



AGENDA

December 04, 2023

**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): 2343 079 6743
Meeting password: HWpSgJtr258**

**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: 23430796743@mishawaka.webex.com

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of November 20, 2023

5. Petitions, Communications, Remonstrance and Memorial

Appeal No. 2023-29 Use Variance to allow 4 Storage Containers
- 5514 Grape Road (Hobby Lobby)

Petition No. 2023-25 Rezone from C-1 General Commercial to C-4
Automobile Oriented -411 W. McKinley

Petition No. 2023-26 Rezone from C-1 General Commercial to R-1
Single Family Residential - 617 E. Grove
Street

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

9. Ordinances on Second Reading

P.O. No.2023-54 Rezone from I-2 Heavy Industrial to C-4
Automobile Oriented Commercial - 1213 E.
Jefferson Blvd.
(Assigned to Land Use Planning Committee)

P.O. No. 2023-55 Rezone from C-1 to C-9 Auto & Vehicle Sales
for the expansion of Gage Auto - 3813
Lincolnway East
(Assigned to Land Use Planning Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

Council Meeting date changes for 2024

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An archived version of the livestream video can be viewed on the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>

If technology is needed to present, please advise the Clerk's Office by 4:00pm the Friday before the meeting by emailing: dblock@mishawaka.in.gov or calling 574-258-1616.

Download Council Packet Link:

<https://mishawaka.in.gov/government/elected-appointed-officials/common-council/council-agendas-minutes/>

At this time, I know of no other business to come before the Council.

Deborah S. Block, IAMC, CMO, 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

November 20, 2023

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday, November 20, 2023 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance followed by a moment of silence for Rosalynn Carter, Former First Lady of the United States.

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.

Clerk Block called the roll.

Roll Call.

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

Minutes for the Regular Meeting on November 13, 2023 were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their November 14th meeting.

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

PROPOSED ORDINANCE NO. 2023-54

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 THE CITY OF MISHAWAKA, INDIANA

Rezone from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial – 1213 E. Jefferson Blvd.

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2023-55

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 THE CITY OF
MISHAWAKA, INDIANA
Rezone from C-1 to C-9 Auto & Vehicle Sales for the expansion of Gage Auto – 3813
Lincolnway East
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-56

**AN ORDINANCE AMENDING ORDINANCE NO. 5867 FIXING THE SALARIES OF
ALL SWORN OFFICERS FOR THE CITY OF MISHAWAKA, INDIANA FOR THE
YEAR BEGINNING JANUARY 1, 2024**

**Amending Ordinance No. 5867 Fixing the Salaries of all Sworn Police Officers
(Requesting Second Reading)**

Mr. Hixenbaugh stated based on the request of the Administration at that time, the chair entertained a motion to suspend their regular council rules and hold first and second reading on **PROPOSED ORDINANCE NO. 2023-56** that evening. The motion was made by Mr. Banicki and seconded by Mr. Mammolenti and a voice vote was held that passed unanimously. The record reflected the fact that the motion had passed and with that, the Council moved into second reading and public hearing on **PROPOSED ORDINANCE NO. 2023-56**.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-56**. Mrs. Maguire stated she appreciated the Council suspending the rules for a typographical error. Mrs. Maguire stated this was amending Ordinance 5867 and the hour notation was added to the dollar amount, and it should not have been. Mrs. Maguire stated the dollar amount was under the correct section of bi-weekly salary. Mrs. Maguire stated they just wanted to remove any ambiguity.

Question was called for at 7:08PM for **PROPOSED ORDINANCE NO. 2023-49. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich. Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5871**.

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

RESOLUTION R2023-26

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A
WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE
PROPERTY LOCATED AT: VACANT LAND EAST SIDE OF FIR ROAD
APPROXIMATELY 200’ NORTH OF BEACON PARKWAY, GRANGER, IN 46530**

Fiscal Plan for Annexation of 13.55 Acres of NE Corner of Fir Road & Beacon Parkway

Ken Prince, Director of Planning and Community Development, spoke in favor of **RESOLUTION R2023-26**. Mr. Prince stated as was required by Indiana Code when they received an annexation request, they distributed it to all departments to identify if there were any capital improvements required for the annexation. Mr. Prince stated in this case, they distributed it to all departments and no capital improvements were requested that would not be provided by the developer's part of the development. Mr. Prince stated the annexation, by law, was required to be 12.5% contiguous to the city and the annexation was 50% contiguous to the city. Mr. Prince stated they were adding essentially 450 feet of responsibility on Fir Road. Mr. Prince stated all of the access except for emergency access for the proposed project came from Beacon which had all been designed appropriately. Mr. Prince stated at the hearing, they did hear concerns from the neighbors that lived along Fir regarding the condition of Fir Road but when you looked at the improvements that they did with Beacon, there was a section already that was improved in front of the proposed annexation site, roughly 100 feet, and then you had an additional 300 feet that was unimproved and then in the county in front of St. Pius you had a little less than 1,000 feet that needed to be improved and there upon hearing the concerns of the neighbors, they brought this up with St. Joseph County and they had an employee who was actually a parishioner at St. Pius who was going to talk to the leadership of the church regarding if there was a way they could better stage drop off at school to address the issues that were being incurred by the neighbors. Mr. Prince stated beyond that, he wanted to thank Councilwoman Voelker as she identified a couple of clerical errors specifically that they had referenced in the 2020 budget which were two reports where they actually meant to reference the 2023 budget. Mr. Prince thanked Mrs. Voelker for catching that, it had been corrected and he was happy to answer any questions regarding the fiscal plan.

Question was called for at 7:11PM for **RESOLUTION R2023-26. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich. Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2023-27

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MISHAWAKA, INDIANA AND SCHOOL CITY OF MISHAWAKA FOR THE EXPANSION OF SCHOOL RESOURCE OFFICER SERVICES
Approving Agreement Between the City of Mishawaka and School City of Mishawaka for expansion of School Resource Officer Services

Mayor Dave Wood spoke in favor of **RESOLUTION R2023-27**. Mayor Wood stated they had many great partnerships with School City and he could name off many that helped their community whether you were a student or a parent there not and all of their citizens benefited

from having a great school partner in School City but when he thought about the programs that they partnered on, there was none more important than school safety. Mayor Wood stated they had previously partnered in providing school resource officers that quite honestly were made for safer schools, especially in this day and age when that was becoming more and more in question around the country, and they had long discussed ways how they could even increase school resource officers or school safety within their schools. Mayor Wood stated as they knew, they were often limited by the number of officers that they had and with the budget that they had. Mayor Wood stated they were getting pretty used to looking at how they provided their services and coming up with some very unique and creative ways to provide services and as he said, public safety was job number one and that started in their police department and fire department. Mayor Wood stated as they knew, they had just recently come up with an entirely new staffing model at the Mishawaka Police Department and they got to renewing those discussions with School City of Mishawaka on how they could take a look at providing school resource officers in that public service. Mayor Wood stated discussions really culminated an exciting new approach that was pretty unique, and they were going to enter into an agreement, pending the Council's approval, that would continue on for the short term providing school resource officers as they had in the past with a little bit of a cost sharing model and they would continue that for the next couple of years and then at that point in time, School City of Mishawaka would take over the school resource program. Mayor Wood stated however, they would still be Mishawaka reserve police officers and there would be more of them with the goal being to have them in each Mishawaka school. Mayor Wood stated they would love to take advantage of officers who maybe were in the process of retiring in the near future to serve and they loved that idea, and they would have responsibilities laid out going forward as far as training and equipping some of their officers was concerned. Mayor Wood stated they would be hearing from Assistant Chief Alex Arndt that evening, as well as Dr. Stevens, the Superintendent for School City of Mishawaka. Mayor Wood stated he could not be more proud of the process and working with them to come up with this innovative new approach and he wanted to thank them for not only being great partners, but he could tell they had a lot in common and that started with serving their citizens and that really shined throughout the whole process. Mayor Wood also thanked Council President Hixenbaugh for lending them his expertise and guidance throughout the process as well. Mayor Wood urged the Council to support this, and he was very confident in saying that Mishawaka citizens would be better served, starting with their students in safer schools.

Mr. Hixenbaugh thanked Mayor Wood for his involvement in the process.

Dr. Theodore Stevens, Superintendent at School City of Mishawaka, spoke in favor of **RESOLUTION R2023-27**. Dr. Stevens stated last May, as they may recall, School City of Mishawaka went forward with an operating referendum that various members of the Council supported and thanked those who did for supporting that. Dr. Stevens stated one of the touchstones on their referendum was adding safety and security to all of their buildings as well as SRO coverage throughout the school corporation and as they likely knew, the referendum passed with a majority of community support and then the hard work began, because their School Board

was very interested in providing that safety and security aspect but really were not positioned in terms of having their own police department. Dr. Stevens stated they certainly wanted to utilize the expertise of the Mishawaka Police Department if at all possible and they reached out to, as Mayor Wood alluded to, Chief Alex Arndt and Mr. Hixenbaugh in trying to come up with a way that they could get reserve deputies and reserve officers in place that School City could compensate but still have a police power and authority through the City of Mishawaka. Dr. Stevens stated their School Board had passed both of the items that he believed were on the table for the Council to review that evening and they certainly were hoping that they would support that as well.

Mr. Hixenbaugh thanked Dr. Stevens for his work on this as well and asked him to pass that along to his administrative staff members as well.

Alex Arndt, Assistant Chief of the Mishawaka Police Department, spoke in favor of **RESOLUTION R2023-27**. Chief Arndt echoed the comments of the Superintendent and the Mayor regarding the school resource officer program that had been proposed moving forward. Chief Arndt stated they were in a day and age with police being able to provide police powers and coverage when they did not have the resources that they had in the past. Chief Arndt stated this plan they sat down at the table with School City discussing would allow them to provide the coverage for one of the most important things in school safety for their children and their community and also increase that coverage that could be provided. Chief Arndt stated they would continue this longstanding relationship providing school resource officers in the full-time manner that they had been over the next couple of years and then also start to work with School City to assist them in getting resource officers that would be trained and guided along by the police department to ensure they were getting the highest level of training, maintaining their certification and some guidance to School City that they may not have otherwise had in the realm of police implementation. Chief Arndt spoke in favor of the Council adopting this resolution moving forward and could answer any questions they had.

Mr. Emmons asked if currently they provided two officers, one at the high school and one at the middle school. Chief Arndt stated they actually provided three officers at that time with one at the high school, one at John Young and one that patrolled the elementary schools. Mr. Emmons stated according to the resolution, in two years they hoped to have a school resource officer in all of the elementary schools and if that were correct. Chief Arndt stated steadily, as they were able to implement the program and School City was able to get those resources and get them trained and ultimately start to fill all of the buildings in the school system, they would be able to bring back full-time officers to the police department to be used for patrol or other police duties.

Mr. Mammolenti asked if the ultimate plan was to bring the current three school resource officers back into their department once this was implemented. Chief Arndt stated that was correct and once this was fully implemented, those three school resource officers would come back to the police department to be used as resources there and then he believed that School City would like to see ten reserve officers, one for each school building in the system and those would

be reserves that the police department would continue to maintain training and certifications for with resources they had in-house as well as assisting them with equipment and anything else they would need in order to perform that duty of safety for the school buildings. Mr. Mammolenti asked if the plan was to provide those officers with a car as well. Chief Arndt stated there had been discussions about vehicles and that would be something they would have to work out as they moved forward.

Mrs. Voelker asked if the resource officers would be Mishawaka employees. Chief Arndt stated the current school resource officers there were City of Mishawaka employees and the ten reserve officers that were proposed would be School City of Mishawaka employees. Mrs. Voelker asked if the cost sharing plan in the resolution would be for the three current resource officers and if the ten reserve officers would be paid by School City of Mishawaka. Chief Arndt stated that was correct. Mrs. Voelker then asked if he had any feel if there was interest. Chief Arndt stated he believed there was some interest and he knew that other school systems had also been implementing similar programs that had generated interested and he believed there would be plenty of interest moving forward and there already had been names of some officers discussed for the positions. Mrs. Voelker asked if after two years, the three resource officers would also become School City of Mishawaka employees like the ten reserves are slated to be or if they stayed as City of Mishawaka employees. Chief Arndt stated once the three current City of Mishawaka employees were replaced by School City employees, then they would be absorbed back into the police department.

