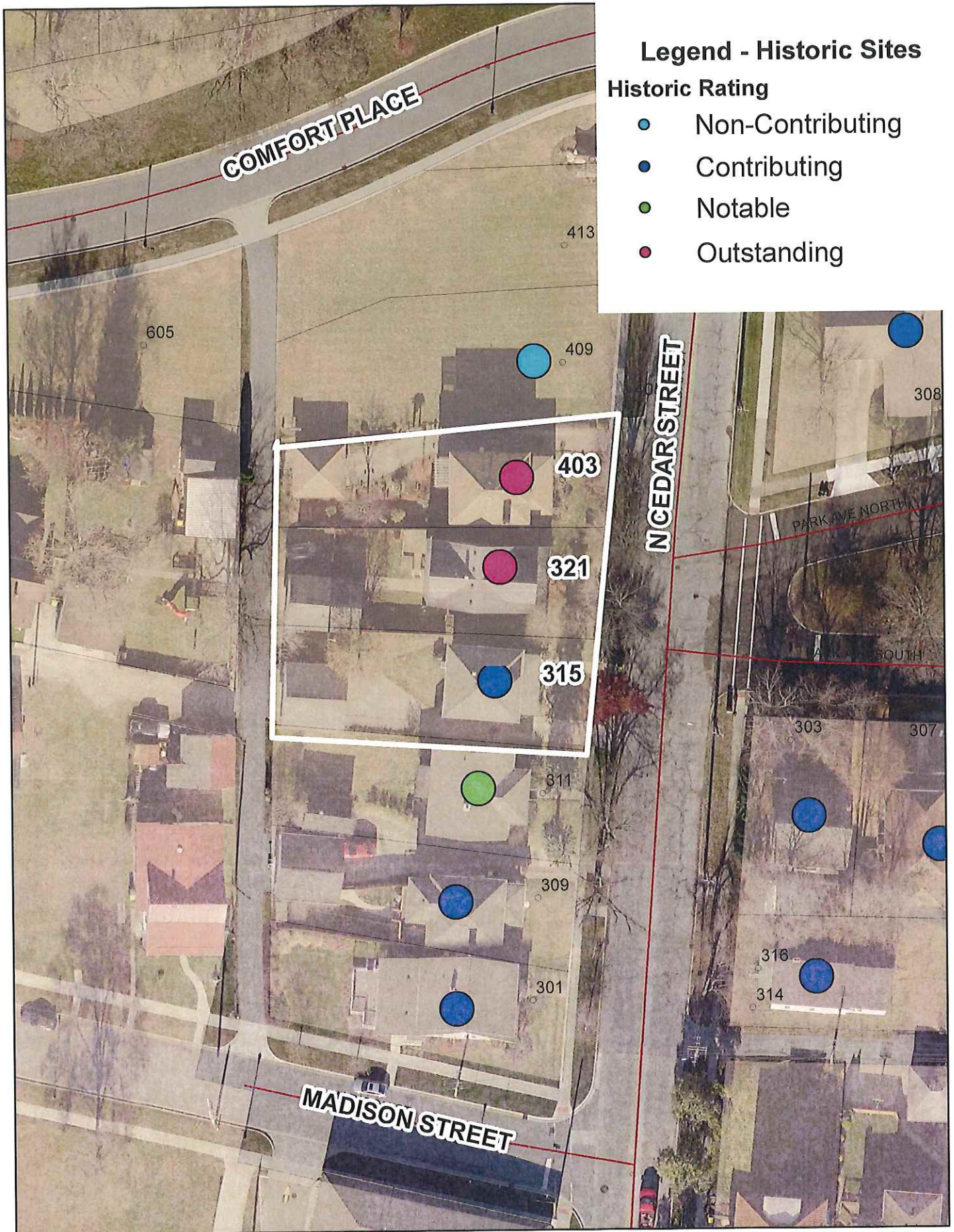
It may become necessary to revise sections of the guidelines because of state enabling legislation. In this event:

1. The MHPC will draft the appropriate change.
2. The homeowners within the Cedar Street Historic District will be notified of changes via regular mail.
3. After advertisement, the change will go to the MHPC meeting for a public hearing and approval.

Appendix A:

