

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

August 4, 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 28, 2025, at 6:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Members attending virtually do so by WebEx. Public that attends can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

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

Minutes for the Regular Meeting on July 28, 2025, were approved as received from the Clerk's Office.

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

PROPOSED ORDINANCE NO. 2025-16

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

Rezone C-1 General Commercial to R-1 Single Family Residential – 303 W. 6th St.

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

Terry Lang, Wightman Office at 1402 Mishawaka Avenue in South Bend, spoke in favor of **PROPOSED ORDINANCE NO. 2025-16**. Mr. Lang stated he was representing the petitioner and wanted to give background on the rezoning. Mr. Lang stated he thought everyone knew where Sunny's Korean Restaurant was and they had two parking lots, one across the street and one immediately south. Mr. Lang stated the petition before them that evening addressed the parcel across the street to the west. Mr. Lang stated Mr. Green owned the house to the north and he had purchased the property from the owners of the former Sunny's Korean Restaurant. Mr. Lang stated he was looking to be able to have a real yard of any size as well as potential to put up a garage to store his vehicles in. Mr. Lang stated the purpose of the petition was to make the parcel residential so that it could be merged through the platting process through the Plan Commission. Mr. Lang stated he was happy to answer any questions.

Ms. Hahn asked, since it used to be a parking lot, if Mr. Green was going to be required to or if he had already done any environmental testing on it. Mr. Lang stated he did not know if he had or not and could not answer that.

Question was called for at 6:04PM for **PROPOSED ORDINANCE NO. 2025-16** Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 7-0, thus it became **ORDINANCE NO. 5939.**

PROPOSED ORDINANCE NO. 2025-17

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

Rezone from I-1 Light Industrial to R-1 Single Family Residential – 3418 York St.

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

Angela Richardson, Owner of 3418 York Street, spoke in favor of **PROPOSED ORDINANCE NO. 2025-17.** Mrs. Richardson stated she was wanting to get the zoning moved over to strictly residential.

Question was called for at 6:06PM for **PROPOSED ORDINANCE NO. 2025-17** Motion passed by unanimous roll call vote (summary: Yes = 7).

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 7-0, thus it became **ORDINANCE NO. 5940.**

PROPOSED ORDINANCE NO. 2025-18

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.

PUD Amendment to allow for reduction in landscaping, Building and Pavement Setbacks, and Planting Area Widths – NW corner of Cleveland & Capital

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

Mike Danch, President at Danch Harner & Associates, Inc. 1643 Commerce Drive South Bend, IN, spoke in favor of **PROPOSED ORDINANCE NO. 2025-18.** Mr. Danch stated he was representing the petitioners, who were Mish RE, LLC. Mr. Danch stated this was the annexation and rezoning they did for the auto mall up at the northwest corner of Capital Avenue and

