



AGENDA

July 28, 2025

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): 2332 091 4434
Meeting password: JSqbi4WR5m3

Dial: [23320914434@mishawaka.webex.com](tel:23320914434@mishawaka.webex.com)

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

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of July 07, 2025

5. Petitions, Communications, Remonstrance and Memorial

Appeal No. 2025-25 Use Variance to allow Outside Storage and
Developmental Variance for Rear Yard
Setback, Paving Fencing and Landscaping-
811 & 815 E. McKinley

Petition No. 2025-10 Vacation of Right-of-Way due to
Realignment- Ballard St. south of Vistula
Rd.

A letter from the City Plan Commission regarding their
recommendations from their July 08, 2025 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2025-16 Rezone C-1 General Commercial to R-1 Single
Family Residential - 303 W. 6th St.

P.O. No. 2025-17 Rezone from I-1 Light Industrial to
R-1 Single Family Residential - 3418 York
St.

P.O. No. 2025-18 PUD Amendment to allow for reduction in
landscaping, Building and Pavement Setbacks,
and Planting Area Widths - NW corner of
Cleveland & Capital

8. Resolutions

9. Ordinances on Second Reading

P.O. No. 2025-12 Authorizing Special Utility Service
Agreements for Economic Development and
Customized Utility Needs
Requesting Amendment
(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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages, 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.

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.

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REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

July 7, 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 July 7, 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, followed by a moment of silence in memory of Tom McFarland, one of the custodians at City Hall who unfortunately passed away last evening.

Ken Prince, Director of Planning and Community Development, shared some additional thoughts with regard to Tom's unfortunate passing on behalf of the Administration. Mr. Prince thanked the Council for the opportunity. Mr. Prince stated needless to say, they were very saddened to learn of Tom's passing as it was really shocking when he went home from work on Thursday for the holiday weekend and then he died very unexpectedly. Mr. Prince stated he was only 68 years old, and Tom worked in Central Services as a janitor and was most recently assigned to the first floor of City Hall. Mr. Prince stated Tom became a familiar and friendly face to all who passed through the building, whether he was directing visitors, helping guide delivery drivers, or simply greeting employees with "How you doing?" Mr. Prince stated he was constantly a greeter and a talker and really made you feel at home in City Hall. Mr. Prince stated he had that sense of calm, kindness, and reliability and he was known for handling any type of special request with a smile. Mr. Prince stated Tom's quiet presence and dependable spirit had a lasting impact on those who worked beside him. Mr. Prince stated he served with humility and heart, and he would be deeply missed by the city and their Mishawaka family. Mr. Prince stated they wanted to extend their heartfelt condolences to Tom's daughter, Casi and his extended family as well as all the others who had the pleasure of knowing him.

Mr. Hixenbaugh stated on behalf of the Council, they also extended their condolences to Tom's family, his friends, and his colleagues.

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 (E), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Minutes for the Regular Meeting on June 16, 2025, were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

- Petition No. 2025-07** Rezone C-1 General Commercial to R-1 Single Family Residential
– 303 W. 6th St.
- Petition No. 2025-08** Rezone from I-1 Light Industrial to R-1 Single Family Residential
– 3418 York St.
- Petition No. 2025-09** PUD Amendment to allow for reduction in Landscaping, Building
and Pavement Setbacks, and Planting Area Widths – NW corner of
Cleveland & Capital

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

PROPOSED ORDINANCE NO. 2025-12

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
AUTHORIZING SPECIAL UTILITY SERVICE AGREEMENTS FOR ECONOMIC
DEVELOPMENT AND CUSTOMIZED UTILITY NEEDS
(Petitioner Requesting Postponement)**

The Chair entertained a motion to postpone **PROPOSED ORDINANCE NO. 2025-12** as requested by the Administration. The motion was moved by Mr. Banicki and seconded by Mrs. Voelker and a voice vote was held on the motion. The motion was passed unanimously, and the matter was postponed to the next regularly scheduled council meeting.

PROPOSED ORDINANCE NO. 2025-14

**AN ORDINANCE TO ESTABLISH 121 SOUTH MAIN STREET AS A LOCAL
HISTORIC LANDMARK WITHIN THE CITY OF MISHAWAKA
Establishing 121 S. Main St. as a Historic Landmark**

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

Clerk Block polled the Council on the committee report.

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 committee report passed unanimously.

Christa Hill, Secretary of the Historic Preservation Commission, spoke in favor of **PROPOSED ORDINANCE NO. 2025-14**. Mrs. Hill stated the Historic Preservation Commission at its June 3rd meeting heard HPC25-01, which was a request for local landmark for 121 South Main Street, which was now known as the Mishawaka Historical Museum. Mrs. Hill stated the commission

recommended approval with demolition as the only restriction and this was to say that changes to the building such as a second floor or covering the windows with approved downtown material such as brick could be done without HPC approval. Mrs. Hill stated the building which was built in 1898 was to be known as the Wambach building and Pete DeKever would be providing additional details on the building that he so thoroughly researched and they appreciated having someone so committed to the history of Mishawaka in the downtown to go through city directories and find all of the businesses that maybe were only there for a year. Mrs. Hill stated she would let Pete provide those details and those details provided the context to the structures and survey areas associated with individuals or social groups of historic importance which was Criteria 2 as established by the Historic Preservation Commission.

Pete DeKever, President of the Mishawaka Historical Museum located at 121 South Main Street, spoke in favor of **PROPOSED ORDINANCE NO. 2025-14**. Mr. DeKever stated it was his pleasure to present to the Council the Wambach building for approval as a local landmark. Mr. DeKever stated the Wambach building met Criterion 2 as Christa mentioned, because of its association with individuals or social groups of historical importance. Mr. DeKever stated the Wambach building was constructed in 1898 by Christian Wambach who owned the two-story building to the north that still stood today known as 119 South Main Street. Mr. DeKever stated Wambach was an immigrant from Hessa Castle, Germany and came to Mishawaka in 1866. Mr. DeKever stated Wambach worked in AB Judson's general store, started in the shoe business, and opened his own shoe store at 119 South Main. Mr. DeKever stated Wambach was illustrative of the important Mishawaka theme of immigrants beginning businesses. Mr. DeKever stated they thought of Cam and Shellinger as examples, but there were others like fellow German, Christian Wambach. Mr. DeKever stated Germans were a major immigrant group to Mishawaka before and after the Civil War and Wambach was a prominent businessman who actually owned all of the properties from 119 South Main south to the corner of Third Street and then around the corner. Mr. DeKever stated it was described as one of the choicest business sits in the city. Mr. DeKever stated in February 1898, Wambach began construction of a one-story building to the south of his shoe store and the structure, which was described in newspaper articles at the time as a storeroom, was eighteen feet across and forty feet deep. Mr. DeKever stated the new building's north wall was a shared wall with the building at 119 South Main, not next to each other, but they actually had the same wall. Mr. DeKever stated the Wambach building's front entrance at the time was centered between two large windows and smaller windows were on either side of the entry vestibule. Mr. DeKever stated along the roof line, there were decorative metal trim, a central pedimented gable, and two urn-like decorations at both corners of the Main Street façade and he wished they still had those today. Mr. DeKever stated the building was completed by early March and its first tenant was a paint and wallpaper store and that store was the first of more than twenty businesses and other institutions that had occupied that building in the last 127 years. Mr. DeKever stated others followed, including the South Bend Tribune's Mishawaka office from 1899 to 1910, a Singer Sewing Machine dealership from 1912 to 1914, and the South Bend News Times Mishawaka office from 1914 to 1916. Mr. DeKever stated another immigrant, Alphonse DeCocker, then occupied the building running his tailor shop there and was a Belgian immigrant. Mr. DeKever stated his association, like Wambach's building, connected it directly to Criteria 2 which talked about social groups associated with the building. Mr. DeKever stated

many Belgian immigrants became entrepreneurs in Mishawaka and their building reminded them that it was not just in the West end where there was entrepreneurship was occurring. Mr. DeKever stated DeCocker put an addition on the rear of the building and expanded his business into the DeCocker Dry Cleaning Company. Mr. DeKever stated after that business was sold, it became Smith's Uptown Cleaners and remained there until 1932. Mr. DeKever stated other businesses followed in the 1930s, including a retail bakery, a restaurant, and a short-range gun club. Mr. DeKever stated in 1938, Michael Kunkel opened Kunkel's Music Shop, which sold sheet music, records, and musical instruments and he also offered music lessons in the building. Mr. DeKever stated Professor Kunkel was a significant figure in music in Mishawaka in that era as he was an organist and choir director at St. Joseph Church and organized several local bands. Mr. DeKever stated it was likely under Kunkel's leadership that the building was expanded to the rear and a second story was added in the rear half of the building. Mr. DeKever stated the front of the building was modernized and all of that occurred sometime between 1935 and 1952. Mr. DeKever stated the modernized front of the building was still consistent with the original appearance and the door shifted to the right if you looked at the building and there was one large window with two actual panes as opposed to the entryway being between two large windows. Mr. DeKever stated Kunkel had remained in the Wambach building longer than any other business until 1965 and then the store became Whitmer McNeese Music Company, a similar business from 1966 to 1977. Mr. DeKever stated in 1979, the building was Democratic Headquarters during one of the most pivotal municipal elections of the 20th century and in that election, Democrat Robert Kovach defeated incumbent Mayor Margaret Prickett. Mr. DeKever stated at party headquarters, every Democratic candidate in Mishawaka would have passed through that building's doors and the outcome of the election was determined in part by the actions and deliberations that were taken within its walls. Mr. DeKever stated afterward, the Wambach building was home to a jeweler, then a children's clothing store, antiques, and gift shop, two custom embroidery and shirt stores, and then the Mishawaka Historical Museum. Mr. DeKever stated the primary consideration for designation of the Wambach building as a local landmark was, again, Criteria number 2. Mr. DeKever stated specifically, its association with prominent businessman and German immigrant, Christian Wambach, Belgian immigrant Alfonse DeCocker, Professor Michael Kunkel, and numerous other businesses and entrepreneurs that had occupied the building over its long history and of course it was also significant, because of its association with the 1979 election. Mr. DeKever stated the building represented a cross section of the varied commercial enterprises that had been part of the downtown since 1898. Mr. DeKever stated its occupants and owners reflected the challenges and successes of entrepreneurship in Mishawaka. Mr. DeKever stated the Wambach building was one of approximately ten buildings in the downtown historic core that dated to the 19th Century with four of those buildings on the west side of the one hundred block of South Main Street. Mr. DeKever stated the Wambach building contributed to the historic character of its streetscape. Mr. DeKever stated to become a local landmark, a building only needed to meet one of the five stated criteria and Criteria number 2 was about the history and individuals and groups associated with the building and that was what the Wambach building met. Mr. DeKever stated over the past 34 years, the City of Mishawaka had declared just thirty buildings or properties to be local landmarks. Mr. DeKever stated twenty-five of them were built as houses or apartments, and all

but one of them retained that use today. Mr. DeKever the city's list of local landmarks included no schools, no churches, and no buildings erected for a commercial purpose. Mr. DeKever stated it also meant no buildings in the four blocks of the downtown historic core. Mr. DeKever stated the Wambach building would set an important precedent for the long overdue designation of other commercial buildings and downtown buildings as local landmarks. Mr. DeKever stated establishing the Wambach building as a local landmark under Criteria number 2 opened the door to other historic commercial buildings associated with prominent individuals, businesses, or social groups. Mr. DeKever stated the buildings may not be outstanding or notable from their architecture or had been altered from their original appearance. Mr. DeKever stated as a Mishawaka historian, he thought the Wambach building had enough significant historical association for it to meet the criteria and he asked them to affirm that assessment by approving the local landmark designation for the Wambach building. Mr. DeKever thanked the Council.

Mr. Hixenbaugh thanked Mr. DeKever for not only his research, but his presentation, and he loved the fact that he aligned the construction of the building with the sinking of the Main and Havana Harbor and that really drove home the historical context.

John Roggeman, Corporation Counsel for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2025-14**. Mr. Roggeman stated on page 39 of the PowerPoint presentation, the lady in the middle of the picture provided that was taken in 1915 was named Clara Feters and she ended up marrying William Roggeman, making her his grandmother. Mr. Roggeman stated he thought that was really something to see and it answered a question he had during Pete's research, because he had seen the picture before and he noticed that in the window of the picture, you could see the United Methodist Church and he had done enough research and found she worked for the South Bend News Times which had their office on Lincolnway and was curious how they got the reflection of that. Mr. Roggeman stated he now understood from Pete's research that the News Times was in the building in the photo from December of 1914 through January or February of 1916. Mr. Roggeman stated during his research, he also found out that the phone number for the company was ten as there were not many phones back then. Mr. Roggeman stated one other thing about his grandma was that there was a contest held by the Moose Club likely in the late 1910s and she won the most popular young lady award in Mishawaka with her total vote count being 10,509 and he found that interesting that there was that much of a draw in voting. Mr. Roggeman thanked the Council for their time.

City Clerk Debbie Ladyga-Block stated when the building was Democratic Headquarters, Chuck Klein was the County Councilman for Mishawaka, and he resigned from the County Council and a special election had to take place and it took place in the 121 South Main Street building. Clerk Block stated she ran for County Council and in her early twenties, she was working in the Clerk's Office and CJ Winds ran and another fan and CJ Winds won that election, and he is the mayor's granddad. Clerk Block stated there was a lot of history in that building.

Ms. Hahn thanked Mr. DeKever for doing the research as she knew that took a lot of time but to bring this before the Council and shed a little history on what had made Mishawaka what it was with German and Italian immigrants and their businesses. Ms. Hahn stated as Mr. Roggeman told his story, it made her remember her grandma also operated a store out of the building in

question and she had fond memories of that, and his story was an example of one of the little things that made historical preservation important and continued them on the Mishawaka Way. Ms. Hahn thanked Mr. DeKever again for bringing this to their attention and she hoped this sparked a little flame for some other local historic building owners to go down a similar path and apply for landmark status.

Mrs. Voelker echoed Ms. Hahn's comments and thanked Mr. DeKever for all of the challenging work he always did when he put together his applications and this one in particular struck home with so many people. Mrs. Voelker also thanked Christa Hill and stated she was the behind the scenes person who put all of the information together and made sure that they had all of their I's dotted and t's crossed so that an application could move forward and she had done a really great job as they moved forward as a commission and she wanted to commend her for that. Mrs. Voelker also echoed Ms. Hahn's comment about the use of demolition as the only restriction on the property and that was unique and something they had not allowed in terms of designating something as an historic district and that might make historic preservation a little more palatable for the business owners that wanted to have flexibility with their building. Mrs. Voelker stated she thought that was a good precedent and an interesting precedent that they were setting there with this potential landmark and she would be supporting it.