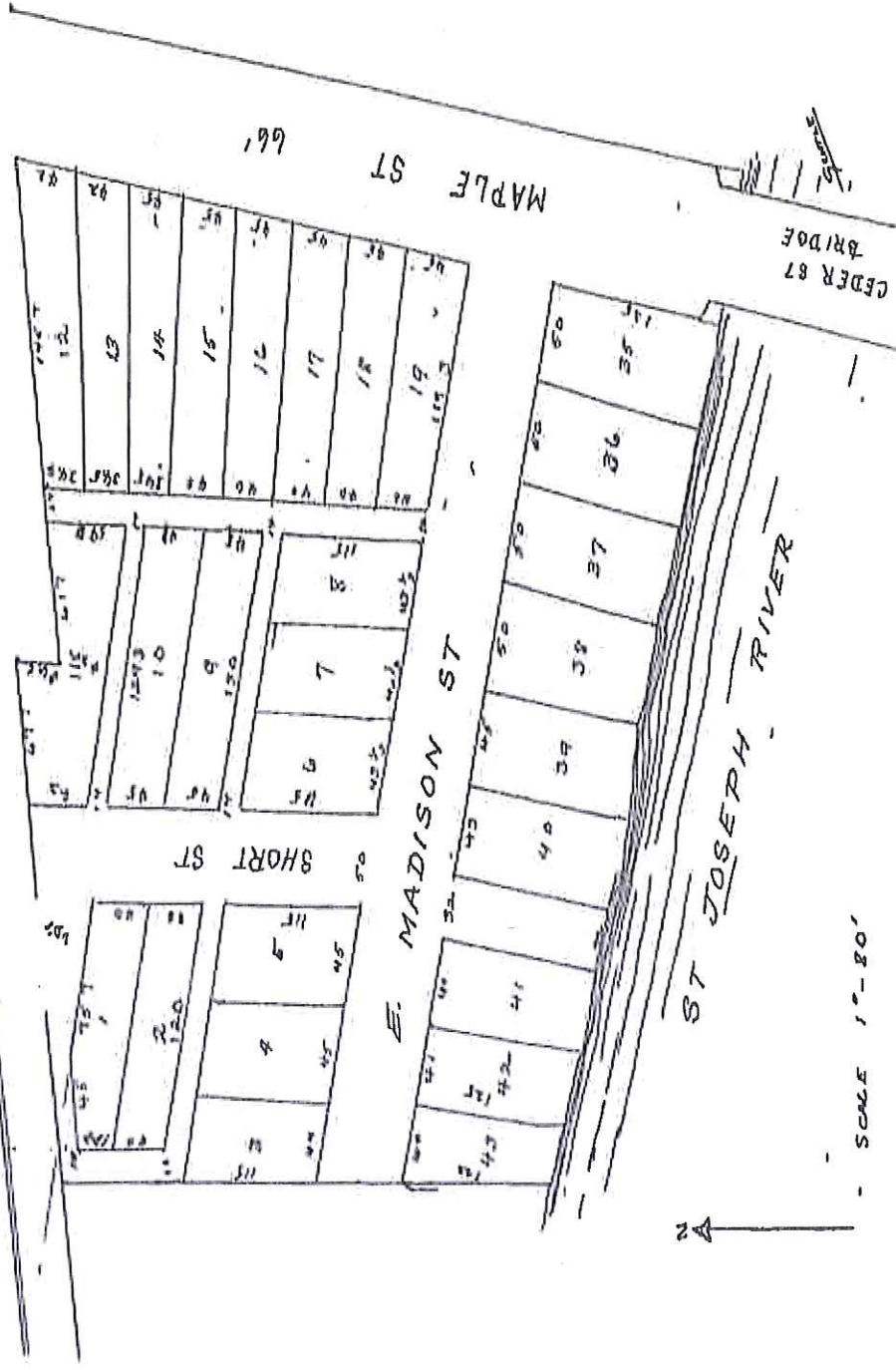
Maps

Cedar Street Historic District



PROPERTY OF ST. JOSEPH COUNTY.

PLAT
OF
RIVERSIDE ADD
TO
CITY OF MISHAWAKA



Appendix B:
Historic Sites and
Structures Survey

EDGEWATER DRIVE HISTORIC DISTRICT (39001-39084)

The Edgewater Drive Historic District includes a stately collection of early 20th century mansions. The most impressive group is located along the river, on Edgewater. More modest, but still substantial residences can be found along north and south Park Drive and the subsidiary streets of Cedar and John. Park Drive is itself significant, as it represents an example of suburban boulevard planning, typical of early "city beautiful" landscape development. It was laid out before 1913.

The district gains significance from its architectural resources, and as an example of wealthy suburban planning in Mishawaka. The homes along the river are some of the finest built after 1900 in the community and, as such, demonstrate the growth and development of leadership in commerce and industry during that era.

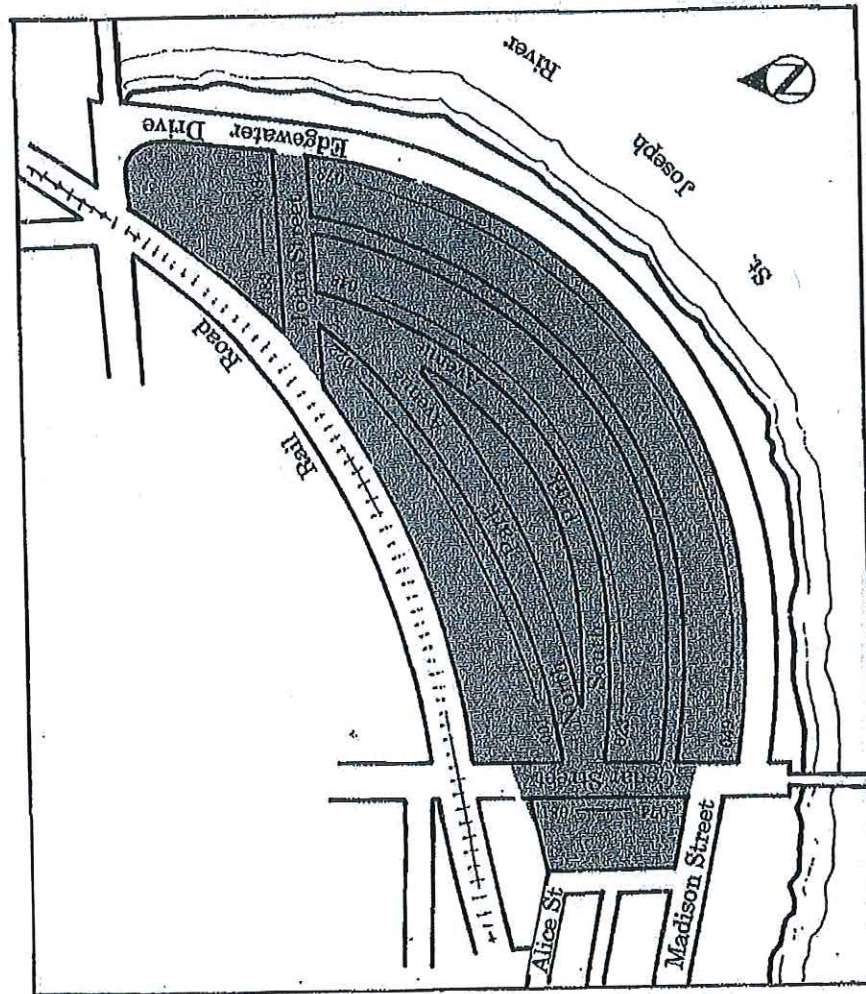
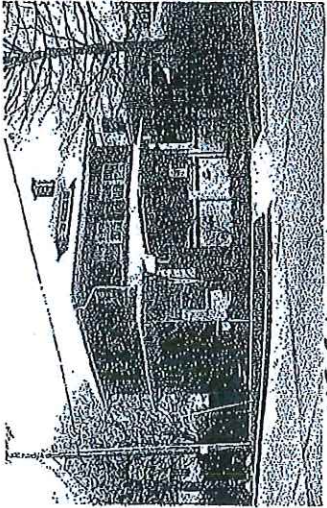
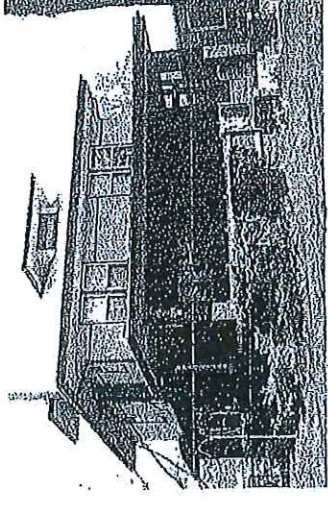
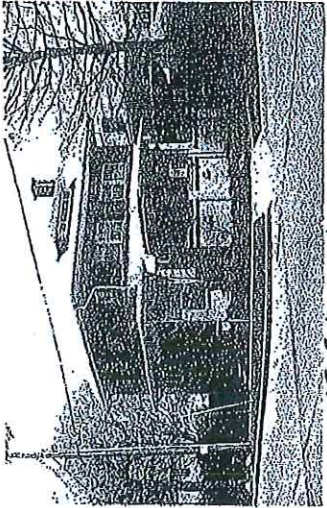


Photo Opposite: View of Edgewater Drive, c. 1910.
From a postcard in the collection of the Mishawaka-Penn Public Library.

