# AGENDA
# November 17, 2025

**Meetings of Standing Committees**
**Council Conference Room**
**5:45PM**

**Livestream**
**http://mishawaka.in.gov/council/livestream**

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

**Microsoft Teams Number:1-213-493-9412**
**Meeting ID: 217 3737 773 224 7s**
**Meeting password: K5C6B8SD**

**Dial: +1 213-493-9412,,468343614#**

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

**Livestream #2**
**https://www.facebook.com/cityofmishawaka/**

**Livestream #3:**

**www.youtube.com/@cityofmishawaka635**

**Livestream #4:**
**@MichianaAccessTV on Facebook**

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of October 27, 2025

5. Petitions, Communications, Remonstrance, and Memorial

A letter from the Board of Zoning Appeals regarding their recommendation from their November 12, 2025, meeting.

A letter from the City Plan Commission regarding their recommendation from their November 12, 2025, meeting.

6. Report of Special Committee

7. Ordinances on First Reading

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| P.O. No. 2025-32 | Annex & Rezone to R-3 Multi-Family Residential for Apartment Complex – 53000 Block of Fir Rd. |
| P.O. No. 2025-33 | Rezone from R-4 to S-2 PUD Development for Single Family, Attached Single-Family, and Multi-Family dwellings and Clubhouse- SW corner of Byrkit & McKinley |
| P.O. No. 2025-34 | Annex & Zone to C-1 General Commercial District for Landscaping Contractor – SE corner of State Rd 23 & Toll Rd. |
| P.O. No. 2025-35 | Rezone from C-1 General Commercial to C-10 Filling Station Commercial for Fuel Kiosk and Pumps – Part of 3016 W. Indian Ridge Blvd. |

8. Resolutions

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|---|---|
| R2025-25 | Use Variance to allow a Second Residential Unit – 1123 S. Spring St. |

9. Ordinances on Second Reading

P.O. No. 2025-26 Amending Mishawaka Utilities Wastewater Rates & Charges **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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages.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.

**Download Packet Link:**

**https://mishawakain.portal.civicclerk.com/event/988/files/attachment/5409**

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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SCAN ME

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL**

**October 27, 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 October 27, 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 (A), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (P), Ms. Hahn (P), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)**
**P: Present E: Electronically Participating A: Absent**

Minutes for the Regular Meeting on October 6, 2025, were approved as received from the Clerk's Office.

**MAYOR'S YOUTH COUNCIL PRESENTATION**

AJ Rimelspach, Junior at Penn High School and President of the MYAC, spoke before the Council. Mr. Rimelspach thanked the Council for giving him and his fellow students the opportunity to update them on their Thanksgiving food drive. Mr. Rimelspach stated in 2024, they set a goal to reach seventy-five families with fifty of them being Mishawaka families and twenty-five of them were veteran families and they felt they could achieve that goal again in 2025. Mr. Rimelspach stated members of their council had been reaching out to community members for monetary donations and non-perishable food items. Mr. Rimelspach stated this effort would make a significant difference in the lives of many Mishawaka residents during the holiday season and he wanted to extend his gratitude to those who contributed, and he was truly proud of how they could help Mishawaka and have United Schools support the amazing cause and it served as a wonderful example as to how their future leaders could assist those who were in need.

CJ Vantine, Senior at Penn High School and Secretary of the MYAC, spoke before the Council. Ms. Vantine stated over the past few Wednesdays, jean dress down days had been hosted at City Hall for $3 each to raise funds for their annual food drive. Ms. Vantine stated city employees had also been asked to provide non-perishable food donations to be placed in the box at City Hall and other boxes at different city departments. Ms. Vantine stated donating just a can of green beans to the yearly food drive may not have seemed like it made much of a difference, but it really did in the grand scheme of things. Ms. Vantine stated it would mean a whole lot if everyone could find it in their hearts to donate. Ms. Vantine thanked all who had donated to their food drive in the past and that year. Ms. Vantine stated their contributions were set to make a serious impact on the Mishawaka community.

Eliza Wright, Senior at Penn High School and Treasurer of the MYAC, spoke before the Council. Ms. Wright stated the Mayor's Youth Advisory Council had members from all three Mishawaka high schools: Marian, Penn, and Mishawaka. Ms. Wright stated bringing students together from across the city had created a broader community reach, getting students and families involved from each end of the city and everywhere between. Ms. Wright stated each high school was involved in the Thanksgiving food drive in different ways with Marian High School working with their student council and spirit committee to establish a schoolwide dress down day, Mishawaka High School was participating in a penny war fundraises that started on October 21st as a fun way to raise money and donations for the Thanksgiving food drive, and Penn High School's key club was planning a week-long food drive to collect donations for their Thanksgiving food drive as well.

Ryan McGuire, Senior at Marian High School and Communications Coordinator for the MYAC, spoke before the Council. Mr. McGuire stated over the past several weeks, their council had been working with local media to promote their annual Thanksgiving food drive. Mr. McGuire stated they aimed to provide families in need throughout Mishawaka with food and support during the holiday season. Mr. McGuire stated in order to accomplish that, it was essential that awareness of the drive reached as many Mishawaka residents as possible. Mr. McGuire stated for ongoing updates or to learn how to contribute, they invited everyone to follow them on Facebook at Mishawaka Mayor Dave Wood Youth Council. Mr. McGuire thanked the Council for their time and continued support in their efforts to serve the Mishawaka community.

Tobias Prince, Senior at Penn High School and Vice President of the MYAC, spoke before the Council. Mr. Prince stated they had a timeline for the drive as well with it ending officially on November 12th and then they would be packing up all of the boxes over a shared meal because Thanksgiving was about bringing people together and that would be on November 16th. Mr. Prince stated the entire MYAC would be taking a trip to the VFW to deliver food on November 17th and then they would be passing the meal boxes to families individually on November 18th.

Mr. Emmons asked how many baskets they planned to try to fill for their donations. Mr. Rimelspach stated it would be about a box per family for the seventy-five families.

Mr. Hixenbaugh thanked Mr. Rimelspach and his colleagues for their presentations as they were all very well done and the Council joined the Administration in encouraging the community to support the Youth Council's Thanksgiving food drive. Mr. Hixenbaugh stated what they were doing was meaningful for the community and to let them know if there was anything that they could do to support them as they brought the project home.

Clerk Block read the following appeals and petitions by title.

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| **Appeal No. 2025-35** | **Use Variance to allow a Second Residential Unit – 1123 S. Spring St.** |
| **Appeal No. 2025-38** | **Use Variance to allow Outside Storage for Landscaping Contractor – SE corner of State Rd. 23 & Toll Rd.** |
| **Petition No. 2025-17** | **Annex & Rezone to R-3 Multi-Family Residential for Apartment Complex – 53000 Block of Fir Rd.** |
| **Petition No. 2025-18** | **Rezone from R-4 to S-2 PUD Development for Single-Family, Attached Single-Family, and Multi-Family dwellings and Clubhouse – SW corner of Byrkit & McKinley** |
| **Petition No. 2025-19** | **Annex & Zone to C-1 General Commercial District for Landscaping Contractor – SE corner of State Rd 23 & Toll Road** |
| **Petition No. 2025-20** | **Rezone from C-1 General Commercial to C-10 Filling Station Commercial for Fuel Kiosk and Pumps – 3016 w. Indian Ridge Blvd.** |

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

**PROPOSED ORDINANCE NO. 2025-22**

**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 Shooting Range – 3717 & 3729 Bremen Hwy**

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

John Piraccini, Coldwell Banker Real Estate at 633 Windy Cove Court Mishawaka, IN 46544, spoke in favor of **PROPOSED ORDINANCE NO. 2025-22**. Mr. Piraccini stated the area of Mishawaka in question had been annexed into the city about 30 years ago, so they had been dealing with it for a long time as the city grew up against the county. Mr. Piraccini stated they made a commitment with the city, the mayor, and Planning back in the day about trying to improve access to the property. Mr. Piraccini stated the seller of the property committed to monies buying land and donating land to get access through Meijer Drive and up into the far south end where the storage facilities were. Mr. Piraccini stated they also purchased that property, because they were worried about somebody coming in there, buying it, and holding up getting the road done because they really wanted the road to get through so they could cut off access to that. Mr. Piraccini provided the Council with maps showing what road was going to be cut off. Mr. Piraccini stated what happened through the process was that once developments go the initial part with the help of the city, then Taco Bell and Wendy's had to construct that road, so it did not cost the city any funds and with the last phase, the developer of the indoor gun range would finish the road. Mr. Piraccini stated he was asked about the facility, and it would be about 13,000 square feet. Mr. Piraccini stated they met with the neighbors in the area, and they were quite a few of them present and there were a lot of concerns that had been there for years about traffic and closing off the road. Mr. Piraccini stated he did not think anybody was against closing off Elmwood, but it was not the city's decision to make because it was the county's decision and a county issue. Mr. Piraccini stated the general contractor was online to explain more about the issues and what they would be doing to address those issues. Mr. Piraccini stated he thought it was interesting that one of the owners who did attend the meeting talked about constructing it and when they built it years ago, they learned from it and changed over the years. Mr. Piraccini stated it was a block building with a vault building, so they collected the shells, the dust, and the noise and you could not hear any of it from outside of the building, which made it very secure. Mr. Piraccini stated the building would also be on the south end of the highway against the bypass and most people were not going to even be able to see the building from Elmwood and he did not know how many could with the way it would be situated. Mr. Piraccini stated he would answer any questions the Council had.

Mrs. Voelker asked what one of the handouts was displaying. Mr. Piraccini stated it was the new access that they were going to construct.

Tim Rohde, President of SFV Services and general contractor associated with the project, spoke in favor of **PROPOSED ORDINANCE NO. 2025-22**. Mr. Rhode stated the building was a completely self-contained building with a building inside of a building, so there were no noise or contaminants of any of that type of thing that would cause any danger to the public. Mr. Rohde stated it was not an open range, and it would be constructed out of base-grains and structural steel, so it was going to be an asset to the community as far as appearance was concerned. Mr. Rohde stated they would be extending Elmwood Road, which would eliminate all the traffic on that other side street so all traffic would now be routed to the storage area, which was originally intended, and he believed that they met all of the requirements as he saw necessary to have the project approved. Mr. Rohde stated he welcomed any questions the Council had.

Mr. Mammolenti thanked Mr. Rohde for his comments as well as being present that evening and asked if he could explain how many bays would be available at the range. Mr. Rohde stated he believed there were two bays with various lanes, but David Sabo, the CEO of Midwest Shooting Center, had the specific details on that.

Mr. Hixenbaugh asked if this was the first facility that they had been involved with for this developer in terms of the construction process. Mr. Sabo stated yes it was. Mr. Hixenbaugh stated he read their staff report as indicating that this building, if approved, would be subject to their general commercial development standards and asked if that was his understanding as well. Mr. Rohde stated that was correct. Mr. Hixenbaugh asked from the schematics he had seen with he plans and the discussions he had with the developer to the passerby on Bremen Highway, if they would be able to discern that this was a shooting range as opposed to any other type of commercial development. Mr. Rohde stated he did not believe so.

Mr. Mammolenti asked Mr. Sabo how long the typical session was and if every session and every bay were filled with customers, how many cars would that bring to their location in one day. Mr. Sabo stated to answer Mr. Mammolenti's original question, there would be two bays, and each bay contained ten lanes. Mr. Sabo stated they only allowed two individuals per lane at any given time and the average occupancy as far as length of stay was concerned was about forty-five minutes. Mr. Sabo stated the occupancy rate throughout the week hovered around 40% and weekends, particularly Saturdays, were busier. Mr. Sabo stated they got 120 visitors during the week on any given day and on the weekend, which doubled to about 250. Mr. Sabo stated they were a seasonal business, and their busier season was Memorial Day to Labor Day so through the summer months, they intended to reduce the traffic on a weekly basis.

Mr. Carroll stated in the past, he had gone to shooting ranges in the area that he had a lot of public safety concerns about and wanted to address them publicly. Mr. Caroll asked if he could talk to them about the clientele he would be catering to, as well as the safety precautions for the shooting range especially where live fire would be going on and what someone would need to have in order to participate there. Mr. Caroll asked also if it would be something where anybody could walk off the street and be handed a gun they never had before with no instruction or were there safety procedures already in place and then also what their goals were as far as educating people and the community as far as this went. Mr. Sabo stated their primary audience was 30 to 50-year-old middle class individuals and these were clientele that would be considered beginner and novice in nature. Mr. Sabo stated they had a training program within their business among the seven stores they currently operated that trained 2,500 to 3,000 individuals on a weekly basis and they were one of the largest firearm training companies in the country in that regard, so there was a ton of emphasis on safety. Mr. Sabo stated they served well over one million individuals since the inception of the business six years ago and they were very proud that they had not had any safety-related incidents on record at that time. Mr. Sabo stated as far as who could come in and use the range was concerned, they followed all ATF rules and regulations and if you were old enough to own a firearm and could legally possess them, you could come into their range and shoot. Mr. Sabo stated in terms of renting the lanes, there was no required ATF background check to rent a lane to an individual but with that said, they would not rent firearms to any single shooters and that was a safety protocol they had in place, and it served them remarkably well. Mr. Carroll asked for clarification if any person who came into the shooting range must provide their own firearm. Mr. Sabo stated no but anybody who was a single shooter must provide their own firearms, and they had a buddy system as it was related to the rental of the firearms. Mr. Sabo stated in terms of safety out on the range, they had an RSO active on their ranges and at many moment in time where they had at least one person active on the range, they were actively patrolling the inside of the live fire bays, so they had a constant physical presence. Mr. Sabo stated they also had a security tower that he could get in contact with by phone if he did not have a visual of what was being shared, but on their plans there was a security tower that straddled the two bays and they had an employee inside of the tower at all times when they were open. Mr. Sabo stated they had cameras within each lane so they could actively see from that central point any and every individual that was within their bays to see whether or not they were acting in the correct manner. Mr. Carroll stated what he would not like to see in their city was a place where there was a culture of misbehavior with lives firearms and asked how he would address anybody who went in there and was misbehaving in some way or was not following what would be acceptable safety procedures. Mr. Sabo stated that type of situation would be managed and handled before the individual got out on the range and the individuals that checked the shooters onto their bays were trained to assess whether or not an individual was a beginner or not and whether or not they needed a more hands-on approach as they checked into the range. Mr. Sabo stated if they witnessed unsafe behavior out on the range, they would go in and address that in a respectful way and they would remove the individuals from their range.

Ms. Hahn asked if he could tell them if the monitoring tower would be monitoring anything outside of the facility like the parking lot and be able to see people maybe not packing and storing their guns correctly while they were leaving the facility and putting them in their cars. Ms. Hahn also asked if they had any security outside in the parking lot or outside of the building. Mr. Sabo stated in terms of security, the central security tower was primarily for the range itself and the facility as a whole was actively monitored via a 360-degree security system and theft was a primary reason for that. Mr. Sabo stated in terms of monitoring customers in the parking lot, they did not have an individual specifically stationed to monitor the behaviors of the individuals as they left the facility but with that being said, all firearms that came into their facility had to be cased so they could not walk into their facility with a firearm that was uncased and typically, the firearms were leaving in the same capacity that they came to them in.

Mr. Hixenbaugh asked what he anticipated the hours of operation would be. Mr. Sabo stated they would be closed on Mondays year-round but would be open Tuesday through Thursday from 10AM until 8PM then Friday to Saturday, they would be open from 10AM to 9PM, and on Sunday they would be open from 11AM to 6PM. Mr. Hixenbaugh asked if this would be a corporate-owned and operated facility as opposed to a franchise. Mr. Sabo stated that was correct. Mr. Hixenbaugh asked if this was not their first corporate-owned store. Mr. Sabo stated it was not as this would be their eighth location with one other location in Indiana in Fort Wayne.

Doug Groll, resident of Elwood, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22**. Mr. Groll stated Mr. Piraccini said earlier that this had been going on for 30 years and he personally had been involved in it for 30 years. Mr. Groll stated when this was initially presented, the original PUD called for complete isolation of the residential from the commercial and that all traffic would enter from the highway and it showed Elmwood was being closed. Mr. Groll stated due to the nature of acquiring land and the failure to find it developed to purchase the whole thing it was not possible and it had to be piecemealed with the storage units being the first thing to go in which was several years ago. Mr. Groll stated a lot of amendments were made at that time to get the storage units in and that was when they got an issue, and he knew it was going to happen. Mr. Groll stated they had speeding, they had a lot of trash, they had a lot of theft. Mr. Groll stated he did not necessarily oppose to the shooting range, and he attended the neighborhood meeting and they sounded like they knew what was going on and they knew how to build it and it sounded like it would be safe and environmentally friendly, so he was not totally opposed to it but then he knew in the back of his mind that it would complete the road and then allow for the DOT access to be abandoned which did contribute to a lot of traffic. Mr. Groll stated when the storage units went in, he talked to the county representative at the time, and he was totally opposed to closing Elmwood. Mr. Groll stated Elmwood was a nice, peaceful road and every time a new business went in there, they got more traffic as well as more trash and more problems. Mr. Groll stated he knew the city had done a good job of enforcing a privacy barrier with Evergreens as a sound barrier but unfortunately when people were sitting in the drive thru of Wendy's or Taco Bell and their music was loud and bumping, it came right up to the neighborhood. Mr. Groll stated as far as the businesses were concerned, they did their part and were good thinkers but the problem was that the customers were not good thinkers and he thought that was why the original PUD showed separation to solve that and the other thing was that from the neighborhood meeting, one of the comments was made that they had talked to several residents and there was no consensus and he said that nobody asked him or his neighbor and they took it upon themselves to make their concerns heard. Mr. Groll stated he obviously liked having two entrances and liked being able to come and go and all of the neighbors felt the same way, but they had not been able to talk to everybody, but they talked to almost everybody and they had 100% of their residents in favor of closing Elmwood. Mr. Groll stated he was not really asking the Council to not vote for the gun range, but to consider the neighbors in their decision and to come down their road sometime. Mr. Groll stated it was a very peaceful road, and their new county representative came down the road with his wife, and he chose what he considered a good time, because he encountered heavy traffic. Mr. Groll stated the road was only twenty feet wide and it was considered a one-way road, which caused passing and the road was not intended for that. Mr. Groll stated there were a lot of solutions that did not make sense but putting a closure on one end to the other could be a consideration and something that he asked the Council to keep in their mind. Mr. Groll asked on behalf of himself and neighbors for help from the Council with the solution, one way or another whether it was closed on the city's end or the county's end and their new county representative was not totally opposed to it.

Mr. Hixenbaugh thanked Mr. Groll for the information and stated he went down Elmwood midday and it was a very nice neighborhood, and he could understand the concerns that he and his neighbors had, but his experience was not the same as what he had described probably because of the type of day and time of day that he chose. Mr. Hixenbaugh stated he appreciated his comments that he made a couple of different times with regards to his concerns and what he had heard from his neighbors as well, but it was not as easy as other situations that came before the Council because of the adjacent county component that was not totally within their control. Mr. Hixenbaugh stated going back to the neighborhood meeting that he was at and many councilmembers were at, the developer spoke to him about it, and he believed Mr. Prince did a great job of stating some of the realities. Mr. Hixenbaugh stated he thought the city was willing to engage in any conversations with the county with regard to what an appropriate remedy was there but it was not the city's position to be able to fund it and at the end of the day it was a county road but that was different from saying that they should not have ongoing dialogue and that they should not try to coordinate it with them to the extent that they could. Mr. Hixenbaugh stated since it was not a road in the City of Mishawaka, it was not up to the Council as a legislative body or their department heads to be able to close it irrespective of what they were doing with the PUD amendment that was in front of them that evening, but he did believe it made sense for them to continue to talk to their friends in the county if it were approved. Mr. Hixenbaugh stated they had a conversation about it and he reached out to some of his colleagues in the county and they would continue to do so to ask them to look at the situation from their perspective to see if there was anything that could be done. Mr. Hixenbaugh stated his points were well taken but it was just that there was a limitation on what the nine council members could do with regard to a road closure that was not in the City of Mishawaka, and he wished he had a better answer, but that was the answer. Mr. Hixenbaugh appreciated Mr. Groll's comments and his advocacy for himself as well as his neighbors.

Steve Fralish, resident of Elwood Road, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22**. Mr. Fralish stated it was not only up to the county to close the road, and any local government could close the road. Mr. Fralish stated that part of Elmwood that resided inside the community was under city control, and it was not under county control. Mr. Fralish stated he did not know where the understanding came from, that the Council could not do anything about it and they could close the road off. Mr. Fralish stated as far as Midwest Shooting Center was concerned, he was guessing with a 13,000 square foot facility and all of the concrete that would be going in there and all of the tradesmen and craftsmen that were going to build it, they would be spending somewhere between $800,000 and $1.2 million which was a lot of money as well as another $150,000 to $180,000 between asphalt, sewer and water extensions, the lighting, the landscaping, the sidewalks, and the curbs included in extending the road. Mr. Fralish stated he was a registered professional civil engineer and a former city attorney for a municipality in Lake County as well as a voting member for their Planning Commission for five years and whether it was a shooting range or a Starbucks, he would like to have it, and the real issues were traffic, noise, and speeding. Mr. Fralish stated the issue was road closure. Mr. Fralish stated it did not take an expensive cul-de-sac to do it and it might take two concrete traffic barriers or maybe a guardrail and a sign that said no outlet and the issue would be resolved and everyone would be happy. Mr. Fralish stated between Taco Bell and Wendy's, there were forty-eight parking spaces, and the shooting range was looking to add another eighty-seven parking spaces, which would be a 181% increase. Mr. Fralish stated he hears vehicles at late hours of the night going up and down their street and it made perfectly good sense that anybody going to the shooting range or Taco Bell or Wendy's from the west would not go down Ireland Road to Bremen Highway and go through the stoplight and then turn south on Bremen Highway and go through another stoplight to get there. Mr. Fralish stated if you were coming from the west, the shortest and quickest way would be to go down east on Ireland Road, go south on the half block of Ireland Trail, and then go speed down Elmwood and go right in the back door with no stoplights. Mr. Fralish stated he took issue with Mr. Piraccini's comments when he mentioned that the October 13th meeting had a realty study done that stated home values would go down an average of about 4% and Mr. Piraccini stated that was only dude because they were looking at outdoor shooting ranges but it turned out the study did not only include outdoor shooting ranges and there were indoor shooting ranges included in that study as well, showing that indoor and outdoor shooting ranges led to a decrease in home values, roughly 3.74% across the board. Mr. Fralish asked for the road to be closed. Mr. Fralish stated they had twenty-two children below the age of twelve who lived on Elmwood and the mothers did not feel safe having their children out on the street anymore. Mr. Fralish stated this had been going on for thirty years and they really did not have a problem until the last couple of years as soon as Wendy's and Taco Bell went in. Mr. Fralish stated noise, traffic, and speeding had gone up. Mr. Fralish stated the people on Elmwood Road purchased their homes there because it was nice and quiet and it would not take much to make it nice and quiet again.

Hannah Buschi, 16284 Elmwood Avenue, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22**. Mrs. Buschi stated she lived there with her husband and her two sons who were four and two. Mrs. Buschi stated the cars went incredibly fast down their road and in the year, they had lived there, they had seen an increase in speed even since the speed limit signs went in. Mrs. Buschi stated the signs had not seemed to make an impact on how quickly the cars came down their road and the speeding was very concerning as well as trash and other things.

Andrew Force, 16300 Elmwood Avenue, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22**. Mr. Force stated he wanted to point out that when the gentlemen representing the shooting range spoke via online to them, he was shocked to hear that they expected 250 cars a day coming to their range as that was a potentially big increase going down their street with a lot of little kids there, but he was encouraged to hear that council members had been down the street to see what it was like. Mr. Force stated he was encouraged to hear that they were recognizing the city and county to get together on the issue, and he was hoping they would pursue that. Mr. Force stated he was really not against the shooting range, but he was concerned about the amount of traffic going down the street after hearing potentially 250 cars a day.

Joseph Cooper, 321 West 13th Street, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22**. Mr. Cooper stated he wanted to know if there would be a retail outlet attached for the firearms, because he had never known or heard of just a shooting range being built somewhere and in addition to that, he wanted to know if there would be an abatement involved in the exchange of building the property on that. Mr. Cooper stated according to the Mayor, they needed to change their way of doing business and have residents support new business that got an abatement on the taxes while they were in a situation where no one knew what was going to happen in the next year or two. Mr. Cooper stated the same was true of tax abatements and he knew why tax abatements were done but he did not know why tax abatements were done if people were looking at raising income taxes in the city to make up for a shortfall in the property taxes that were passed by the state. Mr. Cooper stated making sure residents got the exact same benefit as any other resident, business, or person in the city was important. Mr. Hixenbaugh stated there had not been a request by the developer for a tax abatement and they had nothing in front of them that asked for that, and he had no reason to believe that it was going to be requested and if so, they would look at it in just the spirit he had articulated. Mr. Hixenbaugh stated he appreciated his comments, but he could confirm for the record that there was no tax abatement being considered by the Council with regard to the development in question. Mr. Hixenbaugh stated he did not know if there was a retail component, but he would ask that question when it came time for the Council to ask additional questions.

Barb Fralish, resident of Ireland Trail, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22**. Mrs. Fralish stated she was opposed to having a gun range in their neighborhood and to make matters worse, she had been out of the road during the summer, and her four-year-old grandson was riding his bike, and a speeder came by and did not stop and practically hit her grandson. Mrs. Fralish stated it was not a two-lane highway and there were quiet times but there was way more disturbance than there used to be and you could not walk on the road safely. Mrs. Fralish stated widening the road and building some sidewalks for the neighbors would make a difference, but she was not sure if that would get done. Mrs. Fralish stated she was concerned about safety and she was worried about a child being killed in the road at some point and specifically with the gun range, her understanding was that people would be bringing their own guns to the range, and she believed that would ruin the neighborhood. Mrs. Fralish stated she was not well versed in who would be responsible to fix the roads, but they needed to care more about the neighborhoods in the county and in Mishawaka. Mrs. Fralish stated after more than thirty years of living there, their neighborhood was being ruined and, in this day and age, they just did not need guns. Mrs. Fralish stated she was worried about the kids and worried about someone getting killed. Mrs. Fralish stated they needed to build the gun range away from a residential area and asked the Council to close their road off.

Riley Galloway, resident living at Elmwood, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22.** Mr. Galloway stated he was most concerned about safety as he and his wife had three young kids and they used to like walking up and down the street every not but now you had to have your head on a swivel. Mr. Galloway stated he had to make sure he got his kids out of the way, because the cars were going at an average speed of forty miles per hour at least when the speed limit was twenty-five miles per hour down Elmwood. Mr. Galloway stated he had also seen people driving by and throwing trash out of their window as well as eighteen wheelers driving down the street late at night delivering things to Taco Bell and Wendy's. Mr. Galloway stated it was a growing problem, and it seemed that nobody knew who was in charge of the solution. Mr. Galloway stated the Council had mentioned that it was a county road which would make it a county problem, but Mishawaka was allowing the business that was creating the problem in the first place. Mr. Galloway stated he highly disagreed with the notion that traffic would decrease by 80% when the new All Secure entrance was complete, because anybody who would be already going to All Secure would be going the same way and now adding another business would just create more traffic, especially on the weekends. Mr.

Galloway stated all of the residents wanted an easy solution and he would not be opposed to the road being closed off.

Mr. Hixenbaugh stated before the next speaker that although the Council wanted to hear from all of the neighbors in attendance, to try to add new comments to the record and not repeat what others had already addressed and that it would be very helpful to the Council.

Ben Domonkos, 16384 Elmwood Avenue, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22**. Mr. Domonkos stated he wanted to know where the 80% figure came from when discussing traffic decrease whether it was from a traffic study or elsewhere. Mr. Domonkos stated he also was curious if the shooting range was a gateway business that the city wanted to come in and if there had been research done on the correlation of crime rate with a shooting range coming into an area. Mr. Domonkos stated they had huge ditches where it was hard to get off of the road, so there was that aspect of the tight road conditions as well. Mr. Domonkos stated he appreciated the Council conducting a conversation with the neighbors and supporting the dialogue that was occurring that evening. Mr. Domonkos stated there were twenty-five in the neighborhood and they had some great conversations with each other, and he appreciated the opportunity to talk with them all.

Sarah Domonkos, 16384 Elmwood Avenue, spoke in opposition to **PROPOSED ORDINANCE NO. 2025-22**. Mrs. Domonkos stated her and her husband had four kids and her oldest was 12 years old and her youngest was six. Mrs. Domonkos stated she was an educator and her husband was also an educator and they tried really hard to make sure their children were staying active and participating in things that were not connected to screens. Mrs. Domonkos stated this proposal was a problem that would make that really hard to accomplish on Elmwood Avenue. Mrs. Domonkos stated the ditches were bad and there was nowhere for her children to go when they needed to get off of the street. Mrs. Domonkos stated at the east end of Elmwood, there was a hill and it was just steep enough that when you rode your bike or went for a walk, you had to make sure you got off to one side of the road and off of the road, because cars coming from the west side to the east side could not see them at the bottom of the hill at all. Mrs. Domonkos stated the cars would come down the road at forty miles an hour and their children would be dead if they did not get out of the way. Mrs. Domonkos stated she did not feel safe enough and did not feel like she could trust the traffic or the people coming down their road enough that she could allow her children to independently ride their bikes up and down their road. Mrs. Domonkos stated it should not have to be that way and it was a serious concern of hers. Mrs. Domonkos stated they personally knew people close to them who had been killed just going to their mailbox and being struck by a car even though it was not on their street, but they personally knew of this occurring. Mrs. Domonkos stated she could see their street being at risk for that kind of tragedy. Mrs. Domonkos stated as someone who loved the city and respected beautiful lives like childhood, she hoped they could be problem solvers. Mrs. Domonkos stated she was a teacher and she told her kids all the time that they had to be problem solvers and not problem whiners so she respected that there were limitations involved, but they needed to work together to move forward and find out what was possible and what could be done. Mrs. Domonkos stated as some residents had suggested, they were not asking for an expensive solution and she asked if they could do that. Mrs. Domonkos stated in terms of the gun range, she did not think any of the mothers completely loved that idea, but they were not asking for it not to be developed and were only asking to keep their residential area residential and to close off the proximity to the commercial development. Mrs. Domonkos stated she heard some safety measures that the developer talked about, but it sounded like it essentially stopped inside of their walls and everything outside of their business and in the parking lot was not their concern and that was her concern.

