



AGENDA

September 23, 2024

Meetings of Standing Committees
Council Conference Room
5:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
6:00PM

WebEx Telephone Number: 1-408-418-9388
Meeting Number (access code): 2331 971 0343
Meeting password: vYueUVst393

Livestream #1:
<https://mishawaka.in.gov/government/elected-appointed-officials/common-council/>

Livestream #2
<https://www.facebook.com/cityofmishawaka/>

Livestream #3:
www.youtube.com/@cityofmishawaka635

Livestream #4:
@MichianaAccessTV on Facebook

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

Dial: 23319710343@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of September 09, 2024

5. Petitions, Communications, Remonstrance and Memorial

Appeal No. 2024-44 Use Variance to allow two Refrigerated Storage Containers - 4320 Grape Rd.

Appeal No. 2024-48 Use Variance to allow two cars for sale at each location. - 602 N. Main St. and 605 E. University Dr.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2024-24 Civil City Budget for 2025

8. Resolutions

9. Ordinances on Second Reading

P.O. 2024-23 Transfer of Funds:

CEDIT Fund

From: Capital Outlays
2209-50-445-02 Highway Equipment \$100,000.00

To: Other Services and Charges
2209-50-436-01 Equipment Repair \$100,000.00
(Assigned to Budget & Finance Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages, <https://www.facebook.com/cityofmishawaka/> and www.youtube.com/@cityofmishawaka635 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 packet:

<https://mishawakain.portal.civicclerk.com/event/960/files/agenda/3209>

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

Deborah S. Block, IAMCA, 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.

Scan the QR Code to access all Common Council Meeting Agenda's, Packets, and Meeting Minutes.



REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

September 9, 2024

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 September 9, 2024, at 6:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Members attending virtually do so by WebEx. Public that attends 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.

Present: Mrs. Hazen (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (P), Ms. Hahn (P), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Also Present: Mike Trippel, Council Attorney

Minutes for the Regular Meeting on August 19, 2024, were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petition by title.

Appeal No. 2024-40	Use Variance to allow for a Food Truck and Developmental Variance for reduction in High Privacy Fence from 7 ft. to 6 ft. – 426 E. Mishawaka Ave.
Petition No. 2024-09	Rezone from C-1 General Commercial to R-3 Multi-Family Residential for a 4-unit Apartment Building – 3728 Lincolnway East

SWEARING-IN OF THE MAYOR'S YOUTH COUNCIL

Mayor Wood stated this marked their 14th Youth Council under his terms and they were crossing over the 200 number threshold for students who had gone through their program. Mayor Wood stated it was, he believed, his most important initiative for the future of Mishawaka and that was the development of their future leaders. Mayor Wood stated the kids came to them from three different high schools in Mishawaka, Mishawaka High School, Penn High School, and Marian High School and they were almost evenly divided up between the three. Mayor Wood stated they had 34 students that year in the program from all walks of life and interests and they had a lot of talent with these kids. Mayor Wood stated they would be reading about them and seeing them perform some amazing things now and into the future. Mayor Wood stated the program was a two-year program and it started off between Sophomore, Junior, and Senior year of high school

and most of the time, their kids came back for their second year and that had been the case for the current year. Mayor Wood stated in that time, they would educate them about local government, the level of government that was least known about but provided the services that were fundamental to their community and were vital that in most cases, they could not live without. Mayor Wood stated they would give them a deep dive into local government, starting with the swearing-in that evening, but also, they would take them through multiple departments as well and they already had those scheduled out for the year. Mayor Wood stated the students were going to get the opportunity to go to the Fire Department, the Police Department, climb electric poles, and do some exciting things. Mayor Wood stated they would also have some unique opportunities that year, as they would be opening a new fire station so the kids would have the opportunity to tour the new fire station, the survive alive house, and some of those things before the public got to see them. Mayor Wood stated the students would get a little crash course in Mishawaka history and they would be touring an environmental wasteland, specifically the former Dodge site. Mayor Wood stated before they would demo it after acquiring it, they would be taking the kids through to show them what work in Mishawaka used to be like and where his dad and many other relatives worked in Mishawaka, and it would be a great experience for them. Mayor Wood stated they would also be participating in some community service as they did a major project every year. Mayor Wood stated they were still in the initial planning stages of that for that year. Mayor Wood stated this was project year and they planned on doing a significant project and they already had an executive committee made up of second year students that had already been engaged through the summer and in planning for their major project and they had already sent their application downstate. Mayor Wood stated they were going to be seeking some funding, raising those funds, and coming up with a project that they thought would be very cool and would be all over the city and it would be an art project. Mayor Wood stated they would take every opportunity to get out and experience Mishawaka. Mayor Wood stated that year, they would be going to a Mishawaka manufacturer, and they would also have some opportunities to even go downstate and meet with other youth councils. Mayor Wood stated they were continually developing this program, and it continued to be among model programs anywhere in the state of Indiana considered the best practice and one that when new mayors and local governments wanted to start, they called Mishawaka first. Mayor Wood stated the program could not happen without the help of a lot of people who essentially ran it and that included predominantly his wife, Jamie. Mayor Wood stated this program was her passion and she loved it. Mayor Wood stated this would mark the 14th year of the program and the first year that he would not have one of his own kids in the program. Mayor Wood stated that his assistants Krista and Debby helped an awful lot and that year, they had an intern from the University of Notre Dame she came from Colorado. Mayor Wood stated she was a sophomore at the University of Notre Dame, her name was Maddie Cunningham, and she would be very instrumental in the success of the program for that year, and they were looking forward to having her. Mayor Wood stated they tried to run this as a government body and the kids would take the same oaths that the Council and Mayor Wood himself did and they would swear on the same family Bible that all their public servants did. Mayor Wood stated this was about developing future leaders and the kids would have a very hands-on experience in doing that. Mayor Wood stated this would be paid for out of their civil city budget, but it was not paid for by their