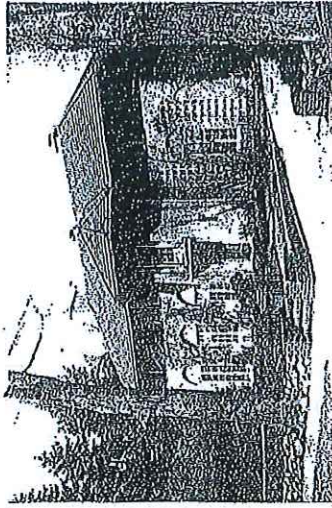
No. Add. Description

NORTH PARK AVENUE, (North Side)

- 001 308 House, Cottage, c.1920, (C). **1922**
- 002 310 House, Cottage, c.1920, (C). **1923**
- 003 314 House, Cottage, c.1920, (C). **1922**
- 004 318 House, Cottage, c.1920, (C). **1925**
- 005 322 House, Colonial Revival, c.1946, (N/C). **1939**
- 006 326 House, American Four-Square/Prairie, c.1920, (C). **1923**
- 007 330 House, Cottage, c.1920, (C). **1923**
- 008 334 House, American Four-Square, c.1920, (C). **1925**

009	340	House, Gable-front, c.1906 1906	028	321	House, Gabled-ell, c.1920, (N/C). 1922	048	449	House, American Four-Square, c.1925, (N). 1907
010	344	House, Cottage, c.1920, (N/C). 1928	029	325	House, Craftsman Cottage, c.1920, (C). 1926	 NE Cedar + Edgewater 049		
011	346	House, Cottage, c.1920, (N/C). N/C	030	329	House, Colonial Revival, c.1920, (C). 1939			
012	350	House, American Four-Square, c.1920, (C). 1925	031	335	House, Craftsman Cottage, c.1925, (C). 1923			
013	402	House, Greek Revival, c.1920, (C). 1927	032	339	House, Craftsman Cottage, c.1925, (N/C). 1914			
014	406	House, American Four-Square, c.1920, (C). 1923	033	343	House, Craftsman Cottage, c.1925, (C). 1916			
015	410	House, American Four-Square, c.1920, (C). 1922	034	345	House, Craftsman, c.1920, (N). 1916	 EDGEWATER DRIVE (North Side)		
016	416	House, Craftsman Cottage, c.1920, (C). 1922	035	349	House, American Four-Square, c.1925, (C). 1915			
017	418	House, Greek Cottage Revival, c.1920, (C). 1923	036	355	House, Colonial Revival, c.1925, (C). 1916			
018	424	House, Bungalow, c.1925, (C). 1916	037	357	House, American Four-Square, c.1925, (N). 1917			
019	426	House, Cottage, c.1925, (C). 1927	038	361	House, Craftsman Cottage, c.1925, (C). Cottage 1918			
020	432	House, American Four-Square, c.1925, (C). 1923	039	401	House, Greek Revival, c.1925, (C). 1922	050	307	House, American Four-Square, c.1920, (N). 1916
021	438	House, Craftsman Cottage, c.1920, (C). 1927	040	407	House, Craftsman Cottage, c.1925, (C). 1922	051	311	House, Prairie, c.1920, (O). 1909
022	N/A	SITE, City Beautiful, c.1918, (N). 1902	041	409	House, American Four-Square, c.1925, (C). 1916	052	315	House, Cottage, c.1946, (N/C). 1950
SOUTH PARK AVENUE (South Side)			042	415	House, Stick-Style, 1915, (C). 1914	053	319	House, English Revival, c.1928, (N). 1940
023	303	House, Bungalow, c.1920, (N). 1905	043	425	House, Craftsman Cottage, c.1925, (C). 1922	054	321	House, Colonial Revival, c.1925, (N). 1910
024	307	House, Craftsman Cottage, c.1925, (C). 1922	044	429	House, Pyramid Cottage, c.1925, (N/C). 1914	055	325	House, Craftsman Cottage, c.1925, (N). 1924
025	311	House, American Four-Square, c.1925, (C). 1922	045	433	House, Gabled-ell, c.1918, (C). 1925	 NE Cedar + Edgewater 049		
026	315	House, American Four-Square, c.1925, (C). 1922	046	437	House, American Four-Square, c.1920, (C). 1921			
027	319	House, Craftsman Cottage, c.1925, (C). 317	047	445	House, Mediterranean Revival, c.1925, (C). 1921			

- 056 329 House, American Four-Square, c.1925, (N). **1909**
- 057 333 House, Gabled-ell, c.1920, (N). **1914**
- 058 337 House, American Four-Square, c.1925, (N). **1905**
- 059 345 House, Mission, 1912, (O).



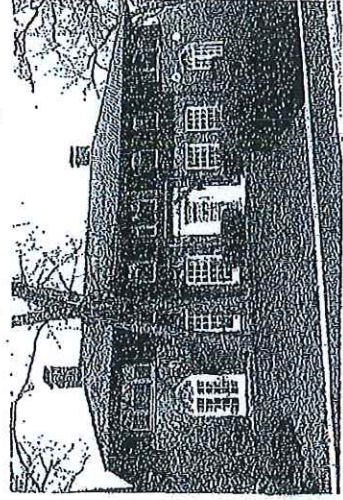
086 351 **House, New Construction, 2015** (N/C)

- 060 361 House, American Four-Square, c.1925, (C). **1905**
- 061 365 House, American Four-Square, c.1925, (N). **1905**
- 062 400 House, Arts & Crafts, c.1925, (O). **1912**

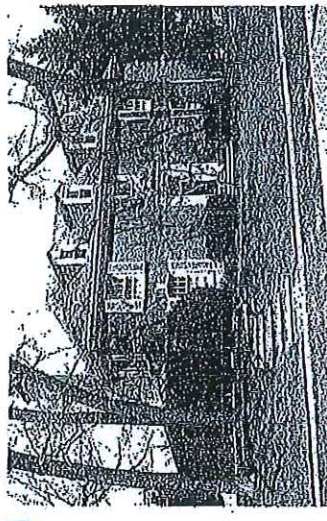


- 063 409 House, English Revival, c.1936, (C). **1922**

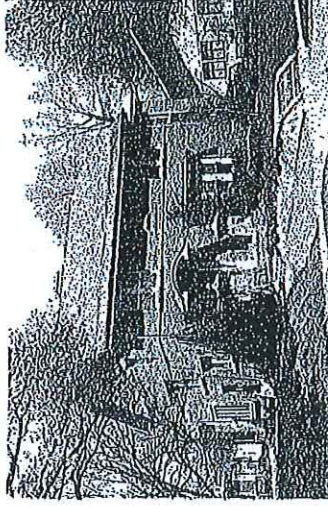
- 064 417 House, Mission/Colonial Revival, 1924, (O).



