



AGENDA

May 04, 2026

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: 222 505 450 263 8
Meeting password: kr7Tr2SZ

Dial by phone: [+1 213-493-9412, 859829763#](tel:+12134939412859829763)

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

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

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

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of April 20, 2026

5. Petitions, Communications, Remonstrance, and Memorial

Appeal No. 2026-20 Use Variance to allow for a 4 Tenant
Building with 2 Drive-Thrus - Property
South of 4840 N. Main Street

Appeal No. 2026-21 Use Variance for Counseling Center - 327
Colfax

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2026-18 Establishing a Rental Registration &
Inspection Program

8. Resolutions

R2026-16 Conditional Use for Underground Fuel Storage
Tank - NW corner of E. Cleveland Road & Capital
Avenue

R2026-17 Adding Parcels to the City Acquisition List

9. Ordinances on Second Reading

P.O. No. 2026-06 Amending Water Rates & Charges
(Assigned to Budget & Finance Committee)

P.O. No. 2026-13 Rezone from C-1 General Commercial to C-4
Automobile Oriented Commercial for Auto
Body Shop - Vacant lot South of 3610 Bremen
Highway (Meijer) **(Assigned to Land Use
Planning Committee)**

P.O. No. 2026-14 Rezone from C-1 General Commercial to C-7 Automobile Oriented Restaurant Commercial to allow a Drive- Thru Restaurant - 3630 Bremen Highway **(Assigned to Land Use Planning Committee)**

P.O. No. 2026-15 Annex and Rezone to R-1 Single Family Residential - 13511 E. 6th Street
Public Hearing - No Vote

P.O. No. 2026-16 PUD Amendment to allow Portable Storage Shed and Metal Garage/Carport Sales - 801 W. Douglas Road **(Assigned to Land Use Planning Committee)**

P.O. No. 2026-17 Annex and Rezone to R-3 Multi-Family Residential Housing and Restaurant- Former Grocery Store - 1622, 1628, 1640, and 1706 E. McKinley Avenue **Public Hearing - No Vote**

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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages.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

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:

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

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

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Susan Kile, ADA Coordinator, at (574) 258-1615.

Scan the QR Code to access all Common Council Meeting Agendas, Packets, and Meeting Minutes.



REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 20, 2026

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 April 20, 2026, at 6:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

City Clerk Debbie Ladyga-Block called roll.

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

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.

Mr. Hixenbaugh stated in light of Mr. Mammolenti's remote participation, they would have all roll call votes that evening.

Minutes for the Regular Meeting on April 13, 2026, were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals and a letter from the City Plan Commission regarding their recommendations from their April 14, 2026, meetings.

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

PROPOSED ORDINANCE NO. 2026-13

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

**Rezone from C-1 General Commercial to C-4 Automobile Oriented Commercial for Auto Body Shop – Vacant lot South of 3610 Bremen Highway (Meijer)
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2026-14

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

**Rezone from C-1 General Commercial to C-7 Automobile Oriented Restaurant Commercial to allow a Drive-Thru Restaurant – 3630 Bremen Highway
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2026-15

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

**Annex and Rezone to R-1 Single-Family Residential – 13511 E. 6th Street
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2026-16

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

**PUD Amendment to allow Portable Storage Shed and Metal Garage/Carport Sales – 801 W. Douglas Road
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2026-17

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

**Annex and Rezone to R-3 Multi-Family Residential Housing and Restaurant – Former Grocery Store – 1622, 1628, 1640, and 1706 E. McKinley Avenue
(Assigned to Land Use Planning Committee)**

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

RESOLUTION R2026-12

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED SOUTH OF CLEVELAND ROAD, APPROXIMATELY 1,400' WEST OF CAPITAL AVENUE

Fiscal Plan for Annexing Right-of-Way extending Veterans Parkway north to Cleveland Road

Christa Hill, Senior Planner with the City of Mishawaka Planning and Redevelopment Department, spoke in favor of **RESOLUTION R2026-12**. Mrs. Hill stated this was a fiscal plan for a 3.67-acre property that was on the south side of Cleveland Road approximately 1,400' west of Capital Avenue that would extend from Cleveland Avenue south to the terminus of Veterans Parkway. Mrs. Hill stated it was meant to be an extension of Veterans Parkway to provide road connectivity and more importantly utilities connectivity to the Gurley Leep auto mall that was going at the northwest corner of Capital and Cleveland. Mrs. Hill stated the city had since acquired the property and would be going through the process of dedicating it as a right-of-way. Mrs. Hill stated the contiguity was 24.6%, which exceeded the 12.5% required by state law. Mrs. Hill stated they were going to take care of it and they had all of the departments weigh in and no one had any objections to this. Mrs. Hill stated she was happy to answer any questions.

Question was called for at 6:09PM for **RESOLUTION R2026-12 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2026-13

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE POLICY FOR ANNEXATION FOR THE PROPERTY LOCATED AT 15008 GRANDE VISTA DRIVE, GRANGER, IN 46530 – SOUTHWEST CORNER OF N. FIR ROAD AND GRANDE VISTA DRIVE

Fiscal Plan for Annexing 15008 Grande Vista Drive

Derek Spier, City Planner, spoke in favor of **RESOLUTION R2026-13**. Mr. Spier stated this fiscal plan was an annexation that covered an approximate 2.5-acre area at the southwest corner of North Fir Road and Grande Vista. Mr. Spier stated the prospective developer and owner planned to construct a multi-tenant commercial building on the property once it came into the city and that would also be subject to approval of a use variance. Mr. Spier stated the property had about 18% contiguity to the city limits along North Fir Road which exceeded the 12.5% contiguity requirement. Mr. Spier stated copies of the proposed request were forwarded to all

departments for review and the departments were then asked what expenditures or costs would be required to service the area and if the request could be accommodated with the funds currently approved within the city budget. Mr. Spier stated in this case, considering it was a pocket of unincorporated area immediately adjacent to the existing city limits and that the developer was responsible for installing any utilities to extend utilities to it and constructing any improvements within the public right-of-way, additional expenditures were not anticipated at that time. Mr. Spier stated he was happy to answer any questions.

Question was called for at 6:12PM for **RESOLUTION R2026-13 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2026-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN AMENDING DECLARATORY RESOLUTION FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION Disposition of Property – Fire Station No. 2 Project

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **RESOLUTION R2026-14**. Mr. Prince stated they were asking for approval that evening of the resolution in front of them, which would approve an amendment to the plan associated with their consolidated TIF district to allow for the disposal of former fire station no. 2 by Normain Park. Mr. Prince stated back in 2023, they asked for input from the neighborhood and they tried to solicit local not-for-profits to see if it could be turned into a community center or used by the school corporation, but none of those efforts were fruitful. Mr. Prince stated they were contacted in the past year by Tri-County Ambulance Service which was intriguing to them and they had a subsequent neighborhood meeting attended by a few people which was a good sign that there was not a lot of concern from the neighborhood and they thought it was a good reuse of the building. Mr. Prince stated they wanted to go through the process for the disposal for that specific use and the documentation provided would only be eligible for someone that was looking to use the building as an ambulance facility to bid on it. Mr. Prince stated it was not written specifically for Tri-County, so theoretically another ambulance company could bid on it, but the idea was that this was a viable use for the property and they did not want the building to become a bar or something that would be negative to the neighborhood and they thought this was a good use for the building. Mr. Prince stated he was to answer any questions that they had on the request and if approved because of the nature of the way the property was dedicated to the city back when Normain Heights was established, this required the approval of the Park Board and then would also go back to the Redevelopment Commission, so this would be the only

opportunity that the Council would have to weigh in on it as there were two additional steps required before action could be taken.