Mr. Hazen asked as a follow-up to Mrs. Voelker's questions if they were going to fill the seven positions first and those would automatically be School City employees and their three would still be there and once those seven were filled, they would start working on bringing the three back and if that was correct. Chief Arndt stated there was a plan to gradually work them back and it was not going to be where they staffed it with ten and then they started bringing back. Chief Arndt stated they talked over the next couple of school years, finishing out this school year and then into the next school year and if there was enough interest and they were starting to be able to fill those spots then they would bring back perhaps one officer with making sure that they were getting that minimum of three that they currently had but then if School City was able to start filling those positions and they agreed it was a good time to start bringing one officer back then they were able to get a couple more employees, bring another officer back and so forth. Mr. Hazen asked if the goal was to bring them back within a couple of years, but they were not going to leave School City high and dry for two years. Chief Arndt stated that was correct and if the interest was not there, school safety would still stress a high priority for the police department, and they would not leave them high and dry. Mr. Hazen asked if they had a maximum cost on this that the city was going to pay for. Chief Arndt stated in the discussions that they had with School City, the majority of the equipment cost was going to be absorbed by them and they would assist School City in certain things that were only available to law enforcement for purchase, for example if they chose tasers, body cameras or things like that, they had the resources to help them provide that but then they would reimburse for those type of costs and it would be the same thing with any kind of vehicles or things like that. Chief Arndt stated they had

discussed them handling the equipment cost and then they would have the shared salary cost of the three school resource officers that were currently inside of School City.

Mr. Hixenbaugh thanked Chief Arndt for his work on this and asked him to pass that along to Chief Witkowski as well. Mr. Hixenbaugh wanted to talk first about the three traditional SRO positions and asked if it was the case that there had always been with those three positions that were going to remain in place if this were approved, a cost sharing arrangement between School City and the civil city and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked as part of this agreement had it not been modified such that in year one of the new relationship, School City would continue to pay 100% of the school year cost, he called it, for the elementary school resource officer and then 50% of the cost for both the high school and middle school officer and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked and then in years two and three, School City would pay 60% of the school year cost of all three positions until such time as those three police officers returned to the department and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked then with regard to the ramp up of the reserve officers, they were actually not going to be employees of the City of Mishawaka and rather they were appointed by the city under the statute so that they then could be employed by School City in the capacity of a school resource officer and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked with regard to those police reserve officers, the City of Mishawaka was not responsible for any of their compensation, their equipment or their training but rather as part of the agreement, School City agreed to pick up the total cost of all of the above for the police reserve officers and if that were correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked with regard to the vehicles, he would agree with him that that remained a work in progress but right now as they sat, it was his understanding that School City would not be procuring vehicles for each police reserve officer at present but rather there was a mutual aid agreement between the Mishawaka Police Department and School City so that if those police reserve officers needed to transport anyone, the police department would provide assistance to the school corporation and those police reserve officers to handle that transportation piece and if that was correct. Chief Arndt stated that was correct and similar to the other things that they currently did with businesses for shoplifting or things like that where private security may have made detention and then they were used as transportation. Mr. Hixenbaugh asked in summary with regard to the three traditional positions, they would continue to be cost sharing as had always been the case and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked with regard to as many as ten police reserve officers if their compensation, equipment and training would all be subsidized and a sole cost to the school corporation and if that was correct. Chief Arndt stated that was correct. Mr. Hixenbaugh asked lastly moving forward, as they were ramping up their police staffing on the street in the wake of the move to 12-hour shifts, none of this would result in them having to remove any of their officers from street patrol as a result of this and they would be able to maintain the benefit of the move to 12-hour shifts while continuing the partnership with School City and assist them to move to more school resource officers in their buildings. Chief Arndt stated that was correct.

Mr. Mammolenti asked just to recap if it would not cost the civil city, City of Mishawaka, any additional money with the program and eventually maybe in year two or three perhaps, would provide a small cost savings and if that was correct. Chief Arndt stated absolutely, and nothing would change currently but no additional cost was going to come out of this. Chief Arndt stated any additional coverage of schools, and such would be subsidized by School City.

Mrs. Voelker stated as somebody who worked pretty closely with School City of Mishawaka during the referendum process, she just wanted to thank the Mishawaka Police Department, the Administration and of course the School City of Mishawaka for coming up with a creative plan that would keep their students, staff and administration safe in schools and also fulfill the promise that was made with the referendum that so many people supported.

Mr. Hazen thanked everybody involved, the Administration, the Superintendent and Mr. Hixenbaugh who put a lot of time into this with his expertise in the Police Department and how it functioned helped out quite a bit. Mr. Hazen stated he did think it was a sad day that they had to come to this measure, but he was glad that they did, and he was glad they would be putting a police officer in every school, and he would be voting in favor of it.

Question was called for at 7:33PM for **RESOLUTION R2023-27. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich. Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

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

PROPOSED ORDINANCE NO. 2023-35

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA. ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA Establishing a Designated Outdoor Refreshment Area – DORA (Requesting postponement indefinitely)

Based upon the request of the Administration, the chair entertained a motion to postpone indefinitely any further action on **PROPOSED ORDINANCE NO. 2023-35**. The motion was made by Mr. Banicki and seconded by Mrs. Voelker; thus a voice vote was held on the motion. The motion passed unanimously, and the matter was postponed indefinitely.

PROPOSED ORDINANCE NO. 2023-36

AN ORDINANCE AMENDING CHAPTER 50, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE PARKS AND RECREATION ORDINANCE” OF THE CITY OF MISHAWAKA, INDIANA

**Amending the Municipal Code Park and Recreation – DORA
(Requesting postponement indefinitely)**

Based upon the request of the Administration, the chair entertained a motion to postpone indefinitely any further action on **PROPOSED ORDINANCE NO. 2023-36**. The motion was made by Mr. Banicki and seconded by Mrs. Voelker; thus, a voice vote was held on the motion. The motion passed unanimously, and the matter was postponed indefinitely.

PROPOSED ORDINANCE NO. 2023-50

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

**Annexing Northern 13.55 Acres and Establish PUD & Amend PUD for Southern 6.88
Acres – Northwest corner of Fir Road and Beacon Parkway
VOTE ONLY**

Mr. Hixenbaugh stated as referenced by Clerk Block and pursuant to Indiana Law, on this proposed ordinance was held at their prior Council meeting and Mr. Emmons provided the committee report.

Mr. Emmons reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mrs. Voelker, the motion carried.

Question was called for at 7:38PM for **PROPOSED ORDINANCE NO. 2023-50. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich. Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5872**.

PROPOSED ORDINANCE NO. 2023-51

**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 THE CITY OF
MISHAWAKA, INDIANA**

**Amending the Municipal Code for Barber and Beauty Shops to add definitions for
Microblading and Permanent Makeup**

Mr. Mammolenti reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Ken Prince, Director of Planning and Community Development, spoke in favor of **PROPOSED ORDINANCE NO. 2023-51**. Mr. Prince stated for reference, in 1966 when the zoning ordinance was adopted, it was adopted with provisions that identified tattooing, scarifying and basically injecting pigment into skin as a tattoo in their ordinance and at that time, there was no envisioning of a permanent makeup process and since 2018, they received 15 different requests for a use variance or an amendment to a PUD to allow this application of microblading and permanent makeup basically as an extension of a beauty salon. Mr. Prince stated the Council requested that they modify the ordinance and what they had done was come up with definitions that specifically identified microblading and permanent makeup as a different use that fell underneath the barbers and beauty shops rather than having it as a tattoo use and that would mean the 15 applicants that had filed since 2018 would no longer have to do that moving forward. Mr. Prince stated he was happy to answer any questions.

Mr. Compton thanked Mr. Prince for doing this as it was something they requested as a Council and he appreciated him doing the legwork and saving people the time and effort to come in and apply for this and also coming before the Council. Mr. Compton thanked Mr. Prince once again.

Question was called for at 7:42PM for **PROPOSED ORDINANCE NO. 2023-51. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich. Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5873**.

PROPOSED ORDINANCE NO. 2023-52

AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2023

Transferring and Reappropriating Funds – Public Safety LIT Fund: Capital Outlays (2240-50-445-09 \$130,000.00) To: Debt Services (2240-50-438-01 \$124,000.00 2240-50-438-02 \$6,000.00)

Mr. Banicki reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. Upon a second by Mrs. Voelker, the motion carried.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-52**. Mrs. Maguire stated in 2021, the local bond bank approved a purchase of two firetrucks, and they did not expect them to take two years for delivery, so when budget preparation for 2023 began, the payments to the bond bank for the trucks were missed. Mrs. Maguire stated the bond payments were made on time and this was moving surplus money that they had in the vehicle line to the debt service line to cover these payments.

Mrs. Voelker asked for clarification if they were missed in 2023. Mrs. Maguire stated they were not put in the budget, but the payments were made. Mrs. Maguire stated in 2022 when they did the 2023 budget, the payments, which came up about in August and the trucks did not arrive until Spring. Mrs. Voelker asked, moving forward, if there would be additional payments to be made in 2024 for the vehicles and if she was correct. Mrs. Maguire stated yes, and it was a five-year payment plan. Mrs. Voelker asked if those were budgeted. Mrs. Maguire stated yes.

Question was called for at 7:46PM for **PROPOSED ORDINANCE NO. 2023-52. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich. Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5874.**

PROPOSED ORDINANCE NO. 2023-53

AN ORDINANCE AMENDING ORDINANCE 5641 OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING THE PARTICIPATION IN THE STATE OF INDIANA DEFERRED COMP MATCHING PLAN, ADOPTION AGREEMENT AND AMENDMENT 1

Amending Ordinance No. 5641 The Deferred Compensation Matching Plan, Adoption Agreement & Amendment 1

Mr. Compton reported the Committee of Budget and Finance recommended this proposed ordinance should be adopted. Upon a second by Mr. Banicki, the motion carried.

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2023-53.** Mrs. Maguire stated as the Council may recall, in their budget hearings and salary ordinance, they had increased the city's deferred compensation match from 1% to 2% and this ordinance amendment was required by the state. Mrs. Maguire stated as they were amending the adoption agreement to show the change to the 2%.

Question was called for at 7:48PM for **PROPOSED ORDINANCE NO. 2023-53. Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mr. Hazen, Mr. Bellovich. Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mrs. DeMaegd, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5875.**

PRIVILEGE OF THE FLOOR

Haley Nice, 443 Ballard Avenue Mishawaka, IN, spoke under **PRIVILEGE OF THE FLOOR.** Ms. Nice read from a prepared document.

November 29th is International Day of Solidarity with the Palestinian People.

History is often written by the victors and as a society that values community and justice, we should look past the victors and tell the history (and be the history) that the victors want to hide. Israel would want you to not see the 75 years of terror and oppression it has inflicted on the Palestinians.

What happened on October 7th was tragic as any premature loss of life is, but it should not cloud our rational judgment of the situation. To understand even a fraction of the violence Israel commits on the daily, I will highlight a few key points. We must begin in the 1940s. Britain had over promised the land of Palestine to both the Palestinians, who had been living in that land since at least the times of the apostle Paul, and the Zionists, who were looking for a land to start their own settler colony due to Europe not wanting to deal with their antisemitism.

Zionism is a political ideology held by some Christian and Jewish nationalists. According to Jewish Voices for Peace, “[Zionism] is a false and failed answer to the desperately real question many [Jewish] ancestors faced of how to protect Jewish lives.” Today Zionism has turned towards settler colonialism. Zionists are in favor of an apartheid state, much like South Africa was before 1990, before Jewish people had more rights than others. Some Zionists even see African Jews as less superior than others. Ethiopian Jewish women were being sterilized against their will in 2013, according to The Guardian.

Before I go further, let me be clear, Zionism is not Judaism. Not all Zionists are Jewish, and certainly not all Jewish people are Zionists. The majority of Zionists are Christian.

In 1948, Zionist militias began terrorizing and mercilessly slaughtering Palestinians. This event was named the Nakba, which means “the catastrophe” in Arabic. Conservative estimates say 750,000 Palestinians were either killed or displaced. According to the UN, half of the multicultural and multi-ethnic Palestinians were displaced. Since 1948, the UN has held a right of return for Palestinians that Israel refuses to honor. Many smaller scale incidents of oppression have occurred since 1948. This comes in the form of dispossession and destruction of homes, displacement due to internationally recognized illegal Israeli settlements, military brutality and other acts of terror.

Israel has turned Gaza into an open-air prison, in the words of human rights watch. I call it a concentration camp, and I do not use that term lightly. Israel controls all access by land, air and sea. They destroyed Gaza’s only airport in 2002 and have built a wall completely around the region where Israel controls all things going in and out. They used drones to spy on, spray pesticides on gardens and shoot Palestinians. According to Al Jazeera, Israel uses their military technology on innocent Palestinians and then makes it around the world as “war tested”.