- 065 427 House, Colonial Revival, 1924, (O). **1941**
- 066 435 House, Colonial Revival, c.1928, (N). **1924**
- ✓ 067 441 **House, Colonial Revival, c.1928, (O).** **1914**
N.S.#



- 068 447 House, Bungalow, c.1920, (O). **1917**
- 069 449 House, American Four-Square, c.1925, (N/C). **1922**
- 070 451 House, Colonial Revival, c.1928, (C). **1922**
- 071 453 House, Colonial Revival, c.1917, (O). **1936**
- 072 501 House, Colonial Revival/Bungalow, c.1920, (O). **1922**



067

- 073 507 House, Colonial Revival, c.1920, (O). **1924**

NORTH CEDAR STREET (West Side)

074 209 **House, Colonial Revival, c.1925, (O).** **Demo**

- 075 N/A Commercial, Commercial Style, c.1980, (N/C).

- 076 301 House, Bungalow, c.1925, (C). **1922**

- 077 309 House, American Four-Square, c.1925, (C). **1926**

- 078 311 House, Bungalow, c.1925, (O). **1926**

- 079 315 House, American Four-Square, c.1925, (C). **1915**

- 080 321 House, Bungalow, c.1925, (O).

- 081 403 House, American Four-Square, c.1925, (O). **1926**

087 409 1926 New Construction 2018 (N/C)

NORTH CEDAR STREET (East Side)

- 082 314 House, Colonial Revival, c.1920, (O). **1962**

JOHN STREET (East Side)

- 083 1006 House, English Revival, c.1928, (N). **1907**

- 084 1002 House, American Four-Square, c.1925, (C). **1909**

Appendix C: **Advertisements**

Visit Edgewater Today

If you want a home in Mishawaka's best and most central residence section, lose no time.

Investigate today for there are only a few of these choice lots left. Every one on North or South Park Avenue—and facing the park that extends the full length of the addition.

Our representative, Mr. Harry Ellsasser, will be on the ground all day, ready to answer any questions.

Call evenings at 321 Cedar Street.

1919.03.30 321 Cedar Street

Clipped By:



mike_Esposito
Thu, Aug 22, 2019

Christmas Flowers

*Roses
Carnations
Cyclamen
Poinsettia
Primroses
Cherry
Wreaths*



FLOWERS ALWAYS PLEASE!

We are prepared to meet your Xmas needs in choicest of flowers
and plants.

We telegraph flowers anywhere as we are members of the Florist
Telegraph Delivery Association.

Edgewater Floral Place

209 North Cedar Street

Phone 5-0313

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

AUG 11 2022

City Clerk
Mishawaka, IN

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2022-26

ORDINANCE NO. _____

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

WHEREAS, the Mishawaka Amusements and Entertainments Ordinance does not presently have any provision governing the issuance of a temporary event permit; and

WHEREAS, the following regulations will govern temporary event permits in the City of Mishawaka and are designed to prevent nuisances and prevent conditions that are unsafe.

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

Chapter 10 of the Mishawaka Municipal Code regarding Amusements and Entertainments is hereby amended to add the following Article VIII and sub-sections regarding Temporary Event Permits:

Article VIII. - TEMPORARY EVENT PERMITS

Sec. 10-143 - Intent.

A temporary event permit system is hereby established, to be administered by the Board of Public Works and Safety, in order to provide special examination and review of temporary events by the appropriate departments of the city or related agencies.

Sec. 10-144 Temporary events in general.

- (a) Temporary events are those events of limited duration, open to groups consisting of fifty (50) or more people that occur indoors or outdoors.
 - (1) A temporary event can occur on private property, public property, or in a combination of public and private properties that would require special review by the city.
 - (2) Temporary event permits will delineate all other temporary uses included for the event, i.e., tents, temporary structures, barricades, fencing, and the like, necessary for the event.

- (3) A temporary event permit would not be required for an event hosted by the city or another governmental entity on its property, even if the event includes the participation of a third-party individual or entity.
- (4) The definition of a temporary event for purposes of this ordinance specifically excludes the following events:
 - a) Events held at a private residence;
 - b) Events held at a facility owned and operated by a bona fide not for profit or charitable organization, including civic, fraternal and veterans' organizations, unless the event includes the rental of the facility by a third-party individual or entity; and
 - c) All funeral dinners, weddings, wedding receptions, and high school class reunions, wherever said events are conducted.

Sec.10-145 - Permit application process, possible determinations and referrals.

(a) Property owners and promoter/vendors are all required to obtain temporary event permits for each event, from the Board of Public Works and Safety. Decisions of the Board of Public Works and Safety regarding temporary event permits shall be contingent on approval of the referrals as provided below. Approvals of temporary event permits for temporary events by the Board of Public Works and Safety shall be based on the criteria utilized by the different departments or other governmental agencies upon which referrals were made. Such criteria shall be as determined by each of the city departments or agencies and as regulated by other applicable laws. The Board of Public Works and Safety shall review comments as provided by each city department or agency to determine whether the proposed event complies with all of the individual criteria. In addition, the Board of Public Works and Safety can deny the Application or revoke an existing permit if the applicant made false representations on the application, or the event presents an unreasonable danger to the health or safety of the public at large.

The duration of each temporary event shall be clearly stated within the approved permit.

- (1) Applications for temporary event permits shall be submitted on application forms as provided by the city and shall be accompanied by such plans, reports, photos, or other information, exhibits, or documents as may be reasonably required to make the necessary determination in each case.
- (2) Applications for temporary event permits shall be submitted at least thirty (30) days in advance of the temporary event unless otherwise approved by the Board of Public Works and Safety.
- (3) Approvals of applications shall be issued when such application is complete and complies with all applicable criteria and requests.
- (4) Denials of applications shall be issued if after conditions and safeguards have been considered, and the application still fails to comply with all applicable criteria; any provision of this Code will be violated by the temporary event; or for any other cause determined at the discretion of the Board of Public Works and Safety.
- (5) Denial or revocation of applications will occur if after the final onsite inspection, the Fire Marshals determine that the venue does not meet all the codes and standards or does not match the application submitted.
- (6) All questions by applicants regarding this application and approval process shall be directed to the Chief of Police.

(b) Temporary event referrals. The Board of Public Works and Safety shall make referrals as specified herein based on the nature of the application.

- (1) *Fire.* Referral to the fire department for review of fire and life safety codes or controls as determined by the department.
- (2) *Police.* Referral to the police department for review of traffic safety, including provisions of traffic monitors, crowd control measures, and any other life/safety issues as determined by the department.
- (3) *Engineering.* Referral to the engineering department for review of traffic safety, including provisions of traffic monitors, crowd control measures, and any other life/safety issues as determined by the department.
- (4) *Other.* Referral to other city agencies or governmental agencies with the necessary expertise based on the nature of the application, in order to make an informed decision.