Mrs. Voelker stated she was looking at the offer sheet and it said that each bid must propose a purchase price of not less than \$300,000 and asked if that was correct. Mr. Prince stated that was correct. Mrs. Voelker asked if Tri-County or whichever ambulance company chose not to bid if they would then start all over again. Mr. Prince stated no and once they went through the process if they met the other qualifications, the Redevelopment Commission did have the ability to accept something less, however they identified to Tri-County that this was the minimum that the city would take for the building. Mr. Prince stated he believed it was not an issue, but they would deal with that when it came. Mr. Prince stated the alternative at that point was going to be the demolition of the building, so if they did not have a viable reuse, their insurance provider had identified that they were not willing to insure the building anymore as of July 2026. Mr. Prince stated they had to decide whether to move forward with the bidding process or move forward with demolition.

Mr. Violi stated from the meeting he recalled that the land that was north of the fire station would also be included in the sales price and the empty lot was purchased separately at one point. Mr. Prince stated that was correct and when they had it appraised, they specifically excluded the entry drive that was off of Main Street which also would be provided as an entrance to Normain Park in addition to the former fire station and then included the area of the residential lot that they had previously purchased and demo of the home, so it did include everything to the north of the entry drive to what was the existing single-family home that was left to the north.

Mr. Hixenbaugh thanked Mr. Prince for the information he provided that evening as well as for the outreach to the neighborhood that he mentioned. Mr. Hixenbaugh stated the first meeting was better attended than the second meeting, but both were a worthy exercise, and he appreciated the fact that he gave the people the opportunity to chime in. Mr. Hixenbaugh stated he agreed with Mr. Prince in that it was reflective of an embrace on the part of the neighborhood of the project and he wished him well. Mr. Hixenbaugh stated the one fairly minor concern he had was that even though this was going to be a non-emergent use if it was Tri-County or a similar provider, the ability to be able to exit the property and to be able to turn south against the traffic concerned him. Mr. Hixenbaugh stated hopefully as the process played out, they would continue to vet that issue so that there was not a public safety concern that came with an otherwise really solid project. Mr. Prince stated there were two things he wanted to mention in that regard for the public and anybody that may be listening and curious. Mr. Prince stated the city would continue to provide their emergency services and typically when they were used for transport, not that transport from a nursing home to the hospital was not a priority, but it was not the same running sirens and as they mentioned, they had very few sirens and they had more time to wait. Mr. Prince stated with the connection of the entry drive to Normain, if it proved to be an issue, they had the ability to go out to McKinley at that point and exit that way. Mr. Prince stated he also failed to mention that if this item did go through as envisioned, they would be back before the Council but not regarding the sale of the property and before them for a use variance for the use

of the property. Mr. Prince stated the property was currently zoned R-1 Single-Family Residential and on the change in use for the commercial operation, they did not want to change the underlying zoning of the property, so they recommended a use variance, and they had no issue with applying for that. Mr. Hixenbaugh thanked Mr. Prince for the clarifications and stated he thought that added to the appropriateness for the proposed use in that neighborhood since even the traditional use of sirens to exit and enter the property would not be part of the business model. Mr. Hixenbaugh thanked Mr. Prince once again for his work on this.

Question was called for at 6:19PM for **RESOLUTION R2026-14 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2026-15

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: 4340 N. MAIN STREET, MISHAWAKA, INDIANA

Use Variance to allow a Drive-Thru Restaurant in C-1 General Commercial District – 4340 N. Main Street

Ben Stanley, Civil Project Engineer at Surveying and Mapping, LLC, spoke in favor of **RESOLUTION R2026-15**. Mr. Stanley stated he was representing the contingent buyer of the property who intended to repurpose the existing building that was there on the property for another restaurant that would include a drive-thru and would also house an ice cream shop as well. Mr. Stanley stated he was happy to answer any questions they had.

Mr. Violi asked if he could tell the Council who would be occupying the property. Mr. Stanley stated he was not at liberty to say.

Question was called for at 6:22PM for **RESOLUTION R2026-15 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 8-0.

RESOLUTION R2026-16

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: 14325 AND 14233 PRE-ANNEXATION, CLEVELAND ROAD INCLUDING FIVE TAX PARCELS Conditional Use for Underground Fuel Storage Tank – NW corner of E. Cleveland Road & Capital Avenue

Mr. Banicki made a motion that they postpone the public hearing on **RESOLUTION R2026-16** to the next regularly scheduled council meeting when they could have somebody speak on behalf of the proposal. Mr. Violi seconded the motion and Clerk Block polled the Council on the motion.

Motion passed by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The motion passed 8-0 and the matter was postponed.

Clerk Block read the following proposed ordinances by title and opened the voting by the Council.

PROPOSED ORDINANCE NO. 2026-08

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

**Annex Right-of-Way extending Veterans Parkway North to Cleveland Road
Vote Only**

Mr. Carroll reported the Land Use Planning Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, Clerk Block polled the Council on the committee report.

Motion passed by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The committee report passed 8-0.

Mr. Hixenbaugh stated at their council meeting last Monday, they conducted a public hearing on **PROPOSED ORDINANCE NO. 2026-08** pursuant to Indiana law, so at that point in time, he called for the question.

Question was called for at 6:22PM for **PROPOSED ORDINANCE NO. 2026-08 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5981.**

PROPOSED ORDINANCE NO. 2026-11

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

**Annex and Rezone to C-1 General Commercial – 15008 Grande Vista Drive
Vote Only**

Mr. Carroll reported the Land Use Planning Committee recommended that this proposed ordinance be adopted. Upon a second by Mr. Banicki, Clerk Block polled the Council on the committee report.

Motion passed by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The committee report passed 8-0.

Mr. Hixenbaugh stated at their council meeting last Monday, they conducted a public hearing on **PROPOSED ORDINANCE NO. 2026-08** pursuant to Indiana law. Mr. Hixenbaugh stated that as pointed out by the staff report, this was yet another example of the idiosyncrasy with regard to utility service areas where the property in question was outside of their city's electric service territory, so although they would provide city services to the property as it was annexed in, they would be deprived of the opportunity to be able to provide that electric service that most individuals and entities who became part of the City of Mishawaka were interested in. Mr. Hixenbaugh stated as they moved forward, he knew the Administration continued to look at opportunities for them to try to address that and there were some entrenched interests who opposed their desire to be able to grow their service areas co-extensive with the growth of their boundaries, but hope sprung eternal that some cooler heads would prevail and at some point in time they would be able to make that happen. Mr. Hixenbaugh stated his hope was that the developer and the folks involved in the project would support them in that effort because he believed it was not only good for the City of Mishawaka, but it was good for the development and the developer as well. Mr. Hixenbaugh called for the question.