Mr. Hixenbaugh stated he appreciated the work that went into this on the part of the staff and Mr. DeKever. Mr. Hixenbaugh stated in his time on the Council, they had not been bombarded with these types of issues, but each time that they had come he tried to be very consistent in articulating his reservations about imposing historic designation unwillingly on a landowner, but the converse was also true. Mr. Hixenbaugh stated he believed in this case when you had someone who stepped forward or a group that stepped forward and requested it, it was incumbent on them to give it very serious consideration and he appreciated the statement in the background material as well that they should not be myopic and only look at architectural significance as being the hallmark of historical significance, because based on what they read and based on what they had heard that evening, including the additional color from Mr. Roggeman, this building had evolved over time in lockstep with the history of Mishawaka, so he believed it was very appropriate to approve the request for designation and he would also be supporting it that evening.

Question was called for at 6:27PM for **PROPOSED ORDINANCE NO. 2025-14 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 proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5936.**

PROPOSED ORDINANCE NO. 2025-15

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA,
INDIANA, AUTHORIZING PAYMENTS IN LIEU OF TAXES – STONELEAF**

RESERVE, LP

Authorizing payment in Lieu of Taxes

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

Clerk Block polled the Council on the committee report.

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 committee report passed unanimously.

Brian Pozen, Development Director with Kittle Property Group at 310 East 96th Street, Suite 400 in Indianapolis, IN, spoke in favor of **PROPOSED ORDINANCE NO. 2025-15**. Mr. Pozen stated they were presenting Stone Leaf Reserve with a request for pilot program in support of their proposed development of 15503 Douglas Road into senior apartment housing. Mr. Pozen stated he would be going through a presentation that he proposed to them a couple of weeks ago. Mr. Pozen stated Kittle Property Group was a nationwide development, construction, and property management group in multiple states and multiple fifty-five and older communities like Stone Leaf proposed to be. Mr. Pozen stated they had property currently under construction in downtown Indianapolis. Mr. Pozen stated the location of the development was 15503 East Douglas, Dodie Property next to the hotel and the apartments. Mr. Pozen stated they were proposing a 55-plus community with rents that would be affordable for residents earning at or below 60% of the Area Median Income which translated to \$832 for a one bedroom, one bath and \$1,011 for two bedrooms and either a one bath or two bath unit. Mr. Pozen stated the unit mix was 234 with 144 ones and ninety twos. Mr. Pozen stated common amenities were open concept floor plan, luxury vinyl plank flooring throughout, ceiling fans, walk-in closets, washer/dryer, black contemporary whirlpool appliances, and large bathrooms. Mr. Pozen stated they would also be providing accessible and audiovisual units and all other units outside the accessible would be type B adaptable. Mr. Pozen stated the common amenities would be secure entry with it being comprised of multiple buildings, three buildings of four stories. Mr. Pozen stated with the secured entry, you had to have a fob to get into the building. Mr. Pozen stated they would have a resident lounge, fitness center, various breakout spaces, storage for rent, as well as free Wi-Fi. Mr. Pozen stated the outside amenities would be a dog park, outdoor grilling and picnic area, raised garden area, garages for rent, bike racks, and transportation options. Mr. Pozen stated the annexation was finalized in March and they received their award from the state housing authority for the tax credits and the bond volume, which they needed for their financing. Mr. Pozen stated they had moved along with their development plans and construction documents, and they actually had submitted permits with the state and locality, and they had actually moved up their closing date to commence with the expedited timeline where September would be more realistic than August at that point. Mr. Pozen stated they were particularly proud to be working with Mishawaka Utilities and American Electric Power for partnering with the MUE to flip over the service area for the property. Mr. Pozen stated it was under AEP territory, and they worked with MUE and AEP to flip it over to MUE when they came in line. Mr. Pozen stated they were proud even though the ink was

not dry yet, but they were moving in a positive direction, and the conversations had been had, and the agreements had been made. Mr. Pozen stated they had gone through the process with the PILOT or payment in lieu of taxes in other communities and other municipalities and the number they came up with that was proposed was based on the rental income minus vacancy losses and there was a proposed service charge. Mr. Pozen stated they initially proposed a lower service charge to staff and Council and upon further agreements, they moved that up to better relay with everyone's hopes and covering city services which they would still address. Mr. Pozen stated the payments would increase annually, with it being a 20-year term and they would be memorialized in an agreement. Mr. Pozen stated they were asking for the request, because most, if not all, affordable housing developments requested some sort of local assistance with PILOT or tax abatement being the most common. Mr. Pozen stated tax relief was essential, because they were not able to raise the rents that were set by HUD levels, so even though the expenses went up, they could not raise the rents arbitrarily and as a result the operating costs got a little pinched and allowed them to also request a greater mortgage to bridge the gap of providing affordable housing but still having to deal with the construction costs and other costs to bring the property in line that were not discriminatory of affordable uses. Mr. Pozen stated the approximately \$100,000 would be the tax impact for any city portion of the assessment and the property tax cap and they acknowledged that there would be an additional demand on city services, most notably EMS as a senior property but the senior property would not be utilizing the schools. Mr. Pozen stated the fixed amount allowed them to use better planning and they were willing to exceed the 2.5% service charge because of their great relationship with the city and staff and with the process of bringing the property nearly to life. Mr. Pozen stated it would also outline the agreement to prevent future asks and it was memorialized in the agreement, as he was sure the Council had reviewed, and talked about the full 20-year amount so there were no surprises. Mr. Pozen stated in producing that number, they evaluated other properties in town and produced an assessed value and that assessment of the property would not be truly known until they were completely ready to go. Mr. Pozen stated in the covenants of the land, the property would remain affordable for 40 years, senior housing would remain in the covenants for 40 years and it was much needed housing. Mr. Pozen stated they would have some employees employed and it had been a stimulation for annexation into the city and providing a new tax base source. Mr. Pozen stated Kittle Property Group for their part would develop and construct the property, they would manage and own it for the life of the covenants and they were offering to reimburse city legal staff or the legal partner in this case for drafting the PILOT agreement and they were deferring the maximum allowable developer fee per the state agency to contribute to the gap. Mr. Pozen stated he was happy to answer any questions.

Mr. Carroll stated he saw in the agreement that they were committed to owning the life of the covenant and if that meant there would be no chance for sale in the next 40 years or if that meant something different. Mr. Pozen stated where it worked with the tax credit program was that technically they could sell, but they had to sell it to another group that was going to keep it as affordable housing. Mr. Pozen stated they typically hung onto properties throughout the process and used to just be a requirement for 15 years affordability and then you were allowed to get out of it and so sometimes you looked at

the market and sometimes that affordability along with the community and area doing better and you could get more rent in the area so you were able at that point to go to market rate. Mr. Pozen stated that they hung onto properties, sometimes they did not but for the 40 years it had to be affordable under the same covenants per state and federal requirements.

Mr. Violi asked if he could explain how the rents were determined and if he wanted to raise the rent, if they had to go in front of HUD or the IHDA and if it were every year they reviewed it and to walk him through the whole process. Mr. Pozen stated they targeted 60%, which was the HUD standard and that was issued once a year from HUD and that would set the rents, and it could go up or go down. Mr. Pozen stated St. Joe County since 2024 to 2025, rents came down 1% so typically, they stayed either consistent or raised up and they were non-negotiable. Mr. Pozen stated it was set once a year in March or April it came out and said from that day forward, those were the rents and then they had to go back and certify and work with their tenants at that time, but you could not go above that number, but it could be less than that. Mr. Violi asked if they wanted to raise the rents above the designated number if they were allowed to do that. Mr. Pozen stated they could not and that was tied to the tax credit and to the program.

Ms. Hahn stated he mentioned that this would bring some jobs to the area and asked how many jobs he was referring to and if they would be full-time or part-time. Mr. Pozen stated there would be four jobs with a property manager full-time, a lead maintenance position full-time, and then two part-time jobs depending on the wear and tear involved with the senior properties and they would gauge that. Mr. Pozen stated he could see more realistically that the assistant property manager would be in a full-time position, so they would have two full-time in property management, a full-time maintenance position and a part-time maintenance position to start things off.

Mrs. Voelker stated she noticed that he mentioned the Indiana State Housing Authority and asked if they had any relationship with the Mishawaka Housing Authority. Mr. Pozen stated they did not yet, but they absolutely would once they got closer to breaking ground with residents, they would be working with the housing authority.

Mr. Banicki asked when these would be built if they would be using local labor or if they would be bringing in their own people from out of town. Mr. Pozen stated it would be open for anybody and if they got a suitable number, they would take them. Mr. Banicki asked if they made sure it was a living type of wage or if they just took some guy out of his car. Mr. Pozen stated no and with affordable housing, they had two years to bring it online which would be the duration of the construction timing, so the only challenge had been to folks who either were not familiar with multi-family housing which obviously could gum up the process or folks who did not understand the timeline with which they had to get the project going. Mr. Pozen stated there was an expectation that if they got on the job then you had to embrace being part of the team. Mr. Pozen stated it would be a living wage, and they looked for affordability and the bids, but they had cast a wide net. Mr. Pozen stated they had a construction company, and they would be utilizing all the parts as much as they could with who could be available and who was interested in the

project. Mr. Pozen stated they were hoping to go to bid in a couple of weeks and to keep moving forward. Mr. Banicki stated the Council appreciated them using local labor.

Mrs. Hazen asked for clarification if they planned to go out to bid in a couple of months or weeks. Mr. Pozen stated in a couple of weeks they would be going out to bid. Mrs. Hazen asked how long he planned on these coming onto the market. Mr. Pozen stated they were projecting the first building to be ready in a year to 18 months and then be fully complete with all three buildings in two years. Mrs. Hazen asked how they would be marketing the housing and how they would let people know when they would be available and that sort of thing. Mr. Pozen stated they would be contacting the housing authority as well as local businesses and the Chamber of Commerce. Mr. Pozen stated he could not speak for how they would go about all of it, but definitely would start with The Community Canvas, South Bend, and the County. Mrs. Hazen stated she knew that the Mishawaka Housing Authority purged their list, and they had thousands of people on their list, so it was really hard to find affordable housing in the area, and she had to send people over to Elkhart, because they had some housing available, but she looked forward to this project. Mr. Pozen stated they wanted to keep people here.

Mr. Violi stated just for clarification, the normal was 2% but for them, they would be doing a service fee of 3.85% and if that was correct. Mr. Pozen stated that was not memorialized in the agreement, but that was what it worked out to as far as how they calculated a starting point that made sense on their side with the 100,000. Mr. Pozen stated this was different in this case because they were using the city services part of the assessment.

Mr. Hixenbaugh thanked Mr. Pozen for his presentation. Mr. Hixenbaugh stated to underscore some of the things that he believed were shared, this was not a unique concept that the City of Mishawaka and his entity had come up with and asked if that was correct. Mr. Pozen stated that was correct. Mr. Hixenbaugh stated rather, this was an option that was available to municipalities throughout the state through an enabled statute that had been passed by the Indiana General Assembly and asked if that was correct. Mr. Pozen stated that was correct. Mr. Hixenbaugh stated in the smaller print on the screen and from what he had shared with them previously, these types of relationships were in place already in other locations throughout Indiana and asked if that was correct. Mr. Pozen stated yes, that was accurate. Mr. Hixenbaugh stated jumping back to the ordinance and the proposed development agreement, the ordinance made reference to the fact that the tax credits he referred to were a creature of federal law that was administered by the state of Indiana and if he read the ordinance correctly, his entity would be subject to an extended use agreement for at least 40 years rather than the 20-year period that they were talking about with regard to the payment and asked if that was correct. Mr. Pozen stated that was correct. Mr. Hixenbaugh stated under the terms of that extended use agreement, they were obligated to make the units available for rent by individuals who were at least 55 years of age and whose income averaged at least 60% of that applicable area median income he had talked about with his friend Mr. Violi and asked if that was accurate. Mr. Pozen stated that was accurate. Mr. Hixenbaugh asked hypothetically what would happen if another developer entered into a similar agreement and did not keep their commitment

to the local governmental officials, the state, and the federal officials and what would happen with regard to the tax credits that were used to finance the development. Mr. Pozen stated they would have to pay those tax credits back. Mr. Hixenbaugh stated so then it would become a financial transaction that would be reversed and there had to be some reimbursement to at least the federal government for not keeping the commitments with regard to age restriction and income eligibility and asked if that was correct. Mr. Pozen stated that was correct and it would be a very severe penalty, and it was tied to the tax credits and the IRS code and that was part of keeping the property maintained and keeping the tenants there who qualified applicably, not just the developer keeping sure of their promises. Mr. Hixenbaugh stated as he read the PILOT agreement, with regard to the 20 years' worth of payment, that escalated slightly over the course time in favor of the city and his reading of the agreement was that the city reserved the right if, hypothetically, those payment were not received by the city in a timely manner per the terms of the agreement the city reserved the right to collect the payments from their organization under any available remedies that were available to the city under Indiana law and asked if that was correct. Mr. Pozen stated that was correct. Mr. Hixenbaugh stated that this was not an open promise, and it was not a wish, but it was a binding legal relationship that they were asking the Council to approve of his organization entering the city and asked if that was correct. Mr. Pozen stated that was correct.

Mr. Carroll stated with the way cost of living in the area and in the country had gone, it was very nice to see senior housing come in that was going to help folks who had felt the pinch on the lower end of the income spectrum to have a place where they could live in Mishawaka along with everybody else, so he would be supporting this and he appreciated the work that had gone into this.

Mr. Hixenbaugh echoed Mr. Carroll's comments, and he appreciated the creativity of their staff and the developer to bring this to the Council and the revenue was important particularly in the troubling financial times they lived in as a municipal governmental entity but to him, the greater justification for this was what Mr. Carroll articulated in that there was a need for this in the community but it was not just unique to Mishawaka. Mr. Hixenbaugh stated he believed there was a need in every community for this type of affordable housing to be available, so he appreciated the creativity that allowed the project to move forward that would allow them to help to meet that need within the community. Mr. Hixenbaugh thanked everyone involved in moving this forward and he also would be voting in favor of it that evening.

Question was called for at 6:49PM for **PROPOSED ORDINANCE NO. 2025-15 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 proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5937.**

NEW BUSINESS

Mr. Emmons made a reminder that the First District Neighborhood meeting would be held on Thursday July 17th at 7PM at St. Bavo's and their guest speaker would be Corporate Counsel for the city, John Roggeman updating everyone on different things in Mishawaka on legal aspects and it should be an interesting meeting and looked forward to seeing everyone there. Mr. Emmons stated all were welcome and there would be donuts served from West End Bakery.

Mr. Carroll stated the Second District would be meeting Thursday July 10th at 7PM at Blair Hills for their community meeting and all Mishawaka residents were welcome.

ADJOURNMENT 6:51PM

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.