Sec. 10-146 - Formal notice and hearing.

Formal public notice and hearing is required in connection with temporary event permits. The following is required:

- (1) Notice required by applicants to adjacent property owners. At the time of initial application, the applicants shall notify all abutting property owners, including those properties within 300 feet in any direction from the property in question and properties across the street or alley, in an approved city form.

In the case of adjacent condominiums, town homes and apartments, only one notice to the condominium, town home, or apartment association will be sent.

Sec. 10-147 - Withdrawal of application; effect of withdrawal.

An application for a temporary event permit may be withdrawn by the applicant at any time prior to a decision without restrictions as to a resubmittal. However, If the application is denied, substantially the same application shall not be considered within 12 months of the date of denial.

Sec. 10-148 - Requirement and penalties for failure to comply.

It shall be unlawful for a temporary event to be held if the promoter/vendor and the property owner fail to obtain a temporary event permit pursuant to this section of the Code. Enforcement of this Code shall be by Chapter 1, Section 1-7 of the Code, which includes a fine of up to \$2,500.00 for a first offense and up to \$7,500.00 for a second or subsequent offense each day the violation continues; or any other remedies as provided by law. Furthermore, if it is determined following the occurrence of the event that the applicant made material and false representations on the application, the promoter/vendor and property owner shall also be subject to enforcement proceedings and fines under Chapter 1, Section 1-7 of the Code.

With or without a temporary event permit, events that result in unlawful behavior shall be prosecuted by the City of Mishawaka to the fullest extent afforded by law. This may include but shall not be limited to the City pursuing the revocation of licenses to serve alcohol through the State of Indiana, the billing of public costs incurred including but not limited to public safety departments to both the property owner and promoter/event host, the withholding of future permits, and the revocation of licenses and land use/zoning permits as may be applicable.

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, this _____ day of _____, 2022, at _____ o'clock, P.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

AUG 11 2022

City Clerk
Mishawaka, IN

APPEAL #22-27

RESOLUTION NO. 2022- 17

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:

1017 East Jefferson Boulevard, 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 **1017 East Jefferson Boulevard, Mishawaka, Indiana**, more particularly known and described as follows:

Lot Numbered Six (6) and the East 56 1/2 feet of Lot Numbered Five (5), all as shown on the recorded Plat of Bryan's Addition to the City of Mishawaka, located in the Northeast Quarter of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, recorded in the Office of the Recorder of St. Joseph County, Indiana, together with the West Half of the vacated alley lying East and adjacent.

EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being a part of the Northeast Quarter of the East Half of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the Southeast corner of Lot 6 in Bryan's Addition to the City of Mishawaka as shown on the recorded Plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 0°51'01" West along the East line of said Lot 6, a distance of 4.49 feet; thence North 89°52'27" East, a distance of 257.79 feet to the West right of way line of Merrifield Avenue; thence South 0°55'03" East along said Merrifield Avenue, a distance of 8.00 feet; thence South 89°52'27" West, a distance of 217.84 feet; thence North 0°50'04" West, a distance of 3.42 feet; thence North 89°59'13" West, a distance of 40.00 feet to the place of beginning.

The Use Variance will allow a food truck in the C-1 General Commercial District subject to the following conditions:

1. The truck shall be located a minimum of 10' from the north property line.
2. Hours of operation shall be no more than six hours per day, three days per week.
3. Use Variance shall expire one year from the date of Common Council approval.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The secondary use of the property by adding a food truck is not anticipated to be injurious to the public health and safety due to its limited patronage. The operation of the truck will also be subject to the applicable inspections and permitting by the County Health Department and City Fire Department.
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. Adjacent properties are currently zoned and occupied with various automotive related and industrial uses. Adding a food truck as a secondary use should not negatively impact the adjacent property uses or values.
3. The need for the variance arises from some condition peculiar to the property as the C-1 General Commercial Zoning District does not permit a food truck.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The Appellant would not be able to add a food truck with limited hours of operation as a secondary use of the property.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided industrial development within this property and commercial use along the E. Jefferson Boulevard corridor.

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

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

David A. Wood, Mayor

STAFF REPORT

Location: 1017 E. Jefferson Blvd.

Date: August 9, 2022

Appeal: 22 - 27

Prepared By: DJS

GENERAL INFORMATION

Applicant: Sharon A. Helman / Pilo Bueno d/b/a Pilo's Body Shop & Auto Sales

Status: Property Owner / Tenant & Land Contract Purchaser

Request: Use Variance to allow a food truck in C-1 General Commercial District

Zoning Classification: C-1 General Commercial District

Lot Size: Approximate 140'x155' (0.5 acres)

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance ; Section 137-300 to 137-303 / C-1 General Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial District (Automobile Repair & Service / Quality Automotive)
South: I-1 Light Industrial District (Industrial Electronics Repair & Machine Automation / TRS – Technical Repair Solutions & Vacant)
East: I-1 Light Industrial District (Automobile Sales)
West: C-4 Automobile Oriented Commercial District (Automobile Body Shop / Fred's Body Shop)

Thoroughfare: E. Jefferson Boulevard

School District: School City of Mishawka

Township: Penn

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

Comprehensive Plan: Industrial

ANALYSIS

The Appellants, Sharon A. Helman and Pilo's Body Shop & Auto Sales (tenant), are requesting a Use Variance to allow a food truck to be located in the parking lot of an existing automotive repair and sales business. The property is bordered by automotive-related commercial and industrial uses.

In 2009, the current owner received a Use Variance (Appeal 09-28/Resolution 2009-20) to allow auto repair and sales within the approximate 3,500 sq. ft. building. The property had previously been occupied by several businesses including a retail bakery, truck storage and distribution facility, newspaper distribution center, and a children's fitness center. However, the building had been vacant for several months prior to the appeal being filed. The owner had not able to find a tenant for the property which was

zoned I-1 Light Industrial at that time. Following approval of the Use Variance, it appears that an auto repair and sales business did not immediately occupy the building or was only in business for a very short period.

In 2010, the property was then rezoned from the I-1 Light Industrial District to the C-1 General Commercial District (Petition 10-12/Ord. 5266) to allow for a take-out barbeque restaurant. No record of such a business operating from this property was found.

In 2011, a Use Variance (Appeal 11-14/Resolution 2011-04) was approved to again allow automobile repair and sales in the recently rezoned C-1 General Commercial property. Automotive repair and sales were no longer permitted due the property being rezoned the prior year. Following approval of the variance, the property appears to have been occupied by Fred's Body Shop until Pilo's Body Shop & Auto Sales occupying the property in early 2014.