2.1 million people live in Gaza (an area roughly the size of Philadelphia). Since October 7th, 13,000+ Palestinians have died, but many thousands more are unaccounted for. By the best estimates, HMAS is only 1-1.5% of the population, or about 2,000 members. Israel as continued to bomb and attack innocent civilians since October 7th.

I want to ask the council to simply see Palestinians as equal to Israelis. If you choose to condemn Hamas, please also condemn Israel for their blatant and ongoing war crimes. Men, women and children shouldn't be losing entire bloodlines in the name of retaliation. Nelson Mandela said, "We know too well that our freedom is incomplete without the freedom of Palestinians." We need to have the moral clarity to identify oppression and concentration/internment camps wherever they appear. We must say no more. Please join in with Richmond City, California, to condemn Israel for its ethnic cleansing and ongoing genocide of Palestinians in Gaza and the West Bank.

Never again means never again for anyone. Thank you.

Mr. Hixenbaugh took the opportunity to wish everyone a Happy Thanksgiving to them as well as their families.

ADJOURNMENT 7:55PM

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

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

DATE:

11/7/23

TO:

Board of Zoning Appeals
City of Mishawaka, Indiana

Deborah S. Block, AMC, MMC

NOV 27 2023

City Clerk
Mishawaka, IN

The undersigned appellant respectfully shows the Board:

1. ***Mullan Associates Limited Partnership***, am the owner of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

Common Address: 5514 N. Grape Rd. Mishawaka, IN 46545

EXHIBIT A
Shopping Center Legal Description

Legal Description: PARCEL 1: A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST; THENCE NORTH 89°57'05" EAST 40.00 FEET; THENCE NORTH 0°00'00" WEST 40.00 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF GRAPE ROAD AND THE NORTH RIGHT OF WAY LINE OF DOUGLAS ROAD, SAID INTERSECTION POINT BEING THE POINT OF BEGINNING OF THIS PARCEL; THENCE NORTH 00°00'00" WEST ALONG THE EAST RIGHT OF WAY LINE OF GRAPE ROAD 697.60 FEET; THENCE NORTH 4°23'55" EAST ALONG THE EAST RIGHT OF WAY OF GRAPE ROAD 115.45 FEET; THENCE NORTH 89°57'06" EAST 480.54 FEET; THENCE SOUTH 0°02'55" EAST 712.70 FEET TO THE NORTH RIGHT OF WAY LINE OF DOUGLAS ROAD; THENCE SOUTH 89°57'06" WEST ALONG SAID RIGHT OF WAY LINE 490.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM A PARCEL OF LAND IN THE SOUTHEAST QUARTER (1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE THREE (3) EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 28, THENCE NORTH 89 DEGREES 67 MINUTES 05 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 40.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 40.00 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD AND THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD, SAID INTERSECTION POINT BEING THE POINT OF BEGINNING OF THIS PARCEL; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF GRAPE ROAD 35.00 FEET; THENCE SOUTH 45 DEGREES 01 MINUTES 27.6 SECONDS EAST 49.48 FEET TO THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 67 MINUTES 05 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 35.00 FEET TO THE POINT OF BEGINNING.

2. The above-described real estate presently has a zoning classification of C-2 Shopping center Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Retail
4. Appellant desires to have 4 permanent exterior storage containers with city approved 8' screening and landscaping.
5. The Zoning Ordinance of the City of Mishawaka only allows storage containers in I-2 heavy industrial.
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. Not allowing the use of permanent outdoor storage containers will negatively impact our Tenant Hobby Lobby's business revenue by reducing the amount of product we have available for sale.
7. Answer the following necessary questions for a **USE VARIANCE**:
 - (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? No, the proposed fencing and landscaping is for concealment purposes only and poses no threats or hazards to the community.
 - (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? No, the variance will not adversely affect the area adjacent to the property. The fencing to be used along with the landscaping along Grape Road

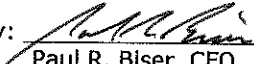
will aesthetically conceal the storage containers while still leaving adequate space for traffic flow from the front to the back of building and vice versa along the west side of the building.

- (3) Does the need for the variance arise from some condition peculiar to the property involved? *Yes, due to an unanticipated higher sales volume, Hobby Lobby has need of a larger amount of stock at this location. The indoor storage space has proven to be too small making the use of outdoor storage containers a necessity.*
- (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, without the outside storage containers, Hobby Lobby's ability to offer an adequate product supply would be greatly reduced, affecting our revenue and profitability at this location.*
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *No, the plan identifies this intersection as General Commercial. The approval of this variance is consistent with the goals and objectives of the Comprehensive Plan by helping Hobby Lobby to continue to operate profitably and providing tax revenue to the city of Mishawaka.*

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

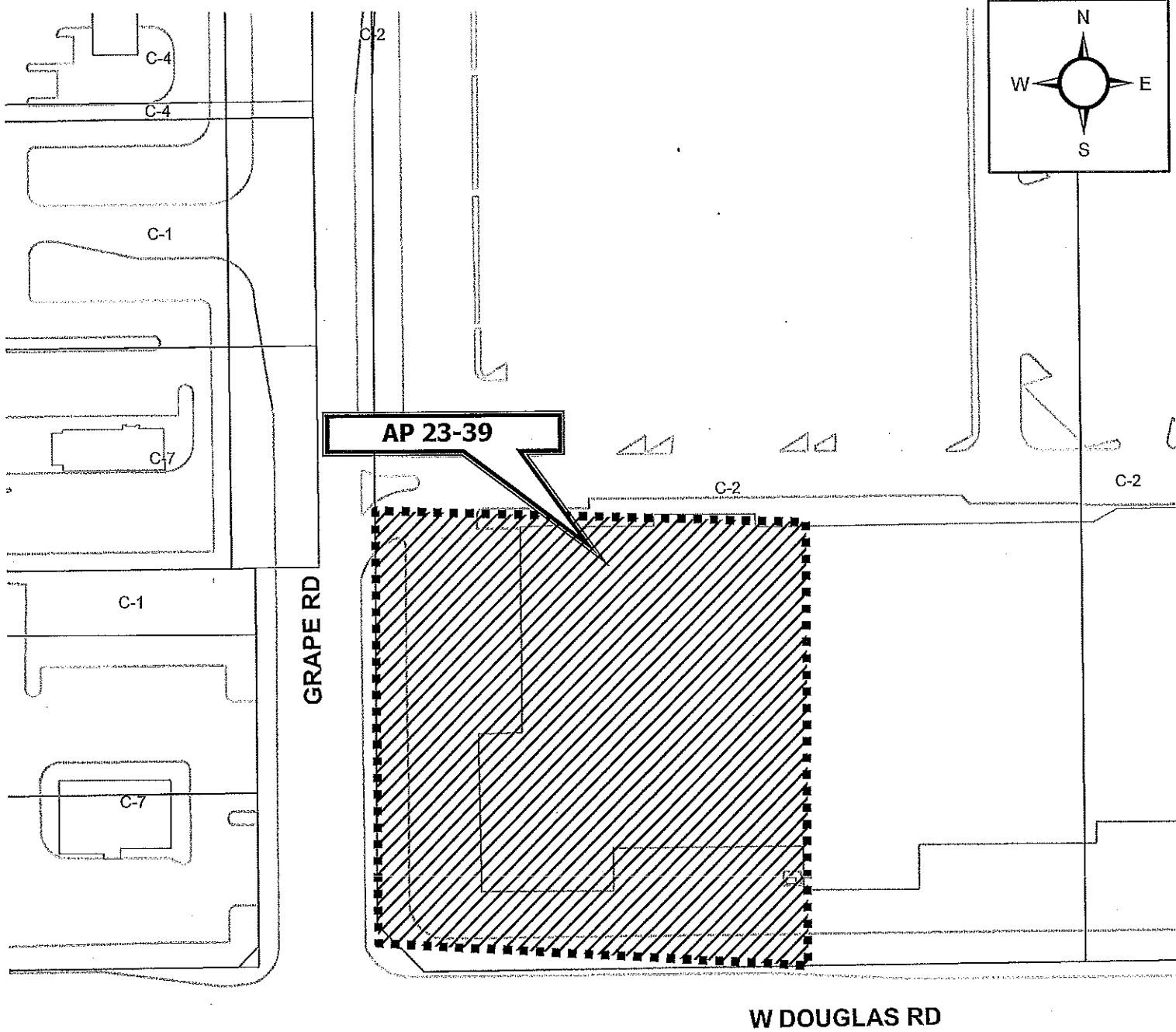
MULLAN ASSOCIATES LIMITED PARTNERSHIP

By: Sparks, Inc., General Partner

By: 
Paul R. Bliser, CFO

CONTACT PERSON:

Name: Paul R. Bliser
Address: 2330 W. Joppa Rd, Suite 210, Lutherville, MD 21093
Day Phone Number: (410) 847-1402
Fax Number: (410) 296-0340
Email: prbliser@mullanel.com



Location Map

AP 23-39

OWNERS:
MULLAN ASSOCIATES
LIMITED PARTNERSHIP

LOCATION: 5514 GRAPE ROAD
(HOBBY LOBBY)

USE VARIANCE TO ALLOW
4 STORAGE CONTAINERS

November 16, 2023

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

Deborah S. Block, MMC, MMC

NOV 27 2023

City Clerk
Mishawaka, IN

PAT 23-25
Received

NOV 21 2023

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned, GOOD OIL COMPANY, 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:

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, SAID PARCEL BEING LOTS 1-5 AND A 14 FEET VACATED ALLEY LYING WEST OF SAID LOT 1-5, ALSO PART OF LOTS 6 AND 7 AND THE VACATED 14 FOOT ALLEY LYING BETWEEN SAID LOTS AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 89 DEGREES 07 MINUTES 01 SECONDS WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF RUSS STREET, A DISTANCE OF 162.98 FEET (REC. 163.19 FEET) THENCE NORTH 00 DEGREES 02 MINUTES 04 SECONDS EAST, A DISTANCE OF 233.15 FEET (REC. NORTH 0 DEGREES 1 MINUTES 37 SECONDS EAST 234.01 FEET) TO THE SOUTH RIGHT-OF-WAY LINE OF MCKINLEY AVENUE; THENCE NORTH 89 DEGREES 12 MINUTES 31 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 155.24 FEET; THENCE SOUTH 34 DEGREES 37 MINUTES 39 SECONDS EAST, A DISTANCE OF 13.36 FEET (REC. SOUTH 34 DEGREES 27 MINUTES 52 SECONDS EAST, 13.40 FEET) TO THE WEST RIGHT-OF-WAY LINE OF LIBERTY DRIVE; THENCE SOUTH 00 DEGREES 01 MINUTES 07 SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE LIBERTY DRIVE, A DISTANCE OF 221.74 FEET TO THE POINT OF BEGINNING. CONTAINING 0.87 ACRES, MORE OR LESS.

411 W. MCKINLEY AVE., MISHAWAKA, IN 46545

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 District. Said property is currently a vacant retail bank.

Petitioner(s) desire said real estate to be rezoned to C-4 District. Petitioner(s) further state that they intend to utilize said land for a drive-thru oil change facility.