Deborah S. Block, AMC, MMC

JUL 23 2025

City Clerk
Mishawaka, IN

AP 25-25

Received

JUL 16 2025

Planning and
Community Development

DATE:

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Heartwood Holdings, 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:

PARCEL I: (Parcel No. 016-2093-305202)

A lot or parcel of land in the East Half of the Northwest Quarter of Section 10, Township 37 North, Range 3 East, bounded by a line running as follows: Beginning on the North line of said Section 10, at a point 256 feet East of the Northwest corner of the East Half of the North Quarter of said Section; thence running East along the North line of said Section, a distance of 100 feet; thence South 602 feet; thence West on a line parallel with the North line of said Section 100 feet; thence North 602 feet to the place of beginning, now within and a part of the City of Mishawaka, in St. Joseph County, Indiana. (815 E. McKinley, Mishawaka, IN 46545)

PARCEL II: (Parcel No. 016-2093-3052)

A parcel of land in the East Half of the Northwest Quarter of Section 10, Township 37 North, Range 3 East lying Northwest of the Grand Trunk Western Railway Company's right of way, described as follows: Beginning on the North line of said Section 10 at a point 120 feet East of the Northwest corner of the East Half of the Northwest Quarter of said Section; running thence East on the North line of said Section, a distance of 136 feet; thence South 602 feet; thence West on a line parallel with the North line of said Section, a distance of 136 feet; thence North 602 feet to the place of beginning, now within and a part of the City of Mishawaka, in St. Joseph County, Indiana. (811 E. McKinley, Mishawaka, IN 46545)

2. The above-described real estate presently has a zoning classification of I-1 Light Industrial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner: The Appellant recently purchased this parcel with an empty building and large vacant lot.
4. Appellant desires to occupy the current building for his tree service business, provide a parking lot and service drive to the existing building and provide outdoor storage. They would also like to construct a future building and parking lot. This site shall meet the requirements for site drainage.
5. The Zoning Ordinance of the City of Mishawaka requires

Section 137-587(4) Rear Yard Setback: There shall be a rear building setback of not less than ten percent of the depth of the lot for a one-story building, rear yard not to exceed 30'. We request a rear yard setback of 2.3' for the existing building and 10' for the proposed building.

Section 137-587(6)b.3 All parking lots shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds without damaging the pavement. The lot shall be properly maintained at all times. We request our material storage be a gravel surface instead of the require asphalt.

Section 137-587(9)(a) A seven-foot-high opaque fence shall be mandatory along any developed industrial property line that is contiguous to any residentially zoned property. We request no new fencing along the rear property line and utilize the existing 7' fencing on the property line as screening with a zero setback.

Section 137-587(9)(b) 10' wide area along the property line shall be sodded, planted, and landscaped with at least seven-foot high shrubs or trees in order to form a permanent, opaque, landscaped screen along a property line which is contiguous to any residentially zoned property.

Section 137-587(16) Outside storage of raw materials, finished products, or other incidental materials are prohibited. We request to be allowed outside storage of material on site and utilizing chain link fencing for the area.

Section 137-85(1)(h) All ornamental or decorative fencing, earthen berms, plant material screens, shrubs, trees, structures or other objects shall permit completely unobstructed visibility within the vision clearance area. We request the placement of front yard fence at 3' to allow for the placement of required trees and retention basin in the front yard.

6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. The most cost effective development is by utilizing the existing features and structures on site. Due to adjacent properties and existing features on site, strict adherence to the ordinance makes development of this parcel difficult.

7. Answer the following necessary questions for a developmental variance:

DEVELOPMENTAL VARIANCE

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? The proposed business is allowed within this I-1 Industrial zoned property. Proposed activity shall meet guidelines for the business. Approval will not be injurious to the public health, safety, morals or general welfare of 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? This development follows the continuity of the surrounding area and should not affect the use or value of adjacent properties.

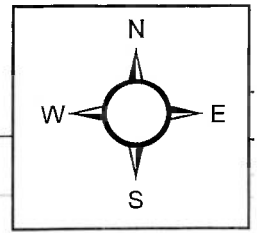
(3) Will strict application of the terms of this chapter result in practical difficulties in the use of the property? The strict application of the terms of the Ordinance does not allow the Owner the most applicable use of their property and existing features.

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



Heartwood Holdings, LLC
Clint Williams
50782 Patridge Woods Drive
Granger, Indiana 46530
574-485-8575
clint@heartwood-trees.com

CONTACT PERSON:
Wightman c/o Terry Lang
1402 Mishawaka Avenue
South Bend, Indiana 46615
574-233-1841
tlang@gowightman.com



E MCKINLEY AVE

AP 25-25

WENT AVE

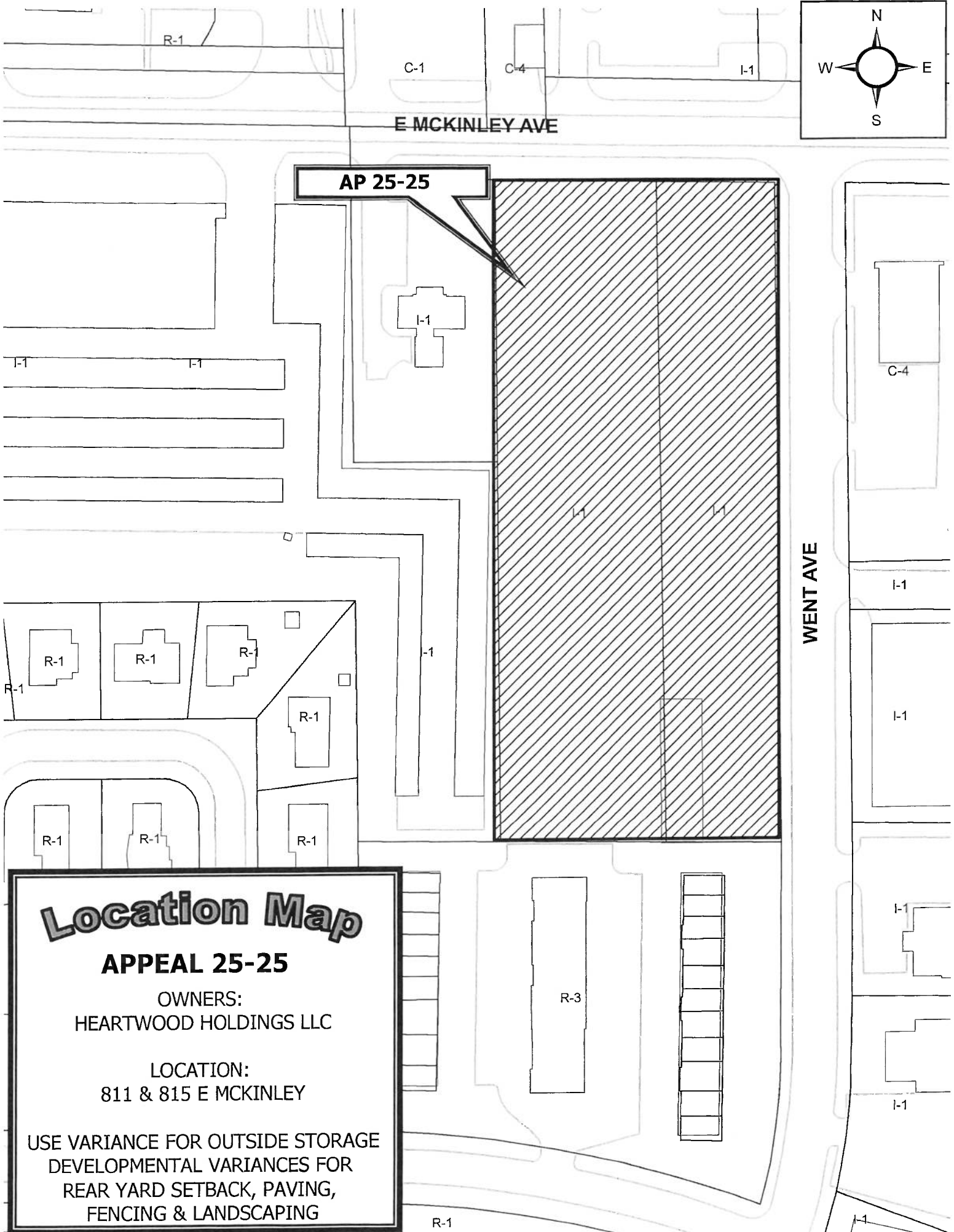
Location Map

APPEAL 25-25

OWNERS:
HEARTWOOD HOLDINGS LLC

LOCATION:
811 & 815 E MCKINLEY

USE VARIANCE FOR OUTSIDE STORAGE
DEVELOPMENTAL VARIANCES FOR
REAR YARD SETBACK, PAVING,
FENCING & LANDSCAPING



JUL 16 2025

Planning and
Community Development

PAUL A. HUMMEL, PE
PIPER C. TITTLE, PE
MICHAEL J. GUZIK, PE
AARON W. BLANK, PS, PE

202340.40

CHRISTOPHER J. JETER, PE
DAN G. DELGADO, PE
JARED M. HUSS, PE
KEVIN J. SIEDLECKI, PE
CHRISTOPHER M. VANHULLE, PE
DMITRI G. ADAMS, PE
AMANDA R. BUDREAU, PE
JOSEPH D. DUNBAR, PE
MARK H. FOSTER, PE
REBECCA L. DUNBAR, PS, EI
DAVID J. TEGGELAAR, PE
MICHAEL A. WILLIAMS, PE
TREVOR M. CREAGER, PE
ADAM J. BEERY, PS, EI
CHARLES P. DEWES, PE

July 1, 2024

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

Re: Petition for Vacation of Public Right of Way

The undersigned Civil City of Mishawaka and School City of Mishawaka respectfully request the Mishawaka Common Council and Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

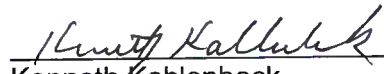
That part of Ballard Street between the south right-of-way of Vistula Road and the relocated north right-of-way of Ballard Street, as depicted on the attached Exhibit 'A'.

Adjoining property is owned by the City of Mishawaka or School City of Mishawaka.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way. 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 vacating the above described right of way located in the City of Mishawaka.



Kenneth B. Prince
Civil City of Mishawaka
Executive Director of Planning
and Community Development



Kenneth Kahlenbeck
Director of Operations
School City of Mishawaka

Contact Person:
Adam J. Beery, PS
Lawson-Fisher Associates P.C.
abeery@lawson-fisher.com

Deborah S. Block, MMC, MMC

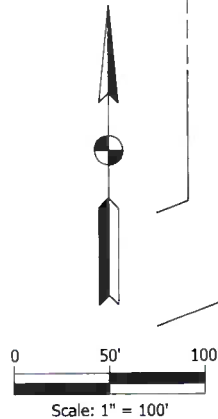
JUL 23 2025

City Clerk
Mishawaka, IN

EXHIBIT 'A'

RIGHT-OF-WAY VACATION

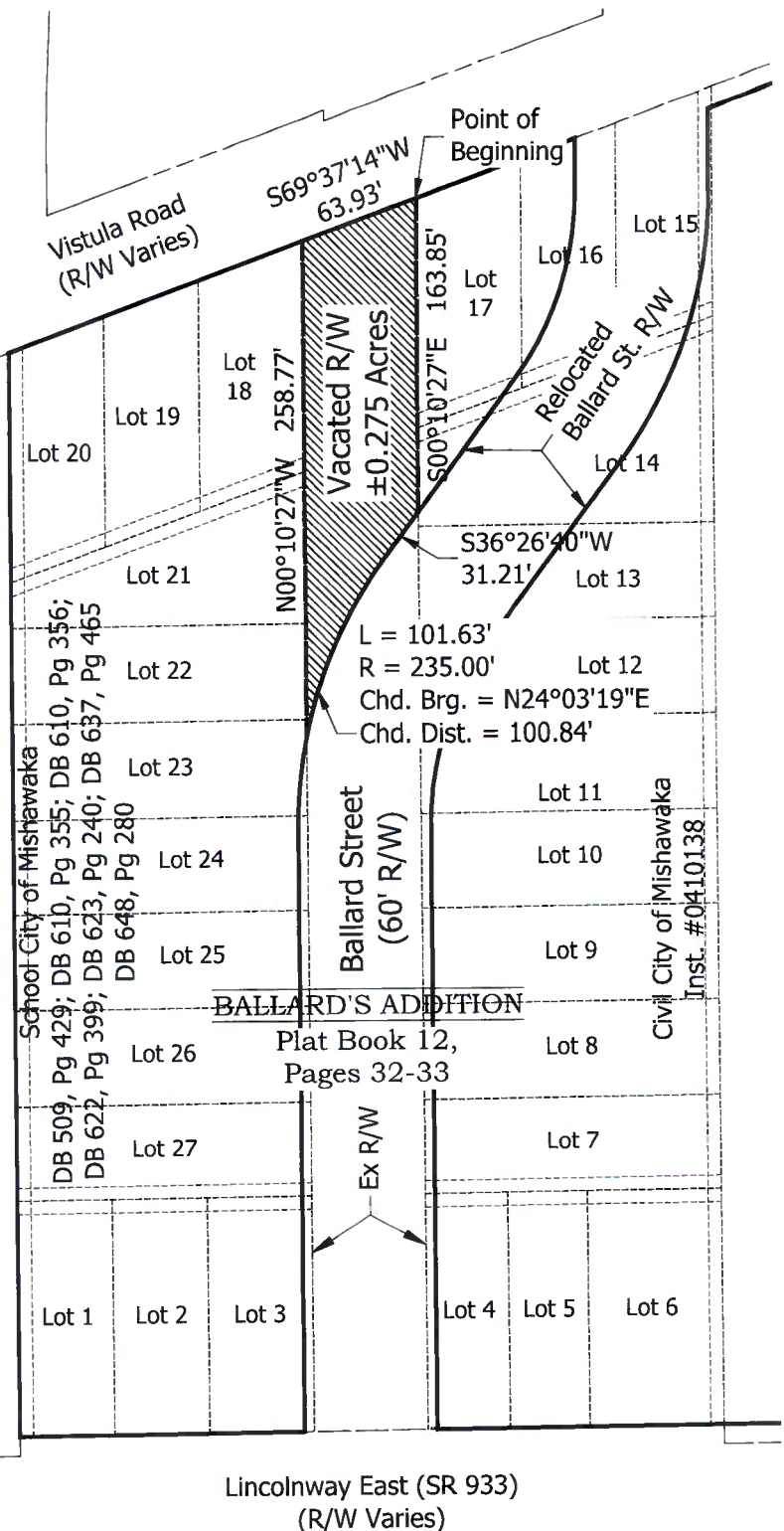
Prepared for the City of Mishawaka
By Lawson-Fisher Associates P.C. 202340



Vacation Description

A part of Ballard's Addition, recorded in Plat Book 12, Pages 32-33 in the Office of the Recorder, St. Joseph County, Indiana; more particularly described as follows:

Beginning at the northwest corner of Lot 17 of said Ballard's Addition; thence South 00 degrees 10 minutes 27 seconds East along the east line of Ballard's Street a distance of 163.85 feet; thence South 36 degrees 26 minutes 40 seconds West a distance of 31.21 feet to a point of curvature of curve to the left having a radius of 235.00 feet; thence southwesterly and southerly along said curve an arc distance of 101.63 feet to the west line of Ballard Street, said curve having a chord bearing South 24 degrees 03 minutes 19 seconds West and chord distance of 100.84 feet; thence North 00 degrees 10 minutes 27 seconds West along said west line a distance of 258.77 feet to the south line of Vistula Road; thence North 69 degrees 37 minutes 17 seconds East along said south line a distance of 63.93 feet to the Point of Beginning, containing 0.275 acres, more or less.