Cleveland Road, if this looked familiar to the site plan that he provided to the Council. Mr. Danch stated when they did all of that, they did the preliminary site plan, which they typically got to see when they started through the front-end process of the rezoning, and this was now the final part. Mr. Danch stated the portion they were seeing that evening would be pretty close to where they were at the final site plan stage, so the auto mall would have the eight dealerships, and this was showing everything on the north side of Cleveland Road. Mr. Danch stated the main access point into the property was going to end up being a signalized intersection and there would be one other driveway on the very west side of the site. Mr. Danch stated the owners and the consultants had been working with the staff with the eight dealerships and this would only be one large lot that would be owned by the developer for all of the eight dealerships, so they would basically build eight different dealerships, and the interior road system would all be private. Mr. Danch stated as far as the signalized intersection was concerned, they would be working with the City of Mishawaka on a developmental agreement for all of the improvements that had to be made and getting water and sewer to the site would also be done through a developmental agreement with the city. Mr. Danch stated the staff took a look at everything happening within the site itself and they came up with four amendments to the original PUD, so what they were seeing was the final layout and he would be going over the four amendments that the layout had. Mr. Danch stated the first one was a reduction in the setback for the buildings within the interior of the site. Mr. Danch stated under the PUD ordinance that they had, they had a 75-foot building setback and all that was going to happen was that that would go down to a minimum of sixty-five feet. Mr. Danch stated to keep in mind that all of the interior roads were private roads, so those were not public dedicated right-of-ways. Mr. Danch stated with the way that it worked out with the layout of the buildings, the staff was okay with that particular amendment to the building setback. Mr. Danch stated there was also going to be an informational kiosk when you came into the site off of Cleveland Road that would actually be set within that private driveway where they had a large landscape area. Mr. Danch stated the second reduction was for the pavement setback. Mr. Danch stated under the original PUD, there was a 25-foot setback from the roads for any kind of pavement and that it was going to go down to a minimum of eighteen feet. Mr. Danch stated when you were looking at the interior road system, you would still see all of the green space that was there and the staff just wanted to make sure that there would still be enough green space where the trees were going to be located and where there would also be some interior sidewalks there through the auto mall development. Mr. Danch stated all the way along Cleveland Road there would still be a large grass strip between where they would see any of the parking spaces and Cleveland Road itself, so that was about seventy feet wide. Mr. Danch stated typically in the City of Mishawaka, you were allowed to go down to ten feet so they would still be maintaining that seventy feet all the way along the whole front portion that they saw there. Mr. Danch stated the third reduction they were talking about was in the City of Mishawaka when they were usually doing development, you always had the area on the public right-of-way where they ran the utilities and then you had the tree parking area there. Mr. Danch stated the staff wanted them to make sure that they maintained at least a minimum of eight foot so that there was enough room where you saw all of the trees on that interior portion had enough room to grow, so they would be maintaining the eight-foot space as requested. Mr. Danch stated the last one that they were doing was an overall adjustment because in this case, you had a 72-acre site and the staff took a look at it from the PUD standards they had and under the C-1 category, you would have had to put trees every 25 foot on center which was typical for C-1 commercial. Mr. Danch stated along the perimeter boundary of any lot you would have in a development, the trees would

be sixty foot on center and then there were usually landscape islands that would be put on the interior and that was based on the number of parking spaces that you would have for a typical parking layout for a retail type of situation. Mr. Danch stated when you had auto malls, most of those parking spaces that were seen there were for display purposes and not for where visitors came in in a retail space. Mr. Danch stated the owners worked with staff to come up with a reduction on that and the entire site would still have to maintain 270 trees that were seen throughout the whole development. Mr. Danch stated the staff thought that would be a good compromise and it would still provide the streetscape. Mr. Danch stated they would still have to put trees there every seventy-five feet along Cleveland Road and also along the entire interior. Mr. Danch stated one of the other things the staff also asked to be put in place was that to the west of the auto mall development, there was an existing church there on that property and they were out in the county, so what the staff asked them to do was to increase the buffer zone over there with evergreen trees at a six-foot height minimum. Mr. Danch stated that would put a heavier buffer between them and where the church property was. Mr. Danch stated there would still be the road and the landscape areas there, but that would be maintained with it. Mr. Danch stated if the Council approved this that evening, it would become the ordinance for the PUD. Mr. Danch stated when they came through and did their final site plans for each of the dealerships, then they would have to abide by the guidelines for the amendments and what they were doing with the interior as far as water, sewer, and drainage were concerned, they would have to do all of that. Mr. Danch stated they were also trying to work with the City of Mishawaka on a request by the Water Department to bring a water line underneath the toll road through the development and tie it to the existing water lines. Mr. Danch stated they would also be providing them with the easement and the space and the route to be able to do that and keep the water pressure up on that side of the city for any kind of development that was going to go on. Mr. Danch stated if the Council had any questions for him, he would be happy to answer them.