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

Signature(s) of Property Owner(s)

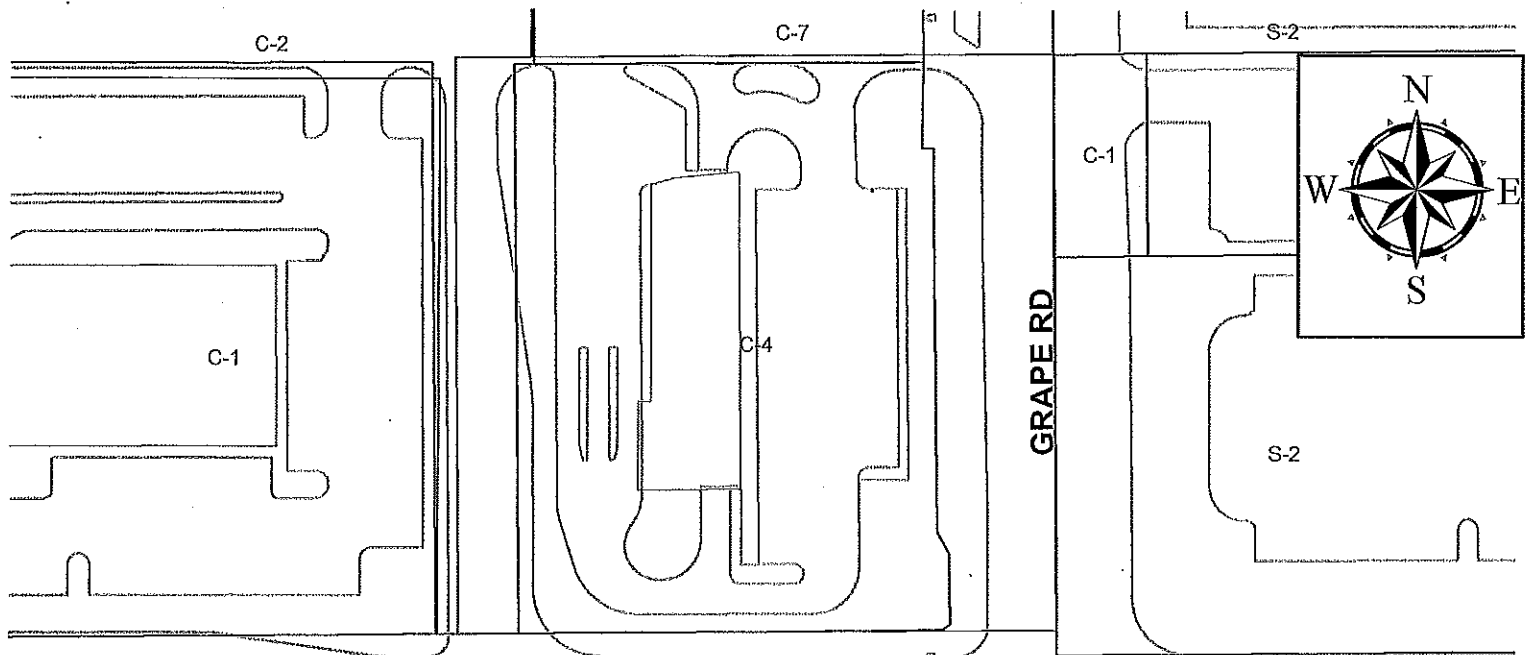

Nicole K. Earp, CEO

Signature(s) of Property Owner(s)

CONTACT PERSON:

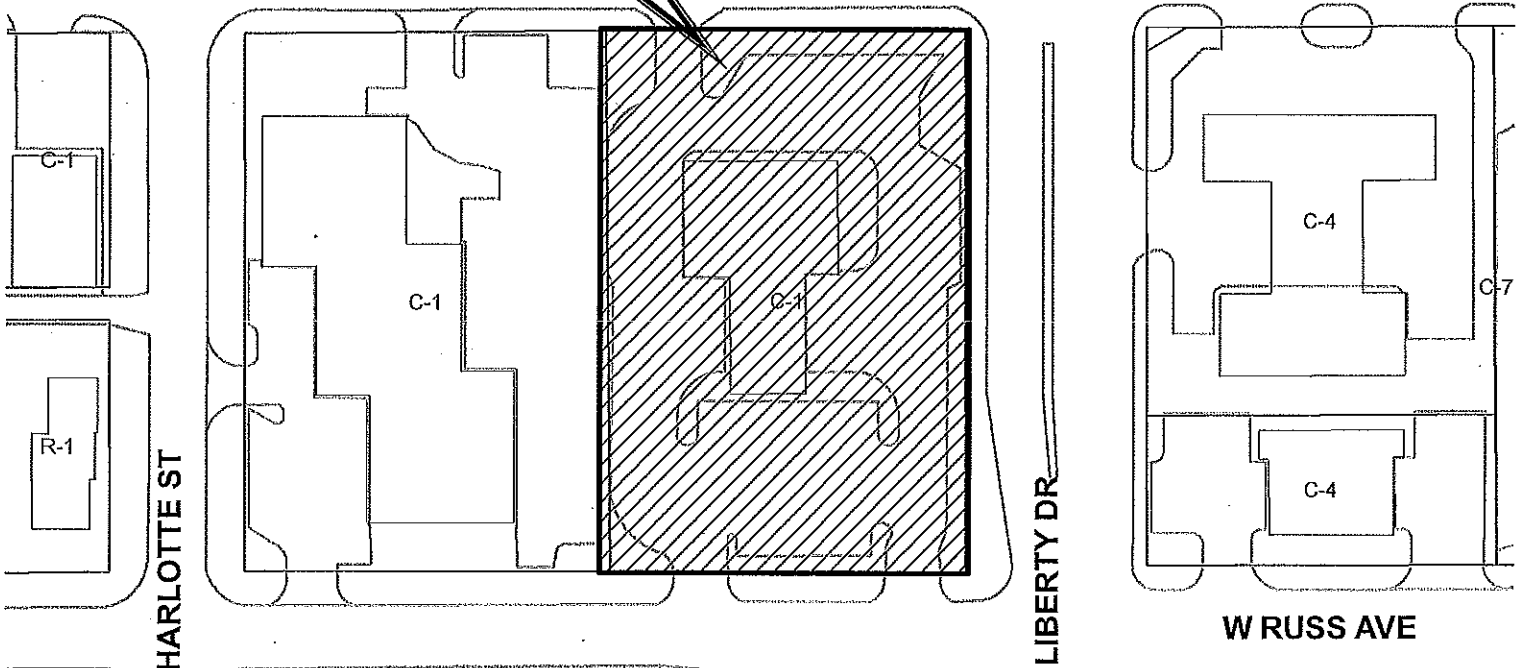
NAME: RON MUDRICK
ADDRESS: 1201 N US HWY 35 WINAMAC, IN 46996
PHONE NUMBER: (574) 225-0612
EMAIL: RMUDRICK@GOODOILCOMPANY.COM

DEVELOPER / MAIN CONTACT:
ANDY MORRISON
BALDWIN REALTY LLC
4351 CHASE CIRCLE
ZIONSVILLE, IN 46077
(574) 361-7501
ANDY@REALTY-BALDWIN.COM



PET 23-25

W MCKINLEY AVE



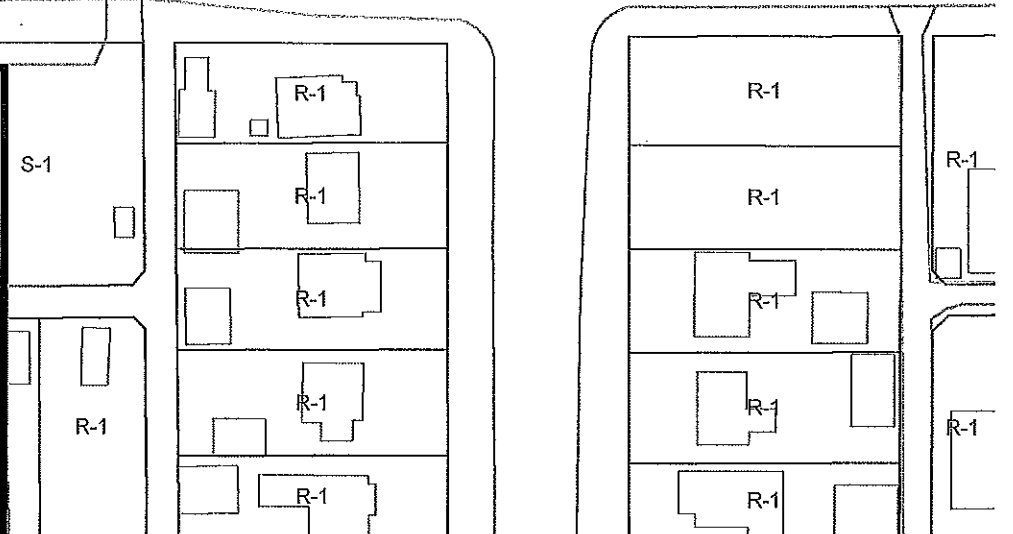
Location Map

PET 23-25

OWNER: GOOD OIL COMPANY

LOCATION: 411 W MCKINLEY

REZONING FROM C-1 GENERAL
COMMERCIAL DISTRICT TO
C-4 AUTOMOBILE ORIENTED
COMMERCIAL DISTRICT



NOV 27 2023

City Clerk
Mishawaka, IN

DATE:11/21/23

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

Ret 23-200

RE: PETITION TO REZONE

The undersigned FELIX MARTINEZ AND BERNARDIN CAZARES 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 NUMBERED FORTY-FIVE (45) AS SHOWN ON THE RECORDED PLAT OF G.W.R. FOWLER'S FIRST ADDITION TO THE TOWN, NOW CITY OF MISHAWAKA, EXCEPTING THEREFROM A PARCEL OF LAND EIGHTY-FIVE (85) FEET IN LENGTH, NORTH AND SOUTH, TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE SOUTH END THEREOF.

COMMONLY KNOWN AS 617 E GROVE

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. Said property is a home that previously operated a shoe repair store out of the front.

Petitioner(s) desire said real estate to be rezoned to R-1 Single Family District. Petitioner(s) further state that they intend to utilize said land for exclusively as a single family dwelling.

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.

X Signature(s) of Property Owner(s)

Typewritten name also

Felix Martinez

X Signature(s) of Property Owner(s)

Typewritten name also

Bernardin CAZARES

CONTACT PERSON:

NAME

FELIX MARTINEZ

ADDRESS

PHONE NUMBER

FAX

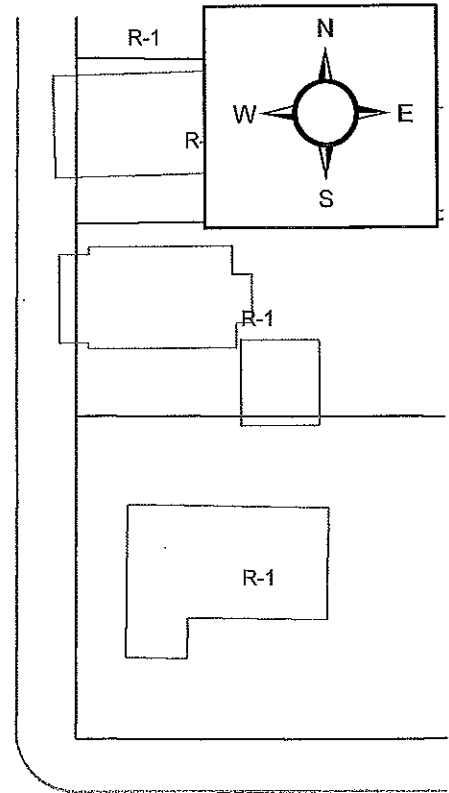
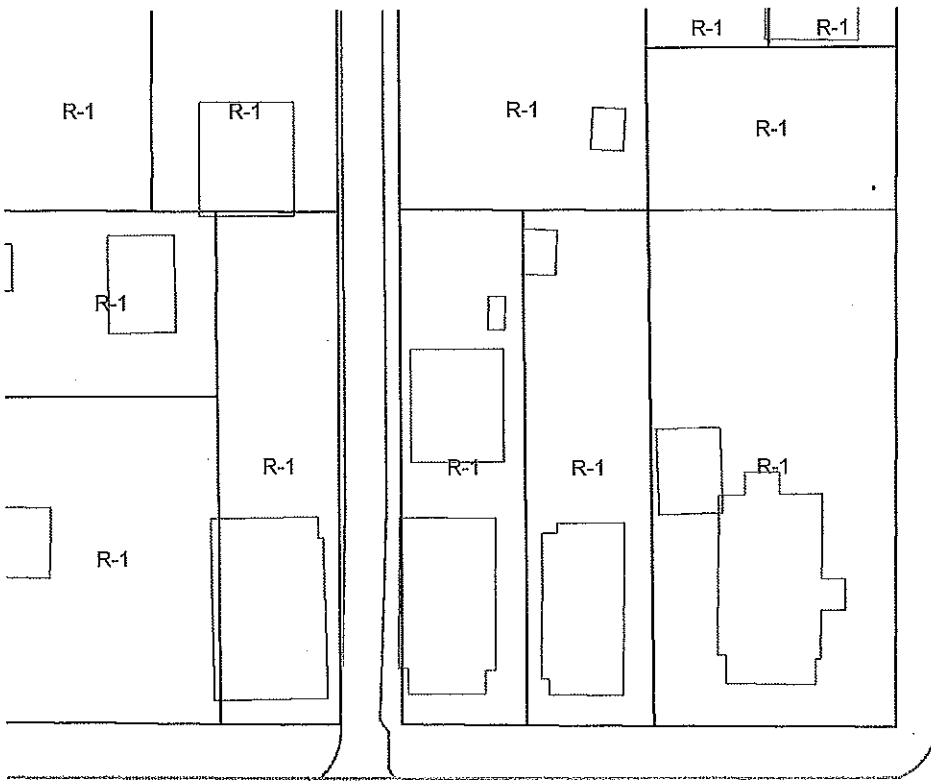
EMAIL