AJB - 6/30/2025 9:21 AM - U:\2023\202340 Mish CSO 020\Cad\Plan Set\Survey\2340 Ballard Vacation.dwg (11)

PROJECT NO.: CSO 020
CODE: XXX
PARCEL:
ROAD:
COUNTY: XXX
SECTION:
TOWNSHIP:
RANGE:

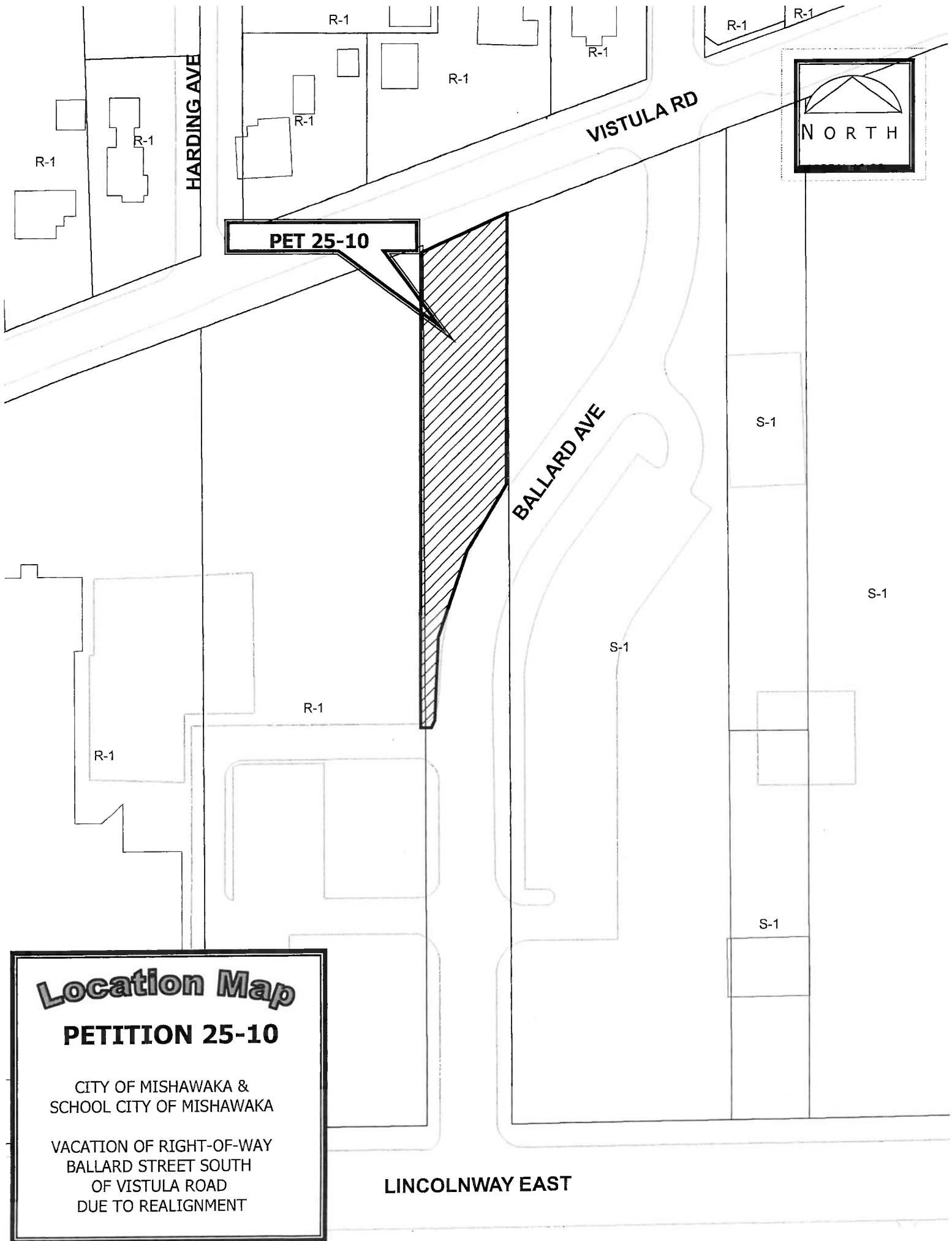
OWNER/RECORD REFERENCE
City of Mishawaka
School City of Mishawaka

TAX KEY #

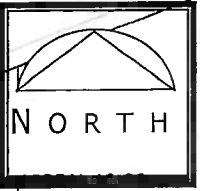
 Hatched area is
the Vacation Area

LFA
LAWSON-FISHER ASSOCIATES P.C.
525 W. WASHINGTON AVENUE
SOUTH BEND, INDIANA 46601
PH. (574) 234-3167

DRAWN:	AJB	CHK:	AWB
DATE:	JULY 2025	SHEET:	1 OF 1



PET 25-10



Location Map

PETITION 25-10

CITY OF MISHAWAKA &
SCHOOL CITY OF MISHAWAKA

VACATION OF RIGHT-OF-WAY
BALLARD STREET SOUTH
OF VISTULA ROAD
DUE TO REALIGNMENT

LINCOLNWAY EAST



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
Kenneth B. Prince, ASLA, AICP, Executive Director

Deborah S. Block, AMC, MMC

July 9, 2025

JUL 09 2025

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
July 8, 2025, Public Hearing

Honorable Members:

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

PET #25-07 A request submitted by Michael & Carrie Green requesting to rezone **303 W 6th Street** and vacant lot to the south from C-1 General Commercial to R-1 Single Family Residential.

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

PET #25-08 A request submitted by Angela Richardson requesting to rezone **3418 York Street** from I-2 Heavy Industrial to R-1 Single Family Residential.

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

PET #25-09 A request submitted by MISH RE LLC requesting to amend the Northwest Cleveland Road & Capital Planned Unit Development to allow for a reduction in landscaping, building and pavement setbacks, and planting area widths along internal drives at **14233 & 14325 Cleveland Road.**

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

Respectfully,

Donna M Whitt

Donna M Whitt, Administrative Planner
Secretary, Plan Commission

JUL 09 2025

City Clerk
Mishawaka, IN

PETITION 25-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-16

ORDINANCE NO. _____

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

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

303 W 6th Street and vacant lot to the south, Mishawaka, IN

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, St. Joseph County, State of Indiana, to-wit:

LOT 21, R. E. PERKINS ADDITION TO MISHAWAKA, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 20, ST. JOSEPH COUNTY RECORDS.

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

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

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as low density residential. Most of the neighborhood is zoned R-1 Single Family Residential and rezoning this property would not be incompatible.
2. Current conditions and the character of current structures and uses in each district – The proposed rezoning, R-1 Single Family Residential, would in fact match the look and proposed use of this property. This property has been used as a residence with a traditional home structure for 121 years.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is a single-family home. The property does not provide any off-street parking that is generally seen with C-1 zoning even with low intensity businesses.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing

Proposed Ordinance No: _____

Ordinance No: _____

impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.

5. Responsible development and growth - The proposed change is desirable given the varied existing uses and zoning in the surrounding neighborhood. The lot currently does not offer any off-street parking so a business in this location creates congested parking on the streets.

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 _____, 2025, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2025, at _____ o'clock ____M.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED by me this _____ day of _____, 2025, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 303 West Sixth Street & Parcel ID 016-1140-552401

Date: July 8, 2025

Petition: 25 07

Prepared By: SA

GENERAL INFORMATION

Applicant: Michael & Carrie Green

Status: Property Owners

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

Zoning Classification: C-1 General Commercial District

Lot Sizes: 0.08 acres & 0.08 acres

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential & C-1 General Commercial (That Place Bar & Grill)
South: R-1 Single Family Residential
East: R-1 Single Family Residential
West: R-1 Single Family Residential

Thoroughfare: West Sixth Street & South Spring Street

Council District: 4

School District: School City of Mishawaka

Township: Penn

Public Utilities: All public utilities are available and existing

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioners, Michael & Carrie Green, are requesting to rezone 303 West Sixth Street and Parcel ID 016-1140-552401 from C-1 General Commercial to R-1 Single Family Residential. The property, which has been used as a residence since 1904, is located on the southwest corner of West Sixth Street and South Spring Street.

The Petitioners recently acquired a vacant property (Parcel ID 016-1140-552401) directly south. Formally used as a parking lot for Sonny's Korean Restaurant that closed in 2023. The parcel is in the process of being combined with the Petitioners residential lot and is included in this rezoning request. Future plans

after replating include a detached garage. The City of Mishawaka has recently completed a road improvement project including new sidewalks but did not include any commercial approaches for this C-1 property(s). The neighborhood is mainly single-family residential with some light industrial and a commercial bar across the street as shown on the aerial.

Pertinent City Departments have reviewed and approved the request.

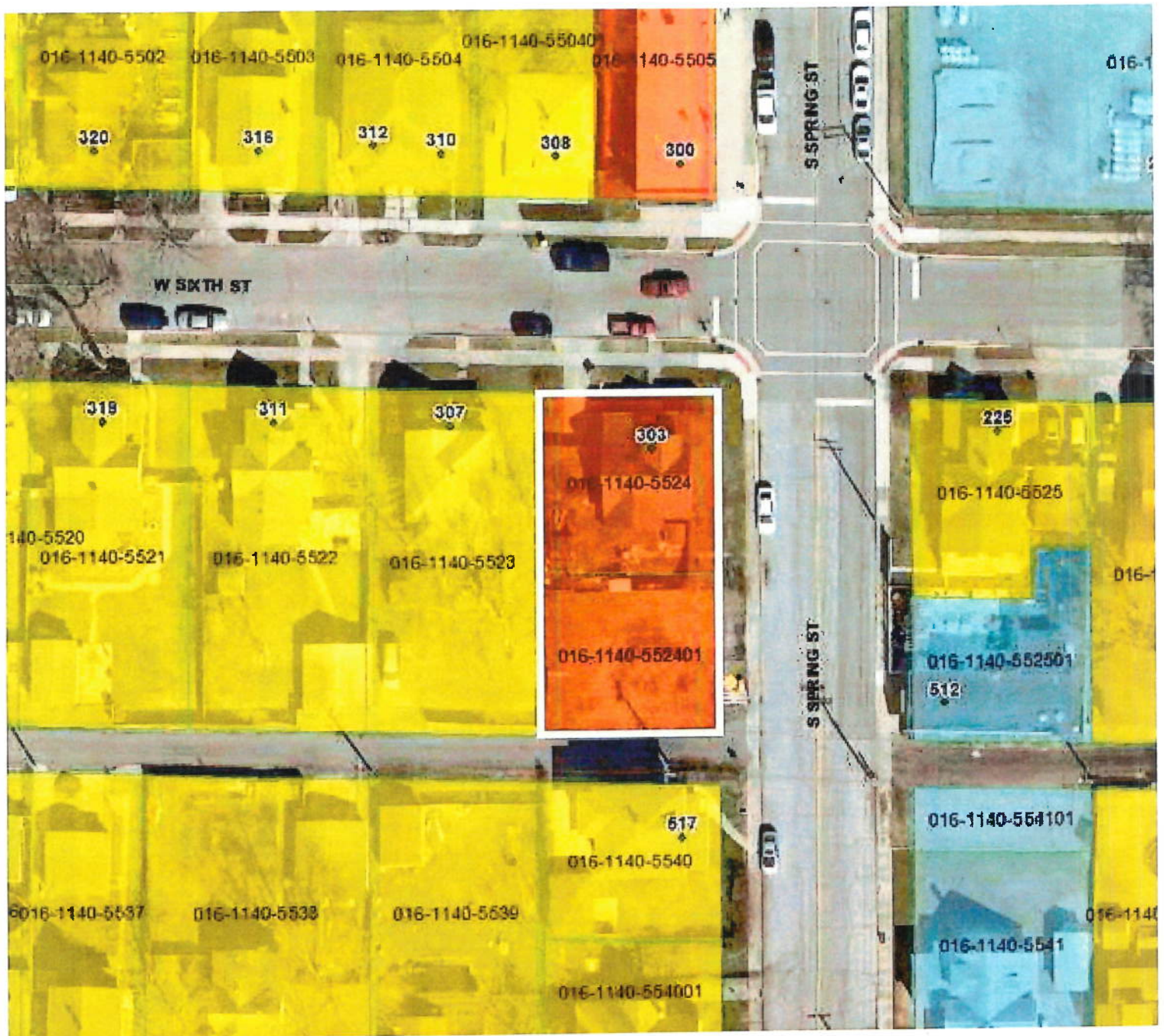
RECOMMENDATION

The Planning Department recommends **approval** of Petition #25-07 to rezone 303 W. 6th St. from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as low density residential. Most of the neighborhood is zoned R-1 Single Family Residential and rezoning this property would not be incompatible.
2. Current conditions and the character of current structures and uses in each district – The proposed rezoning, R-1 Single Family Residential, would in fact match the look and proposed use of this property. This property has been used as a residence with a traditional home structure for 121 years.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is a single-family home. The property does not provide any off-street parking that is generally seen with C-1 zoning even with low intensity businesses.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.
5. Responsible development and growth - The proposed change is desirable given the varied existing uses and zoning in the surrounding neighborhood. The lot currently does not offer any off-street parking so a business in this location creates congested parking on the streets.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