Mr. Banicki stated this was something that they heard all of the time with traffic and things of that nature. Mr. Banicki stated they already had a couple of gun stores in their area with one being a shooting range and both of them were in his district. Mr. Banicki stated security-wise, he watched one of them close up daily and it was very secure. Mr. Banicki stated neither building had a firing range and it had been there for quite a few years and they did not have an issue at all whatsoever as there were no accidental shootings reported or anything of the sort. Mr. Banicki stated they did a very good job with security and it was not the legal gun owners causing problems in that day and age, it was the illegal gun owners and the people that were leaving guns in their cars and when the cars were broken into, the guns would then get stolen and who knew where they would end up after that. Mr. Banicki stated as far as traffic was concerned, a lot of the people who would be going to the shooting range facilities were already in the area as they were likely using the businesses in that area. Mr. Banicki stated he had been on the traffic commission for over twenty years and they frequently had people talking about speed limits and things like that but the biggest thing they saw was that people were not smart and you could make the speed limit three miles per hour and they were still going to drive however they pleased, which was something they could not control. Mr. Banicki stated they tried their best, but they could not control it. Mr. Banicki stated being on the traffic commission, when questions were raised about closing down a road, you had to factor public safety into the decision, because it could take longer for fire trucks, for example, to get around ambulances. Mr. Banicki stated it would not be an issue until it became one and that was why you could not just close the road without knowing the ramifications of it. Mr. Banicki stated there needed to be studies done to determine how long it took for response times and things like that. Mr. Banicki stated with that being said, he would be in support of the proposed ordinance that evening.

Mr. Mammolenti stated at the meeting on November 13th, they heard a lot of similar comments and concerns and he thought towards the end of the meeting, the business owner was going to look into some opter options and some cost issues and some estimates. Mr. Mammolenti stated he wanted to follow up on that and asked the business owner or the general contractor if he had done any research on cost of some of the solutions the residents had proposed. Mr. Rohde stated he started to look at the solutions and he drove through the road, and it was not as simple as it was made out to be. Mr. Rohde stated this would take some studies with respect to fire and life safety and he believed any road over 1200 feet had to have a cul-de-sac so fire trucks could get in and out and get around, so it was not just about putting barricades up. Mr. Rohde stated he was more than happy to look into all of the proposals made by the neighbors, but he did not feel it was a responsibility of Midwest Shooting at that point in time to implement them. Mr. Rohde stated if they were directed to look into those solutions any further, they would be happy to do so but with respect to who paid for the work, that needed to be resolved prior to investigating much further.

Mr. Carroll stated he sympathized with the residents of Elmwood Avenue and he knew that if his neighborhood was being affected, he would want to take every opportunity to find a proper solution and he believed that it did make sense for this proposal to be looked at by the appropriate groups such as the traffic commission, the city planners, the county, and folks along that line. Mr. Carroll stated what he did not see was a link between the proposal the question before them, which was to allow a PUD amendment for the shooting range. Mr. Carroll stated it seemed to him that holding a private business hostage and telling them what they could and could not do with their private property for something that had something more to do with a city-county issue was the issue and that was where he fell along those lines. Mr. Carroll stated as much as he sympathized with all of the residents present that evening and could agree with them on certain things and disagree with them on others, the question before him and the rest of the Council was whether or not to allow the private business to do what it wanted with private land, so he would be supporting it. Mr. Carroll stated having said that, he would love to see some kind of collaboration for a solution that made the neighborhood a desirable neighborhood to be in.

Mr. Mammolenti stated he greatly appreciated the business owners, the contractor, and Mr. Piraccini hosting the meeting on the 13th that was previously mentioned to gather the neighbors and listening to their comments and concerns. Mr. Mammolenti stated he shared a lot of the comments that Mr. Carroll made and suggested that the residents of Elmwood explore all of the avenues that they could whether it was the traffic commission, the county engineer, or the city engineer just to continue the dialogue and make their concerns heard further. Mr. Mammolenti thanked all of the residents for their participation.

Mrs. Voelker complimented the residents on their work as a community and working together and complimented Mr. Fralish specifically on all of the work he did and for the materials he provided the Council. Mrs. Voelker stated she lived on Lincolnway, and she understood traffic concerns as traffic was very busy in her area on a consistent basis which was similar to Elmwood. Mrs. Voelker stated she did drive down Elmwood and it must have been during a quiet time and Mrs. Fralish happened to be walking down the street at that time, but there was no other traffic other than her vehicle. Mrs. Voelker stated she understood that traffic had its ebbs and flows but she wanted to compliment the residents and encouraged them to continue to work towards their goal and pursue different avenues that needed to be pursued, including working with the city like Mr. Mammolenti had mentioned. Mrs. Voelker thanked the residents once again for their work and cohesion.

Mr. Hixenbaugh thanked all of the neighbors for their advocacy for their neighborhood and thanked Mr. Fralish specifically for the information that he provided the Council on multiple occasions and stated he, like Mrs. Voelker, read through all of it. Mr. Hixenbaugh stated unfortunately, this was not an uncommon situation where the city grew and they started to be in close proximity to their neighbors in St. Joseph County. Mr. Hixenbaugh stated he liked to think that there was a benefit to all of them of the growth of their city, whether it was shopping at Meijer of some of the other things that they had done in Mishawaka and his hope was that it would be of benefit for them and striking the proper balance between respecting the desires of their neighbors to keep their neighborhood as was and allowing the city to grow as it needed to for the benefit of their residents was a difficult balance to strike. Mr. Hixenbaugh stated they always took seriously what they heard from people, such as themselves, and they did everything they could to try to integrate that into their decision-making process. Mr. Hixenbaugh stated they had a lot of discussion about traffic for obvious reasons and having driven down that road, he could understand. Mr. Hixenbaugh stated his position was that with regard to the closure of the street, it was a much more complicated legal matter than what had been presented by some that evening. Mr. Hixenbaugh stated there was a separate legal process to vacate a public street which was not in front of them that evening and this was purely a decision as to whether the proposed use should be added to the other proposed uses that had long been in place with regard to the area of development. Mr. Hixenbaugh stated there would be a separate process if that were to take place and not everybody was going to agree with him, but he was convinced in his opinion as an attorney that there was a legal impediment to the city doing some of the things that had been suggested that evening. Mr. Hixenbaugh stated even if there was not a legal impediment, which he believed there was, their job was to look out with regard to what was happening in the next couple of years with regard to their finances and they were going to need every dollar that they had available to them to be spent very wisely. Mr. Hixenbaugh stated perhaps there was a use there that could benefit the city, but to implement traffic control in a county road at a time where they had similar issues that they heard in all of their neighborhoods, he questioned the wisdom, if not the legality of that. Mr. Hixenbaugh stated with regard to the traffic concern, he appreciated the few comments that they heard that were specific to the proposed indoor shooting range, but the reality was that as currently zoned, there were 134 commercial uses that without the Council taking any action could be developed on the property. Mr. Hixenbaugh stated the safety concerns that had been expressed were all taken to heart by the Council, particularly those concerns by the two mothers who spoke and everybody's concerns were valid, but that really resonated with them. Mr. Hixenbaugh stated he had not been presented, in his opinion, with evidence that led him to believe that the traffic concern that was related to the proposed development would be any different from the other 134 commercial developments that could take place without further action from the Council. Mr. Hixenbaugh stated he believed it made sense for them to continue to try to identify any opportunities for partnership in St. Joe County to address the situation. Mr. Hixenbaugh stated he did not know what that would look like and it would take good will on the part of the entire Council. Mr. Hixenbaugh stated as he mentioned earlier, he was committed to continuing to advocate for those in political office to be open to the concerns of the residents and he had not had a chance to speak with the sheriff, but when they talked about speeding and things like that, it would not be the Mishawaka Police Department that would be on Elmwood, it would be the County Sheriff's Department. Mr. Hixenbaugh stated they had limited resources just like they did in Mishawaka, but he thought that some coordination with the County would be necessary. Mr. Hixenbaugh appreciated the passion and information that was provided and stated they were open to continuing to look for opportunities that would provide the Council with a chance to partner with their friends in the County on the issue, but based on the evidence that had been presented to them, he agreed with the recommendation that was in the staff report and he believed that the proposal qualified under the statutory criterion that they were obligated to look at. Mr. Hixenbaugh stated it was not what they wanted to do, it was what the law obligated them to do to follow the statutory criteria, and he believed the record reflected ample evidence to support the approval of the project.

Question was called for at 7:24PM for **PROPOSED ORDINANCE NO. 2025-22 Motion passed by unanimous roll call vote (summary: Yes = 8).**
**Yes: Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.** The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5944.**

## PROPOSED ORDINANCE NO. 2025-25

## CIVIL CITY BUDGET & TAX LEVY FOR 2026

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

The record reflected the fact that in conjunction with state law, they held a public hearing on the proposed budget at their previous council meeting.

Mr. Hixenbaugh thanked the City Controller, Rebecca Maguire, for the work that she did to put the budget together and to meet with them in a series of meetings, including department heads. Mr. Hixenbaugh stated it was a long week, but it was always a valuable conversation, and they appreciated the assistance that she and the department provided to them. Mr. Hixenbaugh also acknowledged the work the Budget & Finance Committee chaired by Mr. Violi did and members of the committee put in the same amount of time and asked good questions, and it was a valuable experience for all of them. Mr. Hixenbaugh stated he believed it was safe to say that this was the most challenging budget that he was aware of them having to work through in recent memory and certainly during his time on the Council. Mr. Hixenbaugh stated they had talked just about every time they had approved a budget about a budget being about their priorities and just like it had been in the past, the current budget was about service in general, but public safety in particular, as about 60% of their budget was spent on public safety for good reason and that was life-saving and life-changing for their residents. Mr. Hixenbaugh stated he was pleased that they were continuing to make the commitment to public safety that they had always made in Mishawaka as part of the budget. Mr. Hixenbaugh stated they were facing challenges in terms of recent changes state law and while they were all in favor of property tax relief, the minimal property tax relief that most of their residents, if not all, would receive had to be balanced against the significant loss of revenue that they were going experience, not only with regard to 2026, but 2027 was going to be worse and 2028 was projected to be even worse that that. Mr. Hixenbaugh stated he was concerned about what the future held for them but he was not panicked because of the work that they had always been able to do between the Administration and the Council to work through other challenging, difficult issues and he was confident they would be able to do everything that they could to try to minimize the impact on the community, but he believed that while the budget was a balanced budget that had a minimal increase built into it, it would become tougher and tougher in the future years for them to be able to continue to provide the quality services that they provided to their community at that time. Mr. Hixenbaugh stated they would do their best they could to work through it, but he thought it was incumbent on all of them who resided in Mishawaka to advocate for themselves and their neighbors with the powers that be in Indianapolis to ask for all of them to be given the opportunity to continue to maintain their community the way that they wanted to. Mr. Hixenbaugh thanked everyone for their work on the budget once again and stated he was certainly in favor of it, but as tough as the year was, he thought their work was going to become even tougher in the future.

Mr. Violi thanked Mrs. Voelker and Mr. Emmons as they were also part of the Budget & Finance Committee as well as Mrs. Maguire and Mrs. Yoder from the Controller's Office who were both great helps as well as all of the department heads sitting through the meetings and the concern that everybody had to do the right thing for the budget and for the future budgets was evident and everyone took it very seriously. Mr. Violi thanked all of the department heads as well a President Hixenbaugh and Mayor Wood for their leadership at the meetings and he appreciated all of the work they helped put in with them to get the budget before the Council.

Question was called for at 7:30PM for **PROPOSED ORDINANCE NO. 2025-25 Motion passed by unanimous roll call vote (summary: Yes = 8).**
**Yes: Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.** The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5945.**

**<u>PROPOSED ORDINANCE NO. 2025-26</u>**

**AN ORDINANCE AMENDING PART 1 CHAPTER 62 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED**
**Amending Mishawaka Utilities Wastewater Rates & Charges**
**(Requesting Postponement)**

The chair entertained a motion to postpone second reading and public hearing on **PROPOSED ORDINANCE NO. 2025-26** until their regularly scheduled meeting of November 17th, 2025, all at the request of the Administration. Mr. Banicki moved the motion and with a second from Mrs. Voelker, a voice vote was held on the motion. The motion passed unanimously, and the matter was postponed until the regularly scheduled council meeting on November 17th, 2025.

## PROPOSED ORDINANCE NO. 2025-27

**AN ORDINANCE AMENDING ORDINANCE 5907 AS AMENDED FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT THE MISHAWAKA PARK DEPARTMENT, ELECTED OFFICALS, AND THE MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2025**
**Amending 2025 Salary Ordinance**

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

Rebecca Maguire, City Controller, spoke in favor of **PROPOSED ORDINANCE NO. 2025-27**. Mrs. Maguire stated this was an amendment to the 2025 salary ordinance. Mrs. Maguire stated they had an IDACS Coordinator on staff and they currently had an employee who had been performing in the Assistant Coordinator position, and it was the Police Department's opinion that that assistant should also receive a stipend. Mrs. Maguire stated IDACS stood for Indiana Data and Communications System. Mrs. Maguire stated it was a computerized law enforcement system and it was information and storage and retrieval, and it also interfaced with the national crime database. Mrs. Maguire stated this would be $1,000 for the assistant.

Question was called for at 7:34PM for **PROPOSED ORDINANCE NO. 2025-27 Motion passed by unanimous roll call vote (summary: Yes = 8).**
**Yes: Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.** The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5946.**

## PROPOSED ORDINANCE NO. 2025-28

**AN ORDINANCE FIXING THE SALARIES OF ALL EMPLOYEES OF THE CITY OF MISHAWAKA EXCEPT ELECTED OFFICIALS, SWORN PUBLIC SAFETY, MISHAWAKA PARK DEPARTMENT, AND MISHAWAKA UTILITIES FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2026**
**Civil City Salary Ordinance for 2026**

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

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2025-28**. Mayor Wood began by thanking President Hixenbaugh for really explaining some of the conditions that would impact the city really for the next several years to come. Mayor Wood stated it was brought up here that evening that the city was going to have to do business differently, and that was certainly the case and for the record, tax abatements are extremely rare. Mayor Wood stated they had not, in his knowledge, given one to a retail shop, and they certainly did not to gun ranges, so he could not imagine that starting. Mayor Wood stated what they were facing was a significant decrease in their revenue. Mayor Wood stated their accountants, which they had done business with for many decades, had projected a $15 million deficit by the year 2028, and that was equivalent to about 20 percent of their budget. Mayor Wood stated sixty percent of their budget went to public safety. Mayor Wood stated they provided the services there at the local level that most impacted their residents. Mayor Wood stated it was the police response, fire response, patching of potholes, plowing of streets and it was the services that if they did not do them, then that would have a very negative impact on their city. Mayor Wood stated all of their employees, they're just like them and they had households, they had kids, and they liked to work an honest day's work and get paid, and they liked to get raises and just like their homes, costs had been going up, and so that made this a very precarious time because just as their costs were going up, their revenue would be decreasing significantly. Mayor Wood stated they were going to have to do business differently and they always had valued the outstanding work of their employees. Mayor Wood stated they compensated them, they tried to keep them within what the market would typically bear for other kinds of positions, and in fact, in some cases where they had struggled to hire, they always tried to make it so that people wanted to work for the city of Mishawaka and he commended their staff for providing, really at all levels, outstanding service. Mayor Wood stated any service they wanted to look at; he would compare the services that their citizens of Mishawaka received to any community you cared to look at, and he would put theirs at the top. Mayor Wood stated that was because they had dedicated people who not only cared about the jobs they performed, they loved where they worked, and he thought that made a significant difference. Mayor Wood stated while they had always given raises, that year was going to look just a little bit different because as 2028 was looming, they were already starting to have to make decisions based on what they know was coming. Mayor Wood stated their salary ordinance looked a little bit different that year. Mayor Wood stated there were twenty-six pays typically on an annual basis and every eleventh year, they had a twenty-seventh pay. Mayor Wood stated the following year was one of every eleven years circumstances, and so their employees would actually get an extra paycheck the following year. Mayor Wood stated it used to be in the past that they would take whatever was approved in their salary ordinance and divided that up by whether it be twenty-six or twenty-six pays, and then that's what their employees would receive. Mayor Wood stated that was difficult to budget for if you were one of their employees, and all of a sudden in eleventh year, your paychecks were smaller every month. Mayor Wood stated they may get the extra one at the end of the year, but their paychecks were going to be smaller and it was an accounting nightmare to try to figure that out and calculate it, but it was certainly a pretty significant inconvenience and so they had adopted a principle where they kept the paychecks the same, and then every eleventh year, they had to budget for an extra pay period. Mayor Wood stated that was equivalent to about a 3.85% average increase for their staff, and so that would hit in the following year. Mayor Wood stated they had to budget it like it was a pay raise, because they did not have that in their budget and on top of that, not only was it an extra paycheck, but it was also additional funds that they had to find to pay into the PERFs and to the benefit packages for their staff. Mayor Wood stated next year, when they factored that in, they were proposing that essentially to be the raise. Mayor Wood stated that was for their salaried employees, and for their hourly employees that operated under different conditions, they were proposing a $2,000 stipend, so they carried no legacy costs with those, and they were proposing that it be paid out in quarters. Mayor Wood stated with that the first three quarters would be paid out at $250, and the final quarter, which was towards the end of the year, would be paid out at $1,250 towards the year end. Mayor Wood stated they appreciated their good relationship and good interaction with the Council for helping them to come up with something that they thought their employees would value and it was worth noting that they had always been very generous, not only for their employees who worked there, but for those who made their careers in public service. Mayor Wood stated they always wanted them to retire and have their retirement be something that was somewhat equivalent to what you would find out in the marketplace. Mayor Wood stated over the past few years, they had done a deferred compensation match program and they did that based on the condition of their budget, so over the last handful of years, they were doing a 2% match where if employees put 2% towards their retirement, the city would match that 2%. Mayor Wood stated the budget was not going to support that going forward, so they are asking that to be reduced to 1% for the coming year and that would essentially show about a $205,000 general fund budget reduction. Mayor Wood stated they really did not want to do those things, but they were in a condition where they had to start making difficult decisions. Mayor Wood stated as difficult as it was that year, unless there were fixes down at the state, they were very actively engaged with their legislators. Mayor Wood stated they knew that a lot of things had to be fixed because they were not workable, so they were very active in trying to make sure that the impact on local government and especially on their citizens was as minimal as possible.

Mr. Hixenbaugh thanked Mayor Wood for the work he and Mrs. Maguire did to be able to deal with the twenty-seventh pay issue in the best way they possibly could for their employees. Mr. Hixenbaugh stated not every employer did that, but he appreciated the work that they had done in conjunction with the Council to do that. Mr. Hixenbaugh stated although this was somewhat related to the salary ordinance, he also wanted to applaud the effort that Mayor Wood and his administration made going back to the budget to not to lay off any of their employees. Mr. Hixenbaugh stated any reductions in staff had been through attrition, and that was not only good for those families, but he suspected that he would agree with him that what they did to maintain employment and what they did to fairly compensate their employees were community benefits because those dollars that they earned were reinvested in their community, in their restaurants, their stores, and in their homes. Mr. Hixenbaugh thanked Mayor Wood once again for the work that he did in order to help them navigate through a difficult time as best as they possibly could. Mayor Wood thanked President Hixenbaugh.

Question was called for at 7:45PM for **PROPOSED ORDINANCE NO. 2025-28 Motion passed by unanimous roll call vote (summary: Yes = 8).**
**Yes: Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.** The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5947.**

**PROPOSED ORDINANCE NO. 2025-29**

**AN ORDINANCE FIXING THE SALARIES OF ALL SWORN POLICE EMPLOYEES OF THE CITY OF MISHAWAKA FOR THE CITY OF MISHAWAKA, INDIANA FOR THE YEAR BEGINNING JANUARY 1, 2026**
**All Sworn Police Employee Salary Ordinance for 2026**

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

The chair entertained a motion to delete the ordinance as presented to them and replace it in its entirety with an amended ordinance that made a technical correction to the ordinance that they would then vote on. Mr. Banicki moved the motion and with a second from Mr. Mammolenti, a voice vote was held. The motion passed unanimously, and the amendment was made.

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2025-29**. Mayor Wood stated this was trickier because they were currently in the process of collectively bargaining between the FOP, the Council, and the Administration. Mayor Wood stated that process was in place, and so what they were requesting was the twenty-seventh pay with a 1% deferred comp match and that was subject to the collective bargaining process.

Question was called for at 7:49PM for **PROPOSED ORDINANCE NO. 2025-29 Motion passed by unanimous roll call vote (summary: Yes = 8).**
**Yes: Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.** The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5948.**

**PROPOSED ORDINANCE NO. 2025-30**

**AN ORDINANCE AMENDING ORDINANCE 5910 AS AMENDED FIXING THE SALARIES OF ALL SWORN FIRE EMPLOYEES OF THE CITY OF MISHAWAKA FOR THE CITY OF MISHAWAKA, INDIANA, FOR THE YEAR BEGINNING JANUARY 1, 2026**
**All Sworn Fire Employee Salary Ordinance for 2026**

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

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2025-30**. Mayor Wood stated this was for their sworn fire employees. Mayor Wood stated they were again requesting a twenty-seventh pay with a 1% deferred comp match and fire was a little unique compared to the rest of the city in that particular year because they had their collective bargaining process completed last year and what was negotiated and was part of that process was a 4.5% increase for 2026 and that was again approved last year with a multi-year contract that was in the contract. Mayor Wood stated that 4.5% usually was what had been approved for the body they would typically do that for the chiefs and the assistant chiefs but they were proposing not to do that additional 4.5% for the chiefs and assistant chiefs, so they would be  essentially police chief and assistant chiefs in that department as well as their department and other similar positions.

Question was called for at 7:52PM for **PROPOSED ORDINANCE NO. 2025-30 Motion passed by unanimous roll call vote (summary: Yes = 8).**

**Yes: Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.** The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5949.**

**PROPOSED ORDINANCE NO. 2025-31**

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF MISHAWAKA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2026**
**Elected Official Salary Ordinance for 2026**

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

Mayor Wood spoke in favor of **PROPOSED ORDINANCE NO. 2025-31**. Mayor Wood stated this was the elected officials salary ordinance and similar to other non-fire departments, they were not asking for an additional percentage increase in their salary, so it would be held to the same as it was before, with the exception that, like every other department, they would have a twenty-seventh pay by quirk of calendar and the same 1% reduction in deferred comp.

Question was called for at 7:54PM for **PROPOSED ORDINANCE NO. 2025-31 Motion passed by unanimous roll call vote (summary: Yes = 8).**
**Yes: Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.** The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5950.**

**PRIVILEGE OF THE FLOOR**

Joseph Cooper, 321 W 13th Street in Mishawaka, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Cooper stated the issue he wanted to bring attention to was the fact that with the major data center that was approved for going up in the, around Fir Road somewhere, that recent studies, had shown that the residents in areas where major data centers went in saw an increase in water and utility fees in excess of 20% every year once that building became operational. Mr. Cooper stated there was nothing you could do about the fact that they had already approved it, and probably gave a nice abatement to that facility, but they could control how those costs for excessive energy and water usage were passed along to the current residents of the city. Mr. Cooper stated it showed up on our bills now, but it's not that much of the bill, so he wanted to bring that to their attention, especially the water, because there was a process called subsidization when water was withdrawn from an aquifer to the land above it and the land above it sank, and it was occurring in the city and in various other areas. Mr. Cooper stated his driveway had actually stayed stable, but the sidewalk in front of his driveway had dropped probably three inches, so there was now a noticeable increase going up into his driveway and across his driveway. Mr. Cooper stated this was going to happen to many, many buildings in the city because of the water draw off, whether it was going into the reservoir up off Ireland Trail, or whether it was going off into the new developments in the city. Mr. Cooper stated you were already seeing the need for electrical upgrades solely because one big component was because they added one thousand living units along the river, and they all needed electricity. Mr. Cooper stated every one of the units had one hundred and ten amperage when you did not need that much amperage down there, so they had their electric bills increased to pay for the upgrade to the power lines in the core city area, which was handled very well for over one hundred years, and did not need any adjustment until The Mill, The Mill Phase Two, The Avalon, and anything else going on down there in terms of condos started going on. Mr. Cooper stated they needed to be aware of that because they were going to come and ask them to increase their electrical and water bills at a time in which people did not have a lot of money, excess money, or any money to go around and pay those bills and they did not have food either and Medicare and Medicaid were suffering as well. Mr. Cooper stated there was no money coming into local municipalities. Mr. Cooper stated as far as taxing citizens were concerned, if there was going to be a tax, there should be a very clear discussion of that and notification to all the residents of the city. Mr. Cooper stated he lived in a city in Ohio that had a city income tax and they did not tax just the residents of the city, they also taxed the people who worked in the city and the people who worked in the city, there were a lot of federal and state employees that lived there and they worked in the Capitol, or for the Department of Defense at the Defense Logistics Agency, or they worked for another entity outside of this city. Mr. Cooper stated if they worked in the city, they paid that tax, so it did not matter where you lived and you would pay a city tax if you even worked in the city, but there should not be a need for a city tax. Mr. Cooper stated they had approved budgets and his honest opinion with some experience, because he spent thirteen years in the county of Milwaukee in fiscal affairs and doing budget work, was that you would get rid of the extra pay period and you would go to a once-a-month pay period, not every other week. Mr. Cooper stated with that they would know exactly what was coming out every month and people could budget their income because they knew what was coming. Mr. Cooper stated that was all he wanted to say. Mr. Hixenbaugh stated for the second time that evening he had some good news to share with him. Mr. Hixenbaugh stated the data center that he referred to was located in St. Joe County and it was not a part of the City of Mishawaka and there was no tax abatement that they had granted, nor could they grant them because they were not part of the City of Mishawaka. Mr. Hixenbaugh stated they had the ability to be able to serve utilities outside of their city boundaries and he did not know what was going to happen with that, but not only did the Council oversee the operation of their utilities but the Utility Board did as well as the Administration and they always looked to see not what a developer wanted to do but what was in the best interest of Mishawaka and residents like him and all of them so that they were treated fairly. Mr. Hixenbaugh stated it could not just be focused on the developer and it had to be what was best for all of them within the community and what was fair. Mr. Hixenbaugh stated with that being said, he did not have a crystal ball and could not predict what was going to happen in the future, but he wanted to share that good news with him that it was not part of Mishawaka. Mr. Hixenbaugh stated he did not know what was going to happen in the future but there was no tax abatement that could be granted to them. Mr. Cooper stated that was good to hear and he was always interested in who got an abatement and who did not. Mr. Hixenbaugh stated they really had been judicious throughout the history of the City of Mishawka, and he believed they had five current tax abatements. Mr. Hixenbaugh stated Mr. Cooper may feel like that that was too many and he would respect that opinion, but it was far fewer than they had in the past. Mr. Hixenbaugh stated they had subjected those requests to an enhanced level of scrutiny particularly as their finances became more challenging and they had to make sure that, once again, it was not just good for the developer, but it was good for the community. Mr. Hixenbaugh stated he could not promise him that they were never going to consider it again, but it was on a case-by-case basis, and it had to be carefully scrutinized to make sure that it was good for all of them.

Ken Prince, Director of Planning and Community Development, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Prince stated regarding the data center and water usage, he wanted to make sure the right information was on record. Mr. Prince stated they were actually a very low user of water because they used cooling gel to cool their facilities, so it was much less than what a comfortable residential development would pull from it. Mr. Prince stated the other question that was brought up was regarding their electric system and as the Council knew, it was the age of their infrastructure that caused that increase when you thought of what used to be there. Mr. Prince stated Uniroyal generated a whole lot more demand for electricity than what the residential was there. Mr. Prince stated it was the conversion from 4 kV to 12 kV and the outdated nature. Mr. Prince stated they could not even get parts for that system that had warranted that upgrade, so he just wanted to state that for the record and he was happy to answer any questions that they had.

Raya Quick, 2512 River Avenue in Mishawaka, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Quick stated on February 25th, her grandson was coming to get his dog because she babysat the dog and he went out and he turned around and came in and as he was doing that, they heard a big noise coming down the road from Martin's. Mrs. Quick stated you could hear it gearing up and it was a big crash, and she was at her front door and the man hit a car three houses away in a driveway, came up across the lawn of the next house, hit her grandson's car, spun it around, went through her fence and almost went into the next yard. Mrs. Quick stated there was a lady there watching it, and the police never talked to her or asked her anything and she wanted a police report. Mrs. Quick stated the man was not drug tested, did not do a sobriety test, and walked away from it. Mrs. Quick stated he tried to leave the scene and drop something off ats neighbor’s home. Mrs. Quick stated the individual had had four prior accidents and his license was suspended before his most recent accident. Mrs. Quick wanted to know what could be done to stop this individual. Mrs. Quick stated nobody asked her about her property and she had to pay for all of the damage herself. Mrs. Quick stated she could have gone to small claims court, but that would have cost her to go through that process as well. Mrs. Quick states she did not have a fence for a month and a half. Mrs. Quick wanted to know where the police were for all of this and what could be done. Mr. Hixenbaugh stated the Council understood and appreciated her frustration and anybody who had that type of situation would share the same concerns she had. Mr. Hixenbaugh stated it was not a matter that they could solve on the floor of a legislative meeting, but he encouraged her to speak to someone, specifically Chief Arendt, the Mishawaka Police Chief, if she had not already to make him aware of the situation. Mr. Hixenbaugh stated he had always known Chief Arendt to be very responsive to the concerns that their residents raised and he may not be able to answer all of her questions, but he knew he would be happy to talk to her. Mr. Hixenbaugh stated the other party that had a role to play when it was someone like this, the driver of the other vehicle, and he was not going to state any conclusions on whether he thought it should or should not happen, but it was not always up to the police department whether somebody was charged with a crime, even when it involved a vehicular matter such as this. Mr. Hixenbaugh stated the county prosecutor had a big role to play in those types of decisions as well, so his suggestion to her was to start with Chief Arendt, but since there was another governmental entity that was involved, it may be time well spent for her to talk to the prosecutor's office as well. Mr. Hixenbaugh stated she should first start with Chief Arendt to see if he could do anything to try to address her concerns and if there was anything the Council could do, they would be happy to help.

Mayor Wood spoke under **PRIVILEGE OF THE FLOOR**. Mayor Wood stated they were not aware of any subsistence caused by Mishawaka's wellfields anywhere in the city of Mishawaka. Mayor Wood stated they had three wellfields in the city with two of them on the north side of the river and one of them on the east side just south of the river and many miles from the West End. Mayor Wood stated they were not pulling any water out of the ground anywhere near the West End that would cause any kind of subsistence. Mayor Wood stated typically what happened there was that was previous to development and that was what they called Mishawaka muck. Mayor Wood stated that was ground that was in some cases very soft and it did heave and it did shift and it did move. Mayor Wood stated he just wanted to make that clear for the record that any pumping of water from a Mishawaka aquifer was not causing subsistence anywhere that they knew in the City of Mishawaka. Mr. Hixenbaugh thanked Mayor Wood for that clarification.

**NEW BUSINESS**

Mr. Carroll stated Chief Arndt would be available at the 2nd District meeting on Thursday November 13th if anyone would like to come mee with him and speak with him.