901 W FOURTH ST

MISHAWAKA IN 46544

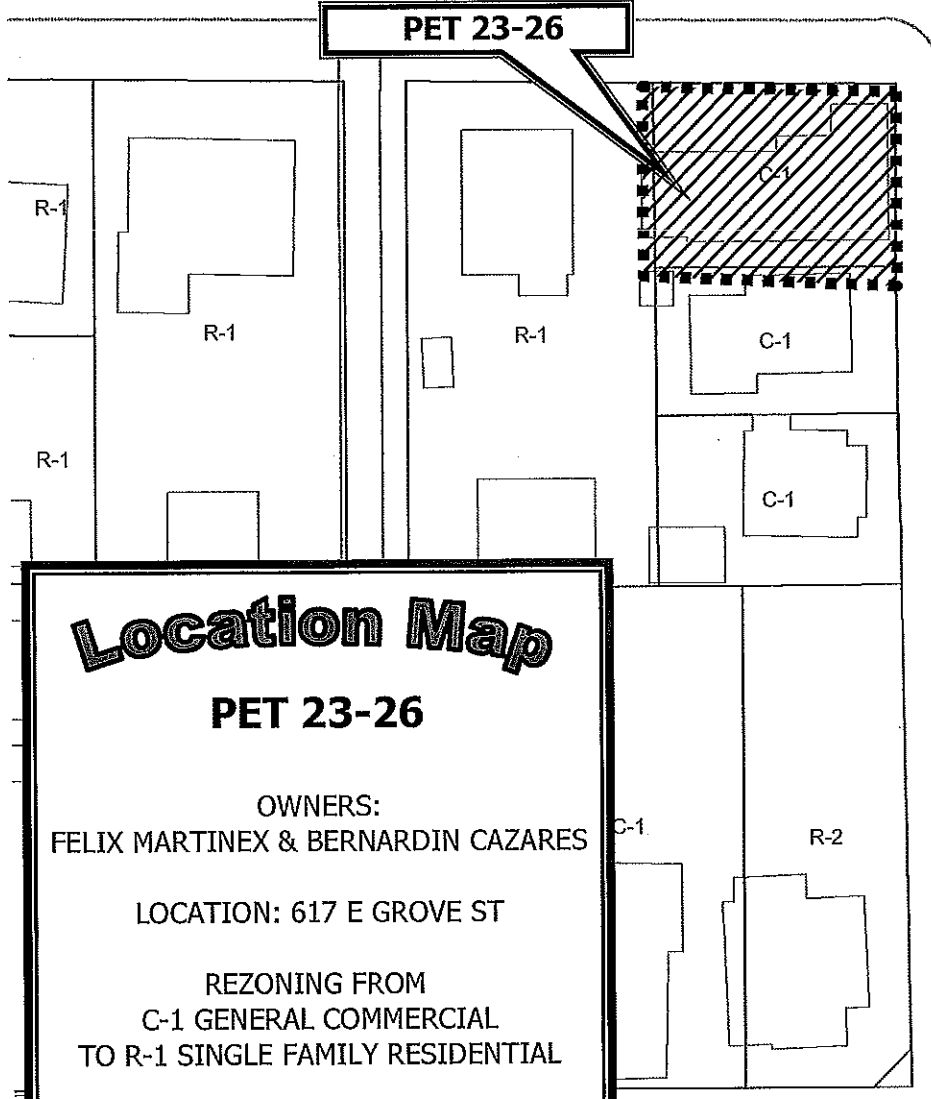
(269) 579-0330

Daxx1500@icloud.com

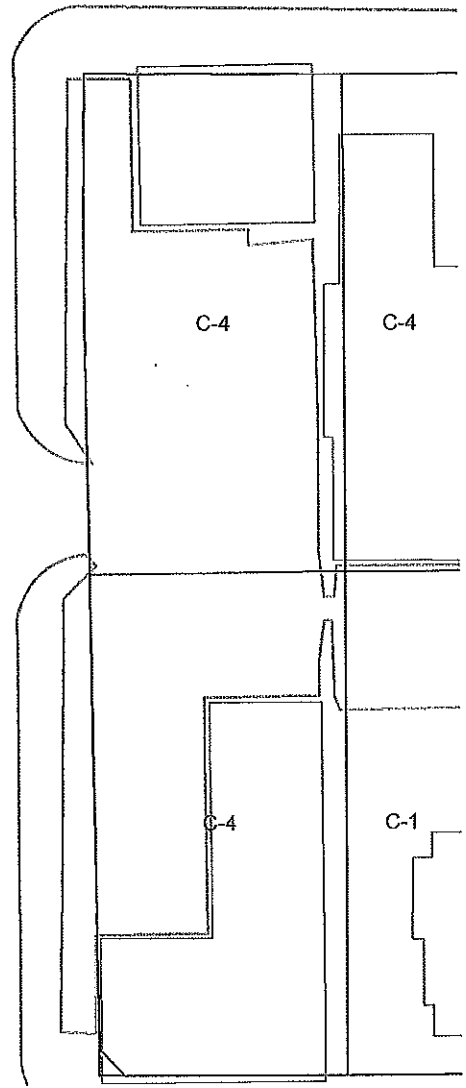


E GROVE ST

PET 23-26



N CEDAR ST



Location Map

PET 23-26

OWNERS:
FELIX MARTINEX & BERNARDIN CAZARES

LOCATION: 617 E GROVE ST

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

NOV 16 2023

City Clerk
Mishawaka, IN

PETITION 23-22

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-54

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:

Lots 8-11 except north 5' of each lot for Jefferson Avenue and Lots 28, 29, and the west half of Lot 27 all in Milliken's Proposed.

which real estate is now classified as I-2 Heavy Industrial District shall hereafter be within and a part of that District known as C-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 - This section of East Jefferson Boulevard, is predominately automobile oriented uses, starting with Jordan at Cedar Road and including Victory Auto, Michiana Auto Glass, Top Gear Auto Sales, Fred's Body Shop, and Pilo's Body Shop.
2. Character of Buildings - The character of the buildings along East Jefferson Boulevard are predominantly automobile oriented or contractor's offices.
3. The most desirable/highest and best use - Because the parcel is located near automobile oriented uses, downzoning to the C-4 Automobile Oriented Commercial District on Jefferson Blvd. 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 the majority of the property is

Proposed Ordinance No: _____

Ordinance No: _____

currently zoned I-2 Heavy Industrial which allows more intensive uses and outside storage; and

5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as Industrial, however, it has developed as commercial uses, which were identified along of Jefferson.

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 _____, 2023, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2023, at _____ o'clock ____M.

David A. Wood, Mayor

23-22

OCT 27 2023

City Clerk
Mishawaka, IN

DATE:

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

Received

OCT 23 2023

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned Petkov & Sons LLC 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:

Lots 8-11 except north 5' of each lot for Jefferson Avenue in Milliken's
Proposed *Commonly known as 1213 E Jefferson Blvd*

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-2 Heavy Industrial District. Said property is *vacant restaurant and overflow parking (former Reggio's)*.

Petitioner(s) desire said real estate to be rezoned to C-4 Automobile Oriented Commercial.

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

Signature(s) of Property Owner(s)



Grigor Petkov, Petkov and Sons LLC

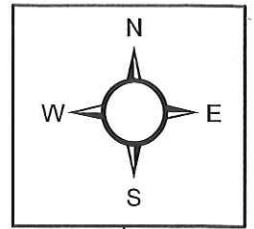
CONTACT PERSON:

NAME: GRIGOR PETKOV

ADDRESS: 1102 E JEFFERSON

PHONE NUMBER: 574-323-7279

EMAIL: GRIGORMPETKOV@YAHOO.COM



N MERRIFIELD AVE

Greg's Automotive

PET 23-22

E JEFFERSON BLVD

Recent Expansion of Greg's Automotive

STANLEY ST

Location Map

PET 23-22

PETKOV & SONS LLC (OWNER)

1213 E. JEFFERSON BLVD.
(FORMER REGGIO'S)
REZONING FROM I-2 HEAVY INDUSTRIAL
TO C-4 AUTOMOBILE ORIENTED COMMERCIAL

GLENEAGLE DR

STAFF REPORT

Location: 1213 E. Jefferson Blvd

Date: November 14 2023

Petition: 23 22

Prepared By: CH

GENERAL INFORMATION

Applicant: Petkov & Sons LLC

Status: Property Owner

Request: Rezone from I-2 Heavy Industrial District to C-4 Automobile Oriented Commercial District

Zoning Classification: I-2 Heavy Industrial

Lot Size: 0.44 acres

Applicable Regulations: Sec. 137-40 Plan Commission;
Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map;
Sec. 137-379 thru 137-380 C-4 Automobile Oriented Commercial District

SPECIAL INFORMATION

Area Development Pattern: North: C-4 Automobile Oriented Commercial (Four Seasons Heating and Cooling)
South: R-1 Single Family Residential and I-2 Heavy Industrial (house)
East: R-3 Multi-Family Residential (Troop Town)
West: C-4 Automobile Oriented Commercial (Greg's Automotive expansion)

Thoroughfare: East Jefferson Boulevard

School District: School City of Mishawaka

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

Comprehensive Plan: Industrial

ANALYSIS

The Petitioners are requesting to rezone the above referenced property from I-2 Heavy Industrial to C-4 Automobile Oriented Commercial. The property was formerly Reggio's Restaurant. The property has been vacant since 2020. The petitioner purchased the property earlier this year. The reason for the change to C-4 Automobile Oriented Commercial District is to allow the expansion of Greg's Autos, currently under construction at the southeast corner of Merrifield and Jefferson.

The petitioner filed a similar petition last month, including two properties on Stanley Street, which had been used as the restaurant's overflow parking, but was withdrawn during the Plan Commission meeting. The immediate need is for the expansion of the car sales and repair business. The property on Stanley may be revisited in the future. However, as long as it is zoned I-2 Heavy Industrial, it CANNOT be used in conjunction with the car sales and repair business.

With this petition the property owner is only seeking to establish the property zoning for the proposed automobile use. If approved, a subdivision to combine all the lots and dedicate easements is required,

and a site plan laying out phases of development will be required prior to the beginning of any construction or issuance of any permits. A detailed final site plan will address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development.

All pertinent City Departments reviewed and approved the rezoning request. Additional comments may come during the subdivision/site plan processes.

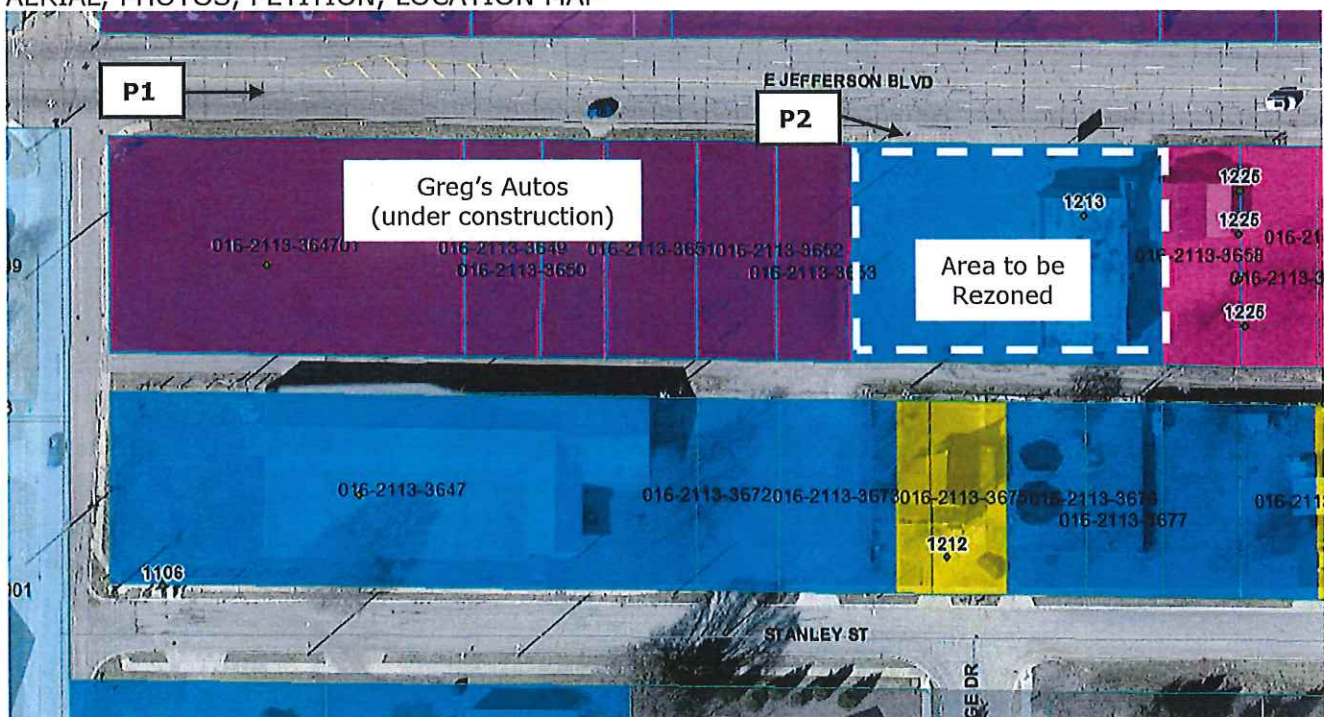
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #23-20 to rezone the property 1213 East Jefferson Boulevard to C-4 Automobile Oriented Commercial. This recommendation is based upon the following findings of fact:

1. Existing Conditions - This section of East Jefferson Boulevard, is predominately automobile oriented uses, starting with Jordan at Cedar Road and including Victory Auto, Michiana Auto Glass, Top Gear Auto Sales, Fred's Body Shop, and Pilo's Body Shop.
2. Character of Buildings - The character of the buildings along East Jefferson Boulevard are predominantly automobile oriented or contractor's offices.
3. The most desirable/highest and best use - Because the parcel is located near automobile oriented uses, downzoning to the C-4 Automobile Oriented Commercial District on Jefferson Blvd. 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 the majority of the property is currently zoned I-2 Heavy Industrial which allows more intensive uses and outside storage; and
5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as Industrial, however, it has developed as commercial uses, which were identified along of Jefferson.