Question was called for at 6:29PM for **PROPOSED ORDINANCE NO. 2026-11 Motion passed by unanimous roll call vote (summary: Yes = 8).**

Yes: Mrs. Voelker, Mr. Carroll, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5982.**

NEW BUSINESS

Mrs. Voelker invited those in attendance and members of the public to join them for their first annual Princess City Stroll on May 1st from 5PM to 9PM. Mrs. Voelker stated they had 22 different businesses that would be involved and they were inviting all to come stroll through downtown Mishawaka, enjoy all of what Mishawaka had to offer, and kick off Historic Preservation month. Mr. Hixenbaugh congratulated Mrs. Voelker and the other members of the Historic Preservation Commission as well as the Parks Department for that initiative which had the makings of an interesting evening.

Mr. Hixenbaugh offered his thanks to Chief Arendt, Chief Nowacki, and all who participated in organizing and conducting a really impressive first-time ceremony yesterday, Sunday April 19th, in the Council Chambers where their police officers were honored. Mr. Hixenbaugh stated from time to time they thanked them, but this was a very nice opportunity for them to be recognized by name. Mr. Hixenbaugh stated it was the ultimate feel-good event, and he thought those of them who were able to attend were proud not only to be present, but proud of what they learned their officers were doing on a daily basis to make a better, safer community. Mr. Hixenbaugh congratulated everyone who helped make that event happen and stated he looked forward to it continuing in the future.

ADJOURNMENT 6:32PM

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

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

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

DATE: April 22, 2026

Deborah S. Block, IAMC, MMC

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

APR 30 2026

City Clerk
Mishawaka, IN

The undersigned appellant respectfully shows the Board:

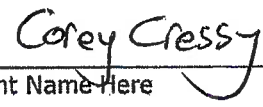
1. I, **Cressy Land Investments**, am the owner of the following described real estate located within the City of Mishawaka, **Penn** Township, St. Joseph County, State of Indiana, to-wit:

Lot 3 Juday Creek at Main Street Minor Subdivision

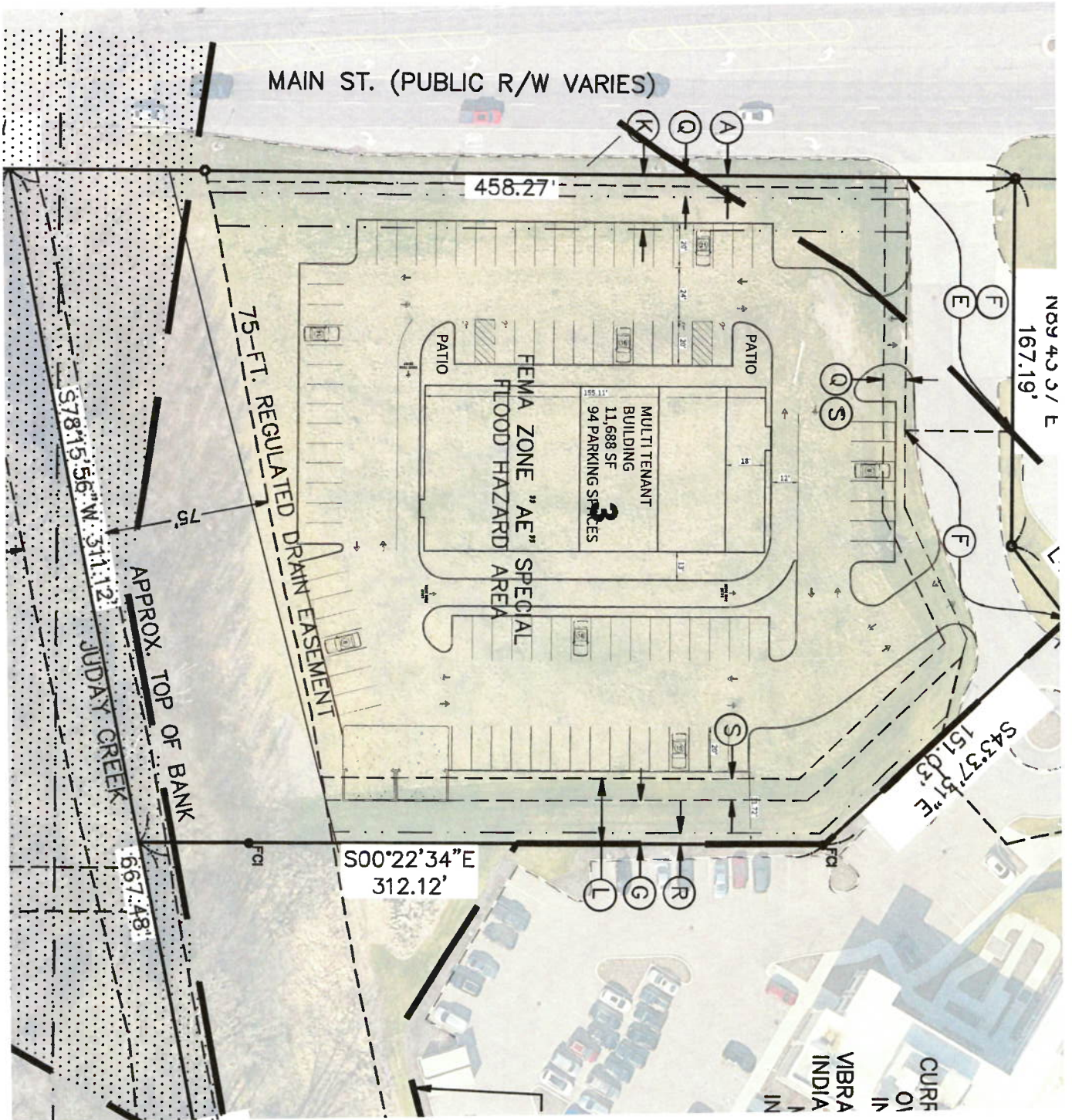
1. The above-described real estate presently has a zoning classification of C-1 District under the Zoning Ordinance of the City of Mishawaka.
2. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: **The property is vacant. Construction of a new Multi-tenant building.**
3. Appellant desires to **allow 2 endcap QSR drive thru's and 2 tenants**
4. The Zoning Ordinance of the City of Mishawaka requires (Explain ordinance requirements and note Section Number of the Ordinance.) **as the ordinance only allows two tenants in a C-1 zoning district.**
5. Explain why strict adherence to the Ordinance requirements would create an unusual hardship. **4 tenants are needed for the financials and budget of the project.**
7. Answer the following necessary questions for a **USE VARIANCE**:
 - (1) Will approval be injurious to the public health, safety, morals or general welfare of the community? **Construction of the multi-tenant building will bring necessary services to the area as for employment.**
 - (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? **No, this will add to the beautification of the property and it's surrounding properties.**
 - (3) Does the need for the variance arise from some condition peculiar to the property involved? **No, size of the proposed building and the 4 tenant build out will be suffice.**
 - (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought? **Yes, with the tenant building out for the Center. Land will be raised 4' for the Flood zone area.**
 - (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? **No, as we will comply with all UDO ordinance.**