taxpayers as it came from gifted funds. Mayor Wood thanked the parents, because they knew the kids could not provide this level of commitment without the support of their parents so he promised they would take care of them, feed them well, get them home to them in a timely manner, and maybe make them a little uncomfortable from time to time like asking them to speak or give input but he guaranteed them that the kids would come out of the program a different person. Mayor Wood stated they had seen that, because he had two people who had left the program but had decided to stay and volunteer their time to help their students. Mayor Wood stated Parker Norris was the Mayor's Youth Council mentor and he was a former youth council president and Mishawaka High School grad and last year's president who had completed the program and volunteered to be Mayor Wood's liaison between the prior year's class and the upcoming class, Nish Proshun. Mayor Wood stated all the kids had many, many more things they could be doing but the fact that they were there that evening and committing at the very least one night a month for the City of Mishawaka and for the citizens said an awful lot about them. Mayor Wood thanked the parents again for making that commitment.

The following students were sworn in for the Mayor's Youth Advisory Council for the 2024-2025 term year.

**Emily Archambeault, Domenic Buysse, Ty Caruso, Lydia Choi, Sophia Garatoni,
Grace Henry, Prescott Horvath, John Loesch, Brianna Marable,
Hugh Michel, Sheridan Pellico, Nicholas Quiett, Ellie Adams,
Margaret Coppens-Clark, Ethan Cunningham-Gloster, Mckinzie Finn, Kate Gradeless,
Leah Gradeless, Ellis Kaplan, Millie Mammolenti, Josephine Phillips, Orianna Pierce,
Blake Vandenburg, Anna Yoder, Londyn Duval, Angie Lin, Ishita Masetty,
Landen Neighbour, Tobias Prince, Arianna Rice, Andrew Rimelspach, Lydia Shely,
Caitlyn "CJ" Vantine, Eliza Wright,**

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

PROPOSED ORDINANCE NO. 2024-23

**AN ORDINANCE DECLARING AN EMERGENCY AND TRANSFERRING AND
REAPPROPRIATING FUNDS WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2024**

**Transfer of Funds: CREDIT FUND: From: Capital Outlays 2209-50-445-02 – Highway
Equipment (\$100,000.00) To: Other Services and Charges 2209-50-436-01 – Equipment
Repair (\$100,000.00)
(Assigned to Budget & Finance Committee)**

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

RESOLUTION R2024-17

**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: NE CORNER OF FIR ROAD AND
BEACON PARKWAY**

**Use Variance to allow a Temporary Sales Trailer – NE corner of Fir Road and Beacon
Parkway**

Jordan Teichen, Continental Properties, spoke in favor of **RESOLUTION R2024-17**. Mr. Teichen stated they had appeared before the board a handful of times throughout the approval process for their Springs at Mishawaka community on the NE corner of Fir Road and Beacon Parkway. Mr. Teichen stated the reason he was presenting that evening was they were seeking a use variance for a leasing or sales trailer. Mr. Teichen stated typically, Continental preferred to stage a leasing trailer on site prior to the completion of their clubhouse and internal to their clubhouse was a leasing office. Mr. Teichen stated their current construction schedule projected the clubhouse building and leasing office turning in about the middle of May on May 15th. Mr. Teichen stated typically, once the parking lot for the clubhouse and entry drive was completed and constructed, they staged an approximately 12 by 48 foot trailer on the site and he believed there were images of the trailer in the staff report that evening where tentative residents could come and meet with their staff and get an idea if they would like to live in the community and ultimately sign a lease. Mr. Teichen stated he was happy to answer any questions and looked forward to becoming part of the community.

Mr. Emmons asked how long the temporary sales trailer would be stationed out there on the property. Mr. Teichen stated typically about 3 months, and he imagined they would wreck the trailer around the middle of February, so they would have it out there approximately from the middle of February to the middle of May.

Mr. Hixenbaugh stated they appreciated his presentation.

Question was called for at 6:30PM for **RESOLUTION R2024-17 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

RESOLUTION R2024-18

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

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **RESOLUTION R2024-18**. Mr. Prince stated when they consolidated the TIF district in 2014, they identified that many of the corridors in the city as within the consolidated TIF area and by law, when you went to expand the road, you had to add property to the acquisition list. Mr. Prince stated when you brought property for redevelopment associated with the TIF district, you needed to add it to the acquisition list rather than estimate the hundreds of properties at that time that would be required. Mr. Prince stated they made the decision to bring them to the Council individually, so even when the consolidated TIF was created in 2014, every time they did a rotary project or every time they did a project where they would be acquiring property including for blight, they would bring that property before them to add it to the acquisition list and that was what they were doing that evening. Mr. Prince stated at the northwest corner of Fir and McKinley, they were contacted by a realtor approximately a month ago regarding their interest in acquiring that property and the property was a former break shop and was currently vacant and it needed a little love. Mr. Prince stated when they evaluated the property, they identified not only the blight removal but also their long-term plan was to extend a multi-use path on Fir Road basically north and south to connect to the riverwalk and they thought to the north that this was the logical multi-use path connection going to the north part of the city as Fir Road was expanded. Mr. Prince stated when they partnered with Habitat for the Fields Project, that multi-use project was already in place from Jefferson going north to right immediately south of Cove Place and by saying multi-use path, he meant an eight-foot-wide sidewalk as eight foot was the minimum dimension needed to accommodate both pedestrians and bicycles. Mr. Prince stated if you looked at the northwest corner there, there was very limited room to add a walk in the future and they also had plans to widen McKinley to five lanes over time and that project would probably be more than 10 years out at that point in time based on funding. Mr. Prince stated it was already part of the

