

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

February 3, 2025

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 February 3, 2025, 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.

City Clerk Debbie Ladyga-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 January 27, 2025 were approved as received from the Clerk's Office.

Clerk Block read the following appeal by title.

Appeal No. 2025-01 Use Variance to allow E-Commerce Store with no Retail Sales in R-1 single Family Residential – 611 S. Main St.

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

RESOLUTION R2025-02

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: 611 S. MAIN STREET MISHAWAKA, INDIANA

Use Variance to allow E-Commerce Store with no Retail Sales in R-1 Single Family Residential – 611 S. Main St.

Christine Urus, Representative for Advanced RE Holdings LLC, spoke in favor of **RESOLUTION R2025-02**. Mrs. Urus stated currently, the real estate was classified as a C-1, was recently purchased, and due to the prior vacancy, they were required to reclassify it as R-1 residential and they to a couple use variances to operate the e-commerce store.

Mr. Emmons stated the building was in his district and he drove by it all the time and asked if they were going to rectify some of the issues on the outside such as the eavestroughs that were down, the siding was off on the front side, and in the back side the roofing was all rotted out. Mr. Emmons asked if they were going to repair that. Mrs. Urus stated yes, they would be repairing all three of the items he mentioned. Mr. Emmons stated hopefully they were going to do some modifications to it and make it nicer for the neighborhood. Mr. Emmons wished her well in refurbishing the building and putting it up to standard.

Ms. Hahn stated like Mr. Emmons, she too drove by the building many times and had been looking into it and asked if they planned on putting any windows in the building and if she had talked to the Mishawaka Fire Department as far as there being some regulations on windows and what needed to be done on their end. Mrs. Urus stated yes to both questions.

Mr. Hixenbaugh thanked Mrs. Urus for her interest in bringing the building in question back to life so to speak. Mr. Hixenbaugh stated both the resolution in front of them with regard to the use variance and then the ordinance dealing with the rezoning that they would talk later in the meeting, had some conditions embedded in them with one having to do with the fact that since this was going to be used, albeit in a residential district, for a commercial purpose, that they would not have the benefit of certain city offerings that were available to single family homeowners. Mr. Hixenbaugh stated the second condition said that the property would be subject to fire inspections and the third condition said that the business would have no more than two on-site employees and asked if she could commit that evening to agreeing to all three of the aforementioned conditions. Mrs. Urus stated yes. Mr. Hixenbaugh stated they were going to be considering the companion rezoning ordinance later on and any action they took to approve the resolution must be mirrored by the action to approve the ordinance as well so it would be a two-step process, but he had not read or heard anything that led him to believe that he would have a problem voting in favor of either of the two documents and he appreciated the willingness they had shown to make an investment in the building.

Question was called for at 6:07PM for **RESOLUTION R2025-02 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.

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

PROPOSED ORDINANCE NO. 2025-02

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

Rezone from C-1 Commercial to R-1 Single Family – 611 S. Main St.

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

Christine Urus, Representative for Advanced RE Holdings LLC, spoke in favor of **PROPOSED ORDINANCE NO. 2025-02**. The record reflected that all of her comments made prior still stood.

Mrs. Voelker asked if she could give the Council an overall plan of what they were going to do with the building. Mrs. Urus stated they were going to get new a new roof, new siding, windows, and gutters. Mrs. Voelker asked about landscaping. Mrs. Urus stated there was not really any landscaping to be done, but there was brush clean up and stuff along the backside and the side of the building that needed to be addressed.

Victor Beak, 611 S. Main Street, spoke in favor of **PROPOSED ORDINANCE NO. 2025-02**. Mr. Beak stated he would like to put some grass out front and tear up the concrete, but there were a lot of restrictions as far as getting contractors to do that and he could not do it himself, so that was going to be on hold for now but down the road he would like to put in new sidewalks, curbs, and then also some landscaping out front to make it look nicer. Mrs. Voelker stated she did some research into their business a couple of weeks ago and found out they were moving their business from another location and asked if they were in South Bend. Mr. Beak stated yes. Mrs. Voelker asked why they wanted to move to Mishawaka. Mr. Beak stated currently they were working out of his home, so they were moving into a building now and he had some employees and needed a little more space. Mrs. Voelker thanked him for choosing Mishawaka.

Mr. Emmons asked if he was going to make all of those repairs all at one time or if they would be spaced out over a period of time. Mr. Beak stated he had hired a contractor to do the new roof and gutters, the siding in the front of the building was all going to be done, and possibly a window or two in the front right away and he would be power washing the siding on the sides at a later date. Mr. Emmons stated he appreciated it.

Mr. Hixenbaugh thanked them both for the work they were doing with the building and he believed this was going to be good for the neighborhood and he hoped that they would agree that they were still going to be in close proximity to some residential homes and the way their business was described in the documentation in front of them, it did not appear to him that it would be a problem for anybody and there was really not going to be a lot of traffic with it going to be all e-commerce, so there was not much better of a setup for them, to be a good neighbor. Mr. Hixenbaugh stated he hoped that it worked out for them that the neighborhood and community embraced their business, but he asked that as time went on and as things changed with regard to his business to keep in mind that they could still be in that neighborhood and being a good neighbor was an expectation for businesses, just like it was for the folks that lived next door to him that he was sure he wanted to have be good neighbors to him. Mr. Hixenbaugh wished them luck on the venture.

Question was called for at 6:13PM for **PROPOSED ORDINANCE NO. 2025-02 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 ordinance passed 9-0, this it became **ORDINANCE NO. 5925.**

NEW BUSINESS

Mr. Carroll made a reminder that the Second District Neighborhood Meeting would take place on Thursday February 13th at 7PM at the Blair Hills Community Clubhouse.

ADJOURNMENT 6:14PM

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.