Mr. Banicki stated when he looked at this, it used to be all corn fields and now all he saw was concrete and asphalt. Mr. Banicki asked how he kept all of the rainwater, snow, and things like that from getting on other people's property and causing flooding issues for other people. Mr. Danch stated he dealt with that daily and what they were doing in this particular case just for the size of the development there were a couple of good things that went with it. Mr. Danch stated the soils out there were sandy soils and they had a good infiltration rate, which really helped them out. Mr. Danch stated they still had to develop to the City of Mishawaka standards though and in this particular case for the 72 acres for the development, they were setting aside over \$5 million to do the underground drainage system that was going to be required, so if they were to take a look at the plan there were some little blue areas and that would not be the final system. Mr. Danch stated what that did was pull the water off of some of the surface areas. Mr. Danch stated that all had to be treated through what they called storm interceptors which had a baffle system, so if you had any kind of petroleum byproduct or anything like that, that got taken care of in the baffle system. Mr. Danch stated for the size under a large portion of the parking areas that they saw, there would be a chamber system that they used that basically would be like a Quonset hut for that and allowed the water to set there and then slowly drain away into the sandy soils. Mr. Danch stated usually what you ended up doing was a calculation for the rain and in this particular case with Mishawaka, it was like a 5.4-inch rainfall in a 24-hour period of time and that allowed 100% water to get into the drainage systems and then slowly release into the soils. Mr. Danch stated it worked really well, but it was very expensive to do and when you did the

calculation on it, it was about \$10 per cubic foot for storage capacity, so that was why it would be over \$5 million to do the system. Mr. Danch stated that would be how they handled it so that they did not have any water going off site because in this case, they did not have what they would call a positive outflow, meaning there would not be a ditch or somewhere else for the water to go to. Mr. Danch stated the way Mishawaka's drainage requirement went was that you had to hold everything on site for that particular rainfall event. Mr. Banicki stated he thought just to the west of that, the county used to have a highway garage and there was some contamination there caused by salt and it affected some of the neighbors to the south. Mr. Banicki asked how they knew that some contamination from this would not get into the ground water and affect the wells. Mr. Danch stated that happened because the system they used with the baffle and the storm interceptors and that would be looked at to make sure everything was up to par and met all of the requirements for the standards. Mr. Danch stated what the county did not do when they had all of their salts and everything was that they allowed those to go on the ground and the problem was because of the sandy soils, they did not have any barrier between the bottom of the salt piles that they had, and it went directly into the soils. Mr. Danch stated the difficulty was that Juday Creek Estates was directly across the street from where those people were but because the county garage had been in effect for thirty to forty years, which had given that enough time to slowly leak the salts into that aquifer layer. Mr. Danch stated there were two different aquifer layers in St. Joe County and there was about a sixty-foot clay barrier between the upper aquifer layer and the lower aquifer layer. Mr. Danch stated the one that Mishawaka drew their water out of was the lower layer, so you tried to make sure that anything that went into those sandy soils were still treated and that was the whole point when they met with Chris Jamrose, the Director of the Engineering Department, so that any drainage system that was used on the site had to be pre-treated so that any of that water that went in was not going to be a problem. Mr. Banicki stated he knew Engineering was not a perfect science and it was as good as it could be but it just seemed like they were getting more extreme weather, so whether it was the heavier rains or whatever the case may be, he did not want to see somebody that had been in the neighborhood for many years all of the sudden have their basements flooding or their backyards or whatever. Mr. Danch stated that was why the good thing about this particular area in question was that they had the sandy soils and when he did the Microsoft data center, the real issue on some of the soils was that people were growing corn out there and they should be able to continue doing that but the issue with sandy soils and corn was that a lot of the nutrients went through and you had to continually pump fertilizers onto that, which caused more of a problem with nitrates going into the wellfields. Mr. Danch stated that was the tradeoff between those types of soils and what you ended up with there.