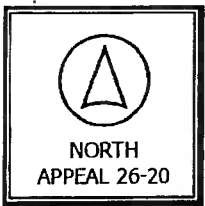
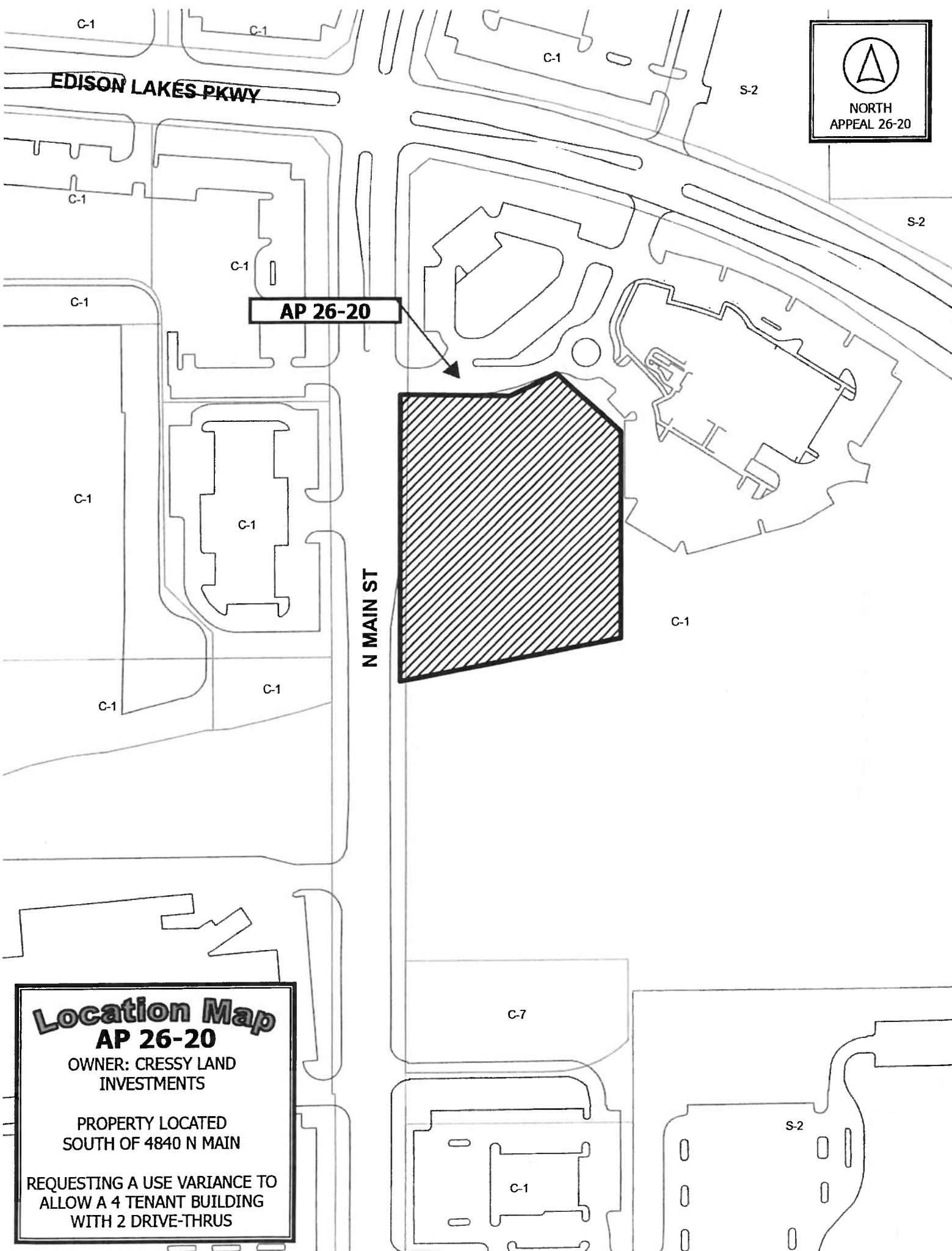
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


 Print Name Here


 Print Name Here
CONTACT PERSON:

Name: Bill Terry, Weihe Engineers
 Address: 732 Franklin Trace, Zionsville, IN 46077
 Day Phone Number: 317.385.9923
 Email: billt@weihe.net





AP 26-20

N MAIN ST

EDISON LAKES PKWY

Location Map
AP 26-20

OWNER: CRESSY LAND INVESTMENTS

PROPERTY LOCATED SOUTH OF 4840 N MAIN

REQUESTING A USE VARIANCE TO ALLOW A 4 TENANT BUILDING WITH 2 DRIVE-THRUS

AP 26-21
Received

APR 22 2026

Planning and
Community Development

DATE: 4/22/2026

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

Deborah S. Block, IAMC, MMC

APR 30 2026

City Clerk
Mishawaka, IN

The undersigned appellant respectfully shows the Board:

1. I, Director Kevin Moore, representing the Missionary Church Inc. North Central District, 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:

327 W. Colfax Ave
Mishawaka, IN 46545

Parcel Number: 71-09-09-209-001.000-023

Legal Description: 928.6 Ft E& W x 121/2 Rds N & S Mid Pt W Ne & Elizabeth
St 66 x 121/2 Rds 9 37 3e Ex Pts Sold

2. The above-described real estate presently has a zoning classification of R-1 Single Family Residential under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property in the following manner:
as a parsonage or rental home.
4. Appellant desires to use this home as a counseling center to serve both congregants of churches in the North Central District as well as Bethel University students. Bethel currently runs a Wellness Center providing counseling to students that is near this property but embedded on the campus and not accessible for others. Relocating the Wellness Center to this nearby location allows Bethel to provide the appellant access these services for congregants and allows for the expansion of needed services for both students and congregants. The current residential zoning of this property prohibits the desired use.
5. The Zoning Ordinance of the City of Mishawaka requires R-1 uses Sec. 137-165, Sec. 137-42 (4).
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

The tri-level layout of this home and physical conditions make compliance with commercial-use and accessibility requirements impractical without interior alteration. The current lot/building configuration as residential (including the attached garage and interior floor levels) prevents reasonable conversion to the proposed wellness center under the ordinance as written.

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

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community?

Answer: NO. The proposed use is small-scale and will follow normal safety rules (parking, lighting, hours). The proposed use of the property will not be open to the public, instead, it will serve a population of students and staff from Bethel University as well as staff and congregants from the regional Missionary Churches. It does not bring dangerous materials or create unsafe conditions for neighbors.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

Answer: NO. Homes adjacent are similar in character and the renovations keep with the current look. We would argue that the work being proposed will enhance the overall curb appeal because of some of the new changes to the exterior, including:

- NORTH SIDE - Front of house: closing up the garage door and adding 4 new windows along with new siding to match existing siding on gable ends of the house.
- SOUTH SIDE - Back of house: adding a small deck about 8 inches high along with two ramps for ADA compliance. We will look to add a cement path connecting the existing church parking lot to the new main entrance at the back of the property.
- EAST & WEST SIDE will remain the same, though we are hoping to freshen up the exterior paint to ensure the property is up to date with the new siding that will be installed in portions where new windows and doors are installed.