transportation plan, but the reality was that they only had so much federal funding available, and they had designated that corner for that funding. Mr. Prince stated when the realtor brought the project to them, they had a previous sale pending and it was determined the current owner had a medical emergency and was incapacitated, his son took over the property, they needed to sell the property to fund the expenses and the previous buyer was lined up and found out that there was not water and sewer currently extended to the property as it was currently on septic and well and based on that, the property was not closed. Mr. Prince stated the seller reached out to the city and asked if they had interest and based on that proximity, the small size of the property, pending projects and cleaning up blight, were some of the reasons they were asking to get it added to the acquisition list at that point. Mr. Prince stated he was happy to answer any questions.

Mr. Banicki asked if this was a former gas station. Mr. Prince stated it was a former gas station and it was a break shop after that, but there were tanks in the ground, and they did have environmental consultant Heartland who was working on the Dodge property who had evaluated the property, and they believed it was eligible for some gas station cleanup funding but that had yet to be determined. Mr. Banicki asked if the city would then be on the hook for the cleanup cost on that. Mr. Prince stated yes, and the consultant believed that it would be eligible for the specialized cleanup funds but ultimately if those funds were not provided to them, they would be the entity that would be responsible for cleaning it up and they did that on every project. Mr. Prince stated based on phase one that would be completed on the property before their purchase, it did provide a level of immunity but in the past, they had been the ones to clean up the property. Mr. Prince stated if this were a standard where they were just expanding the right of way, any cleanup that would occur would be increasingly difficult when there was an operating business on the property but in this case, it aided them having all the property so they could excavate and do the cleanup that was necessary. Mr. Prince stated they believed owning the property was a better way of handling it long-term.

Mr. Carroll asked with the path if he was talking about the west side of the road going up. Mr. Prince stated they had not studied it beyond, but he knew the current path was on the west side and it would be logical to extend it on the west side.

Mrs. Hazen asked about the building on the property and if there was a timeline for looking to demolish it or if they planned on just leaving the building as was. Mr. Prince stated no, and typically when they acquired properties, they did not like to leave the building standing, because of the liability. Mr. Prince stated they would do the necessary series of environmental requirements for completing phase one and then they would apply for the funding for the environmental mitigation for the property and then pending that, he estimated that the removal would occur in the spring of the following year.

Question was called for at 6:40PM for **RESOLUTION R2024-18 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

NEW BUSINESS

Ms. Hahn announced the quarterly meeting of the West End Neighborhood Watch Group would be tomorrow, September 10th at 7PM at St. Bavo's Community Center and they would have Heidi Peebles with CAPS who are citizens who help keep the parks safe. Ms. Hahn stated she was going to speak, and Officer Bruce Faltynski would be there as usual. Ms. Hahn stated all of the public was welcome.

Mrs. Voelker stated DORA was officially going on and it would be in effect at 4PM on Wednesday, September 11th right outside of The Mill and it had been a long time coming. Mrs. Voelker stated she would be there and hoped others could come out, have a celebratory beverage, and experience DORA.

Mr. Hixenbaugh thanked Mr. Lentsch for the work he had done to get them to that point.

Mr. Mammolenti made a reminder that they were picking up their Twin Branch Neighborhood Watch Meeting after the summer hiatus and their first one back would be September 18th at Fire Station #4 off Harrison by Hums at 7PM. Mr. Mammolenti stated their guest speaker would be some folks from the Troyer Group who were part of the design team. Mr. Mammolenti stated all were welcome. Mr. Hixenbaugh congratulated Mr. Mammolenti's daughter joining the Mayor's Youth Council, and it was a wonderful honor.

ADJOURNMENT 6:42PM

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

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

These minutes are a summary of actions taken at the Mishawaka Common Council meeting. The full video archive of the meeting is available for viewing at www.youtube.com/@cityofmishawaka635 for as long as this media is supported.

Ap 24-44

SEP 19 2024

City Clerk
Mishawaka, IN

Received

SEP 06 2024

Planning and
Community Development

DATE: August 28, 2024

TO: Board of Zoning Appeals, City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. Grape Day, LLC is the owner of the following described real estate located within the City of Mishawaka, Clay Township, St. Joseph County, State of Indiana, to-wit:

See attached Exhibit A.

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. Whole Foods Market Group, Inc., (dba "Whole Foods Market") presently occupies the above-described property as a Whole Foods Market.
4. Whole Foods Market desires to utilize two storage containers on the Property.
5. The Zoning Ordinance of the City of Mishawaka, per Section 137-302 (5)(c) does not permit storage in accessory buildings in a Commercial zoning district.
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

- I. Whole Foods Market is a prominent supermarket operating throughout the U.S. This site has experienced heightened levels of demand, predominantly for frozen and refrigerated items. Due to the location of the site and site containment, the store has seen demand outpace supply that can be kept in store. To better accommodate customers, Whole Foods Market is requesting approval for refrigerated storage containers so the store can overcome stocking and demand issues. Strict adherence prevents the best use of the space and creates a hardship for the store to operate.