Mr. Mammolenti thanked Mr. Danch for his presentation that evening and stated it seemed like many years ago they were approving this, and he recalled a pretty involved discussion with the Juday Creek Estates and their HOA that meeting. Mr. Mammolenti asked if he and the petitioners had been in contact with their HOA throughout the process and if there were any concerns. Mr. Danch stated they had been in contact with them and there had not been any concerns at that point. Mr. Danch stated they were doing everything they had originally said they would and when they had gone through the process, they actually came through the Council on two different occasions in 2022 and 2024, because of the state law on how he had to annex and bring property into the city, he had to meet certain guidelines and restrictions but they were not changing anything really from what they had after meeting with the HOA. Mr. Danch stated he

was also doing a subdivision and hopefully, they would be able to get Veterans Parkway up to Cleveland Road to provide another tie there and also bring water and sewer up to that particular location as well.

Mrs. Voelker asked what the time of travel would be for the Juday Creek wellfield. Mr. Danch stated with this site in relation to the wellfield, there was a five-year time of travel and a ten-year time of travel, and it almost bisected this particular site. Mr. Danch stated the five-year time of travel was on the western portion of the site, so any kind of development that happened within that location had to meet certain restrictions. Mr. Danch stated for any kind of particulars or anything like that, the eastern portion of the site fell in the ten-year time of travel and had less restrictions. Mr. Danch stated in the five-year time of travel, there were certain restrictions that he believed the Council had with certain uses permitted in that specific time of travel and they had to come back before the Council and make a special exception. Mrs. Voelker stated she remembered when they did the wellfield time of travel ordinance and car wash was not permitted in the five-year time of travel. Mr. Danch stated if they took a look at the site, they put the car wash facility way over by Capital Avenue. Mrs. Voelker asked if this site was closer to the ten-year time of travel or in the ten-year time of travel. Mr. Danch stated it was in the ten-year time of travel and was outside of where they would be required to make a special exception. Mr. Danch stated one of the other things that was still in the ordinance that did not change was that you were not allowed in this particular development to do a typical gas station as that was prohibited and had not changed on anything that they were doing. Mrs. Voelker asked if they would have gas tanks, in this case. Mr. Danch stated they would a type of fueling center for cars and it was not a five-year time of travel area though; it would be a ten-year time of travel. Mr. Danch stated that was something that was looked at by the Engineering Department and made sure absolutely everything was done correctly and met all of the standards so that they did not have any issues where there might be leakage or something like that. Mr. Danch stated there were containment things that they did and that would have to be approved.

Mr. Violi asked if the future car would be on the west side. Mr. Danch stated it would be on the very east side over by Capital Avenue. Mr. Violi stated it said on the site plan there was recon and future car wash, and it was on the east side on the handout and asked for clarification. Mr. Danch stated if they did that particular one, it would be inside of the building and anything that happened there would go into the sanitary sewer, so there was nothing that went outside of that or went into soils or anything like that.

Mr. Hixenbaugh thanked Mr. Danch for the information he provided and, as always, he provided accurate information and noted for the record that the staff report indicated that the Water Department commented that a part of the property was within the Juday Creek five-year time of travel and it would have protection areas. Mr. Hixenbaugh stated that implied to him that as he previously stated, some part of it was and some part of it was not. Mr. Hixenbaugh stated his follow-up question was admittedly not germane to the PUD amendments in front of them but coincidentally just recently, he had a couple of people ask him questions with regard to the timing of the project and when they were planning to move forward. Mr. Hixenbaugh asked if there was anything he was at liberty to share with the Council on the timing element. Mr. Danch stated he could tell them a couple of things and that was why he mentioned the subdivision he was doing in the county currently to bring Veterans Parkway up to that particular site. Mr. Danch

Question was called for at 6:29PM for **PROPOSED ORDINANCE NO. 2025-18 Motion passed by unanimous roll call vote (summary: Yes = 7).**
Yes: Mrs. Hazen, Mrs. Voelker, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 7-0, thus it became **ORDINANCE NO. 5941.**

Mr. Mammolenti made a reminder that Tuesday August 5th was the National Night Out and the Twin Branch Neighborhood Watch would be hosting their own in the Twin Branch Pavillion at Twin Branch Park and it would start at 6PM. Mr. Mammolenti stated there would be a lot of food, games, prizes, etc. for the young ones. Mr. Mammolenti stated all were welcome.

ADJOURNMENT 6:31PM

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.