The project will be kept tidy and as quiet as possible. As opposed to its current use, where the maintenance of the property relies heavily on the tenants in the residence, staff and university's maintenance crew help the church with ensuring that the exterior and interior remain in great shape.

The nature of the proposed use of the property involves a lot of one-on-one conversations. There will not be any increase of noise levels and most evenings the property will be closed, as most of the hours of operation will be daytime hours.

(3) Does the need for the variance arise from some condition peculiar to the property involved?

Answer: NO. The only peculiar condition strengthens the proposed usage - that the west side of the property does not have any neighbors, it is an existing parking lot for the church which sits across the street to its north. Being owned by the church, 327 Colfax is an ideal location for the proposed use, making the property extremely useful without many changes, and with no disruptions to the building visually or the flow of traffic for adjacent streets and homes.

(4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?

Answer: Yes. Strict application of the chapter would constitute an unnecessary hardship for this property because the existing building is a preexisting church parsonage with a tri level layout and physical conditions that make compliance with commercial-use and accessibility requirements impractical without substantial interior alteration. The house has been used as a residence (parsonage)/rental prior to this application and the current lot/building configuration (including the attached garage and interior floor levels) prevents reasonable conversion to the proposed wellness center under the ordinance as written. Requiring full compliance without relief would prohibit the intended client and community serving use. Specific facts supporting hardship:- Tri level interior and existing garage floor elevation make providing accessible, contiguous client space infeasible under the chapter without major structural changes. The building is not ADA compliant; required accessibility (ramps, routes, and an ADA restroom) cannot be achieved within the existing layout without the modifications requested.

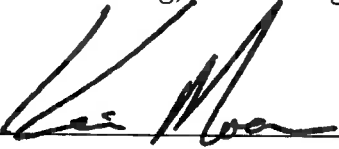
Minimum relief requested: allow change of use from residential to commercial (wellness center) and permit the limited site and building modifications described, converting the garage to a conference/office area with the garage floor raised to match main level, installation of exterior cement paths and wood ramps, and addition of an ADA bathroom. These changes constitute the least relief necessary to permit reasonable, accessible commercial use.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?

Answer: NO. The proposal fits the general goals for this area (local services/compatible use) and will not conflict with the plan's intent. Because the property is not open to the public and is already being used by the church, there really is not a visible or experienced disruption to the goals for the area. This area is low density housing, surrounded by John

Young Middle School (South of property) and Bethel University (West of property), creating minimal to no interference on a physical level. On the level of general welfare and community, the proposed use of the property provides beneficial services to community members, particularly those who work, study or worship in this area. We see this as a positive contribution in line with the comprehensive plan.

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



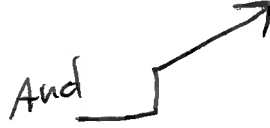
Kevin Moore, MCNCR Director



Dan Bridges, MCNCR Asst. to Director

dan@mcncr.org

CONTACT PERSON:

And 

Name:

Alex Gonzalez (Project Manager)

Address:

307 S. Main St.

Middlebury, IN 46540

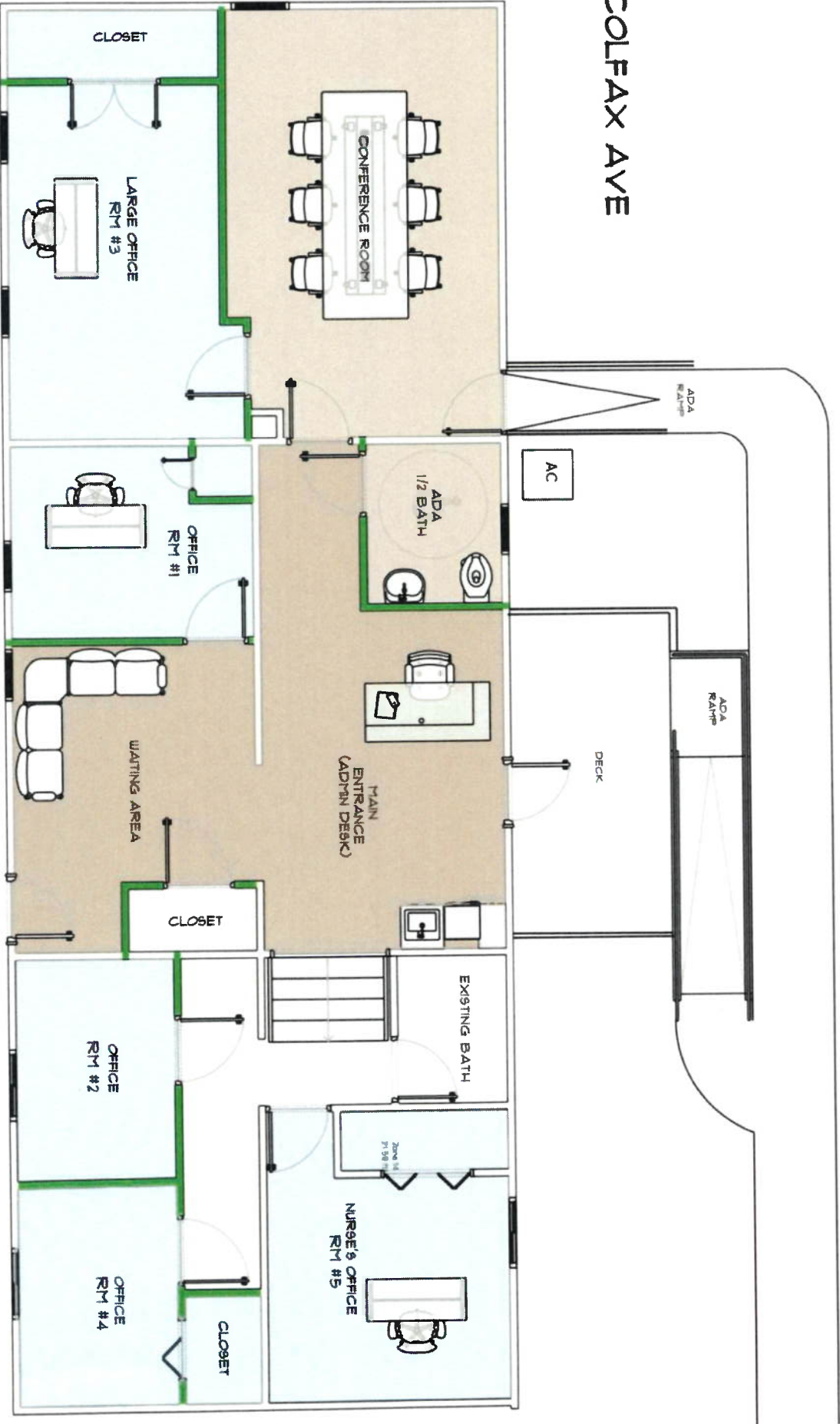
Day Phone Number:

574-302-1347

Email:

anldesignco@gmail.com

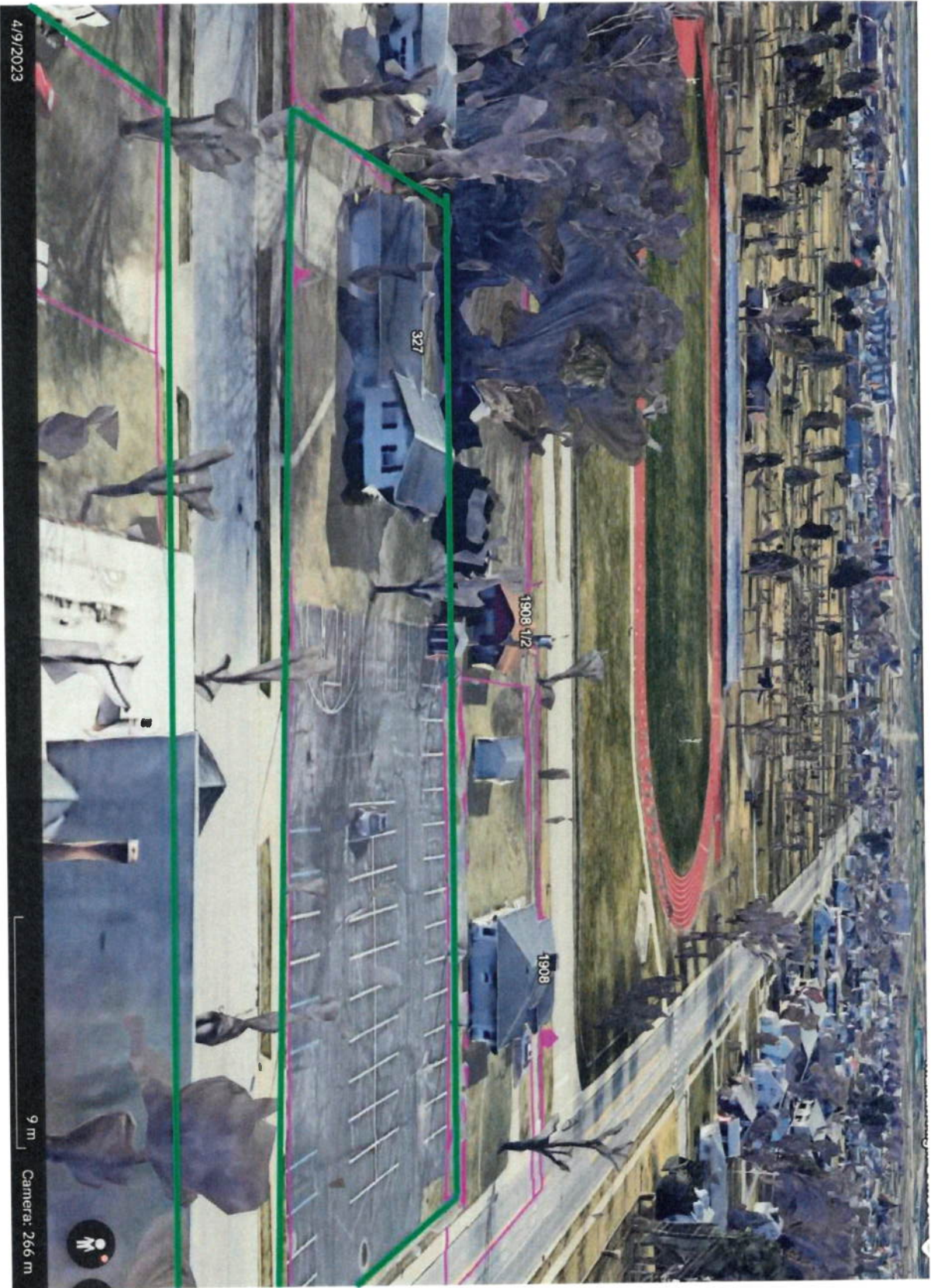
321 W. COLFAX AVE



GREEN LINES ARE NEW INTERIOR
WALLS PROPOSED

PROPOSED
LAYOUT

JOHN YOUNG MIDDLE SCHOOL



4/9/2023

9 m

Camera: 266 m

NORTH

BETHEL UNIVERSITY

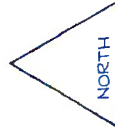
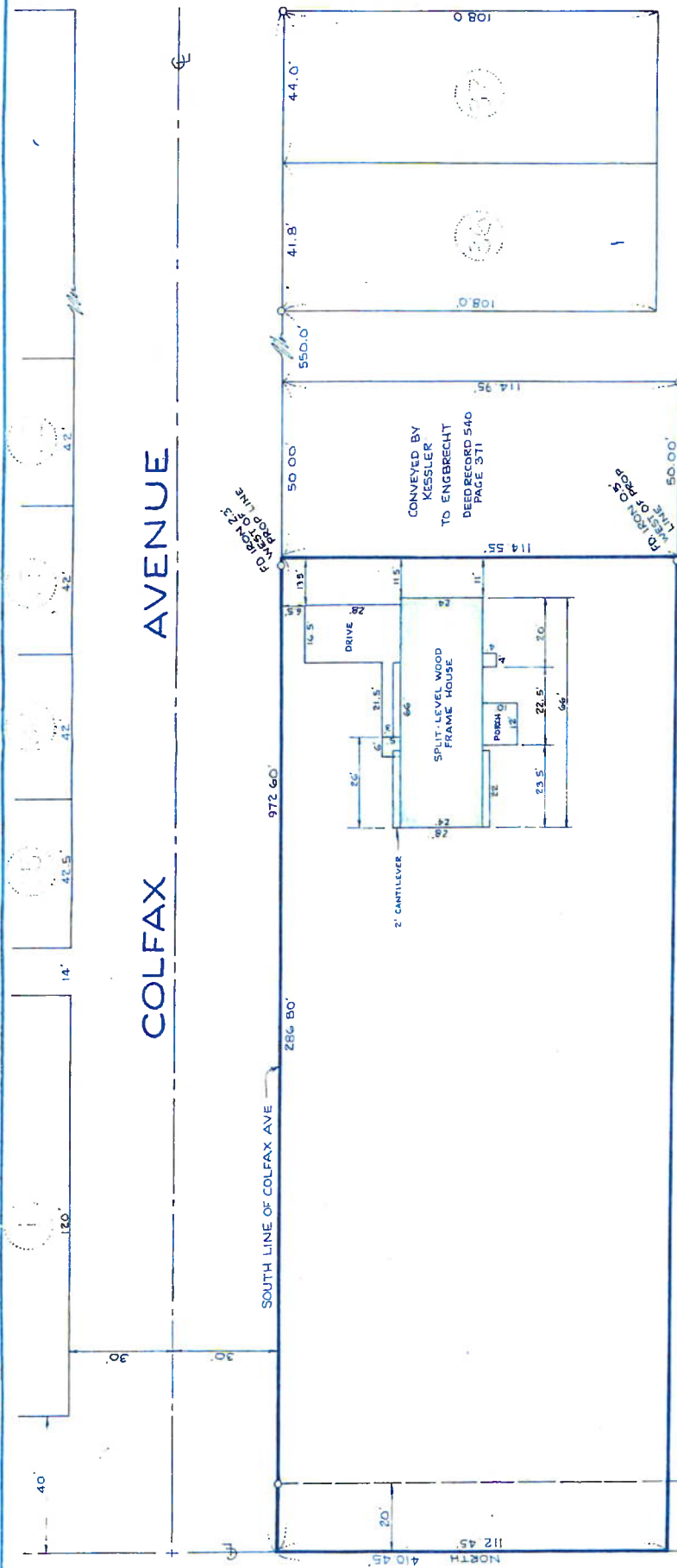
PARCEL AREA