ATTACHMENTS

AERIAL, PHOTOS, PETITION, LOCATION MAP





P1. A view of the Reggio's property from the intersection of Jefferson and Merrifield (showing construction).



P2. A close up of the Reggio's property

PETITION 23-24

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-55

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:

That part of the Northeast Quarter of Section 13, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Part of Lot # 4 of the "Geyers Acreage" Unrecorded Plat and being more particularly described as: Beginning at the Northwest corner of said Lot # 4 thence N. 90°00'00" E. (all bearings assumed), along the South right-of-way line of Lincolnway East, a distance of 61.50 feet more or less to the Northeast corner of said Lot; thence S. 00°00'00" E. along the East line of said Lot, a distance of 120.00 feet more or less; thence S. 90°00'00" W., a distance of 61.50 feet more or less to the West line of said Lot; thence N. 90°00'00" W. along the West line of said Lot, a distance of 120.00 more or less to the point of beginning.

Containing 0.17 acres more or less.

Subject to all legal highways, Easements and restrictions of record.

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-9 Automobile Sales 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 is currently a vacant parcel of land located near the Lincolnway East and Ray Street intersection. Lincolnway East is highly travelled commercial corridor providing major east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include a church parking lot and

Proposed Ordinance No: _____

Ordinance No: _____

elementary school to the north; a used automobile sales business to the west; a single-family residential house and vacant land owned by the petitioner to the south; and a single-family residential house zoned for commercial use to the east.

2. Character of Buildings – The character of the buildings in the area vary from single-family residential houses, a church, and school, to numerous commercial buildings including, but not limited to, used automobile sales, a pawn shop, restaurants, a liquor store, an insurance office, a barber shop, and an automobile towing business.
3. The most desirable/highest and best use – Due to the property's current commercial zoning and being adjacent to an existing used automobile sales business and located along one of the most heavily travelled corridors in the City, the most desirable use of the property is commercial. A majority of the properties along Lincolnway East corridor between Vistula Road and Bittersweet Road, including those occupied by single-family residential homes, are zoned for commercial use.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The subject property is zoned for commercial use, and the adjacent property to the west zoned for and occupied by an automobile sales business. The Lincolnway East corridor between Vistula Road and Bittersweet Road includes a mix of residential, commercial, and automotive uses. The expansion of the existing C-9 Automobile Sales use is compatible with the existing uses along the corridor. Landscaping and screening will be required per the C-9 zoning district to adequately buffer the proposed use from the adjacent residential properties.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within the property and along the entire Lincolnway East corridor from east of Capital Avenue to Bittersweet Road. 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 _____, 2023, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

APPROVED by me this _____ day of _____, 2023, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 3813 Lincolnway East

Date: Nov. 14, 2023

Petition: 23- 24

Prepared By: DJS

GENERAL INFORMATION

Applicant: Gage Stewart / Danch Harner & Associates

Status: Property Owner / Surveyor & Engineering Consultant

Request: To rezone from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of Gage Auto - the adjacent used automobile business

Zoning Classification: C-1 General Commercial District

Lot Size: 0.96 acres – Only the northern 61.5' x 120' area (0.17 acres) is to be rezoned and utilized for used automobile sales

Applicable Regulations: Section 137-509 thru 137-510 / C-9 Automobile Sales Commercial District & Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single-Family Residential (Parking Lot for Twin Branch Bible Church, and Twin Branch Elementary School)

South: R-2 Two-Family Residential (Part of Petitioner's Property / Vacant Property to Remain as such and Not Used for Vehicular Sales or Any Parking) & R-1 Single-Family Residential (Single-Family Residence)

East: C-1 General Commercial (Single-Family Residence)

West: C-9 Automobile Sales Commercial (Used Automobile Sales / Gage Auto)

Thoroughfare: Lincolnway East & Ray Street

School District: School City of Mishawaka

Township: Penn

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

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, Gage Stewart, is requesting to rezone a part of the property at 3813 Lincolnway East from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of Gage Auto – an adjacent used automobile sales lot.

The 0.17 acre area (61.5' E-W x 120' N-S) proposed to be rezoned is a part of larger 0.96 acre parent parcel (Tax Parcel #016-1087-3517). The depth of the rezoning limits will match the north-south dimension of the adjacent C-9 zoned property to the west. The remaining part of the property, which extends approximately 550' south to E. 3rd Street, is zoned R-2 Two-Family Residential. This part of the property shall not be utilized for vehicular sales or for parking of any vehicles. The entire property is currently vacant. A single-family residential house located within the area to be rezoned was razed in 2022.

In early 2018, the property to the west at 3805 Lincolnway East was acquired by the Petitioner and rezoned from the C-7 Automobile Oriented Restaurant Commercial District to the C-9 Automobile Sales Commercial District (Petition 18-03). The property was immediately occupied by the Petitioner prior to filing the required Final Site Plan or making the necessary improvements due to the change in use. The Final Site Plan (AD 19-04) was then submitted in mid-2019. The plan addressed access, storm drainage, landscaping/screening, and all other required improvements. The Petitioner took over 4 years to construct the required improvements as a majority of the improvements were finished just last month.

Per the preliminary site plan, the property owner is proposing to expand the automobile sales lot. The pavement will total approximately 5,980 sq. ft. (80.8%) while the remaining open space/landscaping areas will total approximately 1,420 sq. ft. (19.2%). No new buildings or building additions are proposed.

Access to the site will be provided from both Lincolnway East and Ray Street via two existing drives within the property to the west. Both drives permit unrestricted turning movements to and from Lincolnway East and Ray Street. No new curb cuts/drives are proposed or will be permitted.

Based on 5.5 parking spaces per 1,000 sq. ft. of gross floor area, a total of three (3) parking spaces are required for the existing 512 sq. ft. building on the property to the west. Three parking spaces shall be open and maintained within the property at all times for employee and customer use.

Landscaping and screening shall comply with the commercial landscaping and C-9 Automobile Sales Commercial District requirements. Landscaping shall include a hedgerow along Lincolnway East; perimeter deciduous shade (overstory) trees or deciduous ornamental (understory) trees planted at the minimum on-center requirements along the north (front yard), east (side yard), and south (rear yard) property lines (rezoning limits); and a 7' solid/opaque screening fence along the east property line and south rezoning limits.

The conceptual site plan shows the petitioner's intent to comply with the height, area and developmental regulations of the C-9 Automobile Sales Commercial District. If variances are required, the Board of Zoning Appeals shall be petitioned when the final site plan is submitted.

With this petition, the property owner is only seeking to establish the proper zoning required for the expansion of the adjacent use. If approved, a detailed final site plan shall be submitted for Staff review and approval prior to construction. The final site plan shall be approved and recorded, and all required improvements constructed prior to parking any vehicles on the property or utilizing it any way for vehicle sales. The final site plan shall address storm drainage, grading, landscaping/screening, soil erosion control, and all other required improvements pertinent to the proposed use.

Since the property is currently zoned for general commercial use, adjacent to an existing used automobile sales lot, and located along the Lincolnway East commercial corridor, Planning Staff supports the request for rezoning. The expansion of the adjacent automobile sales lot is not out of character and is compatible with the existing adjacent land uses. The required landscaping and screening (fencing) will be provided to buffer the adjacent residential zoned or occupied properties to the east and south. The proposed use is consistent with the recommended use per the comprehensive plan.

All pertinent City Departments have reviewed and approved the rezoning request.

The Engineering Department commented that the new parking area shall meet current standards for drainage / stormwater management.

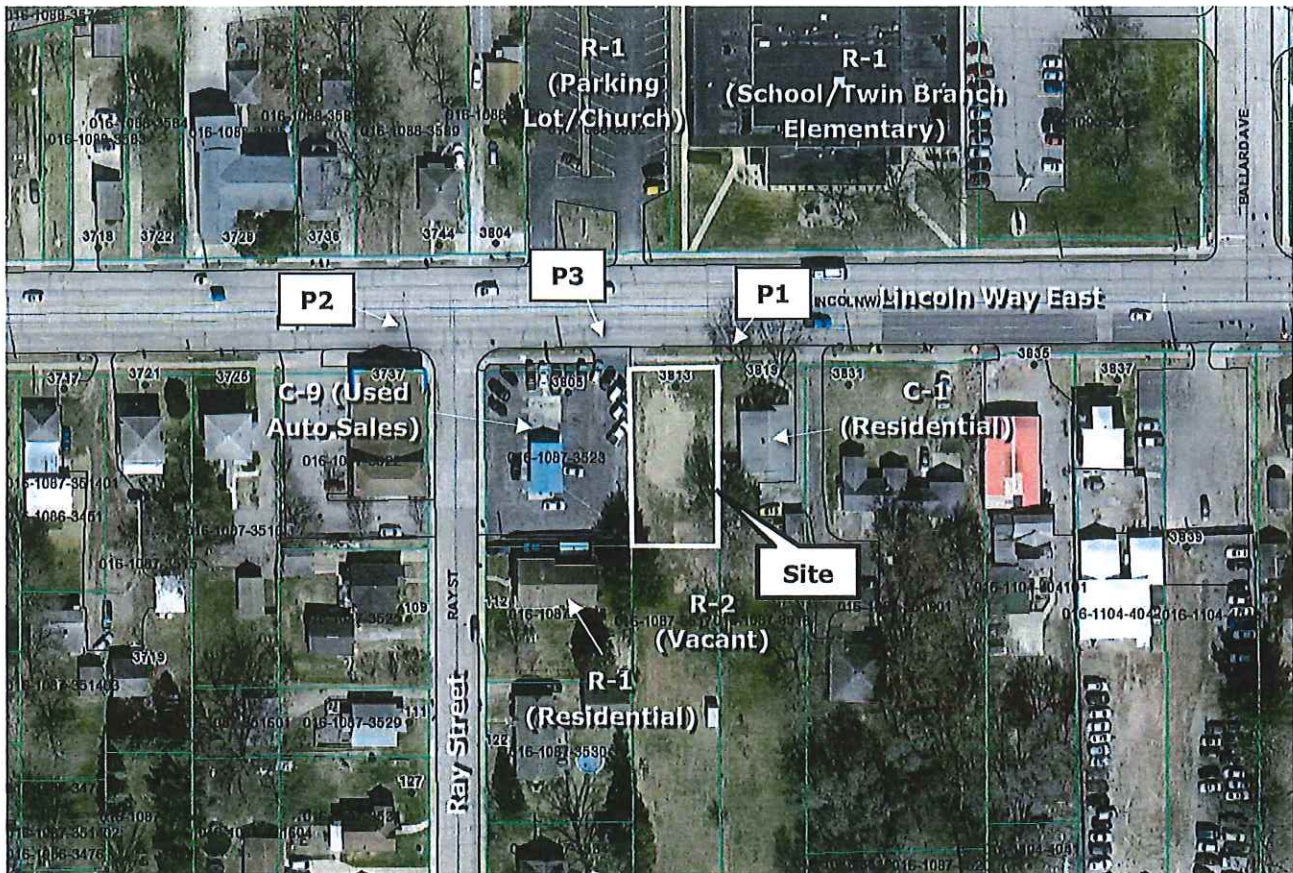
RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 23-24 to rezone an approximate 0.17 acre area (61.5' E-W x 120' N-S) located at 3813 Lincolnway East from C-1 General Commercial to C-9 Automobile Sales Commercial to allow for the expansion of the adjacent used automobile sales business. This recommendation is based on the following findings of fact:

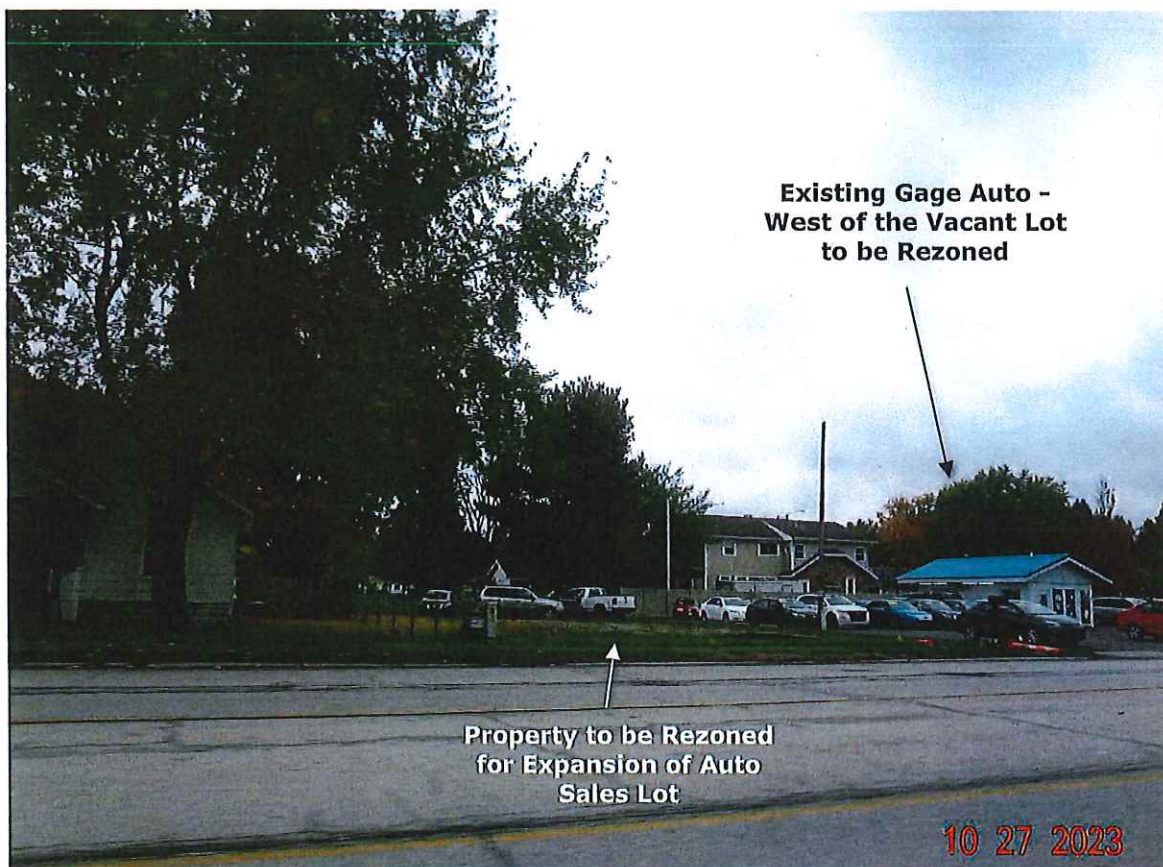
1. Existing Conditions – The subject property is currently a vacant parcel of land located near the Lincolnway East and Ray Street intersection. Lincolnway East is highly travelled commercial corridor providing major east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include a church parking lot and elementary school to the north; a used automobile sales business to the west; a single-family residential house and vacant land owned by the petitioner to the south; and a single-family residential house zoned for commercial use to the east.
2. Character of Buildings – The character of the buildings in the area vary from single-family residential houses, a church, and school, to numerous commercial buildings including, but not limited to, used automobile sales, a pawn shop, restaurants, a liquor store, an insurance office, a barber shop, and an automobile towing business.
3. The most desirable/highest and best use – Due to the property's current commercial zoning and being adjacent to an existing used automobile sales business and located along one of the most heavily travelled corridors in the City, the most desirable use of the property is commercial. A majority of the properties along Lincolnway East corridor between Vistula Road and Bittersweet Road, including those occupied by single-family residential homes, are zoned for commercial use.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The subject property is zoned for commercial use, and the adjacent property to the west zoned for and occupied by an automobile sales business. The Lincolnway East corridor between Vistula Road and Bittersweet Road includes a mix of residential, commercial, and automotive uses. The expansion of the existing C-9 Automobile Sales use is compatible with the existing uses along the corridor. Landscaping and screening will be required per the C-9 zoning district to adequately buffer the proposed use from the adjacent residential properties.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within the property and along the entire Lincolnway East corridor from east of Capital Avenue to Bittersweet Road. The proposal is consistent with the Comprehensive Plan.

ATTACHMENTS

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



Aerial Photograph – 3813 Lincolnway East
Proposed Expansion of Gage Auto Sales Lot to West at 3805 LWE

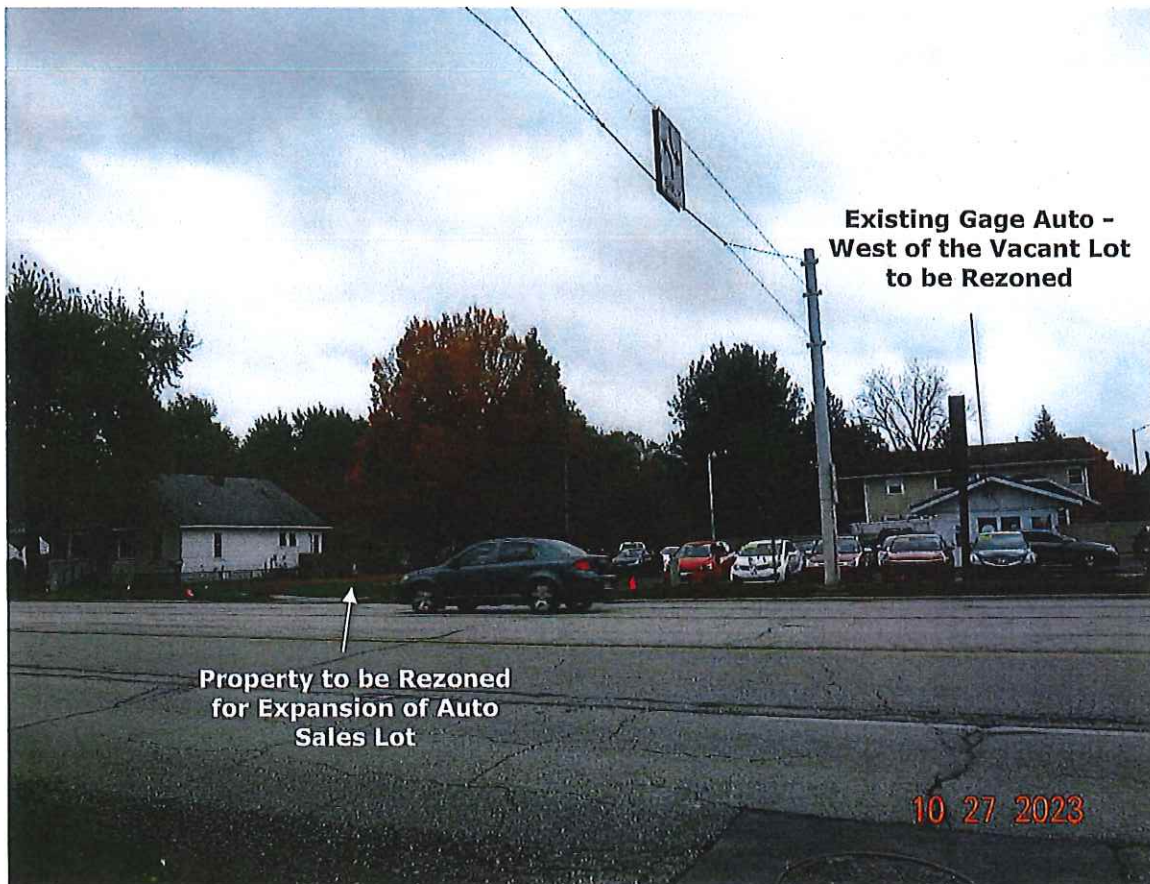


P1. Looking southwesterly from Lincolnway East toward the property.



10 27 2023

P2. Looking westerly from the Lincolnway East and Ray Street intersection. Property to be rezoned is east of the existing Gage Auto sales lot.



Existing Gage Auto -
West of the Vacant Lot
to be Rezoned

Property to be Rezoned
for Expansion of Auto
Sales Lot

10 27 2023

P3. Looking southeasterly from Lincolnway East toward the property.



AERIAL PHOTO

N.T.S.

- LEGAL DESCRIPTIONS:**

[illegible]

- SETBACKS:**
- (A) 23-FT. FRONT-YARD BUILDING SETBACK
 - (B) 12.5-FT. EXTERIOR SIDE-YARD BUILDING SETBACK
 - (C) 12-FT. REAR-YARD BUILDING SETBACK
 - (D) 5-FT. SIDE-YARD BUILDING SETBACK AND PAVED SETBACK
 - (E) 5-FT. PAVED SETBACK
 - (F) 10-FT. PAVED SETBACK

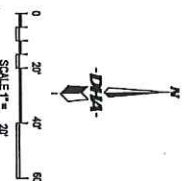
INSTALLED DATE		
1.	ACTUATOR OF PARCEL	0.17 = ACRES
2.	EXISTING ZONING: "C-1" COMMERCIAL DISTRICT	
3.	PROPOSED ZONING: "C-2" COMMERCIAL DISTRICT	
4.	PROPOSED USE: AUTOMOBILE SALES LOT.	
5.	PROPOSED LAM CODE/AREA	
6.	PROPOSED BUILDING	SQUARE FOOTAGE
7.	PROPOSED LOT AREA	± OF SITE
8.	EXISTING LOT AREA	5.012
9.	EXISTING STAGE	11.52
10.	EXISTING STAGE	1.433
11.	PAVING ROAD REQUIRED BY ADJACENT PLOT	7.405
12.	PROPOSED COMMERCIAL DISTRICT	100000

5. PARKING RATIO REQUIRED BY ORDINANCE FOR:
A. 2 - COMMERCIAL DISTRICT ZONING DISTRICT, OR CROSS FLOOR AREA
1). NUMBER OF SPACES REQUIRED FOR A C.S.T. OF CROSS FLOOR AREA 0
TOTAL NUMBER OF SPACES PROVIDED 18
6. PROPERTY IS SERVED BY MUNICIPAL STREETS AND ALLEYS:
.....
7. NO EXPANSION IS DESIRED FOR THIS AUTOMATIC STATUS LOT EXPANSION FROM ANY PUBLIC STREET.
.....
8. PRAMANCE WILL BE AS REQUIRED BY MISSOURIA CITY ENGINEERING DEPARTMENT.
.....
9. LANDSCAPING AS REQUIRED BY ZONING ORDINANCES.
.....
10. ANY ON-STREET LIGHTING WILL BE REQUIRED TO MEET THE LATEST CITY OF MISSOURIA ZONING ORDINANCES.
.....

Per 23-24
Revised 4

Received
NOV 06 - 2023

SITE LOCATION MAP



REVISIONS

Danch, Harner & Associates, Inc.
 Land Surveyors • Professional Engineers
 Landscape Architects • Land Planners

Office (714) 924-4022 • (714) 924-4023 • Fax (714) 924-4118
 1114 Commerce Drive • South Bend, IN 46708

Phone 817/224-4323 / Fax 817/224-4118

Phone 817/224-4323 / Fax 817/224-4118

PET 23-24

Received

OCT 25 2023

Planning and
Community Development

Date: August 14, 2023

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

RE: Gage Stewart Petition for Rezoning:

The undersigned, Gage Stewart, respectfully shows that he is the owner of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

That part of the Northeast Quarter of Section 13, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Part of Lot # 4 of the "Geyers Acreage" Unrecorded Plat and being more particularly described as: Beginning at the Northwest corner of said Lot # 4 thence N. 90°00'00" E. (all bearings assumed), along the South right-of-way line of Linconlway East, a distance of 61.50 feet more or less to the Northeast corner of said Lot; thence S. 00°00'00" E. along the East line of said Lot, a distance of 120.00 feet more or less; thence S. 90°00'00" W., a distance of 61.50 feet more or less to the West line of said Lot; thence N. 90°00'00" W. along the West line of said Lot, a distance of 120.00 more or less to the point of beginning.

Containing 0.17 acres more or less.