ADJOURNMENT 8:15PM

| | |
|---|---|
| Deborah S. Block /s/ | Gregg A. Hixenbaugh /s/ |
| Deborah S. Block, IAMC, MMC, City Clerk | 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.

# CITY OF MISHAWAKA

**DAVID A. WOOD, MAYOR**

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

November 13, 2025



Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
November 12, 2025, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above date at which time the following Use Variance was considered:

**APPEAL #25-35** An appeal submitted by Hahn Janitorial LLC requesting a Use Variance for 1123 S Spring Street, Mishawaka, IN, to allow for a second residential unit.

The Board, with a vote of 5-0, provided a favorable recommendation.

**APPEAL #25-38** An appeal submitted by Wilson Realty LLC requesting a Use Variance for property located at the SE corner of State Road 23 & Toll Road, Mishawaka, IN, to allow for outdoor storage.

The Board, with a vote of 5-0, provided a favorable recommendation.

Respectfully,

Donna M Whitt

Donna M Whitt, Administrative Planner
Secretary, Board of Zoning Appeals

# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

November 13, 2025

Deborah S. Block, IAMC, MMC
NOV 13 2025
City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
November 12, 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 #25-17** A request submitted by Terry L Seggerman & Cathy Peterson, Devisees of Trust requesting to annex and establish zoning as R-3 Multi-Family Residential for property located at the SE corner of N Fir Road and E Cleveland Road for a proposed apartment complex.

The Commission, with a vote of 8-0, recommended approval.

**PET #25-18** A request submitted by Habitat for Humanity requesting to rezone property at the SW corner of McKinley & Fir Road from R-4 Manufactured Home Residential to S-2 Planned Unit Development for single family, attached single family, multifamily and clubhouse.

The Commission, with a vote of 8-0, recommended approval.

**PET #25-19** A request submitted by Wilson Realty LLC requesting to annex and establish zoning as C-1 General Commercial for property located at the SW corner of State Road 23 & Toll Road to allow for landscaping contractor.

The Commission, with a vote of 8-0, recommended approval.

**PET #25-20** A request submitted by Walmart Stores INC #2678/6315 requesting to rezone Pt of 316 W Indian Ridge Blvd from C-1 General Commercial to C-10 Filling Station Commercial.

The Commission, with a vote of 8-0, recommended approval.

Respectfully,

Donna M Whitt

Donna M Whitt, Administrative Planner
Secretary, Plan Commission

PETITION 25-17

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-32

ORDINANCE NO. ______

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

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and establish zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

*PART OF THE SOUTHEST QUARTER OF SECTION 22 AND THE NORTHEAST QUARTER OF SETION 27 BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS:*
*BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF FIR ROAD AND THE SOUTH LINE OF A PARCEL OF GROUND DESCRIBED IN DEED BOOK #570 IN PAGE # 178 IN THE RECORDS OF THE ST JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; SAID POINT OF ALSO BEING ON THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE NORTH AND NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE (ALL BEARINGS ASSUMED), A DISTANCE OF 667.50 FEET MORE OR LESS; THENCE SOUTHEASTERLY ALONG SAID CORPORATE LINE, 87.53 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG SAID CORPORATE LINE, A DISTANCE OF 1203.35 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD AND SAID CORPORATE LIMIT LINE; THENCE SOUTH A DISTANCE OF 87.50 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF A PARCEL OF GROUND DESCRIBED IN DEED DOCUMENT NUMBER 2021-12555 AS RECORDED IN THE RECORDS OF SAID COUNTY; THENCE CONTINIUNG SOUTH ALONG SAID WEST LINE, A DISTANCE OF 647.96 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD, SAID LINE ALSO BEING THE CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND CORPORATE LIMIT LINE, A DISTANCE OF 791.48 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF GROUND DESCRIBED IN DEED BOOK #570 ON PAGE #178; THENCE NORTH AND WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL FOR THE NEXT TWO (2) COURSES: NORTH 58.34 FEET MORE OR LESS AND WEST 660.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.*
*CONTAINING 18.99 ACRES MORE OR LESS*
*SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.*

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of R-3 Multi-Family Residential District.

**All the above real estate** shall hereafter be amended to allow for R-3 Multi-Family Residential.

This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

1. The Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the N. Fir and E. Cleveland Road corridors.

2. Current conditions and the character of current structures and uses in each district – The subject parcels are located on N. Fir Road and E. Cleveland Road, both being moderate to heavily travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Adjacent land uses include a single-family residential property and dental medical office to the north, a medical office building and vacant commercial property to the west, a wooded wetland and Indiana Toll Road to the south, and a single-family residential house and agricultural land to the east.

3. The most desirable use for which the land in each district is adapted – With the completion of Beacon Parkway to the north nearly a decade ago, commercial and multi-family residential development along N. Fir Road, and to a lesser extent along E. Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.

4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent single-family residential, commercial, and agricultural uses.

5. Responsible development and growth – The development of vacant land at the southeast corner of N. Fir Road and E. Cleveland Road for commercial or high-density residential uses is responsible growth and development.

<u>Section 3.</u> 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

| | | | |
|---|---|---|---|
| General Location: | Southeast Corner of N. Fir Road & E. Cleveland Road | Date: | Nov. 12, 2025 |
| Petition: 25-17 | Annexation, Establish Zoning, and Preliminary Site Plan for a Proposed Apartment Complex | Prepared By: | DJS |

## GENERAL INFORMATION

| | |
|---|---|
| Applicants: | Terry L Seggerman & Cathy Peterson, Devisees of the last will of Helen M. Seggerman / SC Bodner Company / Danch, Harner & Associates |
| Status: | Property Owner / Contingent Developer / Surveyor & Engineer |
| Request: | To annex, establish zoning, and approve a preliminary site plan to allow for the construction of an apartment complex |
| Existing Zoning: | R Single-Family Residential (Unincorporated St. Joseph County) |
| Proposed Zoning: | R-3 Multiple Family Residential District |
| Lot Size: | +/-18.99 acres including the existing adjacent public right-of-way and stormwater detention basin dedicated as public right-of-way |
| Applicable Regulations: | Section 137-215 thru 137-217 / R-3 Multiple Family Residential<br>Section 137-41 / Amendments to the Zoning Map &<br>Indiana Code 36-4-3-2.1 and 36-4-3-3.1, and 36-7-4-603 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | R Single-Family District (Unincorporated) / Single-Family Residential & O Office District (Unincorporated) / Dental Medical Office |
| | South: | R Single-Family District (Unincorporated) / Wooded Wetland Area owned by the Indiana Toll Road & The Indiana Toll Road (I-80 /90) |
| | East: | R Residential (Unincorporated) / Single-Family Residential & Agricultural Land |
| | West: | C-6 Linear Office Commercial (Mishawaka) / Medical Office & S-2 Planned Unit Development / Vacant |

| | |
|---|---|
| Thoroughfare: | N. Fir Road & E. Cleveland Road |
| Council District: | 6 pending annexation |
| School District: | Penn-Harris-Madison |
| Public Utilities: | All public utilities are either available or will be extended to/throughout the site at the owner's/developer's expense. |
| Comprehensive Plan: | This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan. |

## ANALYSIS

**Proposal:**
The applicant is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a residential apartment complex.

The 18.99 acre site, which includes the existing adjacent public right-of-way, a stormwater detention basin dedicated as 2.6 acres of public right-of-way, and two parcels (Tax #006-1012-0151 & 006-1012-0152 pre-annexation), is located at the southeast corner of N. Fir Road and E. Cleveland Road. East University Drive terminates at N. Fir Road near the southwest corner of the property. The southern part of the property is mostly wooded and includes a wetland, while the northern part of the property is cropland. No structures are present. The properties immediately adjacent to the west were annexed into the City of Mishawaka in a piecemeal fashion between 2001 to 2020 and zoned for various commercial uses.

As indicated on the preliminary site plan, the project will include six (6) three-story apartment buildings with a total of 216 residential units, a community building, and the associated access drives and parking areas. Project phasing is not shown so it is anticipated that the entire development will be constructed in one phase. The overall density will be +/-11.4 units per acre. A total of 324 parking spaces are required for the proposed 216 residential units (1.5 spaces per unit). Three hundred sixty-eight (368) parking spaces are shown on the preliminary site plan. This equates to a ratio of 1.7 spaces per unit.

The applicant is requesting a zoning classification of R-3 Multiple Family Residential District to permit to the proposed use as a multi-family residential development. The preliminary site plan indicates that the required height, area, and development regulations for the R-3 District (building and parking setbacks, off-street parking requirements, etc.) will be met.

Primary site access is proposed at the E. University Drive and N. Fir Road intersection. Modifications to the existing traffic signal, travel lane modifications within Fir Road, and deceleration and passing lanes may be required to be determined by the Engineering Department as a part of the final site plan review. A gated right in-right out only emergency/fire access is shown along Fir Road aligning with the access drive for the adjacent medical building to the north. All drives and parking lots interior to the site will be privately owned and maintained.

Due to the project being located within the Juday Creek 5-year wellhead protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to maintained on-site via a surface stormwater detention basin. The preliminary site plan only shows the existing stormwater detention basin, currently within the dedicated public right-of-way, for continued use for water runoff storage for Fir Road and the proposed new development. A vacation petition will be required after the property is annexed to permit the expansion of the detention basin and construction of other private infrastructure (access drives, parking areas, sidewalks, etc) within the current public right-of-way.

According to the U.S. Fish and Wildlife Service National Wetlands Inventory maps, a wetland is present within the south part of the property as delineated on the preliminary site plan. A wetland delineation report was prepared by Earth Source, Inc., a wetland science and environmental consultant. The preliminary site plan indicates that less than a quarter-acre of the wetland will be affected by the proposed development. The contingent developer will continue to work with their consultant regarding any required permitting through the U.S. Army Corps of Engineers and/or the Indiana Department of Environmental Management, and wetland replacement or mitigation, if required.

If the proposed rezoning and annexation request is approved, a detailed final site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), grading, erosion control, and any other required improvements.

**Annexation:**
Between 2001 to 2020, the adjacent properties to the west of the parcels included in this petition were annexed into the City for various commercial uses. Most of these adjacent properties are undeveloped except for the Elkhart Clinic – Pain Management. Additional medical-related office buildings were planned to go to the north and east but have not been constructed. The property to southeast of the subject parcels, being the Indiana Toll Road, was annexed into the City in 2008.

Per Indiana State annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexations as outlined above, approximately 2,750 feet, or 65.4%, of the total 4,204 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

**Location/Context:**
The site is located at the southeast corner of N. Fir Road and E. Cleveland Road, and is bordered to the north by a single-family residential property and dental medical office located within unincorporated St. Joseph County; to the west by a medical office building and vacant land permitted for commercial use all within the city; to the south by a wooded wetland area owned by the Indiana Toll Road in unincorporated St. Joseph County and the Indiana Toll Road within the city; and to the east by a single-family residential house and agricultural land located within unincorporated St. Joseph County.

**Zoning Change:**
Staff feels that the proposed zoning of this property for multi-family residential purposes is <u>appropriate</u> given the adjacent commercial growth along Fir Road, Cleveland Road, and East University Drive. A multi-family residential apartment development is currently under construction to the north of the subject parcels at the northeast corner of N. Fir Road and Beacon Parkway. With the completion of Beacon Parkway nearly a decade ago, providing a major gateway into the City from the Toll Road, development pressures along the Fir Road and Cleveland Road corridors will only intensify in the future.

**Transportation/Roads:**
According to the latest available traffic counts, there were 10,554 annual average daily trips (AADT) (2025) along N. Fir Road south of E. University Drive; 14,464 AADT along N. Fir Road south of E. Cleveland Road; 7,711 AADT along E. Cleveland Road west of N. Fir Road; and 10,597 AADT along E. Cleveland Road east of N. Fir Road. The counts at these locations have been relatively constant over the last ten to fifteen years but will likely increase in the future. The AADT on N. Fir Road north of E. Cleveland Road has significantly increased over this time, more than doubling from 4,265 AADT in 2010 to 10,908 AADT in 2025. This growth can likely be attributed to the significant expansion of the St. Pius X Catholic School to the north, which occurred in 2015. Fir Road will continue to be a major north-south throughfare through the city serving as the primary north-south access between N. Main Street and Capital Avenue.

The 2050 Transportation Plan, prepared by the Michiana Area Council of Government with input from City staff, includes three major transportation infrastructure investments within the nearby area. The first project identified is a new auxiliary travel lane (center turn lane) along N. Fir Road from McKinely Avenue to the Indiana Toll Road. The completion year anticipated for this project is 2035. The second project identified is a new Beacon Parkway connector, which would be a new road, between E. Cleveland Road and Beacon Parkway. The completion year anticipated for this project is 2040. The third project identified is added travel lanes along E. Cleveland Road from N. Fir Road to Capital Avenue. The plan indicates a completion year of 2050, but part of this project between the Indiana Toll Road and Capital Avenue is planned for construction by the end of 2027. The timeline of this project was escalated due to the proposed Gurley Leep auto park development at the northwest corner of E. Cleveland Road and Capital Avenue. The plan and anticipated completion dates for any transportation improvements may be amended in future years dependent on projected travel demand and available funding.

The Electric Department commented that the property is outside of city's electric service territory.

All other City Departments have reviewed and approved the request for annexation and zoning without comment.

## Recommendation

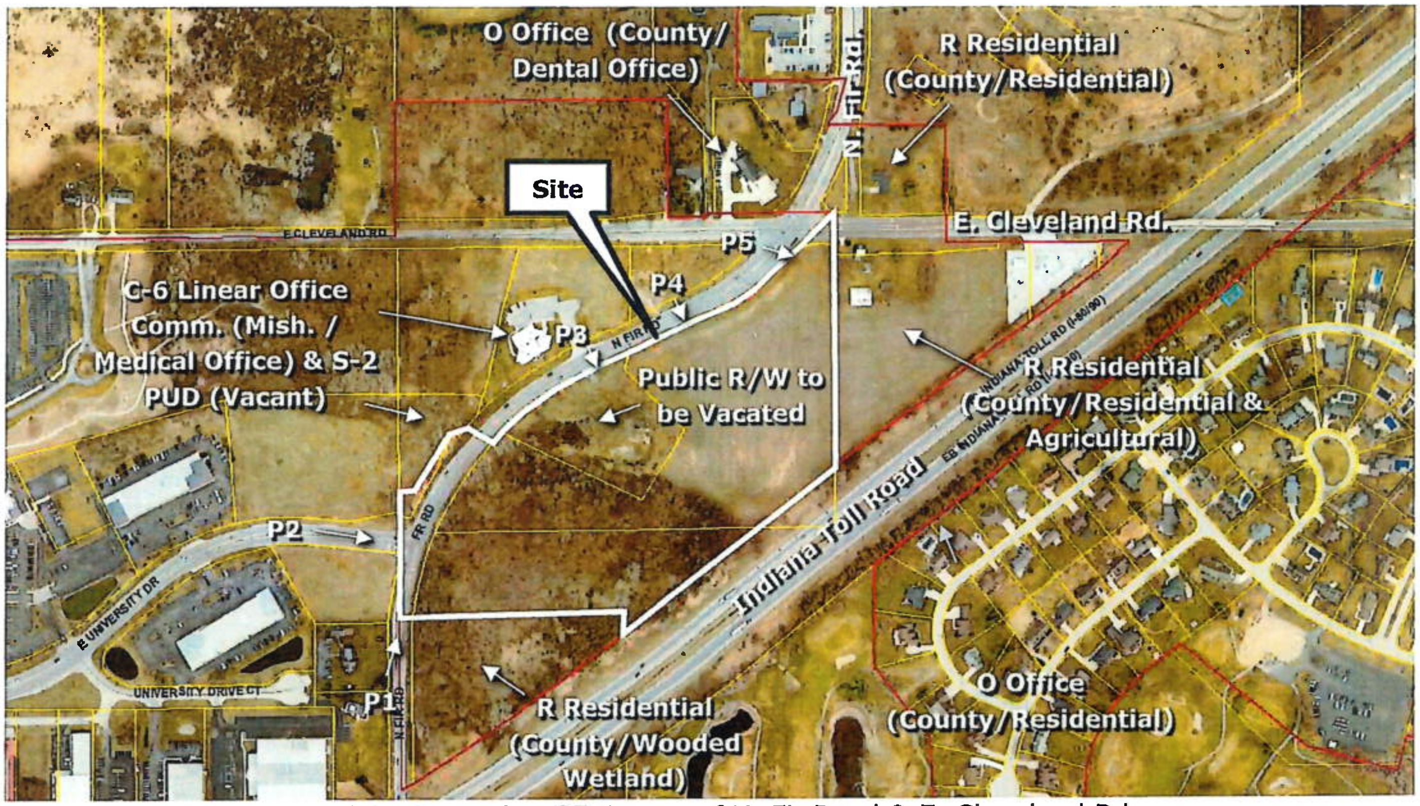
Staff recommends in favor of Petition 25-17 to annex and establish zoning to the R-3 Multi-Family Residential District for property located at the southeast corner of N. Fir Road and E. Cleveland Road (Tax #006-1012-0151 & 006-1012-0152 pre-annexation) for an apartment complex.

This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

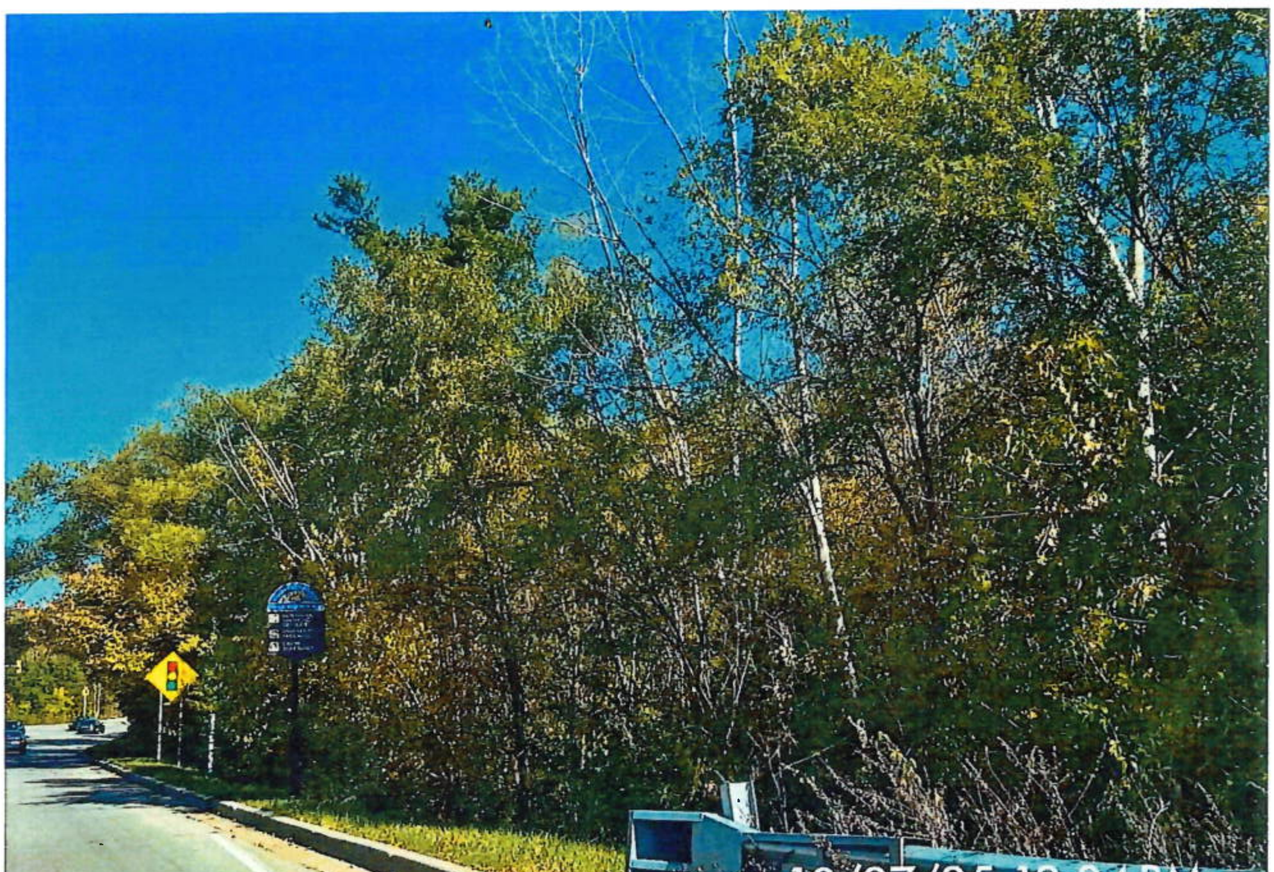
1. The Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family residential use is reasonably consistent with adjacent and changing land uses along the N. Fir and E. Cleveland Road corridors.
2. Current conditions and the character of current structures and uses in each district – The subject parcels are located on N. Fir Road and E. Cleveland Road, both being moderate to heavily travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City and St. Joseph County. Adjacent land uses include a single-family residential property and dental medical office to the north, a medical office building and vacant commercial property to the west, a wooded wetland and Indiana Toll Road to the south, and a single-family residential house and agricultural land to the east.
3. The most desirable use for which the land in each district is adapted – With the completion of Beacon Parkway to the north nearly a decade ago, commercial and multi-family residential development along N. Fir Road, and to a lesser extent along E. Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.
4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent single-family residential, commercial, and agricultural uses.
5. Responsible development and growth – The development of vacant land at the southeast corner of N. Fir Road and E. Cleveland Road for commercial or high-density residential uses is responsible growth and development.

## Attachments

Aerial Photograph, Photographs of Site Area, Rezoning & Annexation Petition, Preliminary Site Plan, Location Map




Aerial Photograph – SE Corner of N. Fir Road & E. Cleveland Rd.
Proposed Apartment Complex




P1. Looking northeasterly from N. Fir Rd. and south of E. University Dr. toward the property.


P2. Looking easterly toward the wooded south part of the property from E. University Dr.


P3. Looking southerly toward the detention pond/public right-of-way within the property from N. Fir Rd.


P4. Looking southerly toward the cropland in the north part of the property from N. Fir Rd.


P5. Looking southeasterly toward the property from the N. Fir Rd. & E. Cleveland Rd. intersection.

PET 25-17

Received

OCT 2 2 2025

Planning and
Community Development

TO THE: HONORABLE MEMBERS OF THE COMMON COUNCIL
CITY OF MISHAWAKA, INDIANA

RE: PETITION FOR ANNEXATION & REZONING FOR:

DEVISEES OF THE LAST WILL OF HELEN M. SEGGERMAN, DECEASED, SUBJECT TO THE RIGHTS OF TERRY L. SEGGERMAN AND CATHY PETERSON AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF SAID DECEDENT, BEING ESTATE NO. 71J01-9303-ES-00116.
52980 FIR ROAD
GRANGER, INDIANA 46530

THE UNDERSIGNED, DEVISEES OF THE LAST WILL OF HELEN M. SEGGERMAN, DECEASED, SUBJECT TO THE RIGHTS OF TERRY L. SEGGERMAN AND CATHY PETERSON AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF SAID DECEDENT, BEING ESTATE NO. 71J01-9303-ES-00116, RESPECTFULLY SHOW THAT THEY ARE THE OWNERS OF THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN THE UNINCORPORATED PORTION OF ST. JOSEPH COUNTY, INDIANA:

PARCEL: ANNEXATION AND REZONING LEGAL DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF SECTION 22, AND THE NORTHEAST QUARTER OF SECTION 27, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF FIR ROAD AND THE SOUTH LINE OF A PARCEL OF GROUND DESCRIBED IN DEED BOOK # 570 ON PAGE # 178 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; SAID POINT ALSO BEING ON THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE NORTH AND NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE (ALL BEARINGS ASSUMED), A DISTANCE OF 667.50 FEET MORE OR LESS; THENCE SOUTHEASTERLY ALONG SAID CORPORATE LINE, 87.53 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE, A DISTANCE OF 1203.35 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD AND SAID CORPORATE LIMIT LINE; THENCE SOUTH A DISTANCE OF 87.50 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF A PARCEL OF GROUND DESCRIBED IN DEED DOCUMENT NUMBER 2021-12555 AS RECORDED IN THE RECORDS OF SAID COUNTY; THENCE CONTINUING SOUTH ALONG SAID WEST LINE, A DISTANCE OF 647.96 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD, SAID LINE ALSO BEING THE CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND CORPORATE LIMIT LINE, A DISTANCE OF 791.48 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF GROUND DESCRIBED IN DEED BOOK # 570 ON PAGE # 178; THENCE NORTH AND WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL FOR THE NEXT TWO (2) COURSES; NORTH 58.34 FEET MORE OR LESS AND WEST 660.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 18.99 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

APPROXIMATE PROPERTY ADDRESS: 53000 BLOCK OF FIR ROAD.

THE ABOVE-DESCRIBED PARCEL OF LAND IS PRESENTLY ZONED "R" SINGLE-FAMILY DISTRICT IN THE UNINCORPORATED COUNTY.

PETITIONERS DESIRE TO ANNEX AND REZONE THE REAL ESTATE DESCRIBED ABOVE TO THE "R-3" RESIDENTIAL DISTRICT CLASSIFICATION. THE PURPOSE FOR THE ANNEXATION AND REZONING IS TO ALLOW FOR THE DEVELOPMENT OF A RESIDENTIAL MULTI-FAMILY APARTMENT COMPLEX.

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 ANNEXATING AND REZONING THE ABOVE DESCRIBED PARCEL OF REAL ESTATE LOCATED IN THE CITY OF MISHAWAKA.

TERRY L. SEGGERMAN CATHY PETERSON

DEVISEES OF THE LAST WILL OF HELEN M. SEGGERMAN, DECEASED, SUBJECT TO THE RIGHTS OF TERRY L. SEGGERMAN AND CATHY PETERSON AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF SAID DECEDENT, BEING ESTATE NO. 71J01-9303-ES-00116.

PH.NO. ______________________

CONTACT PERSON:

MICHAEL DANCH
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, INDIANA 46628
(574) 234-4003.
MDANCH@DANCHHARNER.COM

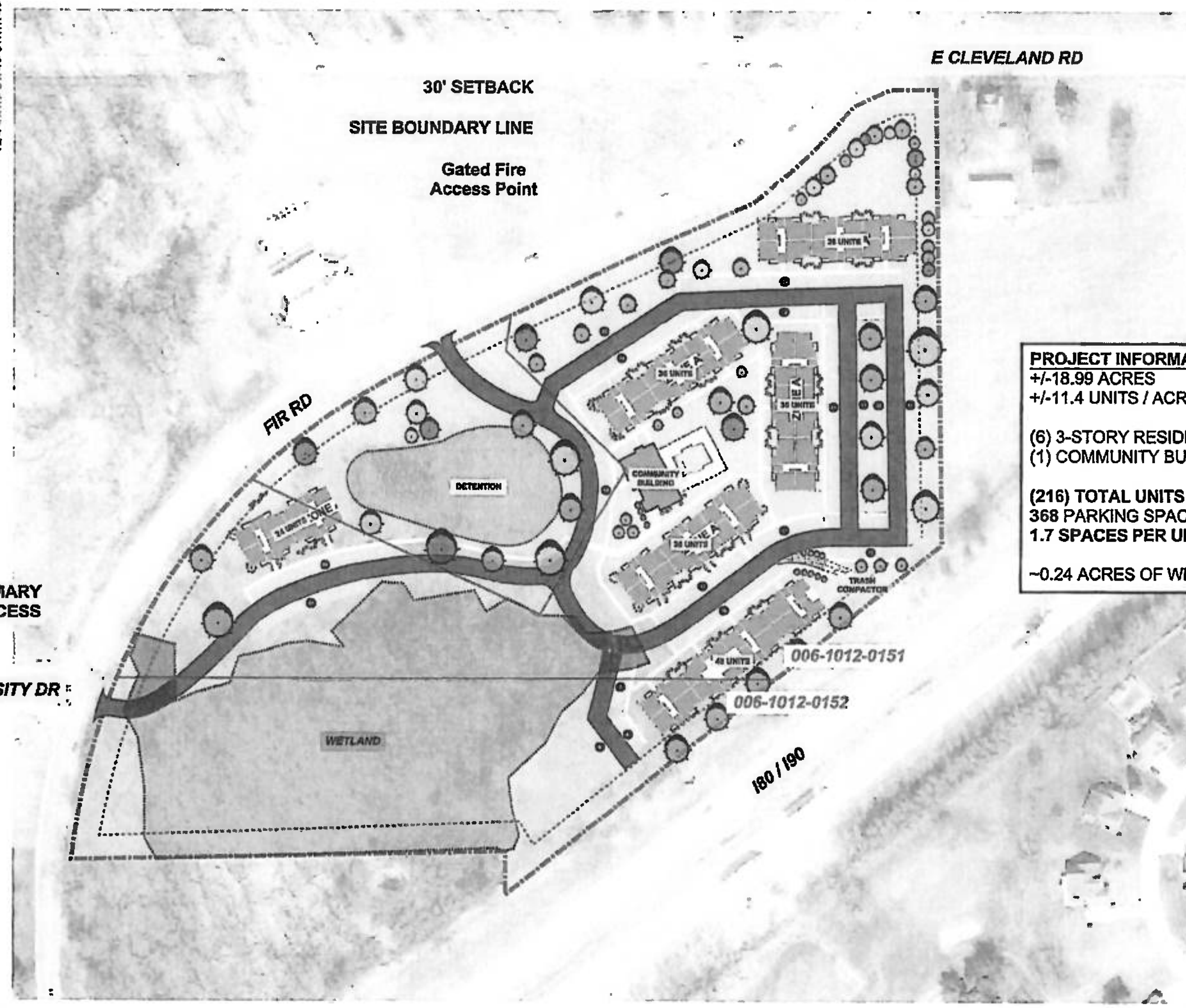
**ANNEXATION AND REZONING LEGAL DESCRIPTION:**

PART OF THE SOUTHEAST QUARTER OF SECTION 22, AND THE NORTHEAST QUARTER OF SECTION 27, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF FIR ROAD AND THE SOUTH LINE OF A PARCEL OF GROUND DESCRIBED IN DEED BOOK # 870 ON PAGE # 178 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; SAID POINT ALSO BEING ON THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE NORTH AND NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE (ALL BEARINGS ASSUMED), A DISTANCE OF 867.50 FEET MORE OR LESS; THENCE SOUTHEASTERLY ALONG SAID CORPORATE LINE, 67.53 FEET MORE OR LESS; THENCE NORTHEASTERLY ALONG SAID CORPORATE LIMIT LINE, A DISTANCE OF 1263.25 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD AND SAID CORPORATE LIMIT LINE; THENCE SOUTH A DISTANCE OF 87.50 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF A PARCEL OF GROUND DESCRIBED IN DEED DOCUMENT NUMBER 2021-12833 AS RECORDED IN THE RECORDS OF SAID COUNTY; THENCE CONTINUING SOUTH ALONG SAID WEST LINE, A DISTANCE OF 147.86 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD, SAID LINE ALSO BEING THE CITY OF MISHAWAKA CORPORATE LIMIT LINE; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND CORPORATE LIMIT LINE, A DISTANCE OF 791.48 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF GROUND DESCRIBED IN DEED BOOK # 870 ON PAGE # 178; THENCE NORTH AND WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL FOR THE NEXT TWO (2) COURSES: NORTH 58.34 FEET MORE OR LESS AND WEST 840.80 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 18.88 ACRES MORE OR LESS.