South facing from West Sixth Street



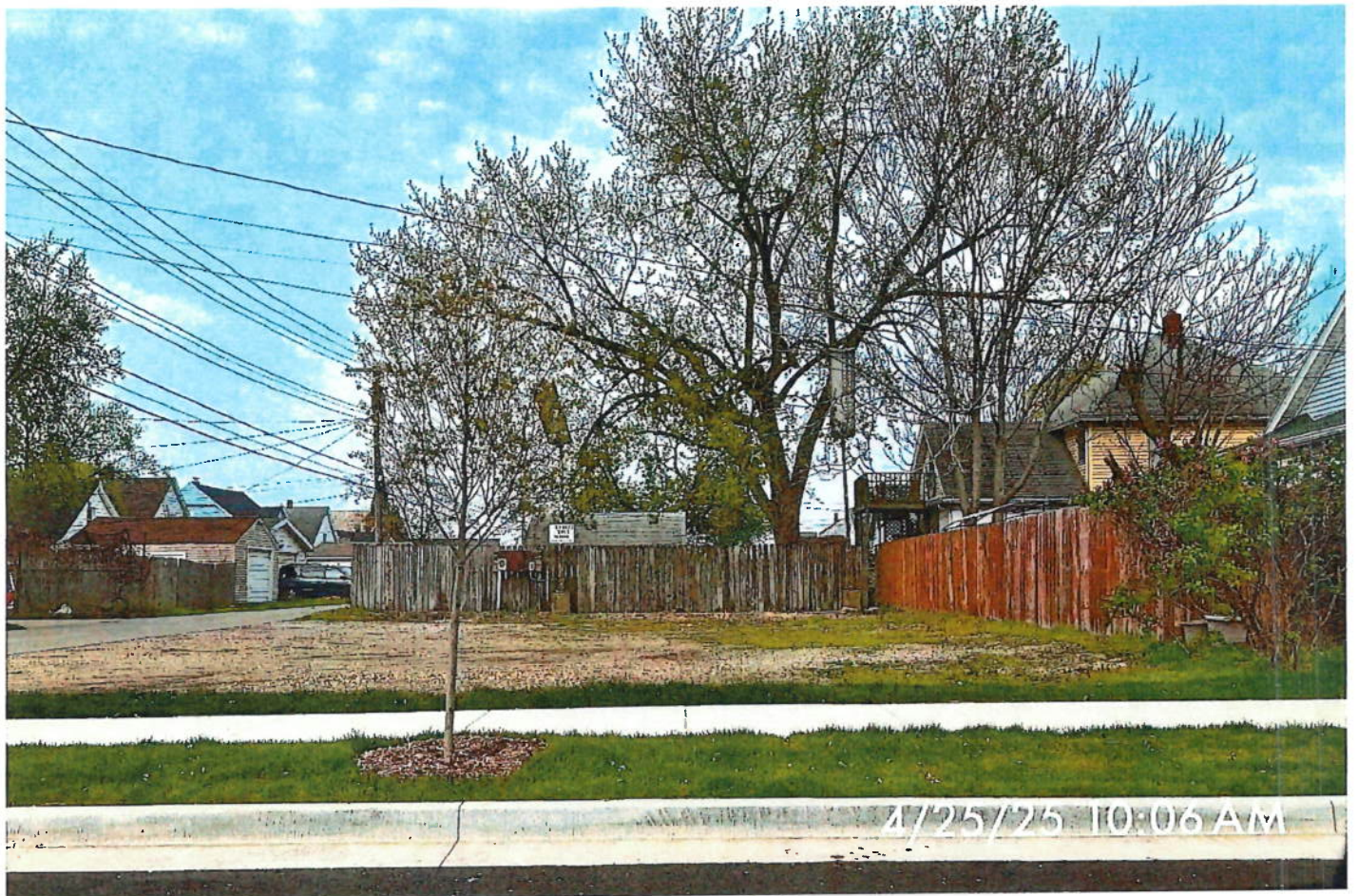
Southwest facing from West Sixth Street



West facing from South Spring Street



North facing from the alley



West facing from South Spring Street

May 13th, 2025

PKS 25-07
Received
MAY 13 2025
Planning and
Community Development

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

RE: PETITION TO REZONE

The undersigned Michael and Carrie Green 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:

1. Lot numbered twenty-one (21) as shown on the recorded plat of R.E. Perkins, an addition to the City of Mishawaka, excepting therefrom fifth-four (54) feet off the south end, recorded March 16th 1898, in plat book 7, page 20, in the office of the recorder at St. Joseph County, Indiana.

APN# 16-1140-55224

Which has the address of 303 W. 6th St., Mishawaka, Indiana 46544-1909.

2. The north 24 feet of lot numbered forty-one (41) as shown on the recorded plat of R.E. Perkins addition to the town, now City, of Mishawaka, recorded in the plat book 7, page 20.

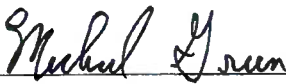
APN# 71-09-16-408-008-000-023

Which has the address of 512 S. Spring St., Mishawaka, Indiana 46544-1909.

Petitioners own one hundred (100%) percent of the above-described parcels of land which carries a zoning classification of C-1 District. Said property is a permanent residence.

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

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



Michael Green



Carrie Green

CONTACT PERSON:

Michael Green

303 W. 6th St. Mishawaka, Indiana 46544-1909

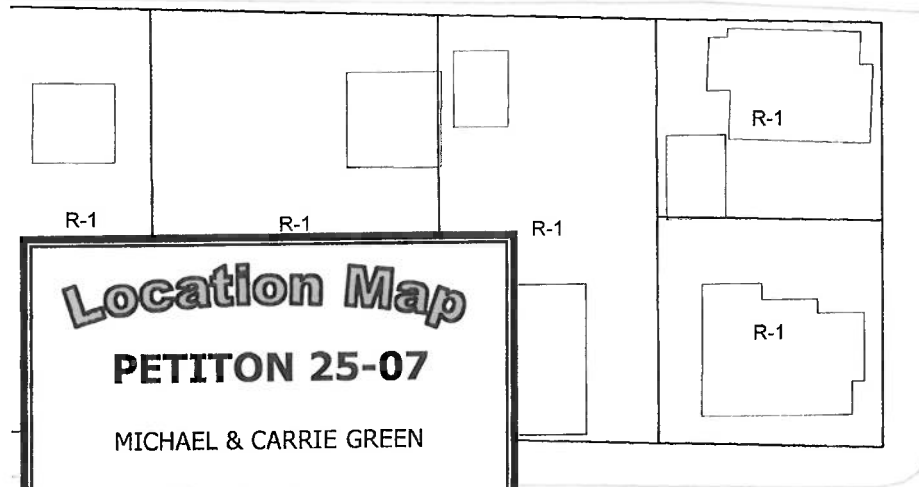
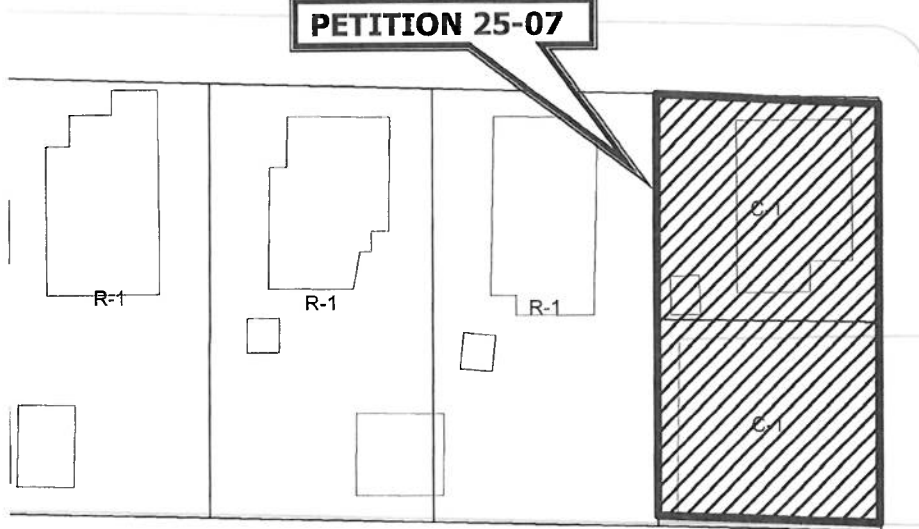
(574) 807-1522

green3060@outlook.com



W SIXTH ST

PETITION 25-07



Location Map

PETITION 25-07

MICHAEL & CARRIE GREEN

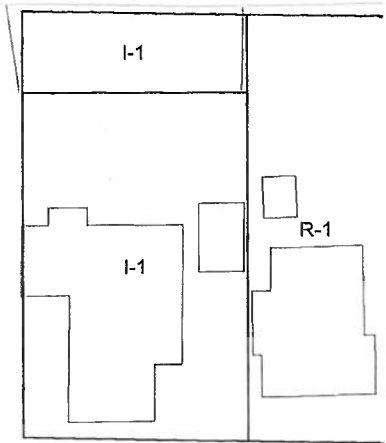
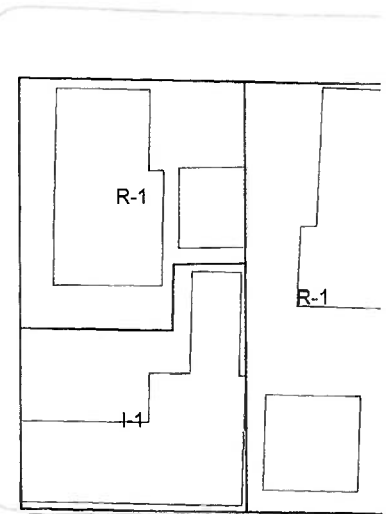
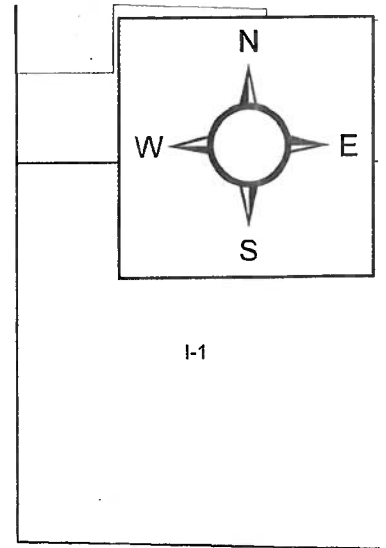
303 W. 6TH STREET

REZONE PROPERTY FROM
C-1 GENERAL COMMERCIAL
TO R-1 SINGLE FAMILY RESIDENTIAL
(CURRENTLY A SINGLE FAMILY HOME)

NTH ST

S SPRING ST

S SPRING ST



JUL 09 2025

City Clerk
Mishawaka, IN

PETITION 25-08

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-17

ORDINANCE NO. _____

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

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

3418 York Street, Mishawaka, IN

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, St. Joseph County, State of Indiana, to-wit:

Lot 172-176 Geyer 4th Addition

which real estate is now classified as I-2 Heavy Industrial District shall hereafter be within and a part of that District known as R-1 Single Family Residential designated in "The Zoning Ordinance of 1966" as amended.

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

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Since that time, the proposed property and surrounding area is residential. The proposed request is consistent with the use in this area.
2. Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses are R-1 Single Family and I-2 Heavy Industrial (are single family homes).
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in the early 1900's and has always been a single family residence.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.

Proposed Ordinance No: _____

Ordinance No: _____

5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2025, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2025, at _____ o'clock ____M.

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED by me this _____ day of _____, 2025, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 3418 York Street

Date: July 8, 2025

Petition: 25 08

Prepared By: DMW

GENERAL INFORMATION

Applicant: Angela Richardson

Status: Property Owner

Request: Rezone from I-2 Heavy Industrial District to R-1 Single Family Residential

Zoning Classification: I-2 Heavy Industrial District

Lot Size: 0.60 acres

Applicable Regulations: Sec. 137-164 thru 137-166 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: Railroad & R-1 Single Family Residential
South: R-1 Single Family Residential
East: I-2 Heavy Industrial (single family home)
West: I-2 Heavy Industrial (vacant)

Thoroughfare: York Street

Council District: 3

School District: School City of Mishawaka

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 3418 York Street from I-2 Heavy Industrial District to R-1 Single Family Residential District. The property is located on York Street just south of the railroad tracks. The area is predominantly R-1 Single Family Residential homes. Properties to the east of 3418 York Street are zoned I-2 Heavy Industrial despite being single family homes.

The owner is wanting to rezone the property to match the use which is a single family home. There is an existing house and garage on the property. The parcel consists of 5 underlying lots. The property has always been a single family home like neighboring properties.

The house at 3314 York Street was rezoned from I-2 Heavy Industrial to R-1 Single Family Residential in 2006. More recently, the house at 3236 York Street was rezoned from I-2 Heavy Industrial to R-1 Single Family Residential in 2016.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #25-08 to rezone 3418 York Street from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Since that time, the proposed property and surrounding area is residential. The proposed request is consistent with the use in this area.
2. Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses are R-1 Single Family and I-2 Heavy Industrial (are single family homes).
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in the early 1900's and has always been a single family residence.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.
5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



Facing northwest from York Street



Facing north from York Street

This is NOT a fill-in form. It is to be used merely as a GUIDE in preparing your petition.

PET 25-08

DATE:

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

Received

JUN 13 2025

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned (type names(s) of the titleholder(s) of record) 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 172-176 Geyers 4th Add

(Give accurate and complete legal description. Tax key numbers and shortened legals alone are not acceptable. Also give the common address or a definitive common location.)

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 (State the existing use of the real estate).

Petitioner(s) desire said real estate to be rezoned to R-1 Single-Family Res. District. Petitioner(s) further state that they intend to utilize said land for (State the proposed use for the property/ reason for the rezoning).

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)

Angela S. Richardson

Typewritten name also

Angela S. Richardson

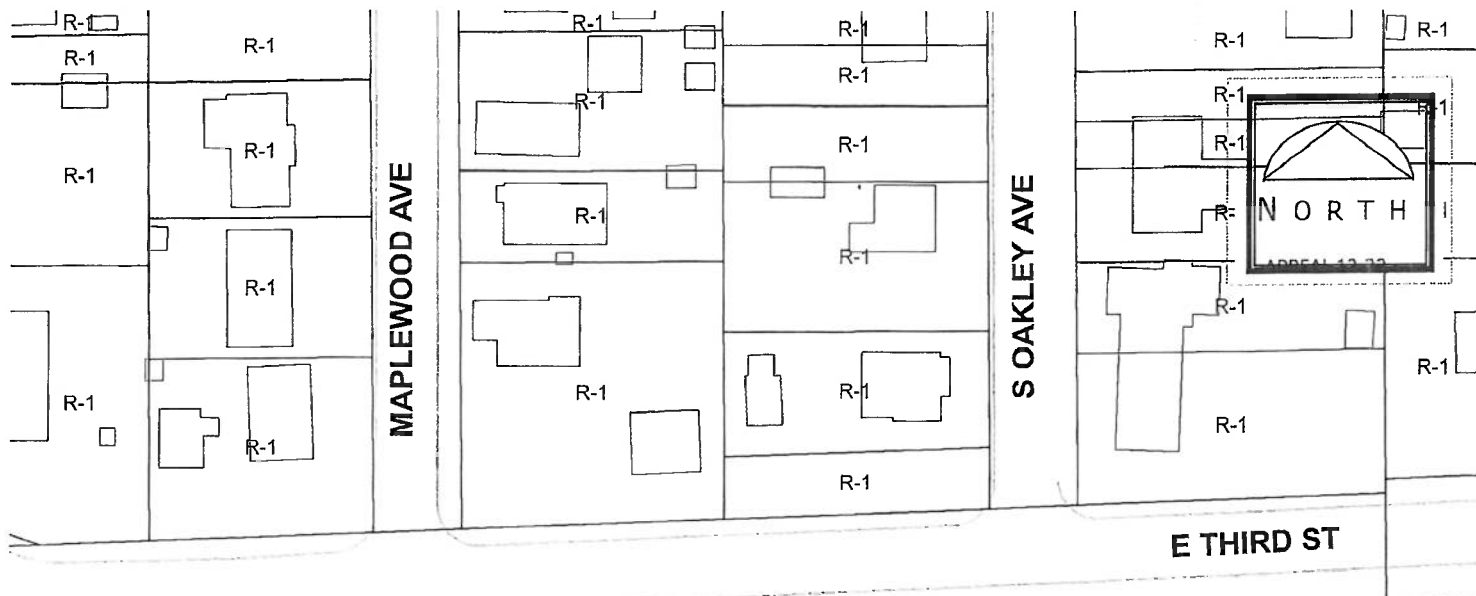
Signature(s) of Property Owner(s)