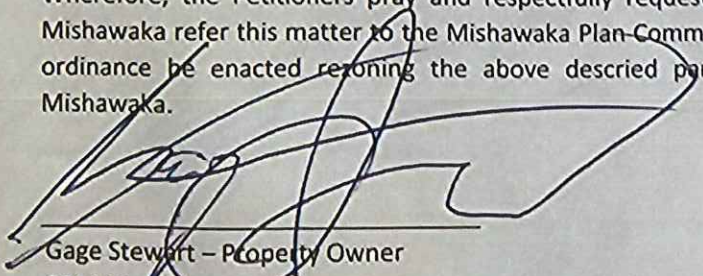
Subject to all legal highways, Easements and restrictions of record.

Also, commonly known as 3813 Lincolnway East, Mishawaka, Indiana 46544.

The above-described parcel is presently zoned: C-1 Commercial District.

Petitioners desire said real estate to be rezoned to C-9 Commercial District. The purpose for the rezoning is to allow for the expansion of an existing automotive sales lot located at 3805 Linconlway East which is West of and adjacent to the Petition property.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka 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.



Gage Stewart - Property Owner
3813 Lincolnway East
Mishawaka, Indiana 46544
574-334-6309

Contact person:

Michael Danch

Danch, Harner & Associates, Inc.

1643 Commerce Drive

South Bend, Indiana 46628

PE5 23-24

Received

OCT 25 2023

Planning and
Community Development



Danch, Harner & Associates, Inc.

Michael J. Danch, L.A., ASLA
Ron Harner, P.S.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Honorable Members of the Common Council,
City of Mishawaka, Indiana
600 East 3rd Street
Mishawaka, Indiana 46544

August 14, 2023

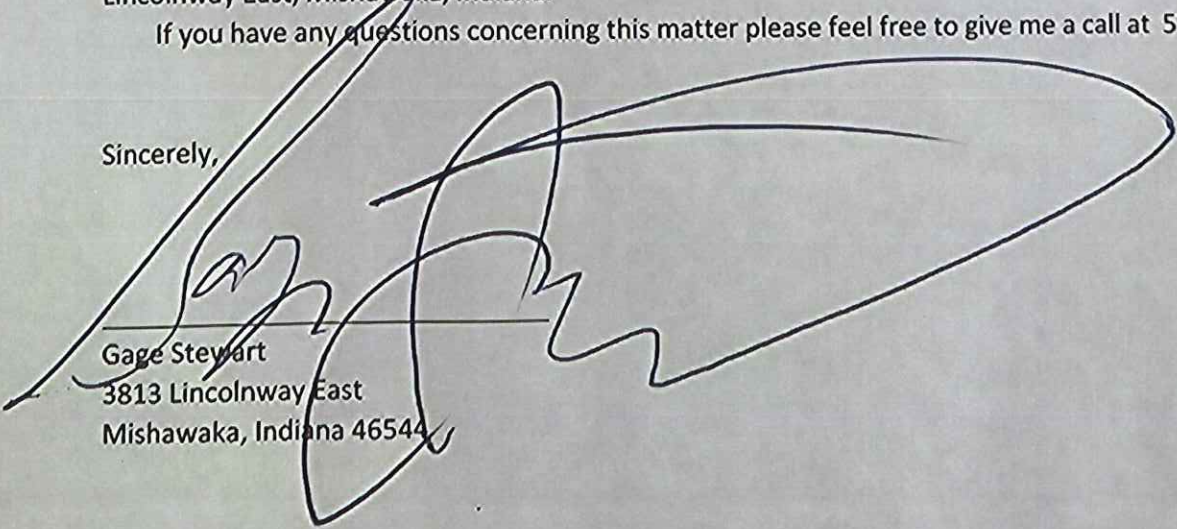
RE: Gage Stewart Petition for Rezoning:

Dear Council Members and Plan Commission Members;

Please accept this letter as written confirmation that we have granted Danch, Harner & Associates, Inc. to represent us at all required Council meetings for our rezoning request for property at 3813 Lincolnway East, Mishawaka, Indiana.

If you have any questions concerning this matter please feel free to give me a call at 574-334-6309.

Sincerely,



Gage Stewart
3813 Lincolnway East
Mishawaka, Indiana 46544

mdanch@danchharner.com

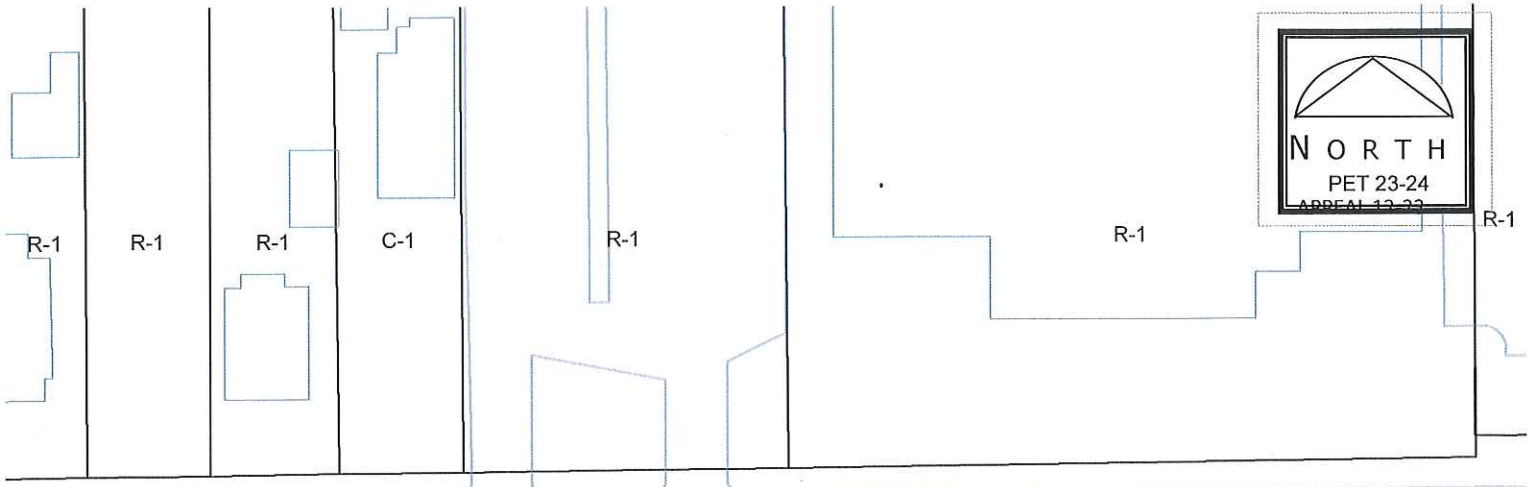
Legal Description:

That part of the Northeast Quarter of Section 13, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Part of Lot # 4 of the "Geyers Acreage" Unrecorded Plat and being more particularly described as: Beginning at the Northwest corner of said Lot # 4 thence N. 90°00'00" E. (all bearings assumed), along the South right-of-way line of Lincolnway East, a distance of 61.50 feet more or less to the Northeast corner of said Lot; thence S. 00°00'00" E. along the East line of said Lot, a distance of 120.00 feet more or less; thence S. 90°00'00" W., a distance of 61.50 feet more or less to the West line of said Lot; thence N. 90°00'00" W. along the West line of said Lot, a distance of 120.00 more or less to the point of beginning.

Containing 0.17 acres more or less.

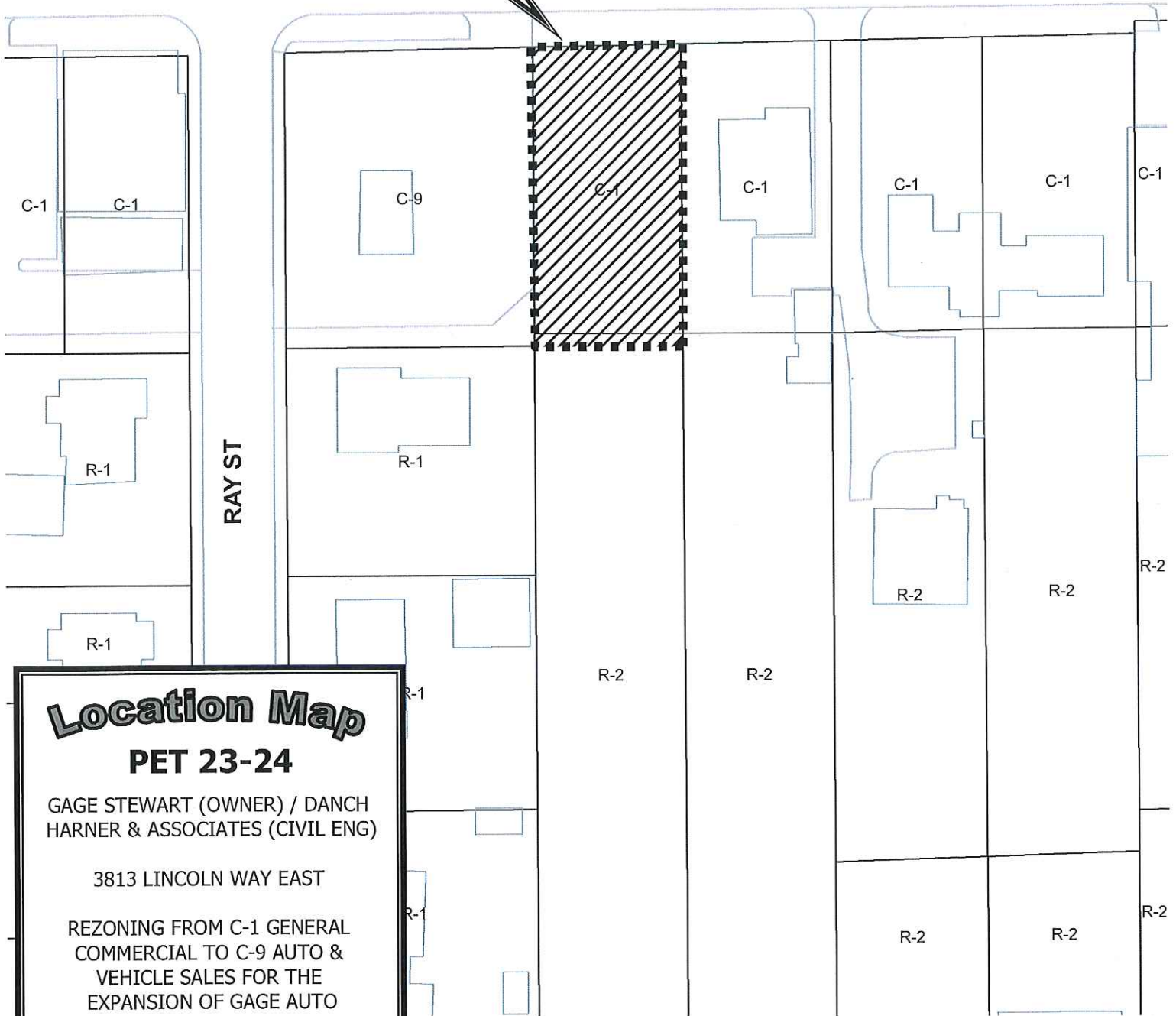
Subject to all legal highways, Easements and restrictions of record.

Also, commonly known as 3813 Lincolnway East, Mishawaka, Indiana 46544.



PET 23-24

LINCOLNWAY EAST





City of Mishawaka

OFFICE OF THE CITY CLERK

Deborah S. Block, IAMCA, CMO, MMC, City Clerk

TENTATIVE

January, 2024

NOTICE

In accordance with Indiana law, please consider this our annual notice of the Mishawaka Common Council Meetings:

The regular meetings of the Common Council of the City of Mishawaka, Indiana, shall be held in the Council Chambers at **7:00 p.m.** on the **first (1st) and third (3rd) Mondays** of every month; however, should any meeting date fall on a legal holiday, the regular meeting for that date shall be held on the day immediately following at **7:00 p.m.** There will be Standing Committee Meetings at **6:45 p.m.** before the regular meeting.

Should any meeting differ from the above, notification shall be given.

These dates will be changed as follows:

January 2 changed to January 8
January 15 changed to January 22
April 1 changed to April 8
April 15 changed to April 22
September 3 changed to September 9
September 16 changed to September 23

Respectfully, Deborah S. Block, IAMC, MMC, City Clerk
2024 Schedule

Raven S. Boston, Chief Deputy Michael Hixenbaugh, Deputy
City Hall, 100 Lincolnway West, Mishawaka, IN 46544-2241 (574) 258-1616 FAX (574) 258-1728
E-mail: dblock@Mishawaka.in.gov Website: Mishawaka.in.gov