# PRELIMINARY SITE PLAN

PART OF THE SOUTHEAST QUARTER OF SECTION 22, AND THE NORTHEAST QUARTER OF SECTION 27
BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA


**PROJECT INFORMATION**
+/-18.99 ACRES
+/-11.4 UNITS / ACRE

(6) 3-STORY RESIDENTIAL BUILDINGS
(1) COMMUNITY BUILDING

**(216) TOTAL UNITS**
**368 PARKING SPACES PROVIDED**
**1.7 SPACES PER UNIT**

~0.24 ACRES OF WETLAND AFFECTED

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Planning and
Community Development

GENERAL SURVEY DISCLAIMER NOTES:

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY INJURIOUS MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS ON EXTENSION OF THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADOPTION BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.

1 PRELIMINARY SITE PLAN
1" = 80'-0"

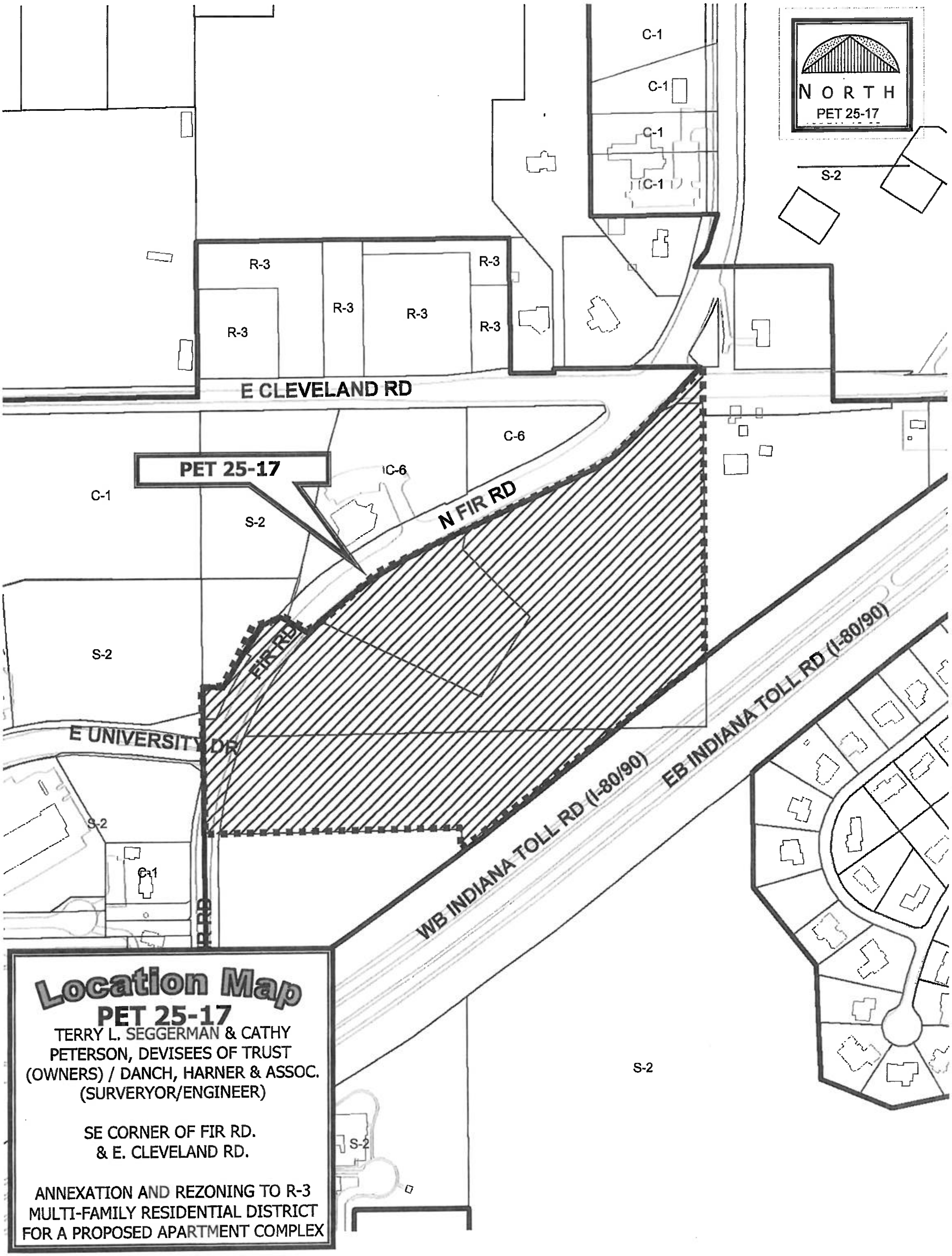
N
-DHA-

0 80 160 240
SCALE 1" = 80'

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

| DATE | DRAWN BY: | REVISIONS | | |
|---|---|---|---|---|
| 10/20/2025 | JTB | | | |
| SCALE | CHECKED BY: | DATE | BY | |
| 1" = 80' | MJO | | | |
| FILE # | PROJ. MANGR: | | | |

SHEET 1 OF 1




# Location Map

## PET 25-17

TERRY L. SEGGERMAN & CATHY PETERSON, DEVISEES OF TRUST (OWNERS) / DANCH, HARNER & ASSOC. (SURVERYOR/ENGINEER)

SE CORNER OF FIR RD. & E. CLEVELAND RD.

ANNEXATION AND REZONING TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT FOR A PROPOSED APARTMENT COMPLEX

PETITION 25-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-33

ORDINANCE NO. ______

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

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

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

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

The following described real estate in the City of Mishawaka, Harris Township, St. Joseph County, State of Indiana, to-wit:

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A SURVEY NAIL ON THE NORTH LINE OF SAID NORTHEAST QUARTER AT A POINT SITUATED 190.00 FEET, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, (ASSUMED BEARING AND IS USED AS THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION) FROM A HARRISON MONUMENT AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ON AND ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER BEING WITHIN THE RIGHT OF WAY OF MCKINLEY AVENUE (FORMERLY U.S. HIGHWAY #20), A DISTANCE OF 470.00 FEET TO A SURVEY NAIL; THENCE SOUTH 00 DEGREES 56 MINUTES 19 SECONDS EAST AND

PARALLEL TO THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 661.59 FEET TO A #5 REBAR ON THE NORTH RIGHT OF WAY LINE OF LASALLE AVENUE AS ESTABLISHED UNDER DEED RECORD 518, PAGE 566, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ON AND ALONG THE NORTH RIGHT OF WAY LINE OF SAID LASALLE AVENUE AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 660.00 FEET TO A SURVEY NAIL ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST, ON AND ALONG SAID EAST LINE BEING WITHIN THE RIGHT OF WAY OF BYRKIT AVENUE, A DISTANCE OF 531.59 FEET TO A SURVEY NAIL SITUATED 130.00 FEET, SOUTH 00 DEGREES 50 MINUTES 19 SECONDS EAST FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST AND PARALLEL TO SAID NORTH LINE A

DISTANCE OF 150.00 FEET TO A SURVEY NAIL; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST AND PARALLEL TO SAID EAST LINE A DISTANCE OF 20.00 FEET TO A SURVEY NAIL; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST AND PARALLEL TO SAID NORTH LINE A DISTANCE OF 40.00 FEET TO A RAILROAD SPIKE; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST AND PARALLEL TO A SAID EAST LINE A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

which real estate is now classified as R-4 Manufactured Home Residential shall hereafter be within and a part of that District known as S-2 Planned Unit Development subject to the following conditions:

**Proposed Uses:**

1. Residential uses shall be limited to those identified within the R-1, R-2 and R-3 Residential zoning districts. A clubhouse shall be permitted and exclusive use only of the subdivision. A transition of detached and attached single family shall be integrated into the property with the clubhouse fronting McKinley.
2. Off-premise signs/billboards shall be prohibited.
3. Outside storage and display shall be prohibited.
4. Dumpsters shall be screened.

**Road Connections & Traffic:**

1. A hierarchy of the internal vehicular road network shall be provided as shown on the conceptual site plan with publicly dedicated local roads with private alleys. Proposed alleys may be one-way unless otherwise noted. Four (4) access points to the subdivision are proposed subject to review and approval by the Department of Engineering. Road rights-of-way are to be constructed and dedicated as public roads subject to review and approval by the Department of Engineering. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.
2. Additional right-of-way required for both McKinley Avenue and Byrkit Avenue improvements associated with the proposed development project shall be dedicated as determined by the Department of Engineering. An 8' multi-use sidewalk shall be required along Byrkit Avenue. Sidewalks interior to the property shall be a minimum of 5' in width. Phasing of improvements associated with this project shall be coordinated with the City Director of Engineering in coordination with other applicable jurisdictions.

**Lighting:**

1. This section shall apply for all private site lighting for private roadways, alleys, and parking areas. Private lighting shall be limited to 25 feet in height. Private site lighting that is not ornamental shall be 90-degree cut-off fixtures for both pole and wall mounted fixtures. Shielding of private lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas. All other lighting for proposed public streets shall meet the standards of the Mishawaka zoning and subdivision control ordinances. Decorative poles shall be used for street lighting. Low level bollards and other site accent lighting can be utilized at the discretion of the developer subject to the review and approval of the Department of Engineering.

**Signage:**

1. One directional sign shall be permitted at each entrance with a maximum size of 2'x4' and 3'6" maximum height.
2. One main subdivision (monument) sign shall be permitted for the planned unit development limited to 8' in height and contain a display area of no more than 60 sq. ft. This sign shall include a masonry base no less than 3' in height and may be illuminated.
3. All signs shall have dedicated easements on private property.

**Landscaping & Buffering:**

1. A landscape buffer with evergreen trees, minimum 6' height, spaced 10' to12' maximum along with a 6' minimum height opaque fence shall be provided along the west property lines abutting existing property, south of the east and west connector road.
2. A 6' minimum height opaque fence shall be provided along the west property line, with landscaping omitted, where a landscape buffer cannot be fit between the street and the property line subject to the review and approval of the Planning Department staff.

**Building & Parking Standards:**

1. A minimum of two (2.0) parking spaces per residential unit shall be provided for single and multi-family residential use. This includes parking on private property only. Garages, parking lots, and on-street parking may be utilized for required parking.
2. Parking spaces for the community building shall be provided as shown on the conceptual site plan.
3. A minimum 5' building setback should be provided along the proposed right-of-way for McKinley and Byrkit Avenues.
4. A minimum 5' front building setback shall be provided for all housing structures.
5. A rear setback of 25' to the alley centerline as noted as "A" on the site plan.
6. A rear setback of 25' on the north side of the alley centerline and a 15' setback on the south side of the alley centerline as noted "B" on the site plan.
7. A rear setback of 10' on the east side of the alley centerline as noted as "C" on the site plan.
8. A rear setback of 15' on the north side of the alley centerline and a rear setback of 25' on the south side of the alley centerline as noted as "D" on the site plan.
9. A rear setback of 25' on the west side of the alley centerline and a rear setback of 15' on the east side of the alley centerline as noted as "E" on the site plan.
10. A minimum 5' side yard setback for single family detached homes and a 0' side yard setback for all attached dwelling units.
11. A minimum of 2.5' pavement setback on the west property line.
12. All buildings shall have a maximum 45' height.

**Lot Standards:**

1. A minimum 40' width and 4,800 sq. ft. area for all R-1 Single Family lots.
2. A minimum 32' width and 2,650 sq. ft. area for all R-2 Two-Family lots. This is applicable for all side-by-side duplexes.

A minimum 50' width and 4,850 sq. ft. area for all R-3 Multi-Family lots. This is applicable for all structures with 3 or more units on an individual lot.

Proposed Ordinance No: ____________________

Ordinance No: ____________________________

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

1. The Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low-density residential development within most of the property excluding the narrow commercial corridor along E. McKinley Avenue. This proposal is consistent with the comprehensive plan.

2. Current conditions and the character of current structures and uses in each district - The subject parcel, which is a former mobile home park, is currently zoned for manufactured home residential use and located along mixed use commercial and residential corridors. The character of the buildings varies greatly and includes single tenant commercial and industrial buildings, single-family residential houses, and mobile homes. Adjacent land uses include used automobile sales, a restaurant, a tobacco/vape retailer, and vacant property to the north; automobile repair, a warehouse, and contractor to the west; a mobile home park to the south; and a convenience store/gas station and single-family residential houses to the east.

3. The most desirable use for which the land in each district is adopted – Because of the property's current residential zoning and being adjacent to existing residential and commercial zoning and development, the most desirable use of the property is residential. The proposed use will act as a buffer between the residential areas to the south and east, and commercial areas to the north and west.

4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the area. Redevelopment of the former mobile home park for residential use is compatible with the adjacent residential, commercial and industrial uses. The proposed development represents a significant investment that should conserve the adjacent property values.

5. Responsible development and growth - The proposed change in zoning is desirable given the current residential zoning of the property and the prior and preferred residential use.

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, IAMC, MMC, City Clerk

Proposed Ordinance No: ____________________

Ordinance No: ____________________________

PRESENTED by me to the Mayor this _________ day of ___________________, 2025, at _________ o'clock ____.M.

_______________________________
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this __________ day of __________________, 2025, at _________o'clock ____.M.

_______________________________
David A. Wood, Mayor

## STAFF REPORT

| | | | |
|---|---|---|---|
| Location: | Southwest corner of E. McKinley Avenue & N. Byrkit Avenue<br>Former Oak Grove Mobile Home Park | Date: | Nov. 12, 2025 |
| Petition: | 25- 18 | Prepared By: | DJS |

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Habitat for Humanity of St. Joseph County Inc. / Abonmarche Consultants Inc. |
| Status: | Property Owner / Surveyor & Civil Engineering Consultant |
| Request: | Rezone from R-4 Manufactured Home Residential District to the S-2 Planned Unit Development District to allow for the development of Woodfield Crossing – a residential subdivision consisting of detached single-family, attached single-family, and multi-family dwellings, and an associated community building |
| Zoning Classification: | S-2 Planned Unit Development |
| Lot Size: | Approximately 9 acres |
| Applicable Regulations: | Section 137-671 thru 137-679 Planned Unit Development S-2 District, Section 137-40 Plan Commission, and Section 137-41 Amendments to the Zoning Map, Indiana Code 36-7-4-603 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | C-4 Auto-Oriented Commercial District (Used Automobile Sales / Header's, Vacant / Former Hub Cap Annie's recently purchased by Granger Community Church, Vacant / Former Auto Repair Business recently purchased by the City of Mishawaka) & C-1 General Commercial District (Restaurant / Petra Middle Eastern Cuisine & Tobacco Retailer-Vape Shop / U.S. 20 Vape & Smoke) |
| | South: | S-2 Planned Unit Development (Mobile Home Park / Cove Place) |
| | East: | C-4 Auto-Oriented Commercial District (Convenience Store & Fuel Pumps / BP and Single-Family Residential Houses) & R-1 Single-Family Residential (Single-Family Residential) |
| | West: | C-4 Auto-Oriented Commercial District (Automobile Repair / Header's & I-1 Light Industrial District (Warehouse / Fastenal Fulfillment Center & Contractor / Valley Insulating Co.) |
| Thoroughfare: | E. McKinely Avenue, N. Byrkit Avenue, and E. LaSalle Avenue | |
| Council District: | 5 | |
| School District: | School City of Mishawaka | |
| Township: | Penn | |

| | |
|---|---|
| Public Utilities: | All public utilities are available and/or will be extended to/throughout the site at the owner/developer's expense. |
| Comprehensive Plan: | General Commercial for property fronting E. McKinley Avenue and Low Density for the majority and remainder of the site. |

## ANALYSIS

The Petitioner is requesting to rezone property generally located at the southwest corner of E. McKinley Avenue and N. Byrkit Avenue from R-4 Manufactured Home Residential District to S-2 Planned Unit Development District to allow for the development of Woodfield Crossing – a residential subdivision consisting of detached single-family, attached single-family, and multi-family dwellings, and an associated community building.

In April, the former Oak Grove Mobile Home Park, being an approximate 9 acre parcel, was purchased by Habitat for Humanity of St. Joseph County Inc. Habitat then partnered with the University of Notre Dame School of Architecture to explore how the property could be redeveloped. Since the purchase, they have relocated most of the remaining residents within the park.

In late April, City Staff began meeting with representatives from Habitat for Humanity, the University of Notre Dame School of Architecture Housing and Community Regenerative Initiative, and Abonmarche Consultants to discuss the project design. During these discussions, it became apparent that the property should be rezoned to the S-2 Planned Unit Development District to allow for flexibility and creativity in the site design. A variety of residential unit types and structures are being proposed making it a unique development that does not fit into a specific single zoning classification.

The preliminary site plan submitted with the petition includes various residential structures consisting of detached single-family residential homes, attached single-family residential units in buildings with two to four units, multi-family residential buildings, a community building, and central park area. Although not identified in the petition or site plan, prior plans showed a total of 65 residential units. The attached and detached garages for the units will be rear loaded meaning that they face rear alleys. A minimum of two (2) off-street parking spaces per residential unit shall be provided. Access for the development will be from four locations, including one drive along E. McKinley Avenue at the northwest corner of the property, an alley along N. Byrkit Avenue south of the business at southwest corner of N. Byrkit Avenue and E. McKinley Avenue, one drive along N. Byrkit Avenue, and a drive along E. LaSalle Avenue at the southwest corner of the property being an extension of Cove Place. The roads and alleys will be dedicated as public or private as determined by the Department of Engineering.

As recommended by the Planning Staff, the petitioner is requesting a zoning classification of S-2 Planned Unit Development specifically for residential uses. The PUD will allow for specific development regulations, including but not limited to individual lot area, width, and setback requirements, to vary from the standard R-1, R-2, and R-3 zoning districts. Individual lot and other development regulations are outlined in the conditions of approval. Most of the conditions were drafted by the Applicant and were edited by Planning Staff when deemed appropriate.

With this petition, the applicant is only proposing to establish the permitted uses and basic development regulations of the planned unit development. If approved, a detailed final site plan and subdivision plat for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), grading, erosion control, and other required improvements as outlined in the conditions of approval.

Since the property is currently zoned for manufactured home residential use and located along mixed use commercial and residential corridors, Staff supports the request for rezoning to the S-2 Planned Unit Development District for residential use. The proposed use of the property will not be out of character and will be compatible with existing adjacent land uses and zoning. Furthermore, residential use is consistent with the primary recommended use per the comprehensive plan.

The Engineering Department provided the following comments:

1. Provide a highlighted map distinguishing public vs. private roads and alleys.
2. Project shall follow Engineering requirements for subdivision process with City to take over maintenance of public streets and utilities.
3. Cove Place could potentially be an alley instead of a public street to establish more area for the detention basin.

The Electric Department stated they will need to discuss service needs with the contractor prior to construction.

The Water Department said to contact them with questions on water service, metering, or backflow needs.

All other pertinent information City Departments reviewed and approved the rezoning request providing no additional comments.

## RECOMMENDATION

Staff recommends **approval** of Petition #25-18 to rezone approximately 9 acres located at the southwest corner of E. McKinley Avenue and N. Byrkit Avenue, being the former Oak Grove Mobile Home Park, from R-4 Manufactured Home Residential District to the S-2 Planned Unit Development District to allow for the development of Woodfield Crossing – a residential subdivision consisting of detached single-family, attached single-family, and multi-family dwellings, and an associated community building subject to the following development standards/conditions.

**Proposed Uses:**

1. Residential uses shall be limited to those identified within the R-1, R-2 and R-3 Residential zoning districts. A clubhouse shall be permitted and exclusive use only of the subdivision. A transition of detached and attached single family shall be integrated into the property with the clubhouse fronting McKinley.
2. Off-premise signs/billboards shall be prohibited.
3. Outside storage and display shall be prohibited.
4. Dumpsters shall be screened.

**Road Connections & Traffic:**

1. A hierarchy of the internal vehicular road network shall be provided as shown on the conceptual site plan with publicly dedicated local roads with private alleys. Proposed alleys may be one-way unless otherwise noted. Four (4) access points to the subdivision are proposed subject to review and approval by the Department of Engineering. Road rights-of-way are to be constructed and dedicated as public roads subject to review and approval by the Department of Engineering. All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.
2. Additional right-of-way required for both McKinley Avenue and Byrkit Avenue improvements associated with the proposed development project shall be dedicated as determined by the Department of Engineering. An 8' multi-use sidewalk shall be required along Byrkit Avenue. Sidewalks interior to the property shall be a minimum of 5' in width. Phasing of improvements associated with this project shall be coordinated with the City Director of Engineering in coordination with other applicable jurisdictions.

**Lighting:**

1. This section shall apply for all private site lighting for private roadways, alleys, and parking areas. Private lighting shall be limited to 25 feet in height. Private site lighting that is not ornamental shall be 90-degree cut-off fixtures for both pole and wall mounted fixtures. Shielding of private lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas. All other lighting for proposed public streets shall meet the standards of the Mishawaka zoning and

subdivision control ordinances. Decorative poles shall be used for street lighting. Low level bollards and other site accent lighting can be utilized at the discretion of the developer subject to the review and approval of the Department of Engineering.

**Signage:**

1. One directional sign shall be permitted at each entrance with a maximum size of 2'x4' and 3'6" maximum height.
2. One main subdivision (monument) sign shall be permitted for the planned unit development limited to 8' in height and contain a display area of no more than 60 sq. ft. This sign shall include a masonry base no less than 3' in height and may be illuminated.
3. All signs shall have dedicated easements on private property.

**Landscaping & Buffering:**

1. A landscape buffer with evergreen trees, minimum 6' height, spaced 10' to12' maximum along with a 6' minimum height opaque fence shall be provided along the west property lines abutting existing property, south of the east and west connector road.
2. A 6' minimum height opaque fence shall be provided along the west property line, with landscaping omitted, where a landscape buffer cannot be fit between the street and the property line subject to the review and approval of the Planning Department staff.

**Building & Parking Standards:**

1. A minimum of two (2.0) parking spaces per residential unit shall be provided for single and multi-family residential use. This includes parking on private property only. Garages, parking lots, and on-street parking may be utilized for required parking.
2. Parking spaces for the community building shall be provided as shown on the conceptual site plan.
3. A minimum 5' building setback should be provided along the proposed right-of-way for McKinley and Byrkit Avenues.
4. A minimum 5' front building setback shall be provided for all housing structures.
5. A rear setback of 25' to the alley centerline as noted as "A" on the site plan.
6. A rear setback of 25' on the north side of the alley centerline and a 15' setback on the south side of the alley centerline as noted "B" on the site plan.
7. A rear setback of 10' on the east side of the alley centerline as noted as "C" on the site plan.
8. A rear setback of 15' on the north side of the alley centerline and a rear setback of 25' on the south side of the alley centerline as noted as "D" on the site plan.
9. A rear setback of 25' on the west side of the alley centerline and a rear setback of 15' on the east side of the alley centerline as noted as "E" on the site plan.
10. A minimum 5' side yard setback for single family detached homes and a 0' side yard setback for all attached dwelling units.
11. A minimum of 2.5' pavement setback on the west property line.
12. All buildings shall have a maximum 45' height.

**Lot Standards:**

1. A minimum 40' width and 4,800 sq. ft. area for all R-1 Single Family lots.
2. A minimum 32' width and 2,650 sq. ft. area for all R-2 Two-Family lots. This is applicable for all side-by-side duplexes.
3. A minimum 50' width and 4,850 sq. ft. area for all R-3 Multi-Family lots. This is applicable for all structures with 3 or more units on an individual lot.

This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

1. The Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low-density residential development within most of the property excluding the narrow commercial corridor along E. McKinley Avenue. This proposal is consistent with the comprehensive plan.

and located along mixed use commercial and residential corridors. The character of the buildings varies greatly and includes single tenant commercial and industrial buildings, single-family residential houses, and mobile homes. Adjacent land uses include used automobile sales, a restaurant, a tobacco/vape retailer, and vacant property to the north; automobile repair, a warehouse, and contractor to the west; a mobile home park to the south; and a convenience store/gas station and single-family residential houses to the east.

3. The most desirable use for which the land in each district is adopted – Because of the property's current residential zoning and being adjacent to existing residential and commercial zoning and development, the most desirable use of the property is residential. The proposed use will act as a buffer between the residential areas to the south and east, and commercial areas to the north and west.

4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the area. Redevelopment of the former mobile home park for residential use is compatible with the adjacent residential, commercial and industrial uses. The proposed development represents a significant investment that should conserve the adjacent property values.

5. Responsible development and growth - The proposed change in zoning is desirable given the current residential zoning of the property and the prior and preferred residential use.

## ATTACHMENTS

Aerial, Photograph(s), Petition, Preliminary Site Plan, Location Map

Aerial Photograph – SW Corner of E. McKinley Avenue & N. Byrkit Avenue
Proposed Woodfield Crossing Residential Development / Former Oak Grove Mobile Home Park


P1. Looking southerly toward the existing Oak Grove Mobile Home Park from E. McKinley Ave.


P2. Looking easterly from the access drive for the mobile home park along E. McKinley Ave.

P3. Looking easterly along Front Street interior to the mobile home park.

P4. Looking easterly from N. 4th Street interior to the mobile home park.

P5. Looking northerly from N. 4th St. & E. Lasalle Ave. toward the SW corner of the property.

P6. Looking northerly from N. 2nd St. & E. Lasalle Ave. toward the south part of the property.


P7. Looking northerly from E. LaSalle Ave. & N. Byrkit Ave. toward the SE corner of the property.

Received
OCT 2 2 2025
Planning and Community Development

**ABONMARCHE**

Engineering • Architecture • Land Surveying

10/22/25

PET 25-18

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

RE: Petition for Rezoning of R-4 to an S-2 Planned Unit Development
Parcel # 71-09-10-227-102.000-023
Location near the SW Corner of Byrkit and McKinely in Mishawaka, In

OWNER: Owned by Habitat for Humanity of St. Joseph County, Inc.
524 East McKinley Avenue
Mishawaka, In 46545

The undersigned Habitat for Humanity of St. Joseph County, Inc. respectfully show they are, used as a located in the City of Mishawaka, County of St. Joseph, State of Indiana, to – wit:

PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 3 EAST, IN THE CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A SURVEY NAIL ON THE NORTH LINE OF SAID NORTHEAST QUARTER AT A POINT SITUATED 190.00 FEET, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, (ASSUMED BEARING AND IS USED AS THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION) FROM A HARRISON MONUMENT AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, ON AND ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER BEING WITHIN THE RIGHT OF WAY OF MCKINLEY AVENUE (FORMERLY U.S. HIGHWAY #20), A DISTANCE OF 470.00 FEET TO A SURVEY NAIL; THENCE SOUTH 00 DEGREES 56 MINUTES 19 SECONDS EAST AND PARALLEL TO THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 661.59 FEET TO A #5 REBAR ON THE NORTH RIGHT OF WAY LINE OF LASALLE AVENUE AS ESTABLISHED UNDER DEED RECORD 518, PAGE 566, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ON AND ALONG THE NORTH RIGHT OF WAY LINE OF SAID LASALLE AVENUE AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 660.00 FEET TO A SURVEY NAIL ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST, ON AND ALONG SAID EAST LINE BEING WITHIN THE RIGHT OF WAY OF BYRKIT AVENUE, A DISTANCE OF 531.59 FEET TO A SURVEY NAIL SITUATED 130.00 FEET, SOUTH 00 DEGREES 50 MINUTES 19 SECONDS EAST FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST PARALLEL TO SAID NORTH LINE A DISTANCE OF 150.00 FEET TOA S SURVEY NAIL; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST AND PARALLEL TO SAD EAST LINE A DISTANCE OF 20.00 FEET TO A SURVEY NAIL; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST AND PARALLEL TO SAID NORTH LINE A DISTANCE OF 40.00 FEET TO A

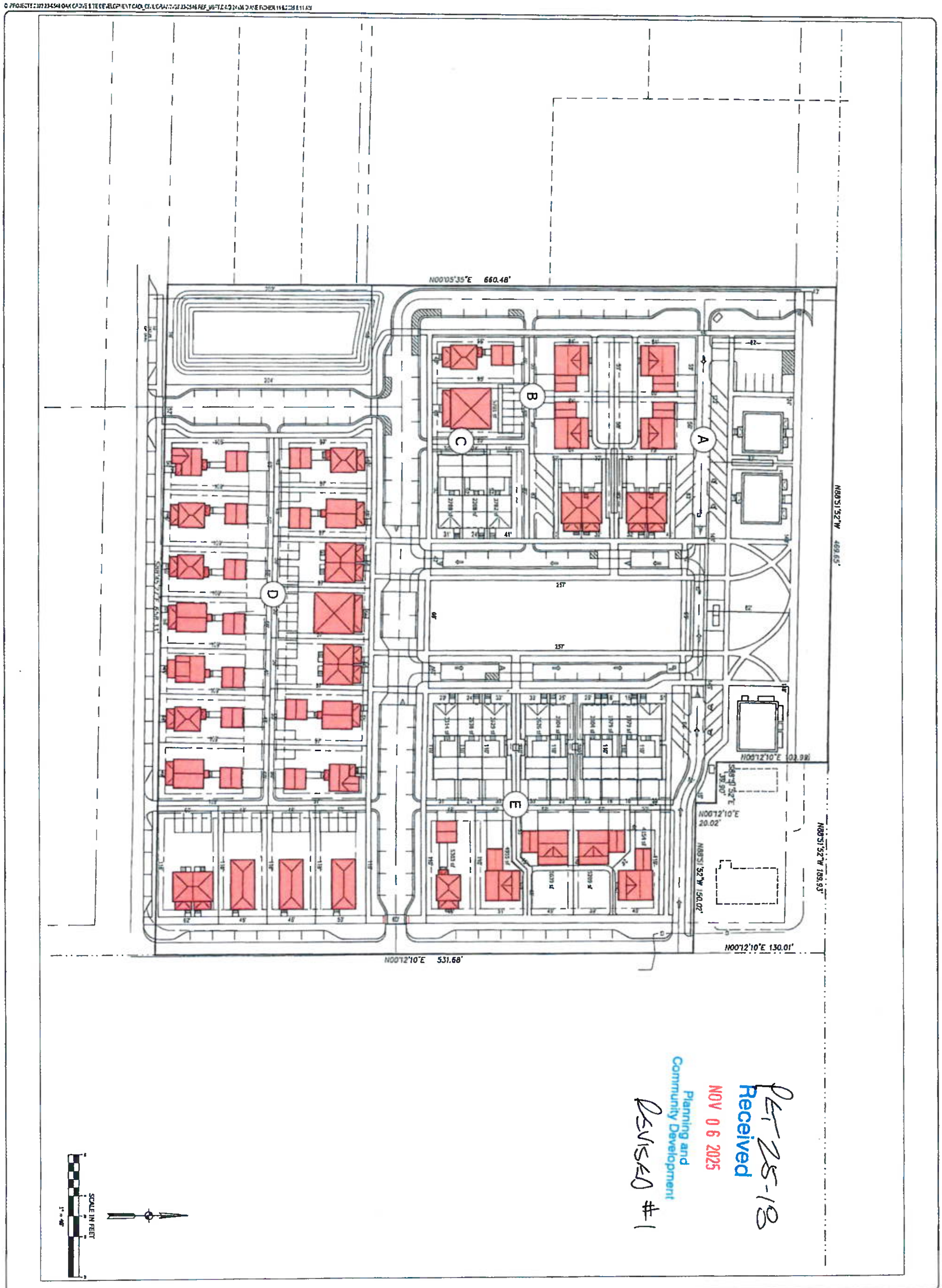
RAILROAD SPIKE; THENCE NORTH 00 DEGREES 56 MINUTES 19 SECONDS WEST AND PARALLEL TOA SAID EAST LINE A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

Petitioners own one hundred percent (%100) owners of the following described real estate which carries a zoning classification of R-4 District and is used as a manufactured home subdivision.