The Appellant is proposing to operate a vending food truck from the premises within the far northeast corner of the property. Four designated parking spaces will be located in the west part of the parking lot, where highlighted on the site plan, for food orders only. Customers will walk up to the truck to order and will be given a pager to inform them when the food is ready for pick up. The proposed hours of operations are Thursday through Saturday from 10:00 am to 8:00 pm with potentially limited hours on Sunday.

The Appellant states that the goal of adding the food truck is to attract more business for the auto repair shop as well as create a secondary source of income. The truck will be owned and operated by Jose and Ernesto Bueno, who are the primary tenant's sons.

The zoning ordinance does not permit food trucks by right in any specific district including the C-1 General Commercial District. Planning Staff has had numerous discussions with the tenant beginning in July 2018 regarding the proposed food truck. Staff indicated that a use variance would likely be supported depending on where the truck would be placed, how parking would be addressed for the additional use, and the proposed hours of operation. The Engineering Department recommended that the truck be parked back away from the street approach/sidewalk to ensure proper sight distance for vehicles and pedestrians. The proposed parking spaces appear to be sufficient for the anticipated limited use of the food truck. The appellant previously indicated that the hours of operation would be very limited to include Thursday and Friday from 3:00 pm to 8:00 pm with limited hours on Saturday. Staff is recommending a condition be place on the Use Variance, if approved, to include these limited hours. The longer hours of operation, as requested in the appeal, are more appropriate for a permanent restaurant in another brick-and-mortar location and not as proposed as a secondary use on an existing commercial property.

The Fire Department commented that the food truck will be subject to inspections as an A-2 Use and Occupancy classification.

All other pertinent City Departments have reviewed and approved the Use Variance request without comments.

RECOMMENDATION

The Planning Staff recommends **approval** of Appeal #22-27 to allow a Use Variance for a food truck in the C-1 General Commercial District subject to the following Conditions:

1. The truck shall be located a minimum of 10' from the north property line.
2. The hours of operations shall be limited to Thursday and Friday from 3:00 pm to 8:00 pm with limited hours (less than 4 hours) on Saturday.

This recommendation is based on the following findings of fact:

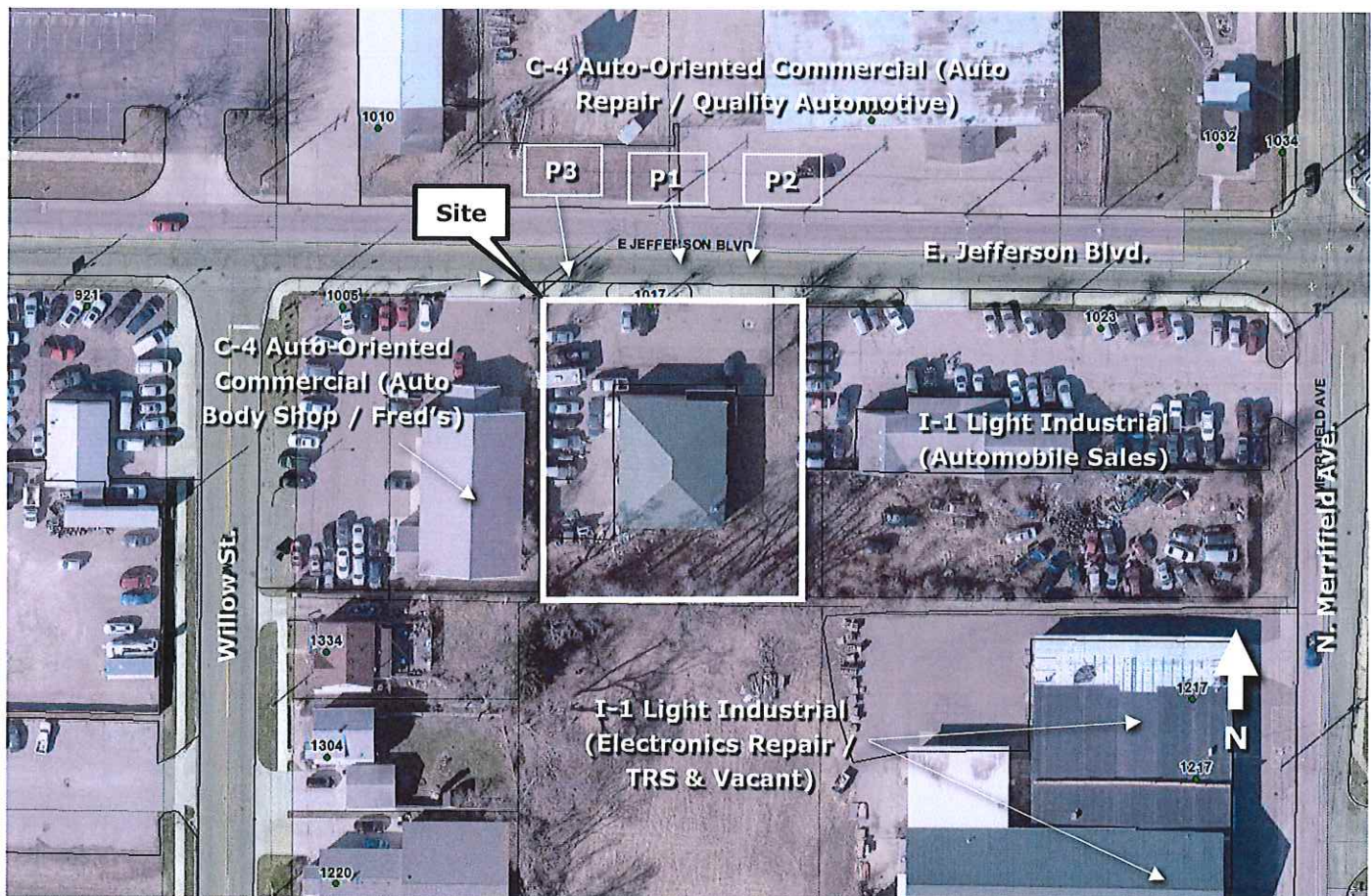
1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The secondary use of the property by adding a food truck is not anticipated to be injurious to the public health and safety due to its limited patronage. The operation of the truck

will also be subject to the applicable inspections and permitting by the County Health Department and City Fire Department.

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. Adjacent properties are currently zoned and occupied with various automotive related and industrial uses. Adding a food truck as a secondary use should not negatively impact the adjacent property uses or values.
3. The need for the variance arises from some condition peculiar to the property as the C-1 General Commercial Zoning District does not permit a food truck.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The Appellant would not be able to add a food truck with limited hours of operation as a secondary use of the property.
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided industrial development within this property and commercial use along the E. Jefferson Boulevard corridor.