Typewritten name also

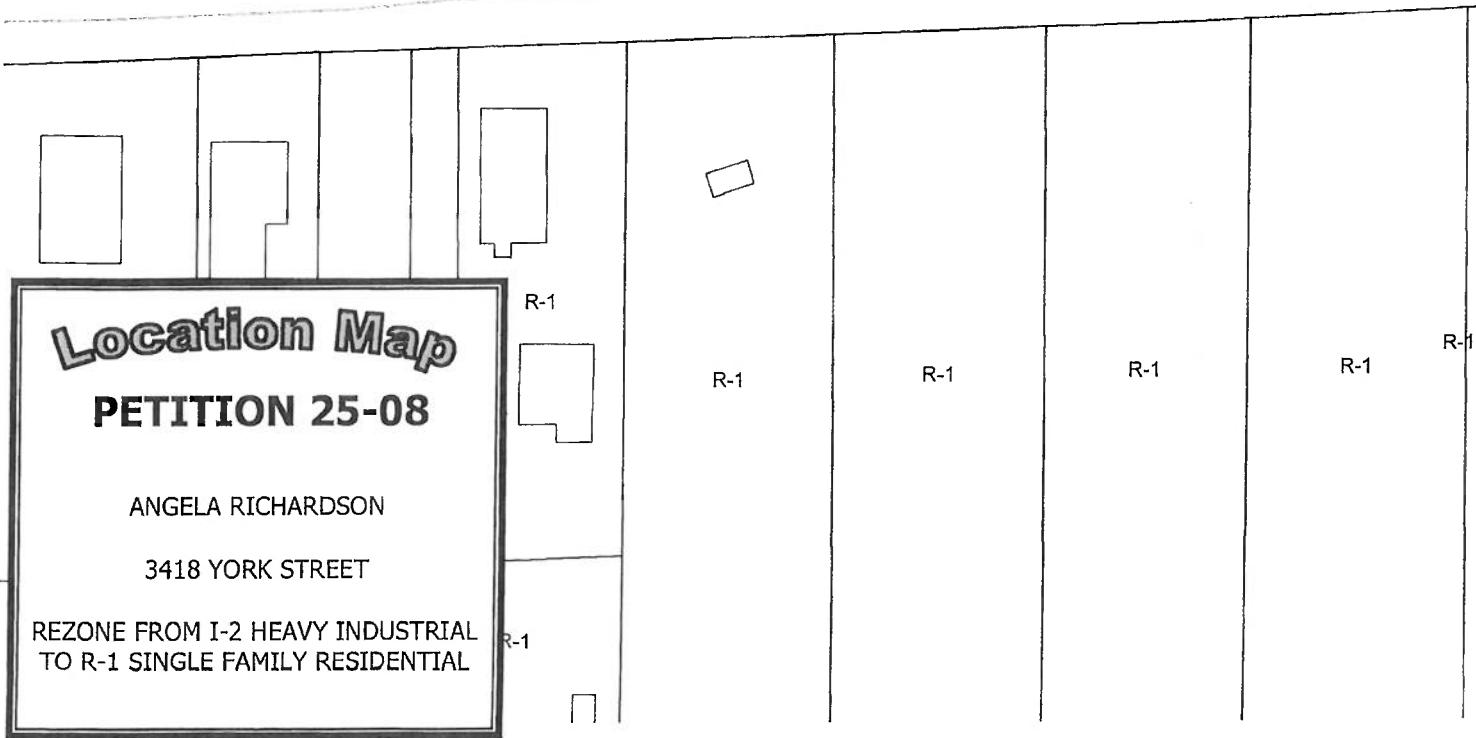
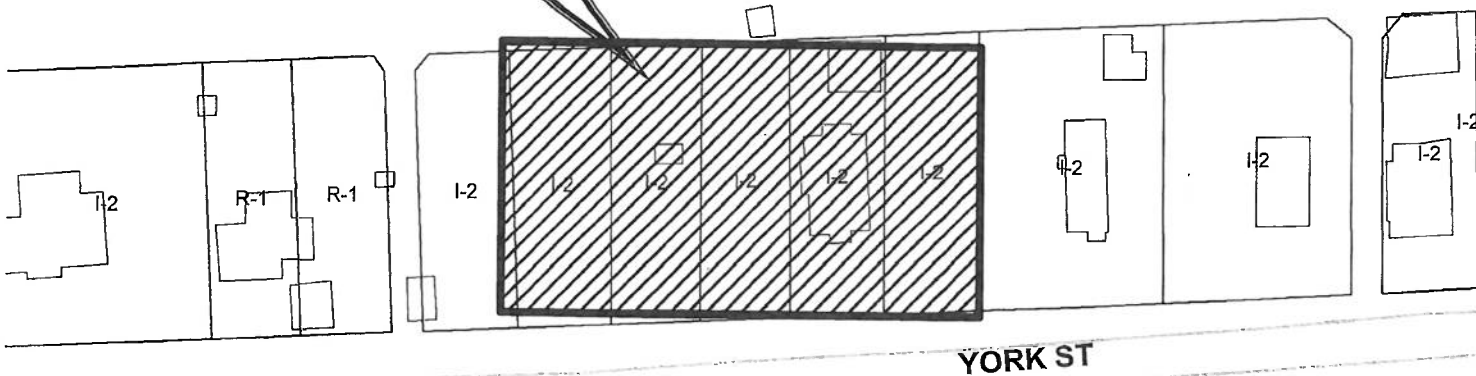
CONTACT PERSON:

NAME Angela S. Richardson
ADDRESS 3418 York St. Mishawaka, IN 46544
PHONE NUMBER 574-276-1173 cell
FAX N/A
EMAIL N/A





AP 25-09



JUL 09 2025

City Clerk
Mishawaka, IN

PETITION 25-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-18

ORDINANCE NO. _____

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

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

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

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

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE FOR THE NEXT FIVE (5) COURSES, SOUTH 42°40'53" EAST, A DISTANCE OF 31.28 FEET (REC. SOUTH 42°34'37" EAST, 28.51 FEET), AND SOUTH 45°32'38" EAST, A DISTANCE OF 100.12 FEET (REC. SOUTH 45°26'22" EAST, 100.12), AND THENCE SOUTH 48°23'31" EAST, A DISTANCE OF 402.00 FEET (REC. SOUTH 48°17'15" EAST, 402.00 FEET), AND SOUTH 41°51'47" EAST, A DISTANCE OF 350.13 FEET (REC. SOUTH 41°45'31" EAST, 350.13 FEET), AND SOUTH 37°41'14" EAST, A DISTANCE OF 55.20 FEET (REC. SOUTH 37°34'58" WEST. 55.20 FEET) TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 89°51'36" WEST ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF CLEVELAND ROAD; THENCE ALONG SAID CENTERLINE OF CLEVELAND ROAD, NORTH 89°41'58" WEST, A DISTANCE OF 1323.83 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING.
CONTAINING 50.76 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

Proposed Ordinance No: _____

Ordinance No: _____

AND

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE NORTH 89°41'58" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 888.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE OF SAID SECTION 23 NORTH 89°41'58" WEST, A DISTANCE OF 435.32 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 00°32'43" WEST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 89°51'36" EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 535.00 FEET TO THE WESTERLY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT SEVEN COURSES SOUTH 37°41'14" EAST, A DISTANCE OF 171.96 FEET (REC. SOUTH 37°34'58" WEST, 171.96 FEET), AND SOUTH 26°28'39" EAST, A DISTANCE OF 182.82 FEET (REC. SOUTH 26°38'33" EAST, 182.82 FEET), AND SOUTH 10°13'10" EAST, A DISTANCE OF 182.49 FEET (REC. SOUTH 10°23'04" EAST, 182.49 FEET), AND SOUTH 02°51'52" WEST, A DISTANCE OF 281.06 FEET (REC. SOUTH 02°41'58" WEST, 281.06 FEET), AND SOUTH 00°15'43" EAST, A DISTANCE OF 100.00 FEET (REC. SOUTH 00°25'37" WEST, 100.00 FEET), AND SOUTH 05°58'21" EAST, A DISTANCE OF 201.00 FEET (REC. SOUTH 06°08'15" EAST, 201.00 FEET), AND SOUTH 00°15'43" EAST, A DISTANCE OF 175.00 FEET (REC. SOUTH 00°25'37" WEST, 175.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY FOR THE NEXT TWO (2) COURSES, SOUTH 82°17'48" WEST, A DISTANCE OF 241.33 FEET (REC. SOUTH 82°07'54" WEST, 241.33 FEET), AND SOUTH 67°09'16" WEST, A DISTANCE OF 81.41 FEET (REC. SOUTH 68°32'30" WEST, 80.78 FEET); THENCE SOUTH 00°18'02" WEST, A DISTANCE OF 20.00 FEET (REC. SOUTH 00°20'36" WEST, 20.00 FEET) TO THE POINT OF BEGINNING.

CONTAINING 21.30 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow for a reduction in landscaping, building and pavement setbacks, and planting area widths along internal drives at 14233 & 14325 Cleveland Road.

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

The following conditions of approval:

Building Limitations/Architecture:

1. For all commercial development parcels, there shall be a minimum building setback of 65' from all private internal collector roadways excluding the welcome/information booth.

Parking/Landscaping:

1. A minimum 18' pavement setback shall be provided along all public and private internal collector roadways and along the Capital Avenue right-of-way.

Proposed Ordinance No: _____

Ordinance No: _____

2. A minimum 18' green buffer area shall be required along all private internal collector drives.
3. Sidewalks and utilities may be provided within the required 18' green landscaped areas along all private internal collector drives.
4. If sidewalks and utilities are located with the required 18' green area, a minimum utility/sidewalk free area of 8' in width shall be required for landscaping.

Landscaping Spacing and Quantity:

Front Yard (along Cleveland Road only)

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper)

Front Yard Screening (only Cleveland Road)

1. Shrub requirement to be eliminated.

Side and Rear Yards (West property line, I-80/90, and Capital Avenue)

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper). Excess required interior landscape area trees must be included in the side and rear yards in addition to the above spacing.
2. Evergreen screening is required in the southwest corner of the property. Minimum planting of 6' height is required for evergreens.

Interior Landscape Areas

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper).
2. Interior landscape islands shall consist of ornamental grasses and shrubs with islands provided where shown on the preliminary site plan.

Quantity

1. A total of 270 trees, being a combination of overstory deciduous trees and evergreens, shall be provided.

All other previously approved conditions and development regulations per Ordinance 5805 and 5886 not being amended with this petition shall remain applicable to the property.

This recommendation is based upon the following findings of fact:

1. Comprehensive Plan – The property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development is reasonably consistent with the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.
2. Current conditions and the character of current structures and uses in each district – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to

Proposed Ordinance No: _____

Ordinance No: _____

increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County. The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.

3. The most desirable use for which the land in each district is adopted – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values throughout the jurisdiction – The proposed amendment to modify the development regulations should not be injurious to the property values in the surrounding area. No changes to the permitted uses are being requested. The amendment primarily affects the internal design of the property.
5. Responsible development and growth – The commercial development of the property is consistent with the existing commercial growth that has occurred to the north of the property and within northern Mishawaka.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2025, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2025, at _____ o'clock ____M.

Proposed Ordinance No: _____

Ordinance No: _____

Deborah S. Block, IAMCA, MMC, City Clerk

APPROVED by me this _____ day of _____, 2025, at
_____o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 14325 & 14233 (3026 post-annexation) Cleveland Road including Five (5) tax parcels - Property is bound by Cleveland Road to the south, the Indiana Toll Road to the north, and Capital Avenue to the east

Date: July 8, 2025

Petition: 25- 09

Prepared By: DJS

GENERAL INFORMATION

Applicant: Mish RE LLC / Snyder & Associates Inc. & Danch Harner & Associates Inc.

Status: Property Owner & Contingent Developer / Site Design Consultants

Request: Amend the Northwest Cleveland Road & Capital Planned Unit Development to allow for a reduction in the building and pavement setbacks, the minimum green buffer area and utility/sidewalk free area for tree plantings, and the amount of landscaping

Zoning Classification: S-2 Planned Unit Development District (Permitted commercial uses and development regulations per Ord. 5805 and 5886)

Lot Size: Approximately 72 acres excluding the adjacent existing right-of-way

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District (Ord. 5805 & 5886); Section 137-41 / Amendment to Zoning Ordinance & Zoning Map; Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: Indiana Toll Road, Capital Avenue & S-2 Planned Unit Development (Medical & Office / Beacon Campus north of the Toll Road)

South: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)

East: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)

West: Unincorporated St. Joseph County – R Single Family (Church / Michiana Covenant Presbyterian)

Thoroughfare: Cleveland Road and Capital Avenue

Council District: 6

School District: Penn Harris Madison

Township: Harris

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

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

ANALYSIS

The applicant, Mish RE, LLC (owner and contingent developer), is requesting to amend the Northwest Cleveland Road & Capital Planned Unit Development (PUD) to allow for a reduction in the building and pavement setbacks, the minimum green buffer area, the minimum utility/sidewalk free area for tree plantings, and the amount of landscaping. The requested amendment has been modified from the originally submitted petition per the preliminary site plan.

The current PUD regulations and conditions, which were approved in 2022 and 2024 via two separate annexation requests (Petition 22-11/Ord. 5805, and Petition 24-02/Ord. 5886), limited permitted uses to those identified in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and the C-10 Filling Station/Car Wash zoning districts. Filling stations are prohibited. When annexed, only the permitted uses and basic development regulations/conditions were outlined as there was no specific development proposal. With the amendment request, no changes to the permitted uses are proposed.

The property will be developed as the Gurley Leep auto mall to include eight (8) new car dealerships, a used automobile/corporate office building, a maintenance and body shop, and a car wash. The property will be developed in one phase except for part of the southeast corner. The former owner of the existing house at 14233 (3026) Cleveland Road was granted a life estate to remain on the property until his death.

Planning Staff have been discussing the required development regulations with the applicant's site design consultants since early this year. Guidance was provided regarding the required PUD amendment based upon the attached preliminary site plan. In addition to the amendments requested with this petition, a future PUD amendment is anticipated for the architectural materials on all buildings and possibly signage. Additional amendments may be required subject to review of the future final site plan submittal.

The first amendment is for a reduction in the required building setbacks. The PUD regulations state, "For all commercial development parcels – there shall be a minimum building setback of 75' from all public right-of-way and private collector roads." Although the property will not be subdivided into lots for each of the buildings, the dealerships and adjacent parking/display areas are regulated as individual development parcels. The used car / corporate office building, centrally located to the property, will have an approximate 68' setback from the internal private collector road (roundabout) to the north. The Kia dealership will have an approximate 72' setback from the internal private collector road to the north. A reduced setback to a minimum of 65' is being requested except for the proposed information/welcome booth. This small structure will be located within the median of the main access drive north of Cleveland Road.

The second amendment is for a reduction in the required pavement setbacks. The PUD regulations state, "A minimum 25' pavement setback shall be provided along all public and private internal collector roadways." An 18.5' pavement setback is shown between the private internal collector road, which includes the main access drive and the center internal loop drive, and the adjacent parking/vehicle display areas. Although not included in the petition, an 18' pavement setback will also be permitted between the parking/pavement area east of the Nissan dealership and the Capital Avenue right-of-way. A reduced setback to an 18' minimum is being requested, which will allow adequate width for the sidewalks, the required tree planting areas, and utilities.