Petitioners desires said real estate to be rezoned to a S-2 PUD District. The petitioners intend to use property for single family, attached single family, multifamily dwellings and an associated clubhouse.

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 rezoning the above-described parcel of land located in the City of Mishawaka.

Jim Williams, President & CEO
Habitat for Humanity of St. Joseph County




HABITAT FOR HUMANITY OF ST. JOSEPH COUNTY

**WOODFIELD CROSSING**

NORTH BYRKIT AVENUE, MISHAWAKA, INDIANA

CONCEPT

NOT FOR CONSTRUCTION

FOR INFORMATIONAL USE ONLY

ISSUE DATE: MM.DD.YYYY
PM: SDR QA/QC: XXX
RAD

AS NOTED

ISSUANCE / REVISION DATE

PROJECT NO: 23-0546

1

**ABONMARCHE**

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T 574.232.8700
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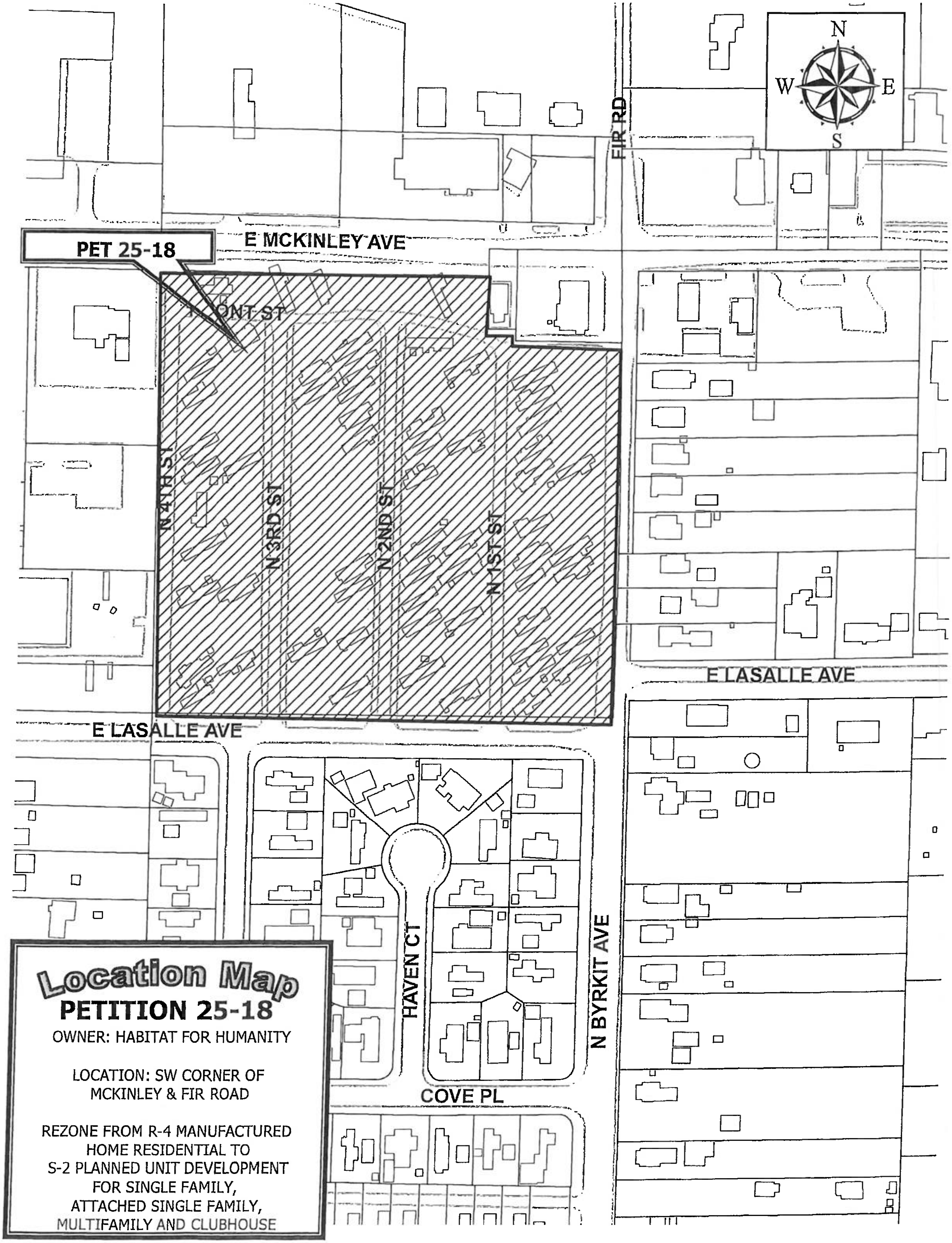

N
W
E
S
FIR RD
E MCKINLEY AVE
PET 25-18
N 4TH ST
N 3RD ST
N 2ND ST
N 1ST ST
E LASALLE AVE
E LASALLE AVE
HAVEN CT
N BYRKIT AVE
COVE PL
Location Map
PETITION 25-18
OWNER: HABITAT FOR HUMANITY
LOCATION: SW CORNER OF
MCKINLEY & FIR ROAD
REZONE FROM R-4 MANUFACTURED
HOME RESIDENTIAL TO
S-2 PLANNED UNIT DEVELOPMENT
FOR SINGLE FAMILY,
ATTACHED SINGLE FAMILY,
MULTIFAMILY AND CLUBHOUSE

Deborah S. Block, IAMC, MMC

NOV 1 3 2025

City Clerk
Mishawaka, IN

PETITION 25-19

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-34

ORDINANCE NO. _______

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

WHEREAS, a Petition has been presented to the Common Council of the City of Mishawaka, Indiana, praying that certain territory lying contiguous to the corporate limits of the City of Mishawaka, Indiana, be annexed to and declared to be a part of the City of Mishawaka, and that it be provided with a Zoning Classification, and

WHEREAS, the Mishawaka City Plan Commission, to which Commission the petition was duly referred, has recommended the annexation and establish zoning as hereinafter set forth, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section 1. The following described real estate be and the same is hereby annexed to and declared to be a part of the City of Mishawaka, Indiana:

*A parcel of land situated in the NW Quarter of the SW Quarter of Section 28, Township 38 N, Range 3 E bounded by a line running as follow:*
*Beginning at the NW corner of said NW Quarter of the SW Quarter of said Section 28; thence South along the West line thereof a distance of 300 feet; thence East 7.5 feet to the point of beginning of the description; thence 720 feet East; thence South 360 feet; thence West 355 feet; thence North 45 degrees 50 minutes West 510 feet to the North line of SR 23; thence North 44 degrees 10 minutes East along the North line of SR 23, 7 feet to the beginning; said parcel containing 4.5 acres, more or less, and subject to easements, covenants and right of way record.*

The above described real estate shall hereafter be annexed into and within the City of Mishawaka, Indiana, and a part of that district designated in the Zoning Ordinance of the City of Mishawaka, Indiana, and shall carry a classification for zoning of C-1 General Commercial.

**All the above real estate** shall hereafter be amended to allow for C-1 General Commercial District uses.

This recommendation is based on the following Findings of Fact:

1. The Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, a 4.5 acre commercial

site is reasonably consistent with adjacent and changing land uses along the S.R. 23 corridor.

2. Current conditions and the character of structures and uses in each district – The subject property is located along a heavily travelled section of S.R. 23 serving as the major gateway into Mishawaka and South Bend from the northeast part of St. Joseph County. Traffic volumes in the immediate vicinity are expected to remain consistent due to the existing commercial and residential development in northern Mishawaka and St. Joseph County. The property, which has an existing house and barn, is adjacent to a mini self-storage under construction on the south; single-family houses within unincorporated St. Joseph County across S.R. 23 on the west; the toll road on the north, and vacant land on the east.

3. The most desirable use for which the land in each district is adapted Because of the property's location along a heavily travelled mixed use corridor, the most desirable use for the property is commercial, office, or other non-single family residential use. Even the nearby residential properties across S.R. 23 to the west, residential use is not the highest and best use for an existing and transitioning commercial corridor.

4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent single-family residential, commercial, and agricultural uses. Over the last several years, single-family houses have been razed to accommodate commercial growth.

5. Responsible development and growth – The reuse of the existing house, and expansion for commercial uses is responsible grown and development along a heavily travelled of S.R. 23 where other residential properties have been converted into office and commercial uses.

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, IAMC, MMC, City Clerk

Proposed Ordinance No: ____________________

Ordinance No: ____________________________

PRESENTED by me to the Mayor this ________ day of ___________________, 2025, at _________ o'clock ____.M.

______________________________
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ________ day of __________________, 2025, at ________o'clock ____.M.

______________________________
David A. Wood, Mayor

## STAFF REPORT

| | | | |
|---|---|---|---|
| Location: | 16938, 16960 & 16972 S.R. 23 – East side of S.R. 23 & South of the Indiana Toll Road | Date: | November 12, 2025 |
| Petition: | 25- 19 | Prepared By: | CH |

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Wilson Realty/Richard Carroll d/b/a RC Outdoor/Abonmarche Consultants |
| Status: | Property Owner / Contingent Purchaser/ Site Preparer |
| Request: | To annex property and establish zoning as C-1 General Commercial District |
| Existing Zoning: | Unincorporated St. Joseph County (R Single Family District) |
| Proposed Zoning: | C-1 General Commercial District |
| Lot Size: | Approximately 4.5 acres |
| Applicable Regulations: | Section 137-300 to 137-303 / C-1 General Commercial District & Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1, and 36-7-4-603 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | Toll Road and C-2 Shopping Center Commercial (University Park Mall) |
| | South: | I-1 Light Industrial (mini storage) |
| | East: | Unincorporated St. Joseph County |
| | West: | Unincorporated St. Joseph County – R Single Family (houses) |
| Thoroughfare: | State Road 23 | |
| Council District: | Adjacent to District 6 | |
| School District: | South Bend Community School Corporation | |
| Township: | Clay | |
| Public Utilities: | All utilities are available and/or will be extended to/throughout the site at the developer's expense. | |
| Comprehensive Plan: | This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan. | |

## ANALYSIS

**Proposal:**
The applicant is proposing to annex and establish C-1 General Commercial District zoning for the area on the east side of State Road 23, south of the Indiana Toll Road.

The 4.5 acre site, currently known at 16938, 16960 & 16972 State Road 23 (Parcel ID 002-2018-037802, 002-2018-037809, 002-2018-037803) is located on the east side of State Road 23 just south of the Indiana Toll Road. The parcel has approximately 120' of frontage on S.R. 23 and currently has a house and a barn on the property.

In 2021, the property to the south was annexed and rezoned to I-1 Light Industrial for construction of a mini self-storage facility.

The applicant is requesting a zoning classification of C-1 General Commercial District which allows a variety of retail, office, and service uses. The contingent purchaser intends to use the existing structures for pool and spa commercial sales. A Use Variance (AP 25-38) has been submitted concurrently for outside storage. Due to the annexation schedule, the Use Variance will not be heard by the Common Council until after the 30 day remonstrance period.

As indicated on the preliminary site plan, the existing house will be converted into an office, and the existing barn will be used for storage. A new 2,400 sq. ft. storage barn is proposed, along with 22 parking spaces, a turnaround, storm water retention, and a proposed outdoor display area.

If the proposed rezoning and annexation request is approved, a detailed final site plan for each phase of the development must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm water drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements, prior to any permits being issued.

**Annexation:**
The property directly south was annexed in 2021 (Petition 21-10 / Ord. 5751), and was developed as mini-storage units.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexation as outlined above, approximately 1,391 feet, or 79%, of the total 1,745 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

**Location/Context:**
The site is located to the east of S.R. 23 directly south of the Indiana Toll Road, and is bordered to the south by mini storage under construction; to the west by single-family houses located within unincorporated St. Joseph County; and to the east by the former Uniroyal dump site. The S.R. 23 corridor between Douglas Road and Cleveland Road includes a variety of commercial, medical, and office uses with a limited area of single-family residential houses.

**Zoning Change:**
Staff believes that the proposed zoning of this property to the C-1 General Commercial District is <u>appropriate</u> given the primarily commercial, medical, and office uses and non-residential growth that has occurred along the S.R. 23 corridor. Within the last several years, two (2) single-family houses were demolished on S.R. 23 near Douglas Road for the development of a children's day care facility. The property directly south was annexed in 2021 (Petition 21-10 / Ord. 5751), and was developed as mini-storage units. The S.R. 23 corridor serves as a major gateway into the City from the northeast part of St. Joseph County. Development pressures along the corridor will only intensity in the future.

**Transportation/Roads:**
According to the latest available traffic counts, there were 19,692 annual average daily trips (AADT) (August 2024) along S.R. 23 north of Douglas Road and 15,159 AADT along S.R. 23 north of the Toll Road The counts at these locations have been relatively stable over the last 18 years ranging from a low of 13,983 AADT (August 2015) to a high of 22,482 AADT (March 2018). With the existing commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, does not show any planned added travel lanes along the S.R. 23 corridor. S.R. 23 is currently a four-lane road between Douglas Road and Cleveland Road with a dual-left center turn lane and dedicated left-turn lanes at the signalized intersections. Douglas Road between Ivy Road and S.R. 23 is currently under construction for adding travel lanes. This project will provide a four-lane connector between the University of Notre Dame and S.R. 23 to potentially relieve future traffic congestion.

All pertinent City Departments have reviewed and approved the request for annexation and zoning with the Engineering Departments commenting if the septic system fails, may be required to connect to City sewer. Additional comments shall be addressed with the Final Site Plan.

## RECOMMENDATION

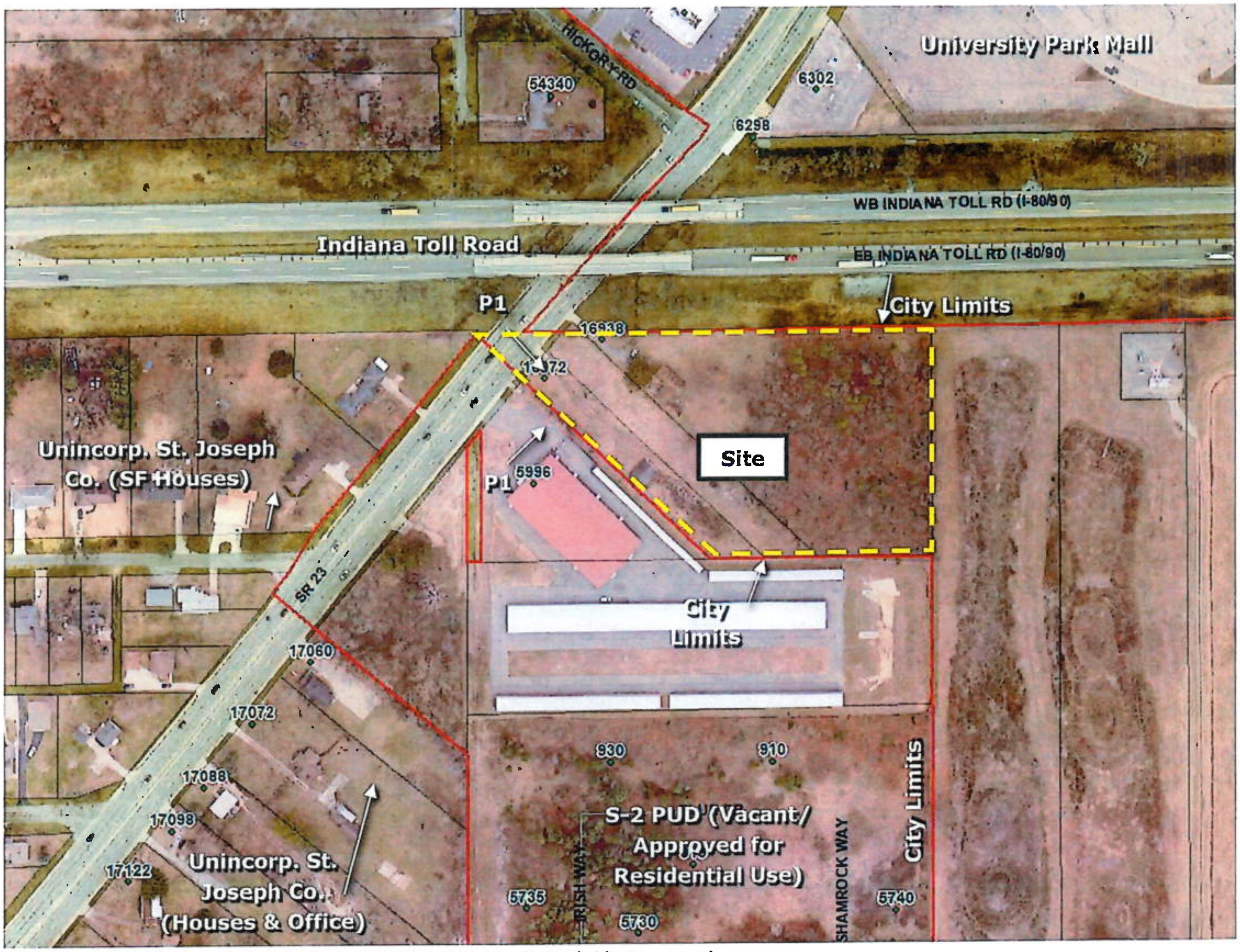
Staff recommends in **favor** of Petition 25-19 to annex and establish zoning as C-1 General Commercial District for property located on the east side of S.R. 23 south of the Indiana Toll Road (16938, 16960 & 16972 S.R. 23).

This recommendation is based on the following Findings of Fact:

1. The Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, a 4.5 acre commercial site is reasonably consistent with adjacent and changing land uses along the S.R. 23 corridor.
2. Current conditions and the character of structures and uses in each district – The subject property is located along a heavily travelled section of S.R. 23 serving as the major gateway into Mishawaka and South Bend from the northeast part of St. Joseph County. Traffic volumes in the immediate vicinity are expected to remain consistent due to the existing commercial and residential development in northern Mishawaka and St. Joseph County. The property, which has an existing house and barn, is adjacent to a mini self-storage under construction on the south; single-family houses within unincorporated St. Joseph County across S.R. 23 on the west; the toll road on the north, and vacant land on the east.
3. The most desirable use for which the land in each district is adapted Because of the property's location along a heavily travelled mixed use corridor, the most desirable use for the property is commercial, office, or other non-single family residential use. Even the nearby residential properties across S.R. 23 to the west, residential use is not the highest and best use for an existing and transitioning commercial corridor.
4. The conservation of property values throughout the jurisdiction – The proposed zoning should not be injurious to property values in the surrounding area. The proposed multi-family residential use is compatible with the adjacent single-family residential, commercial, and agricultural uses. Over the last several years, single-family houses have been razed to accommodate commercial growth.
5. Responsible development and growth – The reuse of the existing house, and expansion for commercial uses is responsible grown and development along a heavily travelled of S.R. 23 where other residential properties have been converted into office and commercial uses.

## ATTACHMENTS

Aerial Map, Photographs, Rezoning & Annexation Petition, Concept Plan, and Location Map




Aerial Photograph
16938, 16960 & 16972 S.R. 23


P1. A view east across State Road 23


P2. A view north from mini-storage entrance.

# City of Mishawaka, Indiana
# ANNEXATION PROCEDURE

DATE: 10/22/25

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

RE: Petition for Annexation and Zoning Classification

The undersigned Gary Wilson of Wilson Realty LLC. respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

(SEE ATTACHED LEGAL DESCRIPTION)

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located 16938, 16960, and 16972 SR HWY 23 South Bend, In 46635 and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a (*C-1 zoning classification desired*) District. Petitioners further state they intend to utilize said land for (Pool & Spa Commercial Sales).

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s).

Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, 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 annexing the above described parcel of real estate to the City of Mishawaka with a (*C-1 zoning classification*).

____________________________ ____________________________

Property Owner Signature

____________________________

Contact Person:
Abonmarche - Chris Godlewski
315 W. Jefferson Blvd
South Bend, IN 46601
cgodlewski@abonmarche.com
574-232-7800

October 22nd, 2025

I, Gary Wilson, am the owner of 16938, 16960, and 16972 SR 23 HWY South Bend, In 46635. I have authorized Richard Carroll on behalf of Abonmarche Consultants, to apply for 3 applications for a R-1 to C-1 rezoning, Annexation into the City of Mishawaka, and a Use variance to have accessory storage in an C-1 district.

Please use this authorization statement for purposes of applying for and securing the necessary approvals for development on these three parcels.

Sincerely,

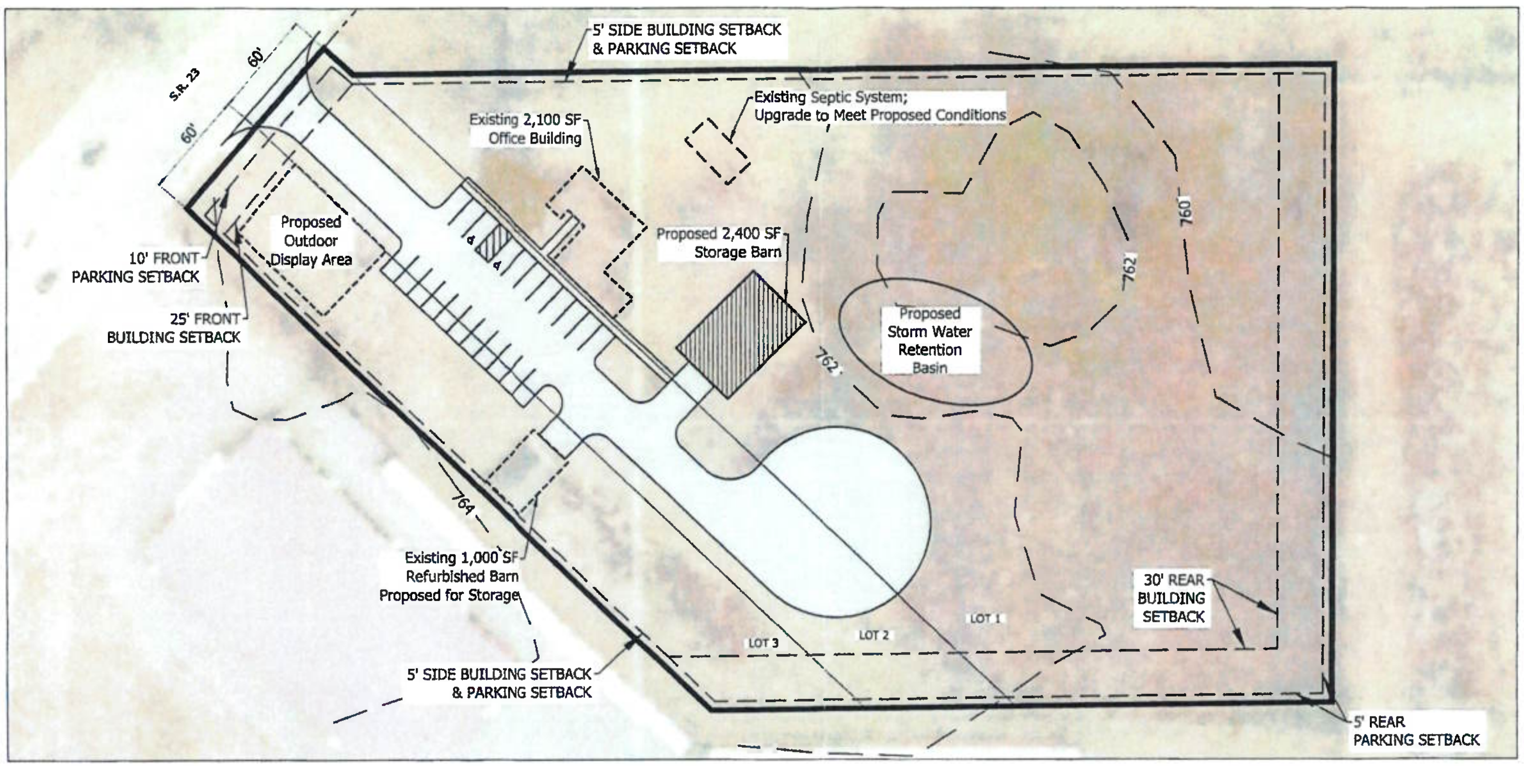
Gary Wilson 10/22/25

Gary Wilson Date

734 VISTULA RD. OSCEOLA IN 46561

Address

A parcel of land situate in the North West Quarter (NW 1/4) of the South West Quarter (SW 1/4) of Section Number Twenty-eight (28), Township Number Thirty-eight (38) North, Range Number Three (3) East, bounded by a line running as follows: Beginning at the Northwest corner of said North west Quarter of the South West Quarter of said Section 28; thence South along the West line thereof a distance of 300 feet; thence East 7.5 feet to the point of beginning of the description; thence 720 feet East; thence South 360 feet South; thence West 355 feet; thence North 45 degrees 50 minutes West 510 feet to the North line of SR 23; thence North 44 degrees 10 minutes East along the North line of SR 23, 7 feet to the beginning; said parcel containing 4.5 acres, more or less, and subject to easements, covenants, and right of way record.




## GENERAL NOTES

1. Proposed Zoning: City of Mishawaka C-1 Commercial.
2. Proposed Land Use: Commercial
3. Site shall be served by municipal water: Existing City of Mishawaka water main on S. R. 23. Existing well to be abandoned.
4. Site shall be served by a private septic system.
5. Setbacks shall conform to C-1 Commercial District zoning ordinance unless proper variances have been granted.
6. The site shall conform to the area, height and development regulations of C-1 Commercial District zoning ordinance unless proper variances are granted by the Board of Zoning Appeals.
7. Proposed parking and drives shall be paved and privately owned.
8. Site/Building drainage shall be managed onsite by the Owner.
9. All landscape and lighting shall be in accordance with the C-1 Commercial District zoning ordinance unless the proper variances have been granted.
10. Coordinate with utility companies for relocation of any utilities prior to any construction activity.