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

- I. Will approval be injurious to the public health, safety, morals or general welfare of the community?

- i. No. These storage containers are used by Whole Foods Market to account for excess demand from the community. The storage containers are kept to the east side of the building and will feature landscaped screening to conceal the view from the street. The containers also abut a private drive rather than a public road. These containers are kept secured and monitored by Whole Foods and are refrigerated. The storage containers do not impair ingress/egress. The approval of the storage containers will allow Whole Foods Market to better serve the Mishawaka community.

- II. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

- i. No. The adjacent property is a restaurant that is divided from the property by a private drive. The containers will have landscaped screening so they will not be

visible to the adjacent property. Additionally, the property is surrounded by commercial uses. The storage containers will be screened from any public road.

- III. Does the need for the variance arise from some condition peculiar to the property involved?
- i. Yes, the current site layout is contained to an area restricted by parking and building size. The parking requirement and location of the store cannot provide any additional storage as needed by the store. Since the store and parking are confined to a lot, there is no other possibility of expansion.
- IV. Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?
- i. Yes. Whole Foods Market is a grocery store that provides frozen products as part of its model. The strict application of no accessory storage in commercial districts severely hinders the best use of the property by Whole Foods Market. This requirement limits the inventory and ability to offer products to consumers. These containers also help to improve stocking procedures.
- V. Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
- i. No, the property is located in a commercial zone, and the use of the containers is commercial related, consistent with the Comprehensive Plan. The Use Variance will allow storage containers, an accessory use to the primary commercial use, a supermarket. There will be virtually zero interference with the Comprehensive Plan.

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

Grape Day, LLC

By: Stephen C. Sealman
Title: Manager

Whole Foods Market Group, Inc.,

By: Leslie Smith
Title: Store Team Leader

September 4, 2024

EXHIBIT A

Parcel I: That part of the Southeast Quarter of Section 33, Township 38 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana which is described as: Beginning at a 5/8" capped rebar (L.S. #S 0318) set on the East line of Grape Road which is North 89°48'36" East, 40.00 feet from a point on the North and South Quarter line of said Section and centerline of Grape Road which is North 00°00'29" East, 1371.08 feet from a P.K. Nail found marking the South Quarter Post of said Section; thence along the East line of Grape Road North 00°00'29" East, 238.59 feet; thence along said North line South 89°48'36" West, 549.54 feet; thence North 44°49'33" West, 14.06 feet to a set, capped 5/8" rebar, thence South 89°48'30" West, 30.12 feet to the point of beginning.

Parcel II: Reciprocal Easement Agreement and Deceleration of Restrictive Covenants by and between Cressy Land Planning Associates, and Indiana General Partnership and Kohl's Department Stores, Inc., a Wisconsin corporation, dated April 3, 1996 and recorded April 4, 1996 as Document Number 9612590 and amended by a First Amendment to Reciprocal Easement Agreement and Declaration of Restrictive Covenants recorded December 30, 1996 as Document Number 9651032 all in the Office of the Recorder of St. Joseph County, Indiana.

Commonly known as: 4230 Grape Road, Mishawaka, IN 46545

CONTACT PERSON:

Name: Tyler Ochs, Esq.