A MORTGAGE REPORT OF A PARCEL
NW1/4, NE1/4, SECTION 9, T37N R3E
CITY OF MISHAWAKA
ST JOSEPH COUNTY, INDIANA

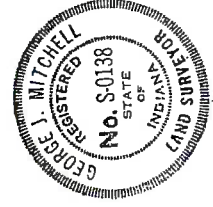
ALPHA ENGINEERING, INC.
CONSULTING ENGINEERS
LAND SURVEYORS
SOUTH BEND, IND. SOUTH HAVEN, MICH.

Project No. _____
Drawn By _____
Approved By _____

Date	11-12-73
Scale	1" = 30'
Sheet	1 of 1



SCALE: 1"=30'



A PARCEL OF LAND IN THE NW¼ OF THE NE¼ OF SEC 9, T37N R3E. DESCRIBED AS FOLLOWS : BEGINNING ON THE WEST LINE OF THE NE¼ OF SAID SEC 9, AT A POINT 410.45 FEET NORTH OF THE SW CORNER OF THE NW¼ OF THE NE¼ OF SAID SEC 9, SAID BEGINNING POINT BEING ON THE SOUTH LINE OF COLFAX AVENUE. IN THE CITY OF MISHAWAKA ; THENCE EAST ALONG THE SOUTH LINE OF COLFAX AVENUE TO THE NW CORNER OF A PARCEL OF LAND RECORDED IN DEED RECORD 540 PAGE 371 OF THE RECORDS OF ST. JOSEPH COUNTY, INDIANA ; THENCE SOUTH ALONG THE WEST LINE OF SAID DEEDED PARCEL A DISTANCE OF 114.55 FEET, MORE OR LESS, TO THE SW CORNER OF SAID DEEDED PARCEL ; THENCE WEST TO THE WEST LINE OF THE NE¼ OF SAID SEC 9, A DISTANCE OF 112.45 FEET SOUTH OF THE PLACE OF BEGINNING ; THENCE NORTH A DISTANCE OF 112.45 FEET TO THE PLACE OF BEGINNING. SUBJECT TO THE LEGAL HIGHWAYS.

SURVEYOR'S CERTIFICATE

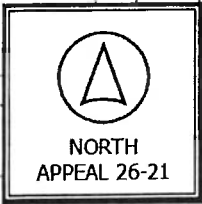
I, GEORGE J MITCHELL, A DULY LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE EXAMINED THE ABOVE DESCRIBED PARCEL OF LAND, AND THAT THERE ARE NO VISIBLE ENCROACHMENTS.

George J Mitchell
GEORGE J MITCHELL
REGISTERED LAND SURVEYOR
NUMBER 5-0138

Nov. 12, 1973

SW COR
NW 1/4
NE 1/4
SEC 9

LIBERTY DR



AP 26-21

W COLFAX AVE

LIBERTY DR

ANN ST

Location Map

AP 26-21

MISSIONARY CHURCH INC
NORTH CENTRAL DISTRICT

327 W COLFAX

USE VARIANCE FOR
COUNSELING CENTER

PROPOSED ORDINANCE NO. 2026-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA REGARDING
RENTAL REGISTRATION AND INSPECTION

WHEREAS, _____

WHEREAS, it is the intent of the Common Council of the City of Mishawaka to create a new rental registration and inspection program in the City of Mishawaka for the purpose of protecting residents of the City, by the creation of a new Chapter of the Mishawaka Code of Ordinances, which shall be designated as _____.

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

Section 1. The Mishawaka Code of Ordinances, is hereby amended to add a new Chapter ____, Article ____, Rental Registration and Inspection Program, as follows:

Sec. ____-____. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. Words in the singular shall include the plural, and words in the plural shall include the singular.

Inspection certificate means a certificate issued by the building department which documents that a rental unit has passed inspection and the owner is permitted to rent or lease the unit.

Inspection officers means shall mean the following people, working separately or together, who shall enforce the provisions of this chapter:

1. Building Official or his/her designee.
2. Fire inspector, fire chief or other designated officer.

Occupant/Tenant means any person, living, sleeping, cooking, or having physical or actual possession of a rental unit.

Owner means one or more persons in whom is vested all or part of the legal title to property. The term includes a mortgagor or contract purchaser in possession.

Person means an individual, a corporation, an association, a partnership, a governmental entity, a trust, an estate, or any other legal or commercial entity.

Registration fee means the amount paid to the building department when registering a rental unit with the City of Mishawaka, IN.

Rental Unit means:

1. A structure, or the part of a structure, that is used as a home, residence, or sleeping unit by:
 - a. One individual who maintains a household
 - b. Two or more individuals who maintain a common household
2. Any grounds, facilities, or area promised for the use of a residential tenant, including the following:
 - a. An apartment unit.
 - b. A boarding house.
 - c. A rooming house.
 - d. A single- or two- or more family dwelling.

Rental Unit Community means one or more parcels of contiguous real property upon which are located one or more structures containing rental units, if:

1. The combined total of all rental units in all of the structures is five or more rental units; and
2. The rental units are not occupied solely by the owner or the owner's family.

Unsafe building means a building or structure, or any part of a building or structure, that is:

1. In an impaired structural condition that makes it unsafe to a person or property.

2. A fire hazard.
3. A hazard to public health.
4. A public nuisance.
5. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance.
6. Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; or
7. Otherwise in violation of state or city unsafe building laws.

Unsafe premises means the tract of real estate on which an unsafe building is located.

Sec. ____-____. Safe and habitable premises.

An owner must maintain the rental unit in a safe and habitable manner. Accordingly, the owner must ensure that the rental unit is:

- (a) not in an unsafe building;
- (b) complying, with all rules, regulations, ordinances, statutes, or other laws including, but not limited to:
 - (1) The City of Mishawaka, IN unsafe building ordinance.
 - (2) The state of Indiana Unsafe Building Law.
 - (3) State and City of Mishawaka, IN fire code.
 - (4) State and City of Mishawaka, IN building code.
 - (5) National, state, and local electric code.
 - (6) Any other rule, regulation, statute, or other law relating or pertaining to the safety or habitability of a residential or rental property; and
- (b) Is safe and habitable with respect to:
 - (1) Electrical supply and electrical systems.