## TABULATED LOT DATA

| LOT NO. (PARCEL ID) | |
|---|---|
| 1 (002-2018-037803) | 2.97 Acres |
| 2 (002-2018-037809) | 0.68 Acres |
| 3 (002-2018-037802) | 0.60 Acres |
| TOTAL | 4.25 Acres |

## TABULATED SITE DATA

| PROPOSED LAND COVERAGE | AREA (SF) | PERCENTAGE |
|---|---|---|
| Total Impervious Area | 32,260 | 17.4% |
| Buildings (5,500 SF) | | |
| Pavement & Sidewalk (26,760 SF) | | |
| Open Space / Landscape Area | 152,870 | 82.6% |
| Total | 185,130 | 100% |

## WEB SOIL SURVEY

UgvA - Urban Land Tyner Compex, 0-1%
Infiltration Rate: 6-20 inches/hour
Groundwater: Greater than 80"

## PARKING CALCULATIONS

Required Parking:
Office + Storage = 2,100 SF + 1,000 SF + 2,400 SF = 5,500 SF
(5,500 SF) x (4 Spaces/1,000 SF) = 22 Spaces

Provided Parking:
22 Spaces Including 2 ADA Accessible Spaces

Received
OCT 22 2025
Planning and Community Development

Dec 25-19

ABONMARCHE
315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
abonmarche.com

© 2025

Surveying
Engineering
Architecture



RICHARD CARROLL
# RC OUTDOOR COMMERCIAL DEVELOPMENT CONCEPT PLAN
S.R. 23, MISHAWAKA, INDIANA

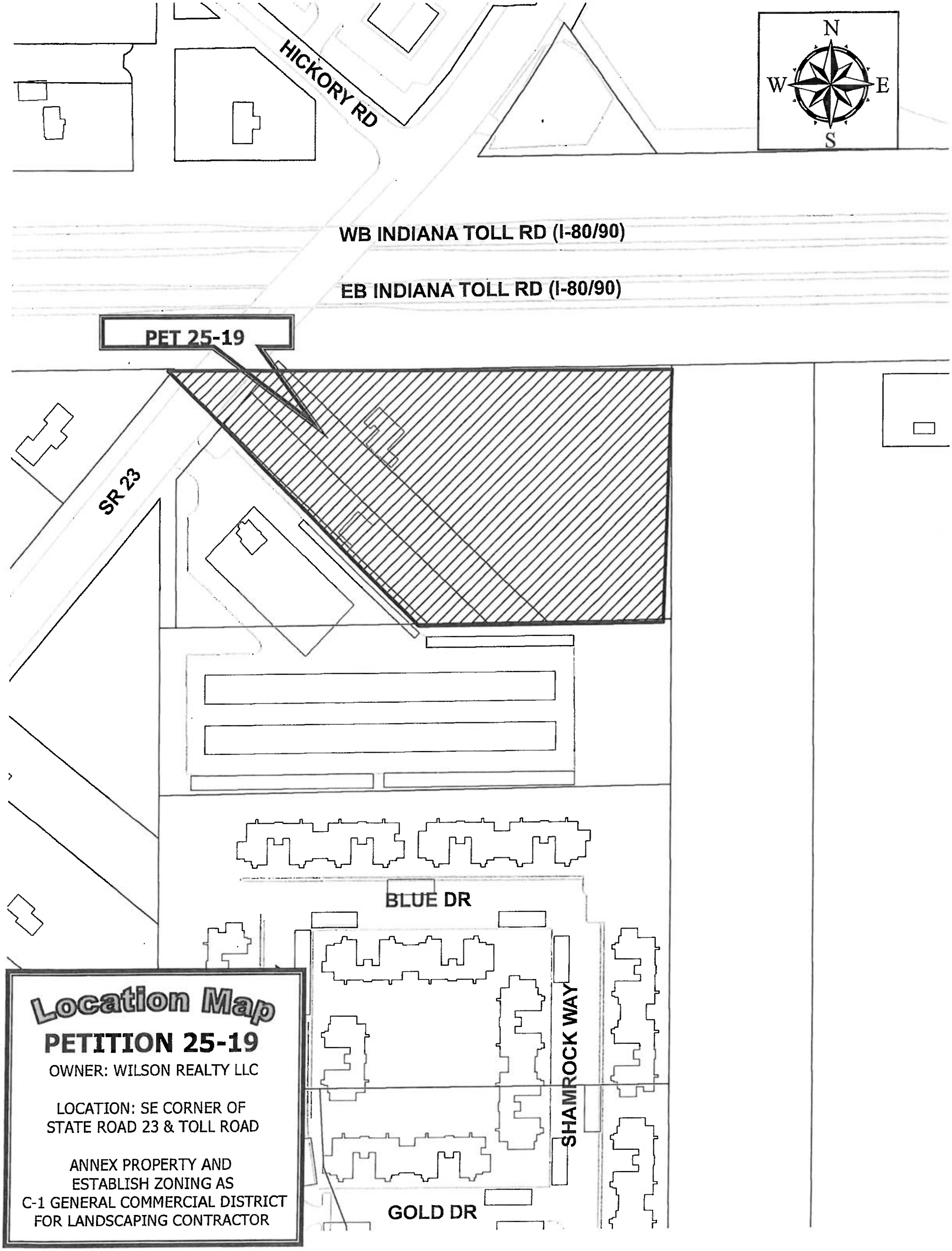
NOT FOR CONSTRUCTION

FOR INFORMATIONAL USE ONLY

ISSUE DATE: 10/22/2025
PM: CPG
QA/QC: SDR

PROJECT NO: 25-1796

1 of 1


N
W
E
S
HICKORY RD
WB INDIANA TOLL RD (I-80/90)
EB INDIANA TOLL RD (I-80/90)
PET 25-19
SR 23
BLUE DR
SHAMROCK WAY
GOLD DR
Location Map
PETITION 25-19
OWNER: WILSON REALTY LLC
LOCATION: SE CORNER OF
STATE ROAD 23 & TOLL ROAD
ANNEX PROPERTY AND
ESTABLISH ZONING AS
C-1 GENERAL COMMERCIAL DISTRICT
FOR LANDSCAPING CONTRACTOR

Deborah S. Block, IAMC, MMC

NOV 1 3 2025

City Clerk
Mishawaka, IN

PETITION 25-20

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2025-35

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:

**Pt of 316 W Indian Ridge Blvd**

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:

A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON DISK FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 08 MINUTES, 05 SECONDS WEST (ASSUMED), ALONG THE EAST LINE OF SAID QUARTER OF SAID SECTION, A DISTANCE OF 287.56 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE OF SAID QUARTER OF SAID SECTION AND THE SOUTH RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD; THENCE SOUTH 89 DEGREES 42 MINUTES 59 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF SAID TOLL ROAD, A DISTANCE OF 125.00 FEET TO A POINT IN CONCRETE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET EXTENDED; THENCE SOUTH 00 DEGREES 08 MINUTES 05 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF MAIN STREET EXTENDED, A DISTANCE OF 279.26 FEET; THENCE SOUTH 03 DEGREES 21 MINUTES 52 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 251.63 FEET; THENCE SOUTH 11 DEGREES, 27 MINUTES 08 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 206.95 FEET; THENCE SOUTH 11 DEGREES 50 MINUTES 08 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 279.50 FEET; THENCE SOUTH 00 DEGREES, 04 MINUTES, 45 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 58.52 FEET; THENCE SOUTH 62 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 50.05 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIDGE BOULEVARD; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIDGE BOULEVARD, A DISTANCE OF 738.33 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT OF WAY LINE OF INDIAN RIDGE BOULEVARD, A DISTANCE OF 304.00 FEET TO THE EAST LINE OF THE PROPERTY CONVEYED TO FIRST CAPITAL INSTITUTIONAL REAL ESTATE LTD, AS RECORDED IN DOCUMENT NUMBERS 8902143 AND 8902147 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE

NORTH 00 DEGREES 04 MINUTES 05 SECONDS EAST ALONG SAID EAST LINE 357.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 46 SECONDS EAST 304.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 05 SECONDS WEST 357.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.491 OF AN ACRE, MORE OR LESS.

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-10 Filling Station Commercial designated in "The Zoning Ordinance of 1966" as amended.

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

This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

1. The Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development along this area of Indian Ridge Blvd, N Main St and Grape Road. The proposal is consistent with the Comprehensive Plan.

2. Current conditions and the character of current structures and uses in each district – The subject property, which includes an underutilized parking area for the existing Walmart store, would allow ample room for a small gas station kiosk, fuel pumps and parking.

3. The most desirable use for which the land in each district is adopted – Because of the property's current commercial zoning and being adjacent to existing similar commercial zoning and development, the most desirable use of the property is commercial. The property is currently an underutilized parking lot serving an adjacent tenant commercial building.

4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. Permitted C-10 Filling Station Commercial uses should be compatible with the adjacent existing uses.

5. Responsible development and growth – The proposed change in zoning is desirable given the current commercial zoning of the property and the existing and preferred commercial use.

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, IAMC, MMC, City Clerk

Proposed Ordinance No: ____________________

Ordinance No: ____________________________

PRESENTED by me to the Mayor this ________ day of ___________________, 2025, at ____ o'clock ____.M.

______________________________
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ___________ day of __________________, 2025, at ________o'clock ____.M.

______________________________
David A. Wood, Mayor

## STAFF REPORT

| | |
|---|---|
| Location: Southwest corner of 316 W Indian Ridge Blvd | Date: November 12, 2025 |
| Petition: 25- 20 | Prepared By: DMW |

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Walmart Stores Inc #2678/6315 / Carlson Consulting |
| Status: | Property Owner / Engineering Consultant |
| Request: | To rezone from C-1 General Commercial District to C-10 Filling Station Commercial District to allow for a fuel kiosk and pumps |
| Zoning Classification: | C-1 General Commercial District |
| Lot Size: | 28.92 acres (2.5 acre area to be rezoned) |
| Applicable Regulations: | Section 137-529 & 137-530 / C-10 Filling Station Commercial District, Section 137-41 / Amendments to the Zoning Map, & Indiana Code 36-7-4-603 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | C-1 General Commercial & S-2 Planned Unit Development (Park Plus PUD - Menards) |
| | South: | S-2 Planned Unit Development (University Town Center – Home Depot) |
| | East: | C-1 General Commercial (North Central Veterinary Emergency Center, Mixers and Jersey Mike's) & R-3 Multi-Family Residential (Indian Ridge Apartments) |
| | West: | C-2 Shopping Center Commercial (Indian Ridge Shopping Center) |
| Thoroughfare: | W Indian Ridge Blvd | |
| Council District: | 7 | |
| School District: | South Bend Community | |
| Township: | Clay | |
| Public Utilities: | All utilities are available and will be connected to/throughout the site at the expense of the owner | |
| Comprehensive Plan: | Service Commercial | |

## ANALYSIS

The Petitioner, Walmart Stores Inc #2678/6315, along with their consultant, Carlson Consulting, is requesting to rezone property located at the southwest corner of 316 W Indian Ridge Blvd from C-1 General Commercial District to C-10 Filling Station Commercial District for a fuel kiosk and pumps.

The 28.92 acre site, which is compiled of Walmart and Sam's Club, consists of one parcel of property (Tax Parcel 029-2018-038402). The property is bordered on the east by N Main Street, on south by Home Depot, Fifth Third Bank and Krispy Kreme, on the north by the Toll Road and the west by Indian Ridge Shopping Center.

An approximate 2.5 acre area at the southwest corner is proposed for C-10 zoning.

Per the preliminary site plan, the applicant is proposing to construct an approximate 1,618 sq. ft. one-story fuel station service building, fuel pumps with an overhead canopy, a twenty-four (24) space parking lot, and other required infrastructure (utilities, landscaping, etc.)

Access to the site will be provided from both W Indian Ridge Blvd and internally from Walmart parking lot on the property.

Based on 5.5 parking spaces per 1,000 sq. ft. of gross floor area, which is the applicable ratio for the proposed C-10 Filling Station Commercial use, a total of nine (9) parking spaces are required for the approximate 1,600 sq. ft. building. The preliminary site plan shows twenty-four (24) spaces provided within three (3) parking rows to the south and east of the building. Although not shown on the preliminary site plan, Planning Staff requested that a sidewalk be required along the entire W. Indian Ridge Boulevard frontage.

A developmental variance will be required for the existing Wal-Mart property not being redeveloped due the elimination of parking spaces. Currently, the plan shows that 785 parking spaces exist with 679 spaces remaining after the gas station is developed. Per ordinance, a total of 855 parking spaces are required for Walmart (213,565 sq. ft.) including the proposed 4,912 sq. ft. addition (AD 25-04) based on 4 spaces per 1,000 sq. ft. of gross floor area.

Landscaping and screening shall comply with the commercial landscaping regulations.

With this petition, the applicant is only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, soil erosion control, landscaping, and all other required improvements pertinent to the proposed development. If developmental variances or design review waivers are required, the Board of Zoning Appeals and/or Plan Commission shall be petitioned when a final site plan is submitted.

A replat may be required for dedicating additional right-of-way or easements. This will be determined as a part of the final site plan process. If a replat is required, it could be filed concurrent with a final site plan and only requires Plan Commission approval.

Staff supports the request for rezoning to C-10 District and the use will not be out of character and will be compatible with the existing adjacent land uses and zoning. Furthermore, commercial use is consistent with the recommended use per the comprehensive plan.

The Electric Department commented that they will need to discuss service needs with the contractor prior to construction.

The Building Department commented that a construction design release is required from the Plan Review division of the Indiana Department of Homeland Security prior to local permitting.

The Water Department commented that they should be contacted with questions on service, metering, or backflow needs.

All other pertinent City Departments have reviewed and approved the request without comment.

## Recommendation

Staff recommends in **favor** of Petition# 25-20 to rezone property at the southwest corner of 316 W Indian Ridge Blvd from C-1 General Commercial District to C-10 Filling Station Commercial District for a fuel kiosk and pumps. This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

1. The Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development along this area of Indian Ridge Blvd, N Main St and Grape Road. The proposal is consistent with the Comprehensive Plan.

2. Current conditions and the character of current structures and uses in each district – The subject property, which includes an underutilized parking area for the existing Walmart store, would allow ample room for a small gas station kiosk, fuel pumps and parking.

3. The most desirable use for which the land in each district is adopted – Because of the property's current commercial zoning and being adjacent to existing similar commercial zoning and development, the most desirable use of the property is commercial. The property is currently an underutilized parking lot serving an adjacent tenant commercial building.

4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. Permitted C-10 Filling Station Commercial uses should be compatible with the adjacent existing uses.

5. Responsible development and growth – The proposed change in zoning is desirable given the current commercial zoning of the property and the existing and preferred commercial use.

## Attachments

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


Aerial Photograph

P1. Looking southerly from the subject property (parking lot) toward proposed gas station location

P2. Looking easterly from the subject property (parking lot) toward proposed gas station location

P3. Looking easterly from western entrance into Walmart off Indian Ridge Blvd

DATE: October 21, 2025

Honorable Members of the

Common Council

City of Mishawaka, Indiana

and

Mishawaka City Plan Commission

City of Mishawaka, Indiana

PCS 25-20

Received

OCT 22 2025

Planning and
Community Development

**RE: PETITION TO REZONE**

The undersigned Wal-Mart Stores, Inc. respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit (Defined on page 2). Petitioner(s) own one hundred (100%) percent of the above-described parcel of land which carries a zoning classification of C-1 (General Commercial) District. Said property is currently a Walmart Supercenter and Sam's Club. Petitioner(s) desire a portion of said real estate to be rezoned to C-10 (Filling Station Commercial) District (Area defined on Page 3). Petitioner(s) further state that they intend to utilize said land for a Walmart Fueling Station. Wherefore, the petitioner(s) 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 of Property Owner

______________________

CONTACT PERSON:

NAME: Gabriel Loth

ADDRESS: 7068 Ledgestone Commons, Bartlett, TN 38133

PHONE NUMBER: (901) 384-0404 (Ext. 140)

EMAIL: GabrielLoth@CarlsonConsulting.net

LEGAL DESCRIPTION OF PORTION TO BE REZONED:

A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON DISK FOUND AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 08 MINUTES, 05 SECONDS WEST (ASSUMED), ALONG THE EAST LINE OF SAID QUARTER OF SAID SECTION, A DISTANCE OF 287.56 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE OF SAID QUARTER OF SAID SECTION AND THE SOUTH RIGHT-OF-WAY LINE OF THE INDIANA EAST-WEST TOLL ROAD; THENCE SOUTH 89 DEGREES 42 MINUTES 59 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF SAID TOLL ROAD, A DISTANCE OF 125.00 FEET TO A POINT IN CONCRETE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET EXTENDED; THENCE SOUTH 00 DEGREES 08 MINUTES 05 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF MAIN STREET EXTENDED, A DISTANCE OF 279.26 FEET; THENCE SOUTH 03 DEGREES 21 MINUTES 52 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 251.63 FEET; THENCE SOUTH 11 DEGREES, 27 MINUTES 08 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 206.95 FEET; THENCE SOUTH 11 DEGREES 50 MINUTES 08 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 279.50 FEET; THENCE SOUTH 00 DEGREES, 04 MINUTES, 45 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 58.52 FEET; THENCE SOUTH 62 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 50.05 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIDGE BOULEVARD; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF INDIAN RIDGE BOULEVARD, A DISTANCE OF 738.33 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE NORTH 89 DEGREES 56 MINUTES 46 SECONDS WEST, ALONG THE NORTH RIGHT OF WAY LINE OF INDIAN RIDGE BOULEVARD, A DISTANCE OF 304.00 FEET TO THE EAST LINE OF THE PROPERTY CONVEYED TO FIRST CAPITAL INSTITUTIONAL REAL ESTATE LTD, AS RECORDED IN DOCUMENT NUMBERS 8902143 AND 8902147 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00 DEGREES 04 MINUTES 05 SECONDS EAST ALONG SAID EAST LINE 357.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 46 SECONDS EAST 304.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 05 SECONDS WEST 357.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.491 OF AN ACRE, MORE OR LESS.

## PRE-EXPANSION SITE ANALYSIS TABLE

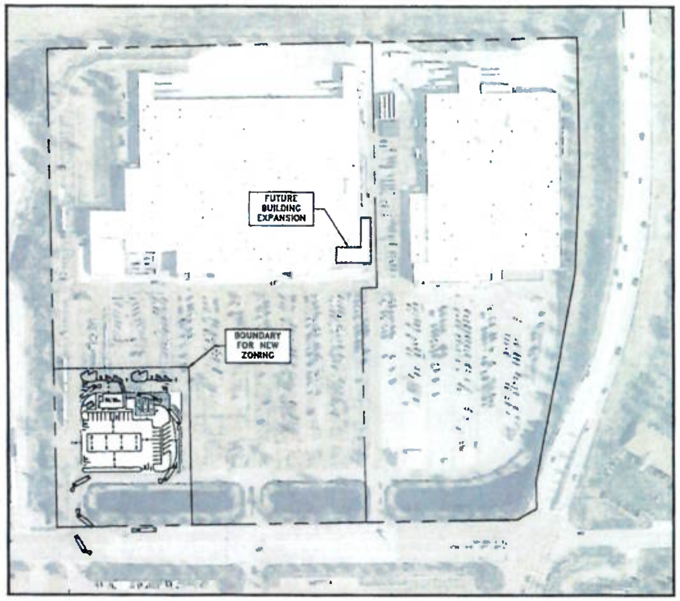
| | | |
|---|---|---|
| STORE ADDRESS: | 316 Indian Ridge Blvd Mishawaka, IN 46545 | |
| CURRENT ZONING: | C1 (General Commercial) | |
| EXISTING PARCEL AREA: | 17.88 AC | |
| WALMART BUILDING SF: | 208,653 SF | |
| PROPOSED FUEL AREA: | 0.85 AC | |
| | PARKING COUNT | PARKING RATIO |
| EXISTING PARKING | 785 SPACES | 3.76/1,000 SF |
| PROPOSED PARKING | 671 SPACES | 3.19/1,000 SF |
| CODE REQD PARKING | 841 SPACES | 4.00/1,000 SF |
| WM REQD PARKING | 841 SPACES | 4.00/1,000 SF |

NOTES:
1. CARLSON CONSULTING ENGINEERS HAS REVIEWED THE TITLE COMMITMENT AND THERE IS NO ECR REQUIRED PARKING
2. FUEL SALES ARE NOT PERMITTED IN THE C1 ZONE. REZONING IS REQUIRED.
3. THE EXISTING BUILDING AND GROSS FLOOR AREA SQUARE FOOTAGES WERE PROVIDED BY MS CONSULTANTS IN AN EMAIL FROM KEVIN DITRANGO ON 07/16/2025.
4. EXISTING PARKING COUNTS ARE BASED ON A FIELD COUNT COMPLETED BY CARLSON CONSULTING ENGINEERS ON 03/28/2025.
5. PROPOSED AND REQUIRED PARKING RATIOS INCLUDES 1,618 SF FUEL STATION SERVICE BUILDING.

## POST-EXPANSION SITE ANALYSIS TABLE

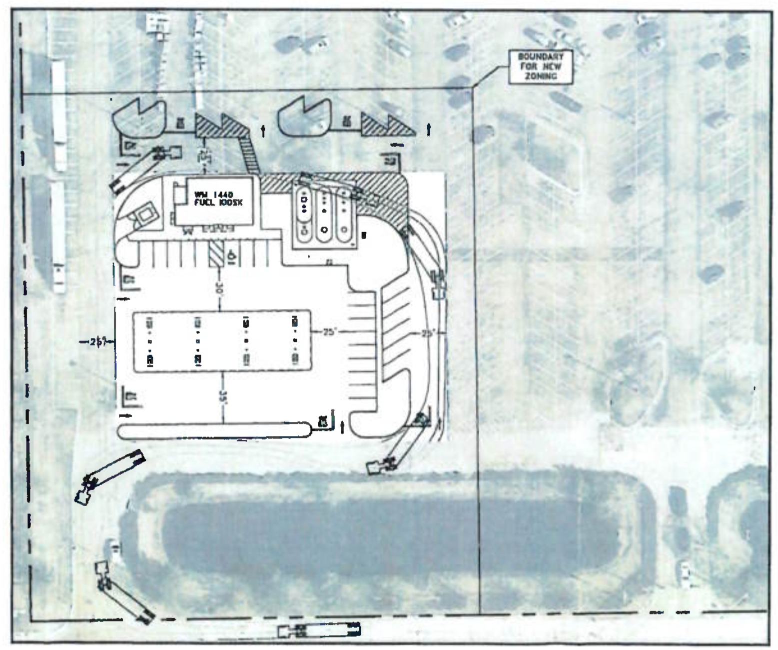
| | | |
|---|---|---|
| STORE ADDRESS: | 316 Indian Ridge Blvd Mishawaka, IN 46545 | |
| CURRENT ZONING: | C1 (General Commercial) | |
| EXISTING PARCEL AREA: | 17.88 AC | |
| WALMART BUILDING SF: | 213,565 SF | |
| PROPOSED FUEL AREA: | 0.85 AC | |
| | PARKING COUNT | PARKING RATIO |
| EXISTING PARKING | 805 SPACES | 3.77/1,000 SF |
| PROPOSED PARKING | 679 SPACES | 3.16/1,000 SF |
| CODE REQD PARKING | 861 SPACES | 4.00/1,000 SF |
| WM REQD PARKING | 861 SPACES | 4.00/1,000 SF |

NOTES:
1. CARLSON CONSULTING ENGINEERS HAS REVIEWED THE TITLE COMMITMENT AND THERE IS NO ECR REQUIRED PARKING
2. FUEL SALES ARE NOT PERMITTED IN THE C1 ZONE. REZONING IS REQUIRED.
3. THE EXISTING AND PROPOSED BUILDING AND GROSS FLOOR AREA SQUARE FOOTAGES FOR THE FUTURE SUPERCENTER EXPANSION WERE PROVIDED BY MS CONSULTANTS IN AN EMAIL FROM KEVIN DITRANGO ON 07/16/2025.
4. EXISTING PARKING COUNTS ARE BASED ON A FIELD COUNT COMPLETED BY CARLSON CONSULTING ENGINEERS ON 03/28/2025.
5. PROPOSED AND REQUIRED PARKING RATIOS INCLUDES 1,618 SF FUEL STATION SERVICE BUILDING.
5. ADDITIONAL 20 EXISTING PICKUP PARKING SPACES LOCATED ON SAM'S CLUB PROPERTY ARE INCLUDED IN ABOVE COUNTS/RATIOS PER DIRECTION FROM MATTHEW JONES ON 9/15/2025.
6. PROPOSED PICKUP SPACES TO BE LOCATED ON SAM'S CLUB PROPERTY PER EMAIL DISCUSSION WITH WM.




OVERALL SITE PLAN
SCALE: 1"=100'

Received
OCT 2 2 2025
Planning and Community Development
PC 25-20




FUEL STATION PLAN
SCALE: 1"=30'

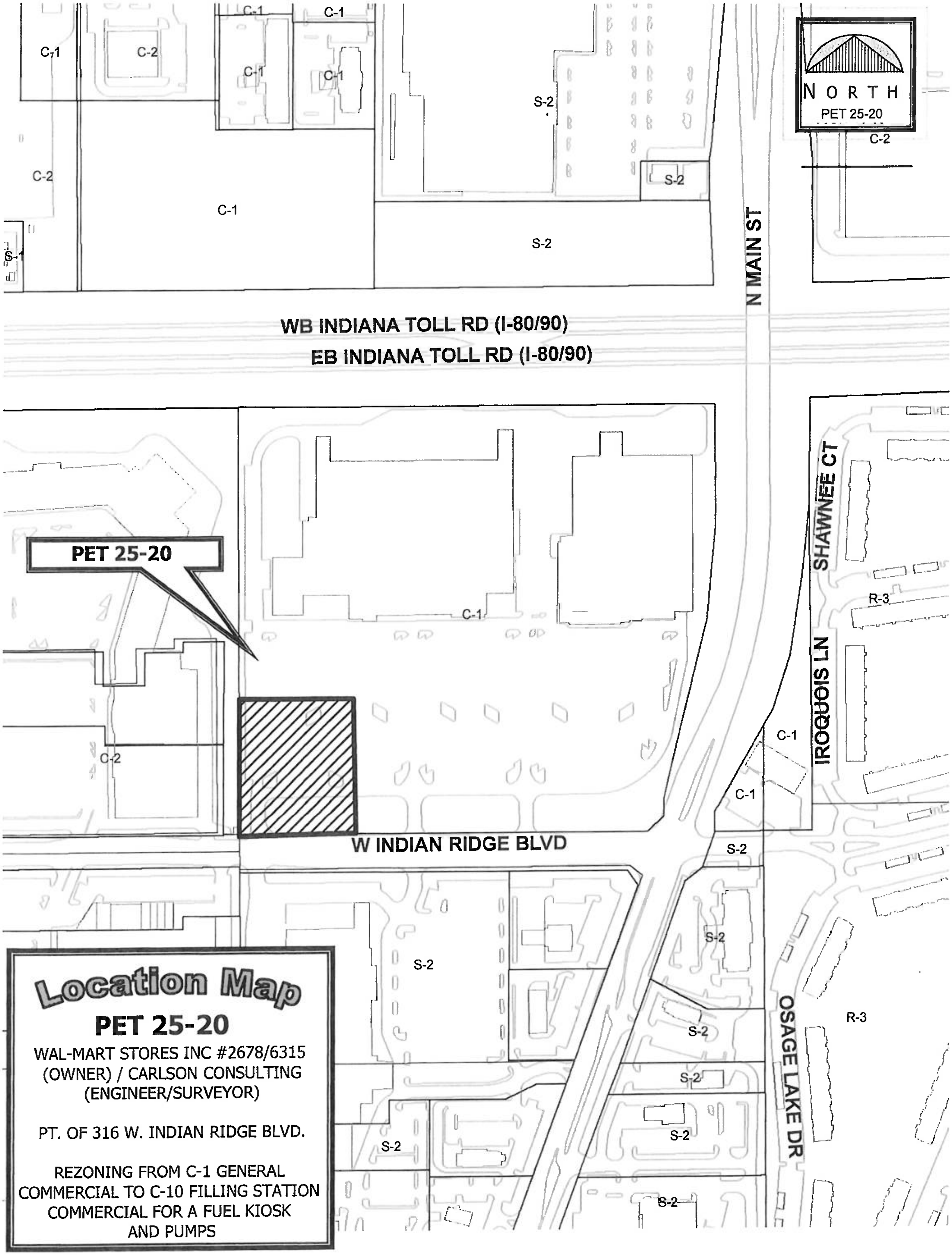
CONCEPTUAL SITE PLAN (CSP) #4B
1440 KIOSK / 8 PUMP STACKED

| REVISIONS | BY |
|---|---|
| | |

CARLSON CONSULTING ENGINEERS, INC.

WALMART SUPERCENTER #2678
MISHAWAKA, INDIANA
WALMART, INC.
2608 SE J STREET
BENTONVILLE, AR 72716

Walmart


NORTH
PET 25-20
WB INDIANA TOLL RD (I-80/90)
EB INDIANA TOLL RD (I-80/90)
N MAIN ST
W INDIAN RIDGE BLVD
SHAWNEE CT
IROQUOIS LN
OSAGE LAKE DR
PET 25-20
C-1
C-2
S-1
S-2
R-3
Location Map
PET 25-20
WAL-MART STORES INC #2678/6315
(OWNER) / CARLSON CONSULTING
(ENGINEER/SURVEYOR)
PT. OF 316 W. INDIAN RIDGE BLVD.
REZONING FROM C-1 GENERAL
COMMERCIAL TO C-10 FILLING STATION
COMMERCIAL FOR A FUEL KIOSK
AND PUMPS

Deborah S. Block, IAMC, MMC

NOV 1 3 2025

City Clerk
Mishawaka, IN

APPEAL #25-35

RESOLUTION NO. 2025-25

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

**1123 S Spring Street, Mishawaka, Indiana**

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **1123 S Spring Street, Mishawaka, Indiana**, more particularly known and described as follows:

*Lot 317 & 318 of Gaylor's 3rd Plat excluding north 43'*

The Use Variance is to allow a second residential unit for property located at 1123 S Spring Street.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

Section III. The Common Council of the City of Mishawaka, Indiana, subject to the following condition:

1. Two off street parking spaces shall be provided and the parking spaces shall be hard surface (concrete or asphalt). Parking shall be provided prior to the occupancy of the second residential unit.

hereby finds that:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the physical footprint of the building is not changing and they are wanting to convert unused space to a small studio apartment.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the addition of a second unit is not changing the dynamic of the neighborhood or existing building.

3. The need for the use variance arises from the condition to the property in that the current zoning does not support residential units in a commercial building even though the building has had a residential unit in it for the past 40 years with no issues.

4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the property owner will not be able to fully utilize all the space in the building which if left unused could be subject to ungainly concerns.

5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates low density uses for this area.

<u>Section IV.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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, IAMC, MMC, City Clerk

APPROVED by me this _______ day of______________________, 2025, at _______o'clock _____.m.

______________________________
David A. Wood, Mayor

## STAFF REPORT

Location: 1123 S Spring Street

Date: November 12, 2025

Appeal: 25 - 35

Prepared By: DMW

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Hahn Janitorial LLC |
| Status: | Property Owner |
| Request: | Use variance to allow for a second residential unit |
| Zoning Classification: | C-1 General Commercial |
| Lot Size: | 0.17 acres |
| Applicable Regulations: | Section 137-42 / (4) Board of Zoning Appeals Use Variance<br>Section 137-300 to 137-303 / C-1 General Commercial District<br>Indiana Code 36-7-918.4 and 36-7-4-918.5 (a) |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | C-1 General Commercial (vacant) |
| | South: | R-1 Single Family Residential (single family homes) |
| | East: | R-1 Single Family Residential (single family homes) |
| | West: | R-1 Single Family Residential (single family homes) |

| | |
|---|---|
| Thoroughfare: | S Spring Street & W Thirteenth Street |
| Council District: | 1 |
| School District: | School City of Mishawaka |
| Township: | Penn |
| Public Utilities: | All utilities are available and currently serve the property |
| Comprehensive Plan: | Low Density Residential |

## ANALYSIS

The Appellant is requesting a use variance to allow a second residential unit in a commercial building. The current location houses a commercial business, Hahn Janitorial LLC, and a single residential unit. These uses are consistent with older mixed-use buildings that were built as commercial within older residential neighborhoods of the City. The appellant would like to convert currently unused space to create a second residential unit which would be a studio apartment. This follows the considerable investment that the appellant has already made in the structure to house the current cleaning business.

The C-1 General Commercial District does not allow for residential units. The building currently has one non-conforming residential unit and that unit has been in existence since 1986 according to the Polk Directories. To be considered legally non-conforming (i.e. grandfathered), proof would be needed back to 1966, prior to the introduction of the zoning ordinance. Since the unit has been documented for close to 40 years, the City does not question the status of the unit, the lack of proof going back to 1966 merely prevents us from writing a letter and documenting the legal non-conforming status. If the proposed variance is approved, it will make the existing and proposed unit "legal and documented" eliminating any future need to try and document the non-conforming status of the existing residential unit.

Staff is recommending approval of the request noting that the combination of residential and commercial uses represents the highest and best use of the older commercial building. The largest issue with the conversion is likely parking. The building currently does not contain any off-street parking. As part of the staff recommendation to approve the requested variance, we have also requested a condition that two off-street parking spaces be provided for the property. One for each residential unit. The parcel does offer a parking slab off of Thirteenth Street that appears that it could potentially be added onto for a driveway that would accommodate two vehicles. Parking continues to be a concern in older established residential neighborhoods. In other cases where staff has recommended adding residential apartments, we have generally used one space per unit as a minimum guideline when evaluating and recommending in favor of requests.

The Building Department commented that permits are required.

Water Department commented to call with any questions.