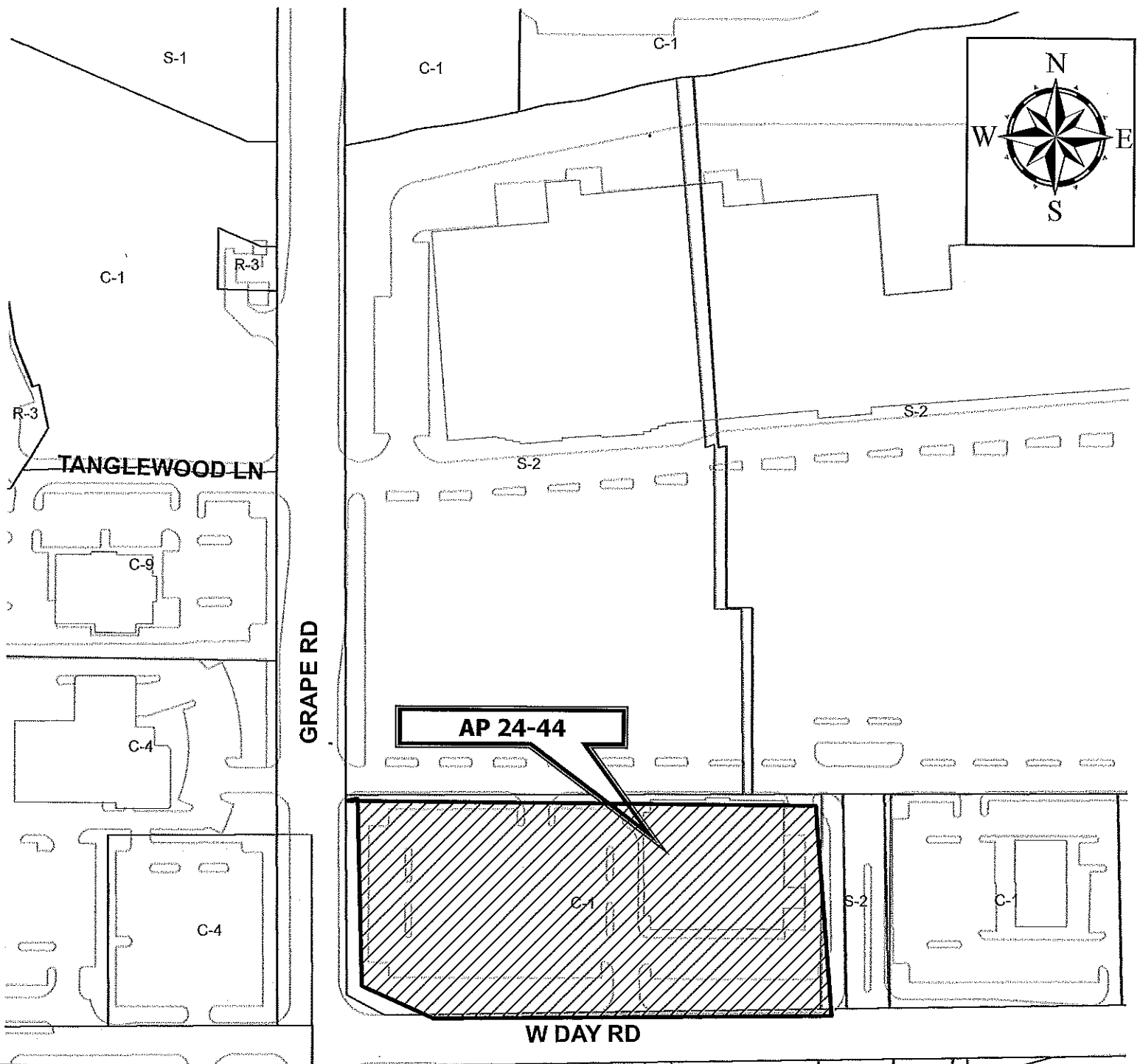
Bose McKinney & Evans LLP

Address: 111 Monument Circle, Ste. 2700, Indianapolis, IN 46204

Day Phone Number: 317-684-5179

Fax Number: N/A

Email: TOchs@boselaw.com



Location Map

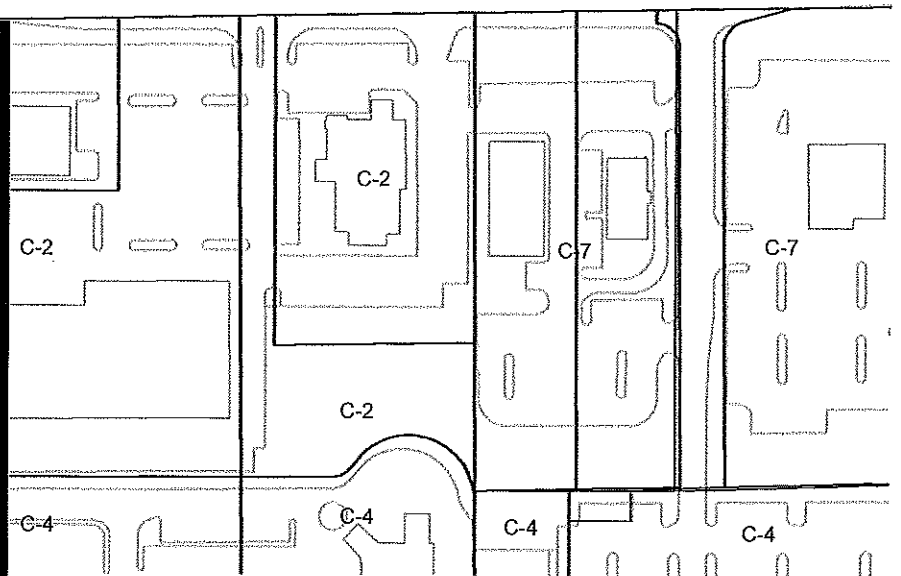
APPEAL 24-44

OWNER:
GRAPE DAY LLC

BUSINESS:
WHOLE FOODS

ADDRESS: 4230 GRAPE ROAD

USE VARIANCE TO ALLOW
2 REFRIDGERATED STORAGE CONTAINERS



DATE: 9-17-2024

Deborah S. Block, AMC, MMC

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

SEP 19 2024

City Clerk
Mishawaka, IN

The undersigned appellant respectfully shows the Board:

1. A. I, Mishawaka Property Investments II LLC, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit: 602 N. Main Street, Mishawaka, IN 46545 Lot One (1) Inova Minor Subdivision

B. I, Roadmap I LLC, am the owner of the following described real estate located with the City of Mishawaka, Harris Township, St Joseph County, State of Indiana to - wit: 605 E. University Drive, Granger, IN 46530 Lot Numbered Two (2), as shown on the recorded Plat of Costco Wholesale, recorded October 20, 2014, as Document Number 1426167 in the Office of the Recorder of Saint Joseph County, Indiana.
2. A. 602 N. Main Street, Mishawaka, IN 46545, the described real estate, currently has a zoning classification of C-1 District under the City of Mishawaka's Zoning Ordinance.