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, Site Plan with Proposed Food Truck Location and Parking Spaces, Location Map



Aerial Photograph
1017 E. Jefferson Boulevard
Pilo's Body Shop & Auto Sales



P1. Looking southerly toward the property from E. Jefferson Blvd.



P2. Looking southerly toward the property and proposed food truck location.

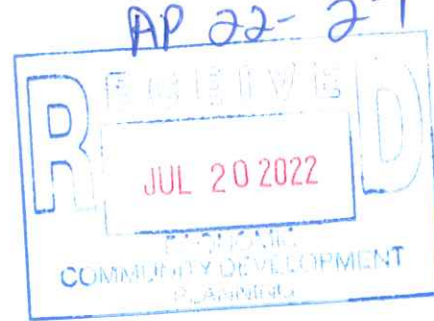


P3. Looking southerly toward the property and the proposed location of the four parking spaces.

Deborah S. Block, IAMC, MMC

JUL 27 2022

City Clerk
Mishawaka, IN



DATE: 7/20/2022

TO: Board of Zoning Appeals City of Mishawaka, Indiana

1. I, Sharon A Hellman, am the owner of the real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to wit:

Lot Numbered Six (6) and the East 56 1/2 feet of Lot Numbered Five (5), all as shown on the recorded Plat of Bryan's Addition to the City of Mishawaka, located in the Northeast Quarter of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, recorded in the Office of the Recorder of St. Joseph County, Indiana, together with the West Half of the vacated alley lying East and adjacent.

EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being a part of the Northeast Quarter of the East Half of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the Southeast corner of Lot 6 in Bryan's Addition to the City of Mishawaka as shown on the recorded Plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 0°51'01» West along the East line of said Lot 6, a distance of 4.49 feet; thence North 89°52'27» East, a distance of 257.79 feet to the West right of way line of Merrifield Avenue; thence South 0°55'03" East along said Merrifield Avenue, a distance of 8.00 feet; thence South 89°52'27» West, a distance of 217.84 feet; thence North 0°50'04" West, a distance of 3.42 feet; thence North 89°59'13" West, a distance of 40.00 feet to the place of beginning.

(more commonly known as 1017 East Jefferson Boulevard, Mishawaka, Indiana 46545)

2. The above described real estate presently has a zoning classification of C-1 General Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. I Pablo Bueno Jr, presently occupy Pilo's Body Shop & Auto Sales LLC in the following manner: Body Shop & Auto Sales
4. Staff would like to support a vending food truck use located northeast of the property within the premises of "Pilo's Body Shop & Auto Sales LLC." Parking will be addressed through designated parking areas located in the far west area of the property for taco truck orders use only. With the use of restaurant pagers customers will walk up to order food and be given a pager to return to the taco truck when food is ready to be received. The use of pagers minimizes traffic when placing orders and prevents confusion. The proposed hours of operation would be from Thursday through Saturday 10 AM - 8 PM and potentially limited hours on Sunday. If zoning allows operation we would like to add limited hours on Sunday as we see fit. The goal is to attract more business for the auto repair shop as well as create a secondary source of

income to help reciprocate the cash flow and stimulate the local economy. The food truck will also enable me to provide financial security for my sons to help put one of them through college and help the other, who is a single father, provide for his son. The truck will be family owned and operated by Jose Bueno and Ernesto Bueno ; my sons. The taco truck will benefit local economic growth and bring new customers and bring advertisement's for "Pilo's Body Shop" through word of mouth.

5. The Zoning Ordinance is zoned C-1 and does not allow a food TRUCK USES 137-301.

6. Strict adherence to the Ordinance requirements would create an unusual hardship. Hardship is food truck not allowed. We would like to request an allowance to park a food truck.

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

No, approval of a use variance will not be injurious to the public health, safety, morals or general welfare of the community. Abiding by and compliantly adhering to the local guidelines and regulations regarding food operation and food safety to the public, will prevent any chance of a negative impact on the welfare of the community. By structuring a system based on city ordinance and regulations it will yield a safe outcome for the public.

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

No, the use and value of the area adjacent to the property included in the variance will not be affected in an adverse manner due the area having designated parking space and "To Go" style system that prevents any interference with the adjacent area described.

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

Yes, the need for the variance arises from a peculiar condition of the property involved as food trucks are not currently permitted in the C-1 zoned property. If the same applies the variance arose from intent to build and restructure. Set a foundation for secondary source of economic growth and stimulation.

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

Yes, food trucks are not permitted in the C-1 district or any commercial district in the city. The hardship can be minimized through parking on private property instead of city property.

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

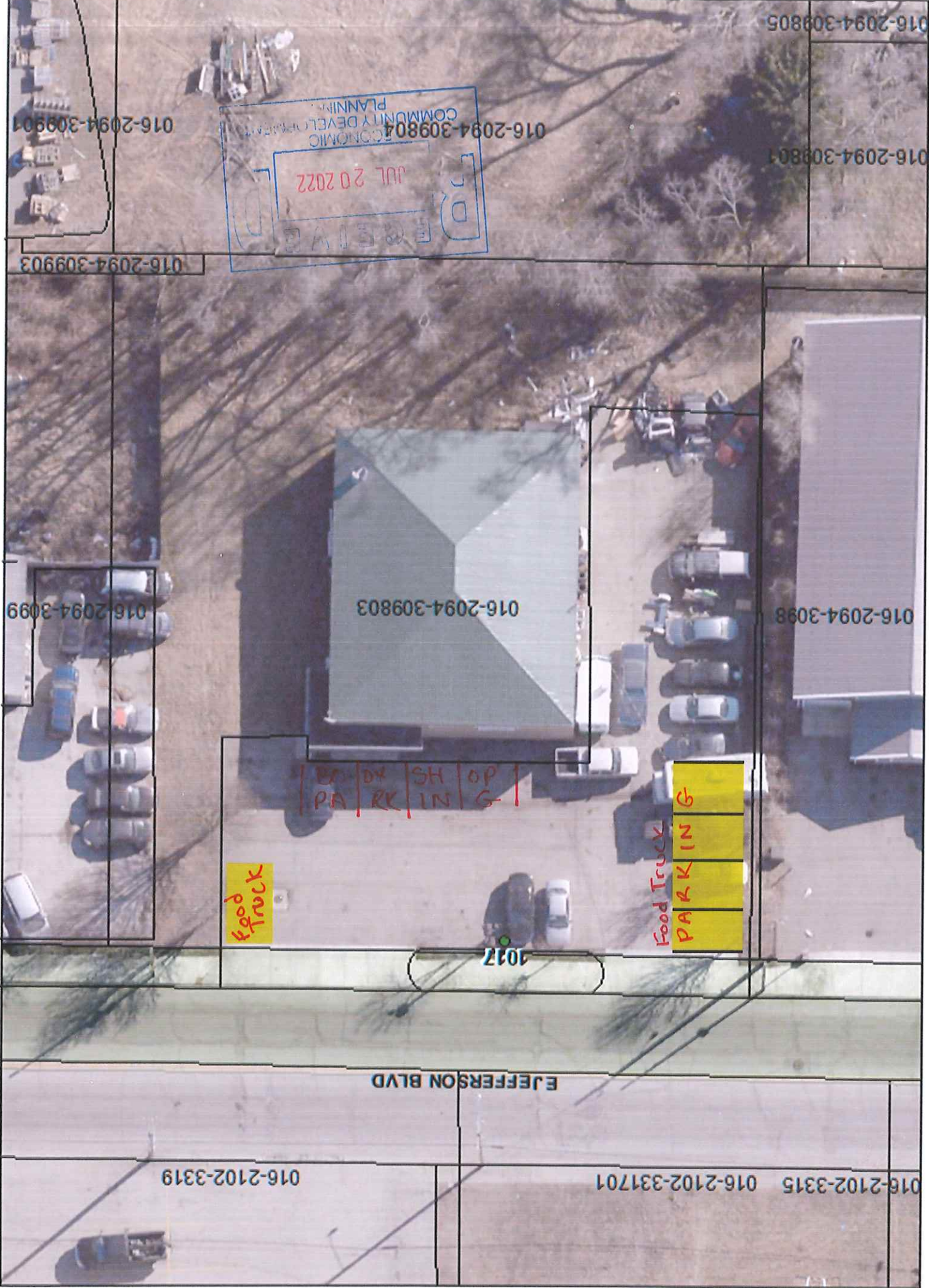
No, approval will not interfere with the Mishawaka 2000 Comprehensive Plan. Food truck will operate on private property. Food truck does not present a hazard or interference as size of interference is minimal if not active at all.