Engineering Department commented that off street parking is required to be provided and to provide plan showing how this can be accomplished. Engineering also asked how the apartment will be accessed.

All other pertinent departments have reviewed and approved this request.

## RECOMMENDATION

The Planning Staff recommends **approval** of Appeal #25-35 to allow a Use Variance for a second residential unit in a C-1 General Commercial District subject to the following Condition:

1. Two off street parking spaces shall be provided and the parking spaces shall be hard surface (concrete or asphalt). Parking shall be provided prior to the occupancy of the second residential unit.

This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the physical footprint of the building is not changing and they are wanting to convert unused space to a small studio apartment.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the addition of a second unit is not changing the dynamic of the neighborhood or existing building.
3. The need for the use variance arises from the condition to the property in that the current zoning does not support residential units in a commercial building even though the building has had a residential unit in it for the past 40 years with no issues.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the property owner will not be able to fully utilize all the space in the building which if left unused could be subject to ungainly concerns.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates low density uses for this area.

## ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, and Location Map


Aerial Photograph

A view of the building looking west from S Spring Street

A view of the building looking northwest from intersection of Spring and W Thirteenth

View of building looking north from W Thirteenth Street

View of building looking south west from S Spring Street

AP 25-35

Received
OCT 16 2025
Planning and
Community Development

10/13/2025

Board of Zoning and Appeals

City of Mishawaka, IN

The undersigned appellant respectfully shows the Board:

1. I, Lacy Hahn, HAHN JANITORIAL 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:
   Mixed use brick, stand alone building located at 1123 South Spring Street, Northwest corner of Spring and 13th Streets. (SEE ATTACHED.)
2. The above-described real estate presently has a zoning classification of Commercial Use District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner: Office Use.
4. Appellant desires to convert remaining open space within the current building into a studio apartment for residential use. Currently there is one residential unit that is Grandfathered in.
5. The Zoning Ordinance of the City of Mishawaka requires section 137-301 Use Section C1 to allow for a second apartment.
6. Strict adherence to the current zoning would prohibit the continued revitalization of the property and added value to the immediate neighborhood.
7. See following Answers for **USE VARIANCE**
   a. Approval of request will NOT be injurious to public health, safety, moral of general welfare of the community and neighborhood. Prior to purchase this historic building sat mostly vacant, dilapidated, and infested with animals and insects. This posed a danger to immediate neighbors and was an eyesore for the neighborhood and city. The request to re-zone will prove an opportunity to bring vibrance and new life to not only the building, but the area in general.
   b. Value of immediate properties adjacent will most likely increase due to exterior aesthetic.
   c. The need is not peculiar to property; this is a common use of unoccupied space.
   d. The strict adherence to the current zoning ordinance would create unnecessary hardship to myself and neighborhood as the space would be

left empty and suspect to infestation of animals, insects or even squatters. Creating safety and financial issues for all involved.

e. No, the suggested us will not interfere wit the Mishawaka 2000 Comprehensive Plan. The changes will keep in accordance with the feel and look of the neighborhood.

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

*Signature of Property Owner/Title Holder*

**Contact Person**

574-381-2662

Legal Description:

Lots 317 & 318 of Gaylor's 3rd Plat excluding north 43'


NORTH
AP 25-35
W TWELFTH ST
AP 25-35
C-1
S SPRING ST
W THIRTEENTH ST
R-1
TH ST
Location Map
AP 25-35
HAHN JANITORIAL LLC
1123 S SPRING STREET
USE VARIANCE TO ALLOW A
SECOND RESIDENTIAL UNIT

1st Reading 9/22/25
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, IAMC, MMC
OCT 28 2025
City Clerk
Mishawaka, IN

**PROPOSED ORDINANCE NO. 2025-26**

**ORDINANCE NO. _______**
**AS AMENDED**

**AN ORDINANCE AMENDING PART I, CHAPTER 62, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED.**

**WHEREAS,** the City of Mishawaka, Indiana, has heretofore constructed and has in operation a sewage works for the purpose of collecting sewage and waste and conveying the same away from the premises where produced and disposing of the same in a sanitary manner; and

**WHEREAS,** the Common Council believes that it is necessary to amend the schedule of rates and charges in three phases so as to produce sufficient revenue to pay expenses of maintenance and operation, to provide funds for necessary replacements and improvements to the sewage works, to provide adequate money for working capital, and to pay the principal and interest on the outstanding and proposed revenue bonds in accordance with the applicable bond ordinances; and

**WHEREAS,** Indiana Code 36-9-23-1 et seq., requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by Ordinance, finally adopted after due notice and public hearing; and

**WHEREAS,** the Common Council held a public hearing after due notice at which users of the sewage works, owners of property served or to be served by the works, and other interested persons were heard concerning the proposed fees set forth below;

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

**Section 1.** Section 62-147 WASTEWATER DISCHARGE LIMITATIONS, Section 62-183 RATES BASED ON WATER USAGE, STRENGTH OF DISCHARGE, Section 62-184 SCHEDULE OF RATES: MISHAWAKA WASTEWATER UTILITY and Sections 62-243 and 62-362 TIF CREDIT shall be amended as follows:

**62-147 WASTEWATER DISCHARGE LIMITATIONS**

Any waters or wastes containing metallic ions, or other toxic ions as determined and established from time to time by the board of public works and safety. Chemical constituents shall not exceed the following concentrations for grab or composite samples:

| | |
|---|---|
| Mercury | 0.0003 mg/l |

**62-183 RATES BASED ON WATER USAGE, STRENGTH OF DISCHARGE.**

The surcharges to be charged for the treatment of extra strength sewage shall be determined by the following table. The surcharge shall become effective should the concentration of Carbonaceous BOD5 (Biochemical Oxygen Demand), TSS (Total Suspend Solids), P (Phosphorus) or $N\text{-}NH_3$ (Ammonia Nitrogen) exceed the concentrations listed in 62-147 (8). The surcharge shall be charged for each pound of the particular pollutant in excess of these concentrations –

Phase One effective January 1, 2026; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

| **Pollutant** | **Phase One** | **Phase Two** | **Phase Three** | **Phase Four** | **Phase Five** |
|---|---|---|---|---|---|
| cBOD5 | $0.559 | $0.580 | $0.602 | $0.625 | $0.648 |
| TSS | 0.480 | 0.498 | 0.517 | 0.536 | 0.556 |
| P | 13.449 | 13.953 | 14.476 | 15.019 | 15.582 |
| N-$NH_3$ | 1.628 | 1.689 | 1.752 | 1.818 | 1.886 |

**62-184 SCHEDULE OF RATES**

(A) Every person whose premises are served by the Wastewater Utility shall be charged for the service provided. Notwithstanding the provisions of 62-181, the sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use plus a customer charge, and plus a base charge based on the size of water meter installed as adjusted by the Meter Equivalency Factor, except as herein otherwise provided. For the puropse of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). If for any reason the monthly meter reading is not available, a bill will be prepared, based on the estimated usage, and a correction will be made when meter readings are available. The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

(1) Flow charges – Phase One effective January 1, 2026; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

| **Flow rate per month** | **Phase One** | **Phase Two** | **Phase Three** | **Phase Four** | **Phase Five** |
|---|---|---|---|---|---|
| Rate per 100 cubic feet | $2.13 | $2.21 | $2.23 | $2.32 | $2.40 |

(2) Customer charges – Phase One effective January 1, 2026; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

| **Customer Charge** | **Phase One** | **Phase Two** | **Phase Three** | **Phase Four** | **Phase Five** |
|---|---|---|---|---|---|
| Per month | $2.45 | $2.55 | $2.65 | $2.75 | $2.86 |

(3) Base charges – Phase One effective January 1, 2026; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

| Meter Size | Equivalency Factors | Phase One | Phase Two | Phase Three | Phase Four | Phase Five |
|---|---|---|---|---|---|---|
| Residential | 1.0 | $54.63 | $56.47 | $55.98 | $57.97 | $60.04 |
| 5/8” | 1.0 | 54.63 | 56.47 | 55.98 | 57.97 | 60.04 |
| 1” | 2.5 | 136.56 | 141.16 | 139.94 | 144.92 | 150.09 |
| 1 1/4” | 4.0 | 218.49 | 225.86 | 223.91 | 231.87 | 240.15 |
| 1 1/2” | 5.8 | 316.81 | 327.50 | 324.66 | 336.21 | 348.22 |
| 2” | 10.0 | 546.24 | 564.67 | 559.77 | 579.69 | 600.40 |
| 3” | 23.0 | 1,256.35 | 1,298.73 | 1,287.47 | 1,333.28 | 1,380.91 |
| 4” | 41.0 | 2,239.62 | 2,315.16 | 2,295.09 | 2,376.75 | 2,461.66 |
| 6” | 92.0 | 5,025.47 | 5,194.98 | 5,149.94 | 5,333.18 | 5,523.69 |
| 8” | 164.0 | 8,958.43 | 9,260.61 | 9,180.32 | 9,506.96 | 9,846.57 |
| 10” | 256.0 | 13,983.88 | 14,455.56 | 14,330.24 | 14,840.12 | 15,370.24 |

(4) Single family residential properties served by a water meter smaller than 1 1/4” shall be billed based on a Meter Equivalency Factor of 1.

(5) The Base Charge shall be based on a meter size of not more than one size smaller than the service line in which the meter is installed.

(6) The monthly sewer bill for any service where the user is not a metered water customer shall be estimated and determined by means and methods satisfactory to the Authority.

**62-243 SEWER INSURANCE FUND AND CHARGES**

(A) The sum of $3.76 per month shall be added for all single-family residential use sewer customers within the corporate city limits of the city (not including commercial, industrial, or bulk water customers) on January 1, 2026. All sums of money so collected shall be deposited in a separate fund of the city’s wastewater utility, entitled “Sewer Insurance Fund”.

(B) All collected under section 62-246 shall also be deposited into this fund.

(C) All sums of money so collected shall be used solely to repair or replace failing private sewer connections, and for administrative and inspection costs associated with the program, including material, labor, and equipment for sewer lateral repairs or inspection.

**62-362 TIF CREDIT**

(A) Wastewater Utility customers whose premises are served by the utility and are located within the City limits shall receive a credit applied towards their monthly sewer bill in recognition of the portion of the principal and interest on Wastewater Utility bonds paid by the City from TIF revenues.

(B) Monthly credits – Phase One effective January 1, 2026; Phase Two effective January 1, 2028 in the amounts as follows:

| **Flow credit rate per month** | **Phase One** | **Phase Two** | **Phase Three** | **Phase Four** | **Phase Five** |
|---|---|---|---|---|---|
| Credit per 100 cubic feet | $0.191 | $0.191 | $0.135 | $0.135 | $0.135 |

(1) Base Rate Monthly Credit

| **Meter Size** | **Equivalency Factors** | **Phase One** | **Phase Two** | **Phase Three** | **Phase Four** | **Phase Five** |
|---|---|---|---|---|---|---|
| Residential | 1.0 | $8.21 | $8.21 | $5.81 | $5.81 | $5.81 |
| 5/8" | 1.0 | 8.21 | 8.21 | 5.81 | 5.81 | 5.81 |
| 1" | 2.5 | 20.54 | 20.54 | 14.52 | 14.52 | 14.52 |
| 1 1/4" | 4.0 | 32.86 | 32.86 | 23.24 | 23.24 | 23.24 |
| 1 1/2" | 5.8 | 47.64 | 47.64 | 33.69 | 33.69 | 33.69 |
| 2" | 10.0 | 82.14 | 82.14 | 58.09 | 58.09 | 58.09 |
| 3" | 23.0 | 188.93 | 188.93 | 133.61 | 133.61 | 133.61 |
| 4" | 41.0 | 336.79 | 336.79 | 238.17 | 238.17 | 238.17 |
| 6" | 92.0 | 755.71 | 755.71 | 534.42 | 534.42 | 534.42 |
| 8" | 164.0 | 1,347.14 | 1,347.14 | 952.66 | 952.66 | 952.66 |
| 10" | 256.0 | 2,102.86 | 2,102.86 | 1,487.09 | 1,487.09 | 1,487.09 |

(C) Single family residential properties serviced by a water meter smaller than 1 1/4" shall receive a Base Charge TIF Credit based on a Meter Equivalency Factor of 1.

(D) The TIF Credit shall be in effect upon passage of the amending rate ordinance.

**Section 2.** This ordinance shall be in full force and effect from and after its passage, signing by the Mayor, and legal publication as provided by law.

PASSED and adopted by the Common Council of the City of Mishawaka on the _____ day of __________, 2025, at _____ o'clock __.m.

______________________________________
Presiding Officer

ATTEST:

______________________________
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka on the _____ day of ___________, 2025, at _____ o'clock __.m.

______________________________________
Deborah S. Block, City Clerk

APPROVED by me this _____ day of ___________, 2025, at _____ o'clock __.m.

______________________________________
David A. Wood, Mayor

# City of Mishawaka, Indiana

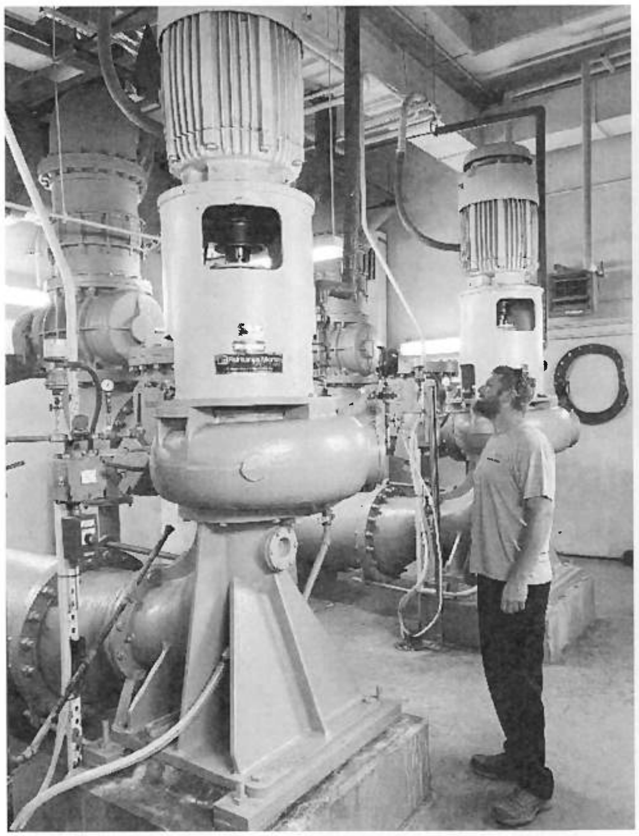
# Mishawaka Municipal Sewage Works Comprehensive Rate Plan Summary

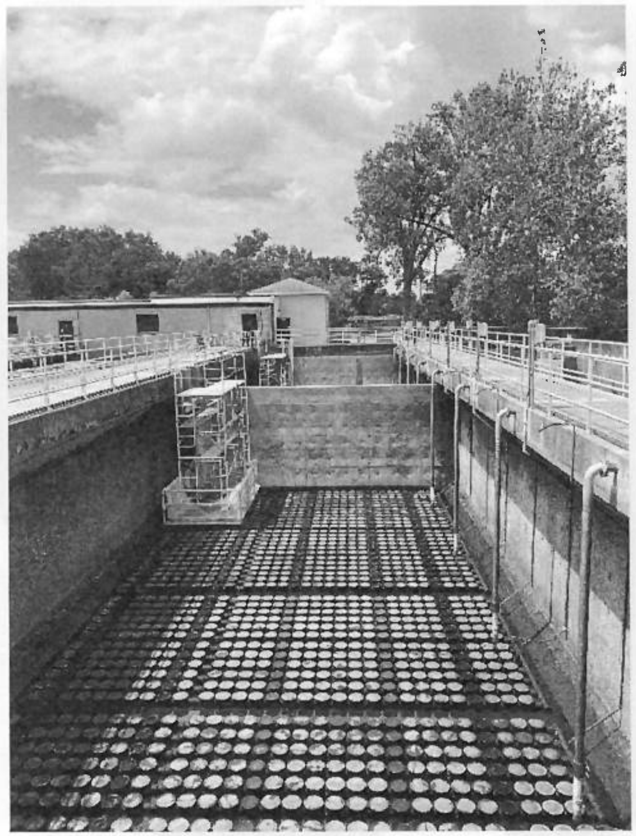
October 27, 2025

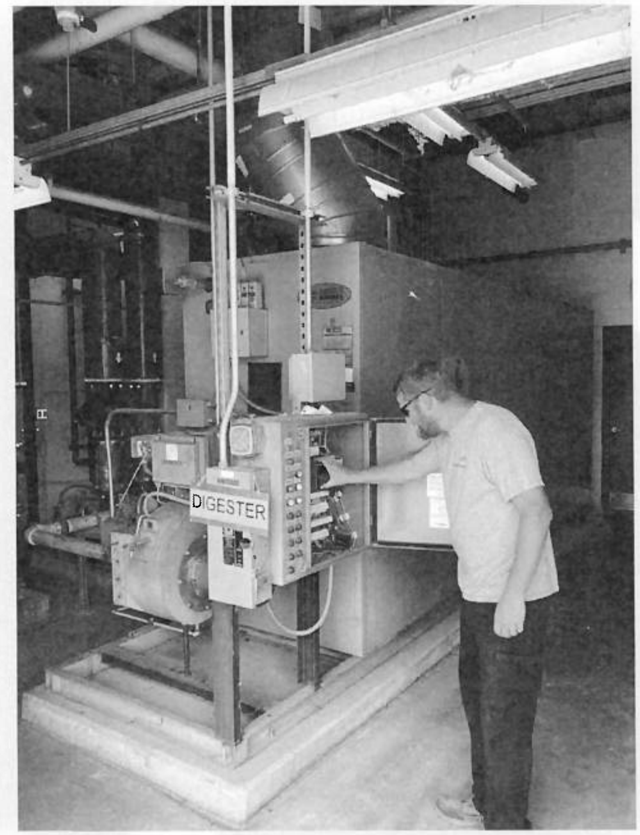
# Development of Asset Inventory

- WWTP – Large and complex facility
  - 1990's Expansion - $52M in 2025 dollars
  - 2000's Expansion - $80M in 2025 dollars
- Most comprehensive plan to date / State requirements
- Meeting Permit – Lack capacity in certain areas
- 385 total WWTP assets were identified and listed in spreadsheet
- Risk analysis was completed based on criticality
- Estimated year of replacement was assigned to each asset based on condition, equipment design life, and criticality
- Costs were assigned to each asset

# Various Assets







# Rate Plan Inputs

- Cost Chemical – Increase 60% – 75% since 2020
- Emergency Fund
  - Examine most expensive unplanned repair to date
  - $3.5M Juday Creek Pump Station / Force Main (2005) – equivalent to $6.5M in 2025 dollars
- Annual Projects
  - Sewer lining and rehabilitation
  - Sewer upgrades / drainage improvements
  - Transportation equipment

# Assessment of Asset Inventory

- Developed 20-year plan – Focus on first 5 years

| Anticipated Project by Year | | | | |
|---|---|---|---|---|
| 2025 | 2026 | 2027 | 2028 | 2029 |
| Lift Station - Harding | Biosolids Upgrade | Scum Concentrator | Blower - Replace Turbo | Electrical Improvements |
| Blower - VFD Rebuild | Carbon Unit - Headworks | Bisulfite Bulk Storage Tank | Biosolids Asphalt | Ferrous Bulk Storage Tank |
| Electrical Evaluation | Digester Draft Tubes | Raw Pump Rebuild | Carbon Unit - Central Park | Lift Station - River Pointe |
| Primary East Rebuild | Electrical Evaluation | Electrical Evaluation | Electrical Evaluation | Lift Station - Rivers Edge |
| Plant Safety and Security | Grit System - Cyclone Separators | Diffuser Membranes East Replacement | Lift Station - Bittersweet Cove | Lift Station - South Hampton |
| Biosolids Study | Primary East Rebuild | Headworks Screens 2 & 3 | Lift Station - Schumacher | |
| | West Primary Tank Limitorque Valves | Digester #2 Mixers | | |
| | West RAS Magmeter & Converters | Biofilter Rehabilitation | | |
| | City Water Tank | Lift Station - Park Place | | |
| | RAS West Control Panels | Lift Station - Lake Shore Estates | | |
| | Biofilter Rehabilitation | | | |
| | Lift Station Cell Conversion | | | |

# Goal of Comprehensive Rate Plan:

**To develop a short-term (5-years) and long-term rate plan (20-years) that considers all the Utility needs including:**

- Operation and Maintenance
- Debt Service – Existing and Proposed
- Roll off of TIF Credit
- Payment in Lieu of Taxes
- Capital Replacements and Extensions
- Long-Term Sustainability
- Manage Impact to Customers

# Financial Headwinds

- **TIF Credit Roll-Off**
  - $600k in 2025, $960k in 2028, $900k in 2031 and $900k in 2033. Results in loss of non-utility revenue of nearly $5M between 2024 and 2030
- **Capital Projects and Replacements (Heavily driven by the federally mandated $454 M LTCP)**
  - $291M over 20 years ($14.55M total annually on average)
    - $101M in years 2025 – 2030, $190M in 2031 through 2044.
    - $121M - Long Term Control Plan (CSO) related
    - $170M - Normal Capital Replacements (Treatment Plant)
    - $223M - Bond funded
    - $68M - Cash funded ($3.4 M per year)
- **High inflationary environment since 2020**
- **Increases in cost to provide residential sewer insurance program**

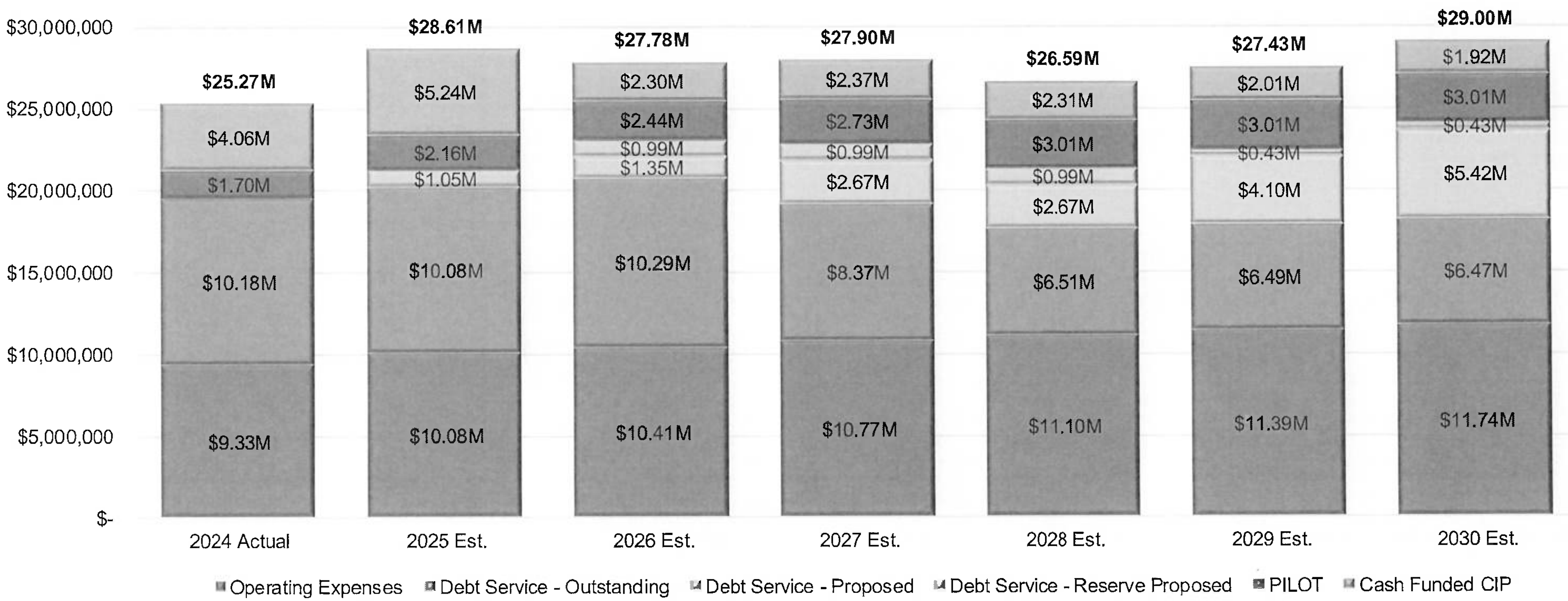
# Key Assumptions

- Provide for frequent (annual) modest rate increase
- Issue Bonds approximately once every three years (7 Bonds in all)
- Rate fund projects - $3.4M/yr.
- Modest customer growth of 1% per year through 2034 and 0.5% 2035-2044
- Maintain cash reserves of no less than $8M within the Capital Improvement Fund
- Replenish the sewer insurance fund to operate in the black and eliminate subsidy

# Residential Sewer Insurance Program

- Established to protect Mishawaka property owners from the unexpected and often significant costs of repairing and/or replacing private sewer laterals — the underground pipes that connect individual homes and businesses to the City's main sewer system.
- Failure of lines can lead to repair costs that can vary from several thousand dollars to over $10,000 depending on depth, materials and site conditions.
- Many homeowner insurance policies do not cover the underground pipes.
- Ensures residents are protected from the forementioned devastating costs.
- Aids the City and its residents to avoid environmental risks from untreated sewer and groundwater infiltration.
- Over the past six years, repair expenses have exceeded revenue from Sewer insurance premiums and deductibles in four of those years, resulting in a cumulative shortfall of over $350,000. This deficit has been covered by the MUWW general fund. A one-time, modest premium increase is essential to ensure the Sewer insurance fund remains adequately funded, providing long-term financial stability and support for future repair needs.

# Estimated Annual Expenses - Breakdown




**Note: Debt service - outstanding for 2024 includes reserve transfers.**

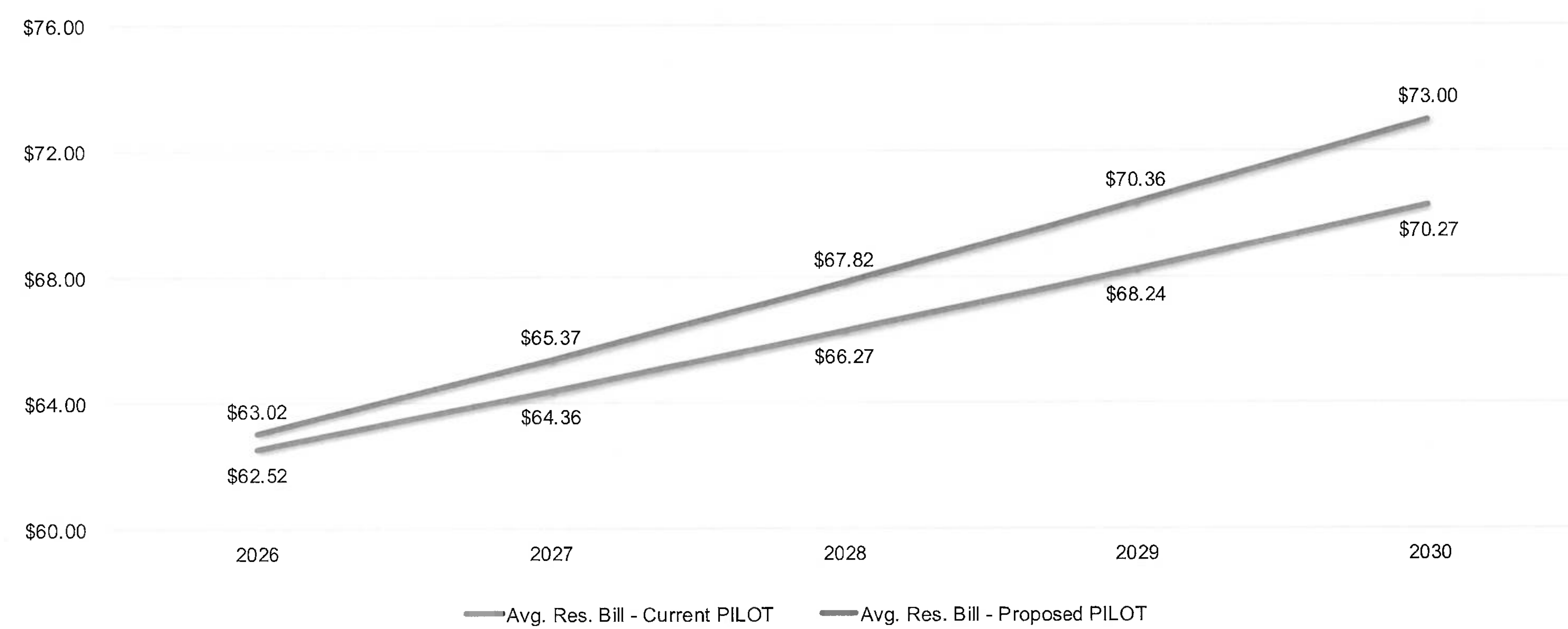
# Estimated Expenses - Breakdown


| | |
|---|---|
| 35¢ | Operating Expenses |
| 2¢ | Insurance Claims and Expenses |
| 46¢ | Bond Repayments and Reserve |
| 8¢ | Capital Improvements – Cash Funded |
| 9¢ | Payment in Lieu of Taxes |