B. 605 E. University Drive, Granger, IN 46530, the described real estate, currently has a zoning classification of S-2 Planned Unit Development District under the City of Mishawaka's zoning ordinance.
3. Appellant presently occupies the above-described property in the following manner:
Operating a Federal Credit Union.
4. Appellant desires to allow (2) two parking spaces to sell repossessed automobiles at each location listed above. The current zoning does not permit automobiles to be sold at the locations.
5. The Zoning Ordinance of the City of Mishawaka requires would require C4 zoning
6. Explain why strict adherence to the Ordinance requirements would create an
 - 1) unusual hardship.
The normal course of business for a Federal Credit Union is to offer repossessed automobiles for sale to try and obtain a better value than an automobile auction to benefit the membership. Being unable to offer automobiles at retail price versus wholesale pricing can create a significant loss for members already in a hard economic cycle. The sale of repossessed automobiles is cyclical based on the economy.

DATE: 9-17-2024

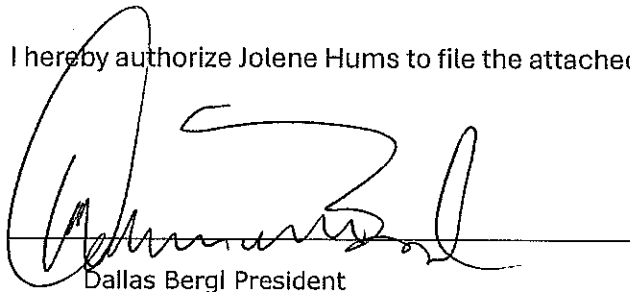
TO: Board of Zoning Appeals
City of Mishawaka, Indiana

Please take note of the following information:

I, Dallas Bergl, am the President and Owner of the following entities:

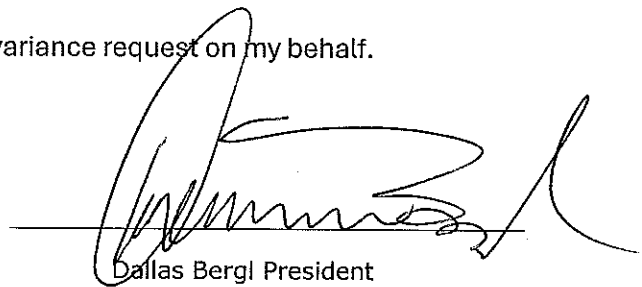
1. Mishawaka Property Investment II LLC.
- 602 N. Main Street, Mishawaka, IN 46545
2. Road Map I LLC.
- 605 E. University Drive, Granger, IN 46530

I hereby authorize Jolene Hums to file the attached variance request on my behalf.



Dallas Bergl President

Mishawaka Property Investments II LLC



Dallas Bergl President

Road Map I LLC

CONTACT PERSON:

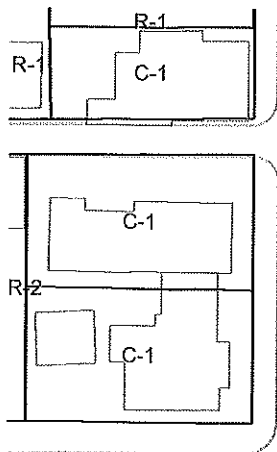
Name: John A Katalinich-EVP INOVA Federal Credit Union

Address: 358 S Elkhart Avenue, Elkhart, IN 46516

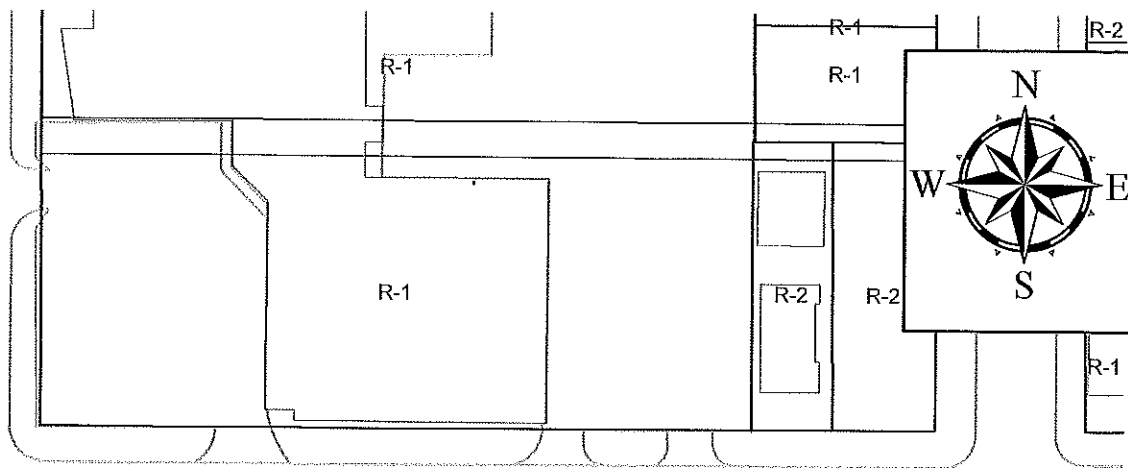
Day Phone Number: 574-612-2548

Fax Number:

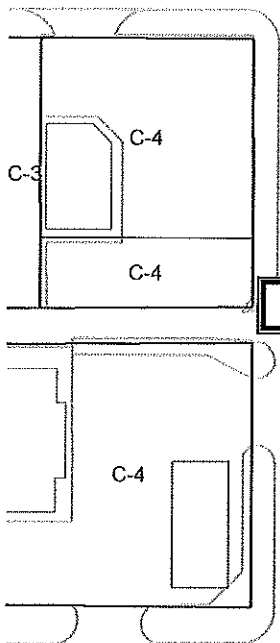
Email: jkatalinich@inovafcu.org



W GROVE ST

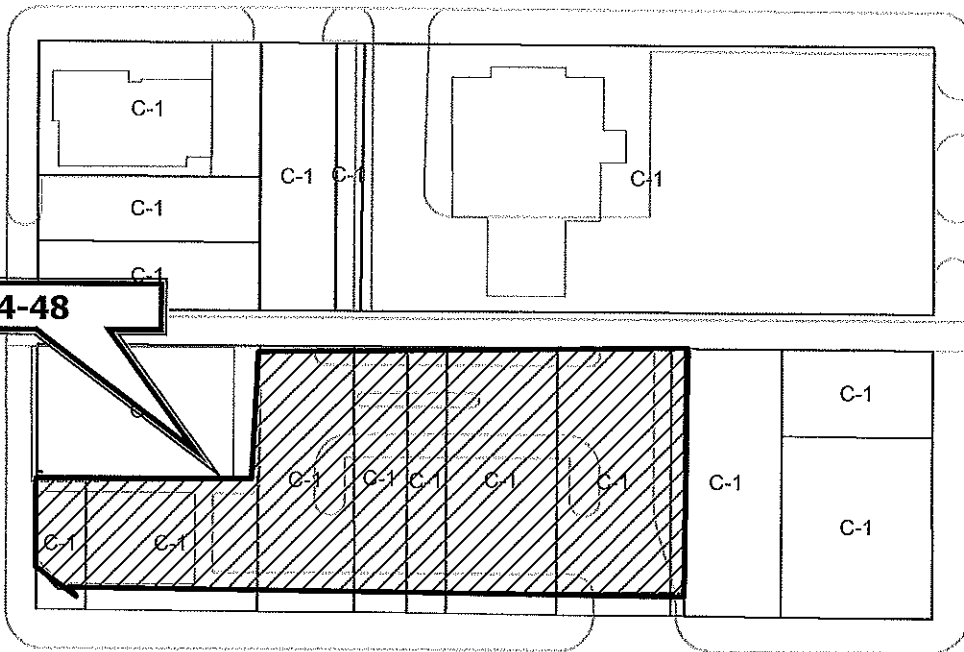


E GROVE ST



N MAIN ST

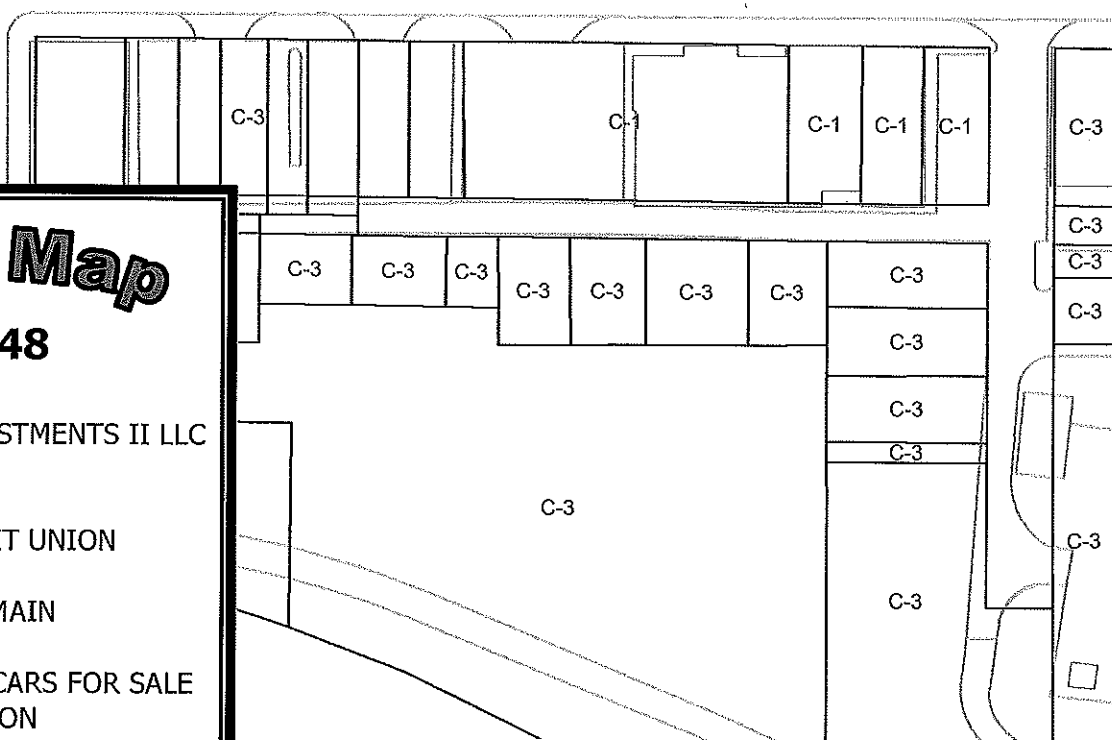
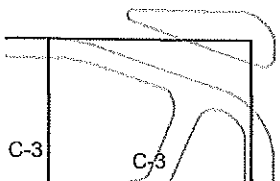
AP 24-48