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


Sharon A. Helman

CONTACT PERSON: Sharon A. Helman
Name: Sharon A. Helman
Address: 16127 Cobblestone Square Dr
Day Phone Number: 574-286-9888

CONTACT PERSON #2 : Pilo Bueno
Name: Pablo Bueno Jr
Address: 1017 E Jefferson Blvd, Mishawaka, IN 46545
Day Phone Number: (574)-514-1749



016-2094-309805

016-2094-309801

016-2094-309903

ECONOMIC COMMUNITY DEVELOPMENT PLANNING
JUL 20 2022

016-2094-309903

016-2094-309803

016-2094-3098

016-2094-3099

SH	OP
PA	RK

Food Truck
PARKING

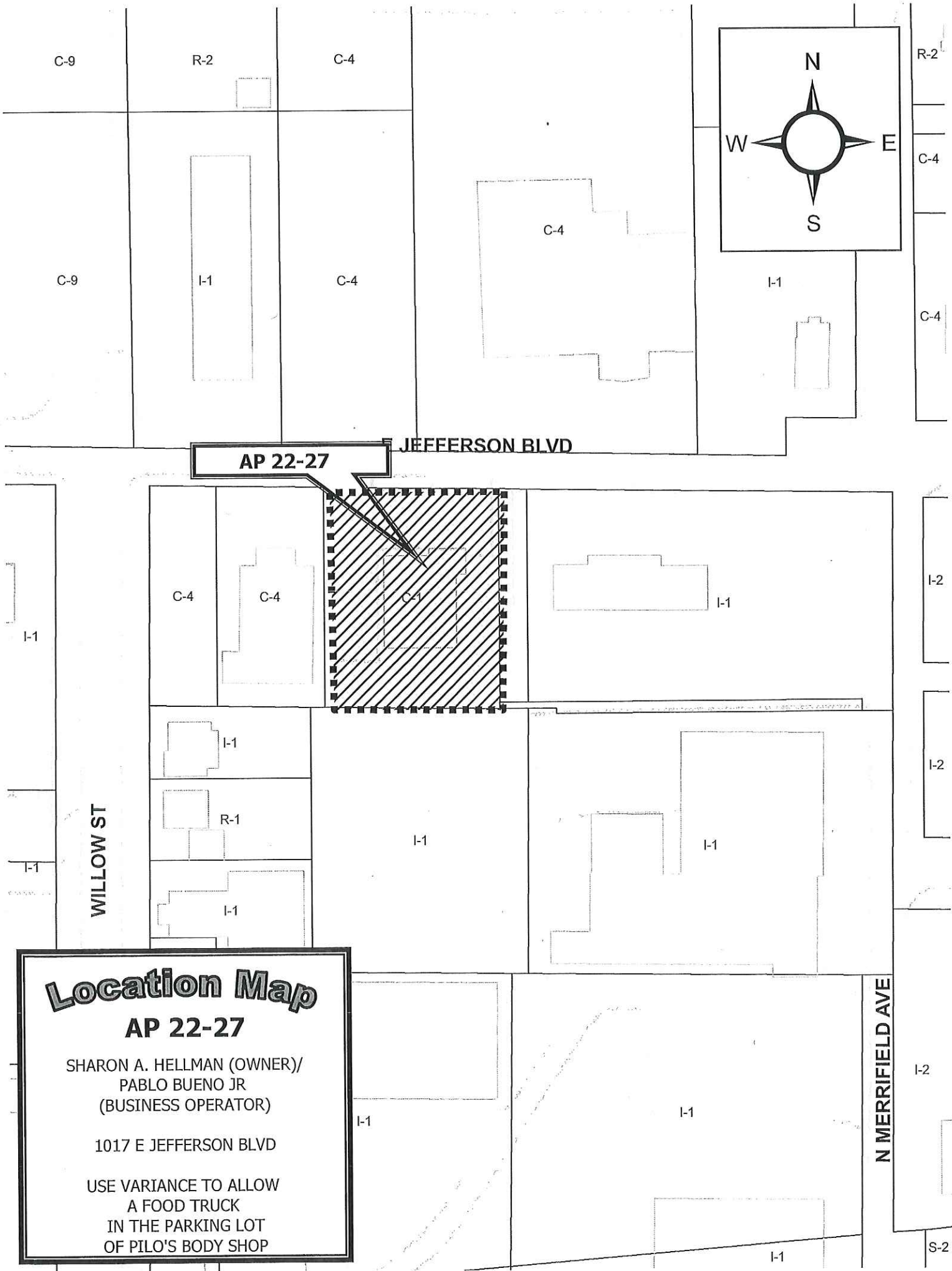
Food Truck

1017

EJEFFERSON BLVD

016-2102-3315 016-2102-331701

016-2102-3319



Location Map

AP 22-27

SHARON A. HELLMAN (OWNER)/
PABLO BUENO JR
(BUSINESS OPERATOR)

1017 E JEFFERSON BLVD

USE VARIANCE TO ALLOW
A FOOD TRUCK
IN THE PARKING LOT
OF PILO'S BODY SHOP