**Based on Fiscal Year 2026 Estimates**

MISHAWAKA (INDIANA) MUNICIPAL SEWAGE WORKS

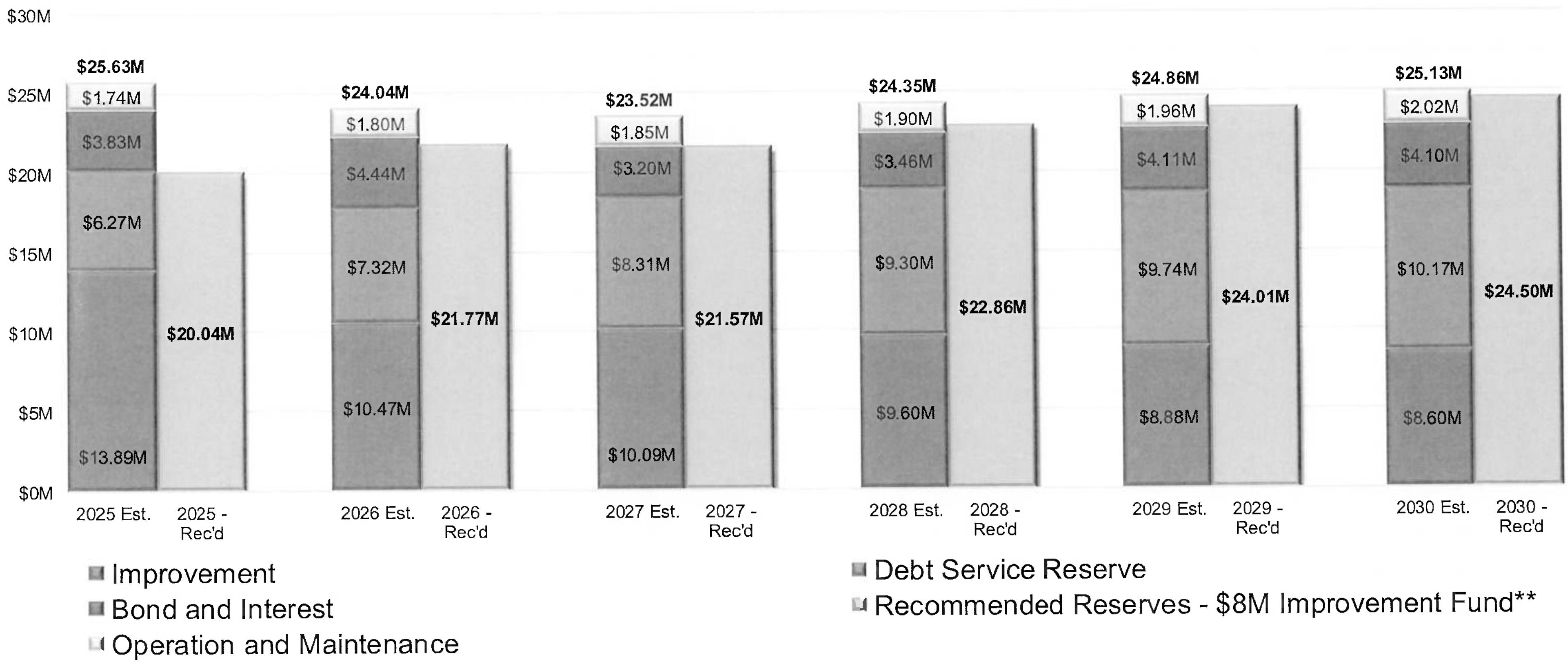
# Bill Impact – Proposed PILOT vs Current* PILOT




* Per 2025 Client Budget

MISHAWAKA (INDIANA) MUNICIPAL SEWAGE WORKS

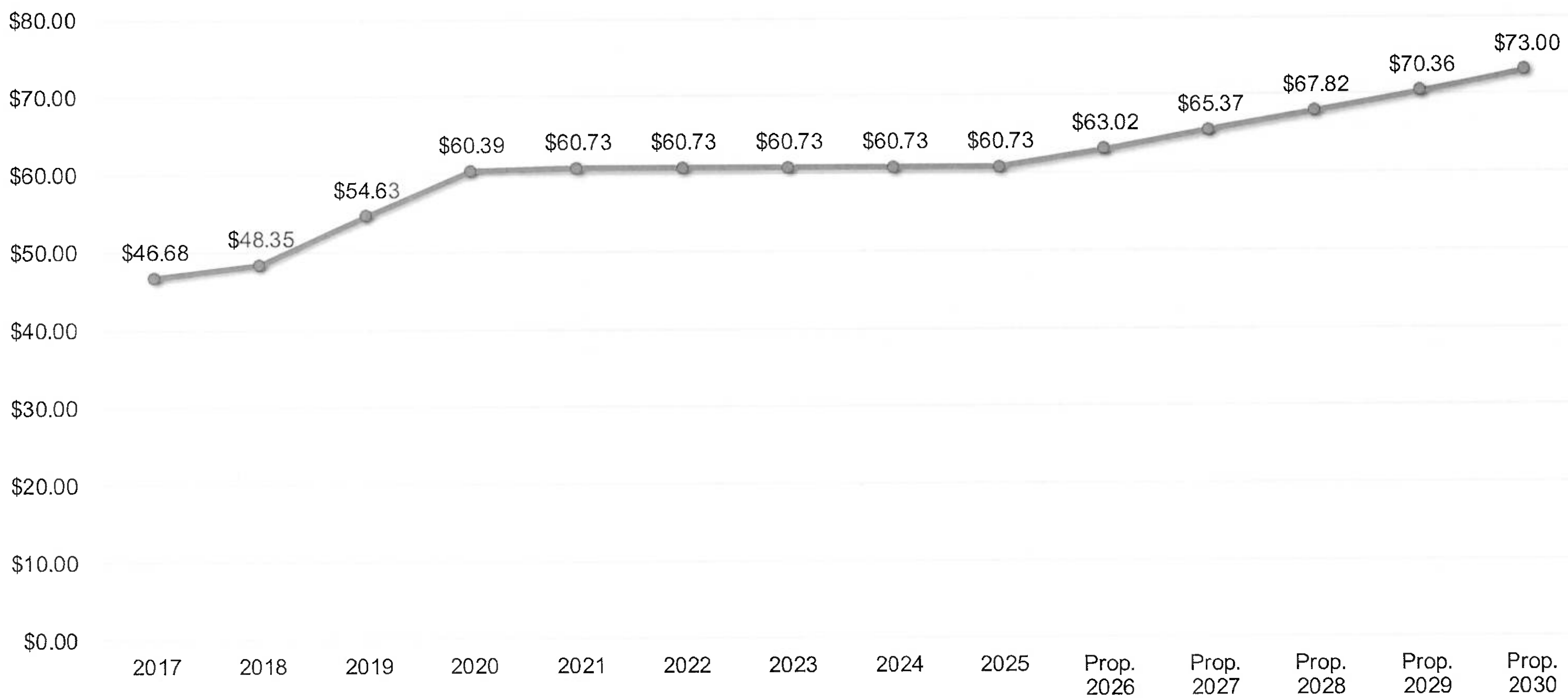
# Estimated Fund Balances vs Recommended Reserves*




* Excludes construction fund from estimated fund balances and reserve calculations.
** Includes Utility estimate for improvement fund balance need for unforeseen capital and emergency repairs as provided by Utility Management and Consulting Engineers.

MISHAWAKA (INDIANA) MUNICIPAL SEWAGE WORKS

# Comparison of Historical and Proposed Average Residential Bill



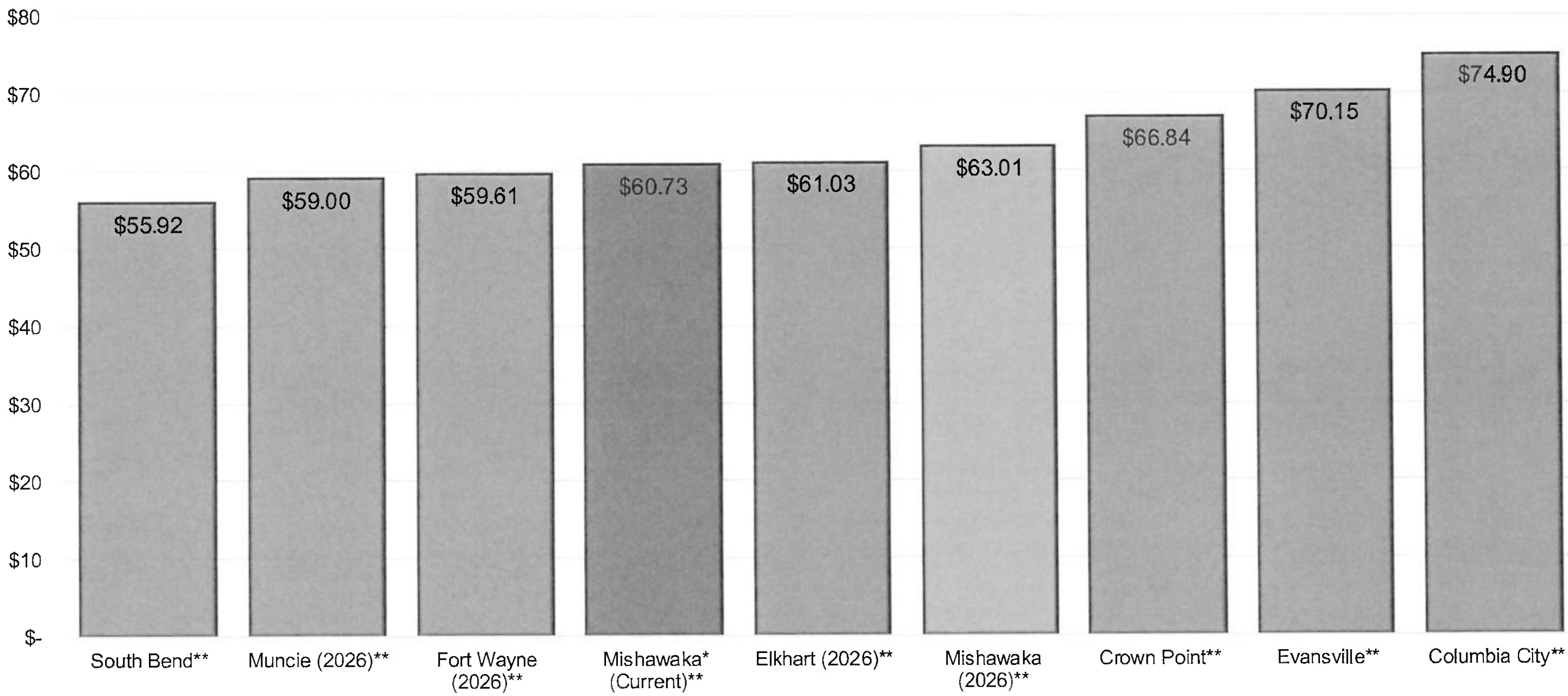
# Average Monthly Residential User Impact – 5 Year

**(Includes Sewer Insurance)**

| | 2025 (Current) | 2026 | 2027 | 2028 | 2029 | 2030 |
|---|---|---|---|---|---|---|
| Approx. Average Residential Bill (535 CF) (4,000 Gallons) | $60.73 | $63.01 | $65.36 | $67.81 | $70.35 | $72.99 |
| % Change | 0.00% | 3.75% | 3.73% | 3.75% | 3.75% | 3.75% |
| $ Change | $0.00 | $2.28 | $2.35 | $2.45 | $2.54 | $2.64 |

MISHAWAKA (INDIANA) MUNICIPAL SEWAGE WORKS

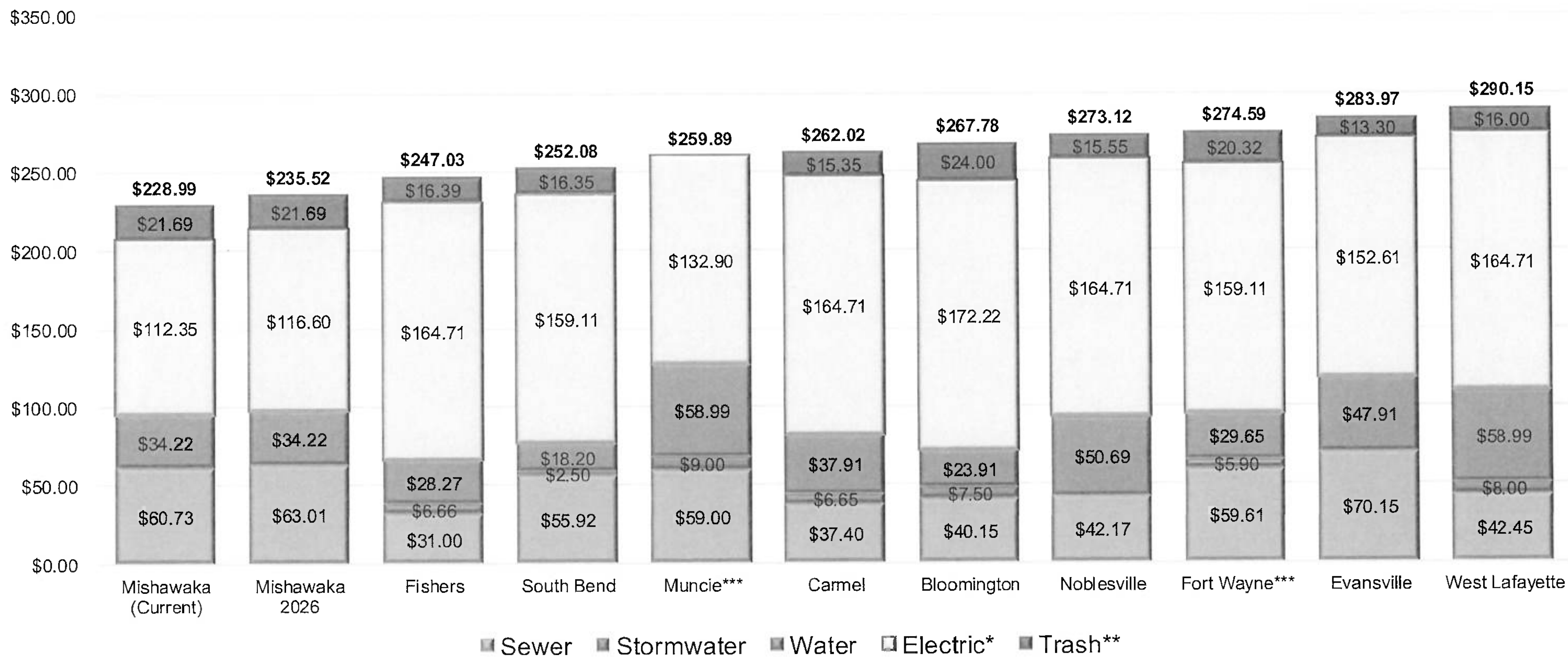
**COMPARISON OF AVERAGE RESIDENTIAL SEWER BILLS WITH OTHER INDIANA COMMUNITIES (4,000 Gal. or 535 CF of flow through a 5/8" Meter)**




* Includes insurance fee, South Bend is the only other community that contains this fee in the total bill.
** Long term control plan (CSO) community.

MISHAWAKA (INDIANA) MUNICIPAL SEWAGE WORKS

**PUBLIC WORKS COMPARISON OF TOTAL UTILITY BILL WITH OTHER INDIANA COMMUNITIES**




- All of the communities excluding Mishawaka have investor-owned power providers. For communities served by multiple providers, the reported value represents the average for those providers. Included providers are NIPSCO, Indiana Michigan Power, CenterPoint, and Duke Energy.

** Unable to identify a trash rate for the City of Muncie.

*** Includes 2026 sewer rates.

Dear Council Members,

The purpose of this correspondence is to formally present and justify the proposed rate adjustment for Mishawaka Utilities Wastewater (MUWW). After a thorough review of both current operating conditions and future capital requirements along with a modest fractional increase in the Payment in Lieu of Taxes (PILOT), I hereby recommend a **3.75% increase in rates annually over the next five years**,

## Justification for Rate Adjustments

1. **Capital Investment Needs**
   MUWW faces significant infrastructure demands, including rehabilitation of aging sewer lines, facility modernization, and increased regulatory compliance requirements. These projects are critical to ensuring environmental protection, public health, and system reliability. Current revenues will not insufficient to fund these obligations without an incremental rate adjustment.
2. **Operational Expenditures**
   Rising costs for labor, materials, energy, and regulatory compliance directly impact the wastewater utility's operating budget. While MU has consistently managed its resources prudently, inflationary pressures and increased service demands necessitate a sustainable rate structure to maintain operational excellence.
3. **Industry Standard Approach**
   Incremental, predictable rate adjustments are considered best practice in utility management. By implementing a steady 3.75% annual increase, the City avoids the volatility and hardship of large, irregular rate hikes. This approach balances fiscal responsibility with affordability for our ratepayers.
4. **Continued Financial Contribution to the City (PILOT)**
   The modest fractional increase in PILOT is both reasonable and appropriate. MUWW, as a City-owned enterprise, contributes directly to the City's financial stability through this mechanism. The adjustment ensures that the utility's contributions remain aligned with its expanded revenue base, while still preserving the majority of revenues for direct reinvestment in utility operations and capital needs.

## Community Value and Impact

Mishawaka Utilities, in all its divisions, remains one of the City's greatest assets. Rates remain competitive when compared to surrounding communities, and our utilities consistently deliver safe, reliable, and affordable service. The proposed increase represents an investment in sustaining this legacy—protecting both current service levels and future reliability.

Moreover, by strengthening MUWW's financial position, the City of Mishawaka reinforces its long-term fiscal health. Ratepayer dollars remain here in our community, funding local infrastructure, supporting local jobs, and ensuring our residents benefit directly from their contributions.

## Conclusion

The proposed five-year plan of **3.75% annual wastewater rate adjustments, is necessary, prudent, and in the best interest of the City of Mishawaka and its citizens**. It reflects careful planning, responsible stewardship, and a proactive approach to meeting both present and future needs.

On behalf of Mishawaka Utilities, I respectfully request the Common Council's favorable consideration and approval of this proposal.

Respectfully submitted,

Matthew M. Lentsch
Executive Director of Development & Government Affairs
City of Mishawaka

**Mishawaka Utilities Wastewater (MUWW) Comprehensive Rate Plan – Questions & Answers**

**Q: Why is Mishawaka Utilities Wastewater (MUWW) proposing a new rate plan?**

**A:** The proposed five-year rate plan is part of a long-term strategy to ensure that Mishawaka's wastewater system remains reliable, compliant, and sustainable. The plan provides the financial stability needed to maintain infrastructure, meet federal and state environmental regulations, and protect public health and safety.

**Q: What is included in this rate plan?**

**A:** The plan proposes a **modest 3.75% annual increase** in wastewater rates over five years, beginning in **2026**. This gradual "stair-step" approach allows the utility to responsibly fund essential capital projects, system maintenance, and regulatory compliance while minimizing the impact on customers.

**Q: How long has it been since wastewater rates were increased?**

**A:** It has been **over six years** since Mishawaka Utilities Wastewater last implemented a rate adjustment. During that time, operational costs, construction expenses, and regulatory requirements have all increased significantly. The current plan ensures that MUWW can continue meeting service demands without compromising quality or compliance.

**Q: How has TIF funding supported wastewater operations, and is that subsidy ending?**

**A:** Over the past several years, the **City's Tax Increment Financing (TIF)** districts have helped subsidize key wastewater infrastructure projects—particularly those supporting economic development and neighborhood revitalization. However, as those TIF districts mature and the obligations phase out, this **temporary subsidy is expiring**. The new rate plan replaces those outside supports with a sustainable, utility-based funding model that keeps MUWW self-sufficient and strong long-term.

**Q: If we raise rates for wastewater, can we lower them in another utility?**

**A: No.** Each of Mishawaka's utilities—Electric, Water, Wastewater, and Solid Waste—is operated as a **stand-alone enterprise fund**, meaning each must remain financially independent and self-sustaining. Transferring revenue between utilities would be irresponsible and inequitable, effectively "strengthening one utility at the expense of another."
This rate plan ensures that **each utility remains strong and properly funded**, maintaining the exceptional level of service our residents expect.

**Q: How will these funds be used?**

**A:** Rate revenues will directly support:

- **Critical infrastructure upgrades** to aging sewer systems and treatment equipment.
- **Environmental compliance** with EPA and IDEM mandates under the City's Long-Term Control Plan (LTCP).
- **Ongoing maintenance and modernization** of pump stations, sewer lines, and plant facilities.
- **Debt service and capital reserves** to protect ratepayers from future financial shocks.

**Q: How does this rate plan support sustainability?**

**A:** Sustainability means more than environmental stewardship—it also means financial and operational health. This plan ensures that MUWW can continue operating efficiently while protecting natural resources and the St. Joseph River. The proactive investments funded through the rate plan will:

- Reduce system overflows and improve water quality.
- Replace aging infrastructure before failure, saving long-term costs.
- Support future growth and development in Mishawaka without burdening future generations.

**Q: Why now?**

**A:** Many of Mishawaka's wastewater assets are nearing the end of their useful life. Delaying investment would increase the risk of costly failures, potential regulatory penalties, and environmental harm. The City's comprehensive asset management plan—developed with Baker Tilly—identified this timeline as the most responsible and cost-effective path forward.

**Q: How affordable are Mishawaka's utilities compared to other communities?**

**A:** Even with the proposed increases, Mishawaka Utilities will continue to provide **some of the most affordable combined utility services (electric, water, wastewater, and solid waste)** in Indiana. Our rates are consistently below state and regional averages, while maintaining a reputation for **exceptional reliability, service quality, and sustainability**.

**Q: What happens if the rate plan is not approved?**

**A:** Without the proposed plan, MUWW would face increasing financial pressure that could lead to deferred maintenance, potential service disruptions, and noncompliance with environmental standards. The cost of emergency repairs or federal penalties could far exceed the incremental rate adjustments being proposed.

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**Q: If approved, when will the new rates take effect?**

**A:** If adopted by the **Mishawaka Common Council**, the first rate adjustment will go into effect **January 1, 2026**. Subsequent annual adjustments will occur each January through **2030**, ensuring predictable, manageable rate changes for customers.

**Q: How does this benefit residents and businesses?**

**A:** A well-maintained wastewater system benefits everyone by:

- Protecting property values and public health.
- Supporting continued economic development and neighborhood reinvestment.
- Ensuring that Mishawaka remains one of Indiana's most livable, affordable, and well-managed cities.

**Q: How were these rates determined?**

**A:** The rate analysis was developed by **Baker Tilly**, an independent financial consultant, in coordination with the City's **Controller's Office** and **Mishawaka Utilities management team**. The analysis was based on a detailed review of operational costs, asset replacement schedules, capital needs, and long-term financial projections to ensure fairness and transparency.

**Q: How will Mishawaka ensure accountability for these funds?**

**A:** All rate revenues are restricted to the operation, maintenance, and capital improvement of the wastewater utility. The City will continue to provide regular financial reporting to the Common Council and maintain strict adherence to Indiana Utility accounting standards.

**Q: What's the big picture?**

**A:** This is not just a rate plan—it's a reinvestment in Mishawaka's future. By responsibly managing our wastewater infrastructure today, we ensure clean water, safe neighborhoods, and fiscal stability for decades to come.

As Mayor Wood often says: *"We hire the best, plan for the worst, and serve with pride. This plan reflects that commitment."*

Deborah S. Block, IAMC, MMC

OCT 28 2025

City Clerk
Mishawaka, IN

**NOTICE OF A HEARING ON**
**PROPOSED RATES AND CHARGES**

Property owners, rate payers, and other interested parties in or served or to be served by the Mishawaka Wastewater Utility are hereby notified that Ordinance No. 2025-_26___ establishing sewer rates and charges for services to be rendered by the utility was introduced at a meeting of the Common Council of the City of Mishawaka, Indiana, held on September 22, 2025. At a meeting of the Council to be held at 6:00 p.m. (local time) on November 17, 2025, at the Council's meeting room, there will be a public hearing on the matter of rates and charges, and consideration of adoption of said Ordinance No. 2025-26__, which provides in part as follows:

**Section 1.** Section 62-147 WASTEWATER DISCHARGE LIMITATIONS, Section 62-183 RATES BASED ON WATER USAGE, STRENGTH OF DISCHARGE, Section 62-184 SCHEDULE OF RATES: MISHAWAKA WASTEWATER UTILITY and Sections 62-243 and 62-362 TIF CREDIT shall be amended as follows:

## 62-183 RATES BASED ON WATER USAGE, STRENGTH OF DISCHARGE.

The surcharges to be charged for the treatment of extra strength sewage shall be determined by the following table. The surcharge shall become effective should the concentration of Carbonaceous BOD5 (Biochemical Oxygen Demand), TSS (Total Suspend Solids), P (Phosphorus) or $N\text{-}NH_3$ (Ammonia Nitrogen) exceed the concentrations listed in 62-147 (8). The surcharge shall be charged for each pound of the particular pollutant in excess of these concentrations –

Phase One effective January 1, 2026; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

| Pollutant | Phase One | Phase Two | Phase Three | Phase Four | Phase Five |
|---|---|---|---|---|---|
| cBOD5 | $0.559 | $0.580 | $0.602 | $0.625 | $0.648 |
| TSS | 0.480 | 0.498 | 0.517 | 0.536 | 0.556 |
| P | 13.449 | 13.953 | 14.476 | 15.019 | 15.582 |
| $N\text{-}NH_3$ | 1.628 | 1.689 | 1.752 | 1.818 | 1.886 |

## 62-184 SCHEDULE OF RATES

(A) Every person whose premises are served by the Wastewater Utility shall be charged for the service provided. Notwithstanding the provisions of 62-181, the sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use plus a customer charge, and plus a base charge based on the size of water meter installed as adjusted by the Meter Equivalency Factor, except as herein otherwise provided. For the puropse of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). If for any reason the monthly meter reading is not available, a bill will be prepared, based on the estimated usage, and a correction will be made when meter readings are available. The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

(1) Flow charges – Phase One effective January 1, 2026; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

| Flow rate per month | Phase One | Phase Two | Phase Three | Phase Four | Phase Five |
|---|---|---|---|---|---|
| Rate per 100 cubic feet | $2.13 | $2.21 | $2.23 | $2.32 | $2.40 |

(2) Customer charges – Phase One effective January 1, 2026; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

| Customer Charge | Phase One | Phase Two | Phase Three | Phase Four | Phase Five |
|---|---|---|---|---|---|
| Per month | $2.45 | $2.55 | $2.65 | $2.75 | $2.86 |

(3) Base charges – Phase One effective January 1, 2026; Phase Two effective January 1, 2027; Phase Three effective January 1, 2028; Phase Four effective January 1, 2029; Phase Five effective January 1, 2030 in the amounts as follows:

| Meter Size | Equivalency Factors | Phase One | Phase Two | Phase Three | Phase Four | Phase Five |
|---|---|---|---|---|---|---|
| Residential | 1.0 | $54.63 | $56.47 | $55.98 | $57.97 | $60.04 |
| 5/8" | 1.0 | 54.63 | 56.47 | 55.98 | 57.97 | 60.04 |
| 1" | 2.5 | 136.56 | 141.16 | 139.94 | 144.92 | 150.09 |
| 1 1/4" | 4.0 | 218.49 | 225.86 | 223.91 | 231.87 | 240.15 |
| 1 1/2" | 5.8 | 316.81 | 327.50 | 324.66 | 336.21 | 348.22 |
| 2" | 10.0 | 546.24 | 564.67 | 559.77 | 579.69 | 600.40 |
| 3" | 23.0 | 1,256.35 | 1,298.73 | 1,287.47 | 1,333.28 | 1,380.91 |
| 4" | 41.0 | 2,239.62 | 2,315.16 | 2,295.09 | 2,376.75 | 2,461.66 |
| 6" | 92.0 | 5,025.47 | 5,194.98 | 5,149.94 | 5,333.18 | 5,523.69 |
| 8" | 164.0 | 8,958.43 | 9,260.61 | 9,180.32 | 9,506.96 | 9,846.57 |
| 10" | 256.0 | 13,983.88 | 14,455.56 | 14,330.24 | 14,840.12 | 15,370.24 |

(4) Single family residential properties served by a water meter smaller than 1 1/4" shall be billed based on a Meter Equivalency Factor of 1.

(5) The Base Charge shall be based on a meter size of not more than one size smaller than the service line in which the meter is installed.

(6) The monthly sewer bill for any service where the user is not a metered water customer shall be estimated and determined by means and methods satisfactory to the Authority.

## 62-243 SEWER INSURANCE FUND AND CHARGES

(A) The sum of $3.76 per month shall be added for all single-family residential use sewer customers within the corporate city limits of the city (not including commercial, industrial, or bulk water customers) on January 1, 2026. All sums of money so collected shall be deposited in a separate fund of the city's wastewater utility, entitled "Sewer Insurance Fund".

(B) All collected under section 62-246 shall also be deposited into this fund.

(C) All sums of money so collected shall be used solely to repair or replace failing private sewer connections, and for administrative and inspection costs associated with the program, including material, labor, and equipment for sewer lateral repairs or inspection.

## 62-362 TIF CREDIT

(A) Wastewater Utility customers whose premises are served by the utility and are located within the City limits shall receive a credit applied towards their monthly sewer bill in recognition of the portion of the principal and interest on Wastewater Utility bonds paid by the City from TIF revenues.

(B) Monthly credits – Phase One effective January 1, 2026; Phase Two effective January 1, 2028 in the amounts as follows:

| **Flow credit rate per month** | **Phase One** | **Phase Two** | **Phase Three** | **Phase Four** | **Phase Five** |
|---|---|---|---|---|---|
| Credit per 100 cubic feet | $0.191 | $0.191 | $0.135 | $0.135 | $0.135 |

(1) Base Rate Monthly Credit

| **Meter Size** | **Equivalency Factors** | **Phase One** | **Phase Two** | **Phase Three** | **Phase Four** | **Phase Five** |
|---|---|---|---|---|---|---|
| Residential | 1.0 | $8.21 | $8.21 | $5.81 | $5.81 | $5.81 |
| 5/8" | 1.0 | 8.21 | 8.21 | 5.81 | 5.81 | 5.81 |
| 1" | 2.5 | 20.54 | 20.54 | 14.52 | 14.52 | 14.52 |
| 1 1/4" | 4.0 | 32.86 | 32.86 | 23.24 | 23.24 | 23.24 |
| 1 1/2" | 5.8 | 47.64 | 47.64 | 33.69 | 33.69 | 33.69 |
| 2" | 10.0 | 82.14 | 82.14 | 58.09 | 58.09 | 58.09 |
| 3" | 23.0 | 188.93 | 188.93 | 133.61 | 133.61 | 133.61 |
| 4" | 41.0 | 336.79 | 336.79 | 238.17 | 238.17 | 238.17 |
| 6" | 92.0 | 755.71 | 755.71 | 534.42 | 534.42 | 534.42 |
| 8" | 164.0 | 1,347.14 | 1,347.14 | 952.66 | 952.66 | 952.66 |
| 10" | 256.0 | 2,102.86 | 2,102.86 | 1,487.09 | 1,487.09 | 1,487.09 |

(C) Single family residential properties serviced by a water meter smaller than 1 1/4" shall receive a Base Charge TIF Credit based on a Meter Equivalency Factor of 1.

(D) The TIF Credit shall be in effect upon passage of the amending rate ordinance.

At such hearing and prior to final adoption of said Ordinance, all interested parties may appear and be heard. A copy of Ordinance No. 2025-_26___ may be examined at the office of the Clerk-Treasurer.

Dated this ___30__ day of ____October______, 2025

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

Dear Council Members,

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Moreover, by strengthening MUWW's financial position, the City of Mishawaka reinforces its long-term fiscal health. Ratepayer dollars remain here in our community, funding local infrastructure, supporting local jobs, and ensuring our residents benefit directly from their contributions.

## Conclusion

The proposed five-year plan of **3.75% annual wastewater rate adjustments, is necessary, prudent, and in the best interest of the City of Mishawaka and its citizens**. It reflects careful planning, responsible stewardship, and a proactive approach to meeting both present and future needs.

On behalf of Mishawaka Utilities, I respectfully request the Common Council's favorable consideration and approval of this proposal.

Respectfully submitted,

Matthew M. Lentsch
Executive Director of Development & Government Affairs
City of Mishawaka