SARAH ST

W MISHAWAKA AVE

E MISHAWAKA AVE



Location Map

APPEAL 24-48

OWNER:
MISHAWAKA PROPERTY INVESTMENTS II LLC

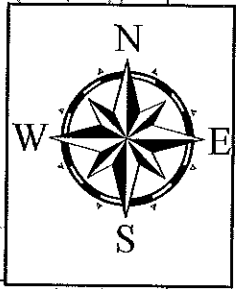
BUSINESS:
INOVA FEDERAL CREDIT UNION

ADDRESS: 602 N MAIN

USE VARIANCE TO ALLOW 2 CARS FOR SALE
AT EACH LOCATION

C-1

R-1



E UNIVERSITY DR

AP 24-48

SUMMER PLACE

S-2

SUMMER PLACE DR WEST

S-2

S-2

C-2

Location Map

APPEAL 24-48

OWNER:
ROADMAP I LLC

BUSINESS:
INOVA FEDERAL CREDIT UNION

ADDRESS: 605 E UNIVERSITY DRIVE

USE VARIANCE TO ALLOW 2 CARS FOR SALE
AT EACH LOCATION

WB INDIANA TOLL RD (I-80/90)

EB INDIANA TOLL RD (I-80/90)

S-2

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 9/20/2024 12:20:46 PM

PROPOSED ORDINANCE NO. 2024-24

Ordinance / Resolution Number:

Be it ordained/resolved by the **Common Council** that for the expenses of **MISHAWAKA CIVIL CITY** for the year ending December 31, **2025** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MISHAWAKA CIVIL CITY**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Common Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Common Council	Common Council and Mayor	10/28/2024

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0101	GENERAL	\$47,600,000	\$34,114,964	2.3106
0254	LOCAL INCOME TAX	\$4,824,910	\$0	0.0000
0341	FIRE PENSION	\$2,150,000	\$0	0.0000
0342	POLICE PENSION	\$1,350,000	\$0	0.0000
0706	LOCAL ROAD & STREET	\$1,260,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$4,838,646	\$5,518,355	0.3738
1109	MUNICIPAL EMERGENCY MEDICAL SERVICES	\$26,000	\$0	0.0000
1151	CONTINUING EDUCATION	\$129,000	\$0	0.0000
1301	PARK & RECREATION	\$5,767,966	\$5,750,542	0.3895
1310	PARK NONREVERTING - CAPITAL	\$492,500	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$106,720	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$800,000	\$1,380,667	0.0935
2411	ECONOMIC DEV INCOME TAX CEDIT	\$7,420,500	\$0	0.0000
6290	CUMULATIVE SEWER	\$225,000	\$0	0.0000
		\$76,991,242	\$46,764,528	3.1674

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
Approved by the State Board of Accounts, 2015
Prescribed by the Department of Local Government Finance

Budget Form No. 4
Generated 9/20/2024 12:20:46 PM

Name		Signature
Ronald Banicki	Aye ☐ Nay ☐ Abstain ☐	
Matthew Carroll	Aye ☐ Nay ☐ Abstain ☐	
Dale "Woody" Emmons	Aye ☐ Nay ☐ Abstain ☐	
Lacy Hahn	Aye ☐ Nay ☐ Abstain ☐	
Lou Ann Hazen	Aye ☐ Nay ☐ Abstain ☐	
Gregg Hixenbaugh	Aye ☐ Nay ☐ Abstain ☐	
Matthew Mammolenti	Aye ☐ Nay ☐ Abstain ☐	
Anthony "Tony" Violi	Aye ☐ Nay ☐ Abstain ☐	
Kate Voelker	Aye ☐ Nay ☐ Abstain ☐	

ATTEST

Name	Title	Signature
Deborah Ladyga- Block	City Clerk	

MAYOR ACTION (For City use only)

Name		Signature	Date
David A. Wood	Approve ☐ Veto ☐		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1

Yes ☐ No ☒

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31

Yes ☐ No ☒

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC

SEP 15 2024

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2024-23

ORDINANCE NO.

AN ORDINANCE DECLARING AN EMERGENCY AND
TRANSFERRING AND REAPPROPRIATING FUNDS
WITHIN THE BUDGET ADOPTED FOR THE
CALENDAR YEAR ENDING DECEMBER 31, 2024

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

Section 1. An emergency exists which requires the transfer and reappropriation of funds within the County Economic Development Income Tax (CEDIT) fund for the budget adopted for the fiscal year ending December 31, 2024.

Section 2. There is hereby transferred and reappropriated the sum of \$100,000.00 as follows:

CEDIT Fund

From: <u>Capital Outlays</u>		
2209-50-445-02	Highway Equipment	\$100,000.00

To: <u>Other Services and Charges</u>		
2209-50-436-01	Equipment Repair	\$100,000.00

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 _____, 2024 at _____ o'clock, _____. M.

Gregg Hixenbaugh, Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED BY ME to the Mayor this _____ day of _____, 2024 at
_____ o'clock, _____. M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED BY ME this _____ day of, _____, 2024 at _____ o'clock,
_____. M.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

CENTRAL SERVICES DEPARTMENT
Tim Ryan, Street Commissioner

September 5, 2024

Mishawaka Common Council
City Hall
100 Lincolnway West
Mishawaka, IN 46544

RE: Proposed Ordinance 2024-

Honorable Council Members:

At this time, we find the need to request a transfer of CEDIT funds as follows:

FROM: MVH Street Department

Machinery & Equipment

2209-50-445-02 Highway Equipment

\$100,000

Total: \$100,000

TO: MVH Street Department

Repairs and Maintenance

2209-50-436-01 MVH Building/Equipment Repair

\$100,000

Total: \$100,000

If you have any questions concerning this transfer, please call or visit my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Ryan".

Tim Ryan
Street Commissioner