The third amendment is for reduction in the minimum green buffer area and utility/sidewalk free area for tree plantings. The PUD regulations state, "A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Sidewalks and utilities may be provided within the required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10' in width shall be required for planting." A minimum 18.5' green buffer area is shown between the private internal collector road, which includes the main access drive and center internal loop drive, and the adjacent parking/vehicle display areas. A

reduced green buffer area to an 18' minimum is being requested. Sidewalks and utilities may be provided within the 18' minimum green buffer area. A minimum utility/sidewalk free area of 8' is being requested within the 18' green buffer area for the required landscaping.

The last amendment is for a reduction in the required amount of landscaping. The PUD regulations state, "Each outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial District." Although the property will not be subdivided into lots for each of the buildings, the dealerships and adjacent parking/display areas are regulated as individual development parcels. The C-1 landscaping regulations require one overstory deciduous tree every 25' along Cleveland Road, one overstory deciduous tree every 60' along the perimeter of each development parcel, a hedge row / shrubs along Cleveland Road, interior landscape islands at 15 sq. ft. per parking space, and one tree for every parking space. Due to the abundance of landscaping that would be required for the nearly 80-acre property and desire to minimize the density of the landscaping along the automobile display lots, Planning Staff worked with the site design consultants on the proposed amendment. Initially, one overstory deciduous tree planted a minimum of 75' on-center was proposed throughout the entire property. Planning Staff requested that a planting rate of one tree a minimum of 60' on-center be used to calculate the total number of trees required for the site. At this spacing, a total of 270 trees will be required based upon 16,172 linear feet of the required landscape areas (exterior and internal landscape areas). One tree planted 75' on-center will be permitted interior to the property and along Cleveland Road with the required excess trees to be planted along the exterior side and rear property lines. The amended landscaping requirements are as follows:

Front Yard (along Cleveland Road only)

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper)

Front Yard Screening (only Cleveland Road)

1. Shrub requirement to be eliminated.

Side and Rear Yards (West property line, I-80/90, and Capital Avenue)

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper). Excess required interior landscape area trees must be included in the side and rear yards in addition to the above spacing.
2. Evergreen screening is required in the southwest corner of the property. Minimum planting of 6' height is required for evergreens.

Interior Landscape Areas

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper).
2. Interior landscape islands shall consist of ornamental grasses and shrubs with islands provided where shown on the preliminary site plan.

Quantity

1. A total of 270 trees, being a combination of overstory deciduous trees and evergreens, shall be provided.

Similar to when the original Planned Unit Development was approved, the applicant is only proposing to establish, or in this case, amend the basic development requirements of the planned unit development. If approved, a detailed Final Planned Unit Development site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

The Engineering Department did not have any comments on the requested PUD amendment. The following comments shall be addressed with final site plan:

1. Pathway along the north side of Cleveland Road shall be across entire property frontage.
2. Drainage/stormwater management looks sparse for the amount of proposed impervious area. Shall meet the current standards.

The Electric Department commented that the property is outside the Mishawaka electric service territory.

The Water Department commented that part of the property is within the Juday Creek 5-year time of travel wellhead protection area. This comment is applicable to the future Final Site Plan and not specific to the proposed zoning amendment.

The Building and Fire Departments approved the request with no comments.

RECOMMENDATION

Staff recommends **approval** to amend the Northwest Cleveland Road & Capital Planned Unit Development to allow for a reduction in the building and pavement setbacks, the minimum green buffer area and utility/sidewalk free area for tree plantings, and the amount of landscaping.

This recommendation includes the following conditions of approval:

Building Limitations/Architecture:

1. For all commercial development parcels, there shall be a minimum building setback of 65' from all private internal collector roadways excluding the welcome/information booth.

Parking/Landscaping:

1. A minimum 18' pavement setback shall be provided along all public and private internal collector roadways and along the Capital Avenue right-of-way.
2. A minimum 18' green buffer area shall be required along all private internal collector drives.
3. Sidewalks and utilities may be provided within the required 18' green landscaped areas along all private internal collector drives.
4. If sidewalks and utilities are located with the required 18' green area, a minimum utility/sidewalk free area of 8' in width shall be required for landscaping.

Landscaping Spacing and Quantity:

Front Yard (along Cleveland Road only)

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper)

Front Yard Screening (only Cleveland Road)

1. Shrub requirement to be eliminated.

Side and Rear Yards (West property line, I-80/90, and Capital Avenue)

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper). Excess required interior landscape area trees must be included in the side and rear yards in addition to the above spacing.
2. Evergreen screening is required in the southwest corner of the property. Minimum planting of 6' height is required for evergreens.

Interior Landscape Areas

1. One overstory deciduous tree planted a minimum of 75' on-center (2 ½" caliper).
2. Interior landscape islands shall consist of ornamental grasses and shrubs with islands provided where shown on the preliminary site plan.

Quantity

2. A total of 270 trees, being a combination of overstory deciduous trees and evergreens, shall be provided.

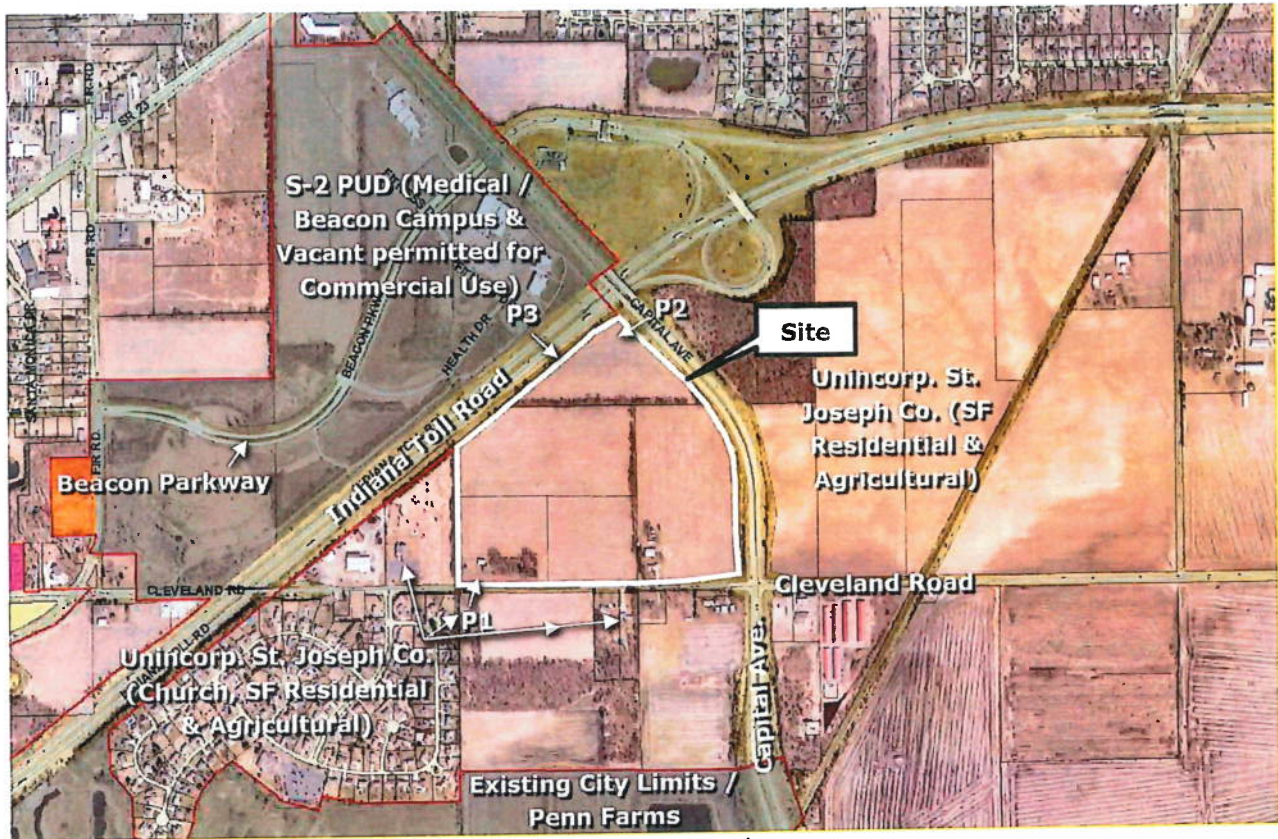
All other previously approved conditions and development regulations per Ordinance 5805 and 5886 not being amended with this petition shall remain applicable to the property.

This recommendation is based upon the following findings of fact:

1. Comprehensive Plan – The property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development is reasonably consistent with the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.
2. Current conditions and the character of current structures and uses in each district – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County. The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable use for which the land in each district is adopted – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
4. Conservation of property values throughout the jurisdiction – The proposed amendment to modify the development regulations should not be injurious to the property values in the surrounding area. No changes to the permitted uses are being requested. The amendment primarily affects the internal design of the property.
5. Responsible development and growth – The commercial development of the property is consistent with the existing commercial growth that has occurred to the north of the property and within northern Mishawaka.

ATTACHMENTS

Aerial, Photographs, Petition, Revised Landscaping, Preliminary Site Plan, Location Map



Aerial Photograph

14325 & 14233 (3026) Cleveland Road including five parcels
Proposed Gurley Leap Auto Mall



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



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



P3. Looking southeasterly into the property from the Beacon property north of the Toll Road.

Date: June 20, 2025

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

Re: Petition for Amended PUD for:

MISH RE LLC
5201 Grape Road
Mishawaka, Indiana 46545

PET 25-09
Received
JUN 20 2025
Planning and
Community Development

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

SEE ATTACHED LEGAL DESCRIPTIONS:

Also commonly known as 3000 Block of East Cleveland Road, Granger, IN 46530.

The above-described parcels of land are presently zoned "S-2" Planned Unit Development District in the City of Mishawaka, Indiana.

Petitioners desire to Amend the existing "S-2" Planned Unit Development for certain developmental standards that were previously approved for said "S-2" Planned Unit Development District classification. The purpose for the Amended "S-2" Planned Unit Development request is to continue allowing for a planned mixed land use development having uses permitted in the following Districts: "C-1" Commercial, "C-2" Commercial, "C-4" Commercial, "C-7" Commercial, "C-9" Commercial and "C-10" Commercial. The Amended portion of the existing PUD is to allow:

A). Landscaping & Screening:

1. Front Yard (Along Cleveland Road Only);
2. 1 Overstory Tree at a 60 ft. on center spacing, 1.5: Cal.;
3. Front Yard screening (Along Cleveland Road);
Shrub requirement eliminated with this Amended PUD request;
4. Side & Rear Yards (West property line, Toll Road & Capital Avenue property lines);
1 Overstory Tree at a 100 ft. on center spacing, 1.5: Cal. Or
1 Understory Tree at a 40 ft. on center spacing, 1.5: Cal.;
5. Interior Landscape Areas;
All interior landscape islands shall consist of ornamental grasses and shrubs with islands provided
As shown on attached site plan.
6. Total Overstory trees = 83
Total Understory trees = 25

SEE ATTACHED
FOR REVISED LANDSCAPING

B). Bulk Regulations revisions:

1. Building/Limitations Architecture; 65 ft. Building setback from all private drives (Except for Welcome/Information Booth);

C). Parking/Landscaping revisions:

1. 18 ft. paving setback along all private internal drives/roadways;
2. 18 ft. greenspace areas along all private drives/roadways;
3. Sidewalks and Utilities may be provided within required 18 ft. greenspace along all private

interior drives/roadways.

4. A minimum utility/sidewalk free area of 8 ft. shall be provided within the 18 ft. greenspace for landscaping.

Wherefore, the petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted for approval of the requested Amended "S-2" Planned Unit Development District for the above-described parcel of real estate located in the City of Mishawaka.



For: MISH RE LLC

Printed Name: _____

Adrian R. Ruppel VP of Operations

Ph. No. _____

480 334 4323

CONTACT INFO

ERIC CANNON, P.E.

SYNDER & ASSOCIATES, INC.

(515) 964-2020 EXT. 2556 (O)

(515) 577-2451 (C)

ECANNON @ SYNDER-ASSOCIATES.COM

MIKE DANCH

DANCH, HARNER & ASSOCIATES

(574) 234-4003

MDANCH @ DANCHHARNER.COM

AMENDED PUD LEGAL DESCRIPTION EAST PARCEL:

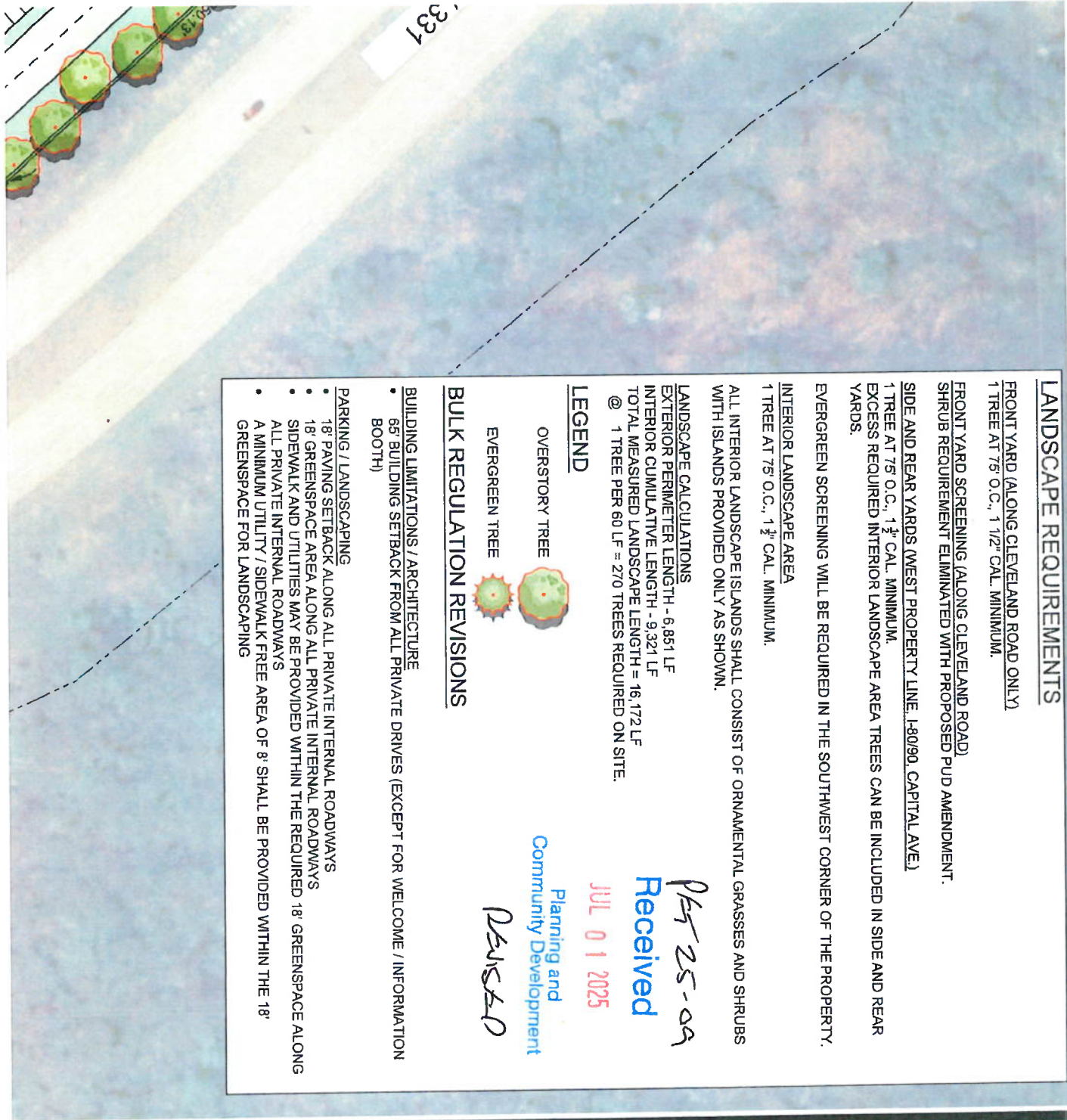
A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE NORTH 89°41'58" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 888.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE OF SAID SECTION 23 NORTH 89°41'58" WEST, A DISTANCE OF 435.32 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 00°32'43" WEST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 89°51'36" EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 535.00 FEET TO THE WESTERLY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT SEVEN COURSES SOUTH 37°41'14" EAST, A DISTANCE OF 171.96 FEET (REC. SOUTH 37°34'58" WEST, 171.96 FEET), AND SOUTH 26°28'39" EAST, A DISTANCE OF 182.82 FEET (REC. SOUTH 26°38'33" EAST, 182.82 FEET), AND SOUTH 10°13'10" EAST, A DISTANCE OF 182.49 FEET (REC. SOUTH 10°23'04" EAST, 182.49 FEET), AND SOUTH 02°51'52" WEST, A DISTANCE OF 281.06 FEET (REC. SOUTH 02°41'58" WEST, 281.06 FEET), AND SOUTH 00°15'43" EAST, A DISTANCE OF 100.00 FEET (REC. SOUTH 00°25'37" WEST, 100.00 FEET), AND SOUTH 05°58'21" EAST, A DISTANCE OF 201.00 FEET (REC. SOUTH 06°08'15" EAST, 201.00 FEET), AND SOUTH 00°15'43" EAST, A DISTANCE OF 175.00 FEET (REC. SOUTH 00°25'37" WEST, 175.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY FOR THE NEXT TWO (2) COURSES, SOUTH 82°17'48" WEST, A DISTANCE OF 241.33 FEET (REC. SOUTH 82°07'54" WEST, 241.33 FEET), AND SOUTH 67°09'16" WEST, A DISTANCE OF 81.41 FEET (REC. SOUTH 68°32'30" WEST, 80.78 FEET); THENCE SOUTH 00°18'02" WEST, A DISTANCE OF 20.00 FEET (REC. SOUTH 00°20'36" WEST, 20.00 FEET) TO THE POINT OF BEGINNING.

CONTAINING 21.30 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

AMENDED PUD LEGAL DESCRIPTION WEST PARCEL:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34"EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE FOR THE NEXT FIVE (5) COURSES, SOUTH 42°40'53" EAST, A DISTANCE OF 31.28 FEET (REC. SOUTH 42°34'37" EAST, 28.51 FEET), AND SOUTH 45°32'38" EAST, A DISTANCE OF 100.12 FEET (REC. SOUTH 45°26'22" EAST, 100.12), AND THENCE SOUTH 48°23'31" EAST, A DISTANCE OF 402.00 FEET (REC. SOUTH 48°17'15" EAST, 402.00 FEET), AND SOUTH 41°51'47" EAST, A DISTANCE OF 350.13 FEET (REC. SOUTH 41°45'31" EAST, 350.13 FEET), AND SOUTH 37°41'14" EAST, A DISTANCE OF 55.20 FEET (REC. SOUTH 37°34'58" WEST. 55.20 FEET) TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 89°51'36" WEST ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 535.00 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°32'43" EAST ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF CLEVELAND ROAD; THENCE ALONG SAID CENTERLINE OF CLEVELAND ROAD, NORTH 89°41'58" WEST, A DISTANCE OF 1323.83 FEET MORE OR LESS TO THE POINT THE POINT OF BEGINNING. CONTAINING 50.76 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.



LANDSCAPE REQUIREMENTS

FRONT YARD (ALONG CLEVELAND ROAD ONLY)
1 TREE AT 75' O.C., 1 1/2" CAL. MINIMUM.

FRONT YARD SCREENING (ALONG CLEVELAND ROAD)
SHRUB REQUIREMENT ELIMINATED WITH PROPOSED PUD AMENDMENT.

SIDE AND REAR YARDS (WEST PROPERTY LINE, I-80/90 CAPITAL AVE.)

1 TREE AT 75' O.C., 1 1/2" CAL. MINIMUM.
EXCESS REQUIRED INTERIOR LANDSCAPE AREA TREES CAN BE INCLUDED IN SIDE AND REAR YARDS.

EVERGREEN SCREENING WILL BE REQUIRED IN THE SOUTHWEST CORNER OF THE PROPERTY.

INTERIOR LANDSCAPE AREA

1 TREE AT 75' O.C., 1 1/2" CAL. MINIMUM.

ALL INTERIOR LANDSCAPE ISLANDS SHALL CONSIST OF ORNAMENTAL GRASSES AND SHRUBS WITH ISLANDS PROVIDED ONLY AS SHOWN.

LANDSCAPE CALCULATIONS

EXTERIOR PERIMETER LENGTH - 6,861 LF

INTERIOR CUMULATIVE LENGTH - 9,321 LF

TOTAL MEASURED LANDSCAPE LENGTH = 16,172 LF

@ 1 TREE PER 60 LF = 270 TREES REQUIRED ON SITE.

LEGEND

OVERSTORY TREE



EVERGREEN TREE



Planning and
Community Development

DESIGNED

JUL 01 2025

Received

PK 25-09

BULK REGULATION REVISIONS

BUILDING LIMITATIONS / ARCHITECTURE

- 65' BUILDING SETBACK FROM ALL PRIVATE DRIVES (EXCEPT FOR WELCOME / INFORMATION BOOTH)

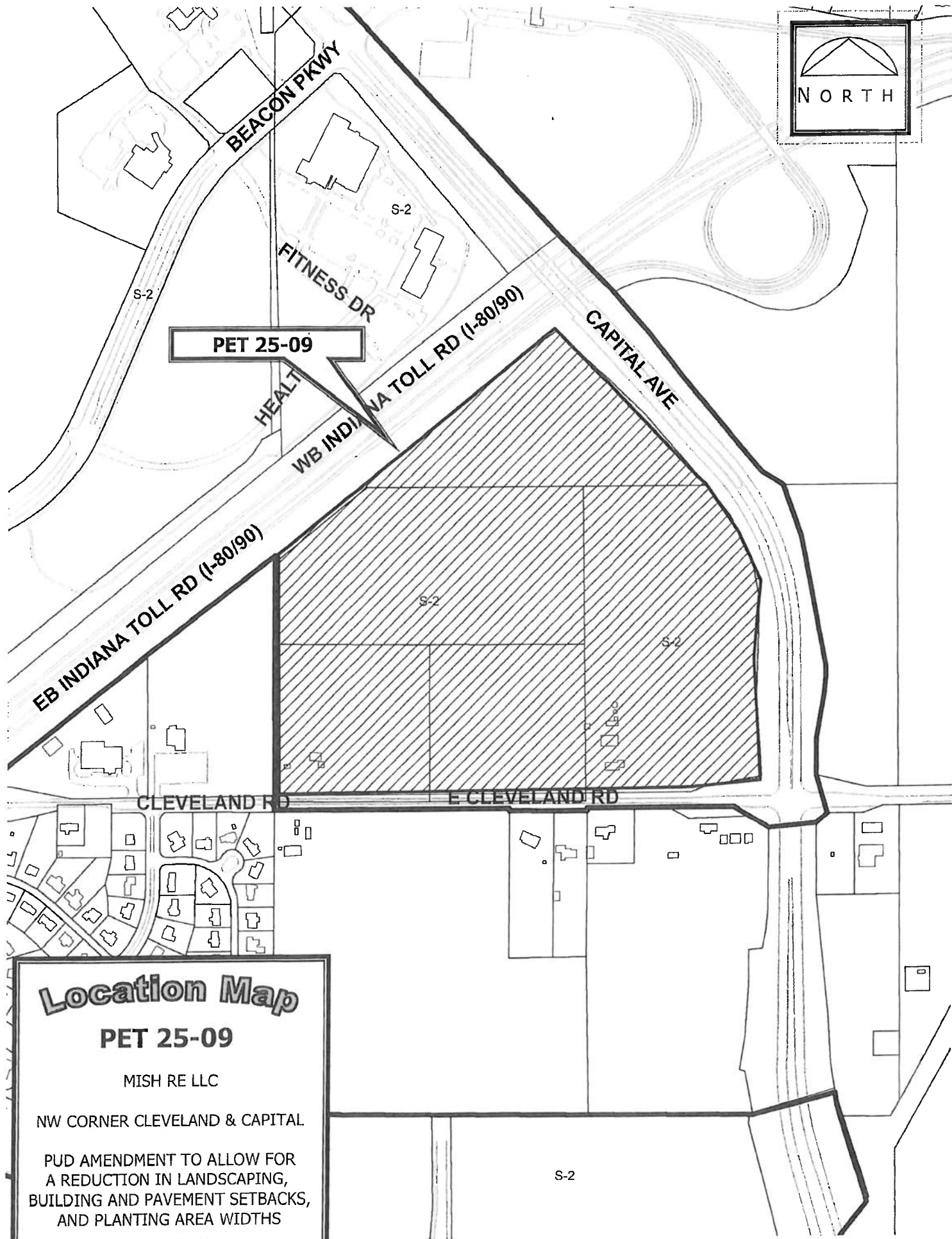
PARKING / LANDSCAPING

- 18' PAVING SETBACK ALONG ALL PRIVATE INTERNAL ROADWAYS
- 18' GREENSPACE AREA ALONG ALL PRIVATE INTERNAL ROADWAYS
- SIDEWALK AND UTILITIES MAY BE PROVIDED WITHIN THE REQUIRED 18' GREENSPACE ALONG ALL PRIVATE INTERNAL ROADWAYS
- A MINIMUM UTILITY / SIDEWALK FREE AREA OF 8' SHALL BE PROVIDED WITHIN THE 18' GREENSPACE FOR LANDSCAPING

MISHAWAKA, IN

2727 S.W. SNYDER BLVD
ANKENY, IOWA 50023
515-964-2020 | www.snyder-associates.com

1	PER OWNER MEETING	6-30-25	DATE	BY	
MARK	REVISION				
Engineer: ENGR	Checked By: CHKD	Scale: 1" = 60'			
Technician: TECH	Date: 06-17-2025	T-R-S: TTN-RRW-SS			
Project No: 124.0985.04		Sheet C100			



Location Map

PET 25-09

MISH RE LLC

NW CORNER CLEVELAND & CAPITAL

PUD AMENDMENT TO ALLOW FOR
A REDUCTION IN LANDSCAPING,
BUILDING AND PAVEMENT SETBACKS,
AND PLANTING AREA WIDTHS

S-2

JUL 23 2025

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2025 – 12,

ORDINANCE NO. _____

AS AMENDED

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA AUTHORIZING SPECIAL UTILITY SERVICE CONTRACTS FOR ECONOMIC DEVELOPMENT AND CUSTOMIZED UTILITY NEEDS

WHEREAS, the City of Mishawaka (“City”), through Mishawaka Utilities (“MU”), owns and operates public water, wastewater, and electric utilities that provide essential services to residents and businesses; and

WHEREAS, the City recognizes the importance of supporting economic development, encouraging capital investment, and attracting innovative, large-scale industries through flexible and responsive public utility policies; and

WHEREAS, certain industrial or commercial developments may require customized utility service arrangements, including volume-based pricing, infrastructure coordination, or unique delivery terms that fall outside standard, existing rates and practices; and

WHEREAS, through recognized exemptions under Indiana's public access laws; and

WHEREAS, it is the intent of the Common Council of the City of Mishawaka (“Council”) to authorize MU to enter into such agreements while ensuring full protection of its ratepayers, maintaining financial integrity, and safeguarding transparency in all matters of public interest.

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

Section 1. The Council hereby authorizes MU to negotiate special utility service contracts (“Special Contracts”) for the provision of water, wastewater, sewer, and electric services to commercial, industrial, or institutional users whose operations or investments justify a tailored service approach. The terms of such Special Contracts may include: (a) non-standard, cost-based rate structures; (b) bulk or volume-based pricing; (c) infrastructure delivery coordination; (d) timed service implementation aligned with project milestones; and/or (e) other terms as mutually agreed.

Section 2. MU shall complete a cost-of-service study analysis to identify the actual cost to implement each Special Contract. The Study will be incorporated into all relevant negotiations to ensure: (a) equitable and transparent pricing in accordance with applicable law; (b) no subsidization of the cost of service by ratepayers; and (c) fiscal responsibility. In order to be eligible for Council approval, a Special Contract must be consistent with the Study’s findings, including but not limited to the non-negotiable requirement that general ratepayers may not be required to subsidize the cost of service associated with the Special Contract.

Section 3. In recognition of the competitive and strategic nature of economic development negotiations, the City may treat negotiations of the terms and conditions of any Special Contract as confidential and exempt from public disclosure to the extent permitted by the Indiana Access to Public Records Act (I.C. 5-14-3-4) ("APRA"). The Special Contract shall be available for public disclosure no later than the time the Special Contract is submitted to the Council for approval.

Section 4. The City shall submit all Special Contracts to the Mishawaka Utility Board ("Board") for initial approval. Thereafter, the City shall submit all Special Contracts to the Council for final approval.

Section 5. This ordinance shall only apply to those Special Contracts negotiated by the City after the effective date of the ordinance. The passage of this ordinance shall not alter the rates paid by any current MU commercial, industrial, or institutional user as the ordinance's effective date.

Section 6. On or before October 1 of each year, MU shall submit its proposed budget (in its entirety) to the Council for review. The Board, which includes a Council representative, shall retain authority to take final action to approve the MU budget.

Section 7. If any section, clause, or portion of this ordinance is found to be invalid or unenforceable, the remaining portions shall remain in full force and effect.

Section 8. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Mishawaka and approval by the Mayor.

PASSED by the Common Council ____ day of _____, 2025 at _____ o'clock ____m.

Gregg Hixenbaugh, Council President

ATTEST:

Deborah S. Block, IAMCA, MMC
City Clerk

PRESENTED to the Mayor this ____ day of _____, 2025 at _____ o'clock ____m.

Deborah S. Block, IAMCA, MMC
City Clerk

APPROVED by me this ____ day of _____, 2025 at _____ o'clock ____m.

David A. Wood
Mayor