- (2) Plumbing and plumbing systems.
- (3) Water supply, including hot water.
- (4) Heating, ventilation, and air conditioning equipment and systems.
- (5) Bathroom and toilet facilities.
- (6) Doors, windows, stairways, and hallways.
- (7) Functioning smoke detectors and carbon monoxide detectors
- (8) The structure in which a rental unit is located.

Sec. __-__. Annual registration.

(a) Registration Form. The Building Official shall prepare a form for an owner of a rental unit to complete ("registration form"). The registration form shall require information including, but not be limited to, name of owner, address of rental unit, mailing address for owner or owner's representative, name of tenant, e-mail address, phone number, number of units that owner rents, and verification that the landlord will update any and all information within 30 days of any change. The Building Official may amend the registration form from time to time as appropriate and/or necessary.

(b) Annual Registration and Fee. An owner of rental unit in the City of Mishawaka, IN shall complete a registration form and pay an annual \$5.00 registration fee ("registration fee") for each parcel of real property on which a rental unit is located. The registration form and the registration fee shall be submitted to the Building Department. The registration fee shall be due yearly by January 31st of each year. Failure to register each year will result in a fine of up to two hundred fifty (\$250) dollars per offense.

(c) Rental Unit Community Exception. An owner of the rental unit community will only be obligated to complete one registration form and to submit a single registration fee per each rental unit community.

(d) Obligation to Update Information. The owner of a rental unit will be required to update its registration form within thirty (30) days of any change in address, change in ownership, change in occupant, or any other material changes thereto. Failure to do so will result in a violation of this chapter.

(e) Initial Registration. All current owners shall submit an initial registration form and a registration fee for all existing rental units within ninety-days (90) of passage of this ordinance. Thereafter, any new owner shall have thirty (30) days from obtaining ownership in a rental unit and/or leasing a rental unit to register that rental unit with the City of Mishawaka, IN and to submit the registration fee. Failure to do so will result in a two hundred fifty dollar (\$250) fine each day and each day thereafter.

(f) Rental Registration and Inspection Fund. The City of Mishawaka, IN city council hereby establishes a special fund which shall be known as the "rental registration and inspection fund" dedicated solely to reimbursing the costs actually incurred by the city relating to the registration and inspection of rental units as provided in this chapter. All registration fees required hereunder shall be deposited in that special fund.

Sec. ____-____. Inspection.

(a) Inspections Authorized. The inspection officers are authorized and directed to make inspections to determine the condition of rental units located within the City of Mishawaka, IN.

- (1) The inspection officers are authorized to enter, examine and survey, at all reasonable times, all rental units. The owner or the owner's representative, and/or occupant of every rental unit, shall give the inspection officer free access to such rental unit and its premises at all reasonable times for the purpose of such inspection, examination and survey, provided, however, that such inspection officer has, prior to entry thereof, positively identified himself or herself as a person authorized pursuant to this chapter to enter upon said premises. At the time of each inspection, all pets must be controlled so that the inspection officer can move about the dwelling and surrounding property.
- (2) The owner or the owner's representative and the occupant shall be entitled to 72 hours' written notice from the inspection officer prior to conducting the inspection, examination or survey. In the event that the owner, or the tenant if occupied, refuses to allow the inspection officer to conduct the inspection, the inspection officer shall apply for a warrant to make the inspection in accordance with IC [36-7-9-16](#).

- (3) This provision shall not be construed to limit or restrain the right of the inspection officer to make an inspection of any other building or premises pursuant to any of the provisions of IC [36-7-9-1](#) or the city's ordinances concerning unsafe buildings or unsightly premises.

(b) Initial Inspection. Every Rental unit operated and maintained in the City of Mishawaka, IN shall be inspected by the Building Department within ninety (90) days of the owner's submission of the Initial Registration, Initial Registration Fee, and Inspection Fee. The Initial Inspection shall be made to ascertain that the Rental Unit conforms to all requirements of this chapter, any other ordinance of the City of Mishawaka, IN and all applicable statutes of the State of Indiana. Any owner allowing a tenant to occupy a rental unit without a valid inspection certificate is in violation of this chapter and subject to a two hundred fifty dollars (\$250) fine each day and each day thereafter.

(c) Inspection At Least Once Every Three Years and/or New Occupant. Every rental unit operated and maintained in the City of Mishawaka, IN shall be inspected by the Building Official or his/her designee at least one time every three years ("routine inspection"). The routine inspection shall be made to ascertain that the facility conforms to all requirements of this chapter, any other ordinance of the City of Mishawaka, IN, and all statutes of the state of Indiana regarding such facilities.

(d) Exemption to Routine Inspection. Pursuant to IC [36-1-20-4.1\(c\)](#), the City of Mishawaka, IN may not conduct a routine inspection of a rental unit or impose a fee pertaining to the inspection of a rental unit, if the rental unit satisfies all of the following:

(1) The rental unit is:

(i) Managed by a professional real estate manager; or

(ii) Part of a rental unit community that is managed by a professional real estate manager.

(2) During the previous 12 months, the rental unit has been inspected or is part of a rental unit community that has been inspected by either of the following:

(i) By or for:

(A) The United States Department of Housing and Urban Development, the Indiana Housing and Community Development Authority, or another federal or state agency; or

(B) A financial institution or insurance company authorized to do business in Indiana.

(ii) By an inspector who:

(A) Is a registered architect.

(B) Is a professional engineer; or

(C) Satisfies the qualifications of the City of Mishawaka, IN Building department such that the inspector would qualify as an inspection officer.

(iii) However, the inspector may not be an employee of the owner.

(3) A written inspection report of the inspection has been issued to the owner of the rental unit or rental unit community (as applicable) that verifies that the rental unit or rental unit community is safe and habitable with respect to:

(i) Electrical supply and electrical systems.

(ii) Plumbing and plumbing systems.

(iii) Water supply, including hot water.

(iv) Heating, ventilation, and air conditioning equipment and systems.

(v) Bathroom and toilet facilities.

(vi) Doors, windows, stairways, and hallways.

(vii) Functioning smoke detectors; and

(viii) The structure in which a rental unit is located; and

(4) The inspection report is delivered to the City of Mishawaka, IN Building department on or before the date of the scheduled inspection.

(e) Additional Inspections. In addition to the routine inspection, the City of Mishawaka, IN may inspect any rental unit, if the political subdivision has reason to believe or receive a complaint that the rental unit does not comply with applicable code requirements, so long as the City of Mishawaka, IN provides 72 hours' notice.

(f) Access. Every occupant of a rental unit shall give the owner thereof or the owner's representative access to any part of such dwelling or rental unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.

(g) Inspection Fee.

(1) Initial Inspection- For any routine inspection, the City of Mishawaka, IN shall charge the owner of the rental unit a fee of \$150.00 ("inspection fee"). Failure to pay the inspection fee within 30 days of receiving notice thereof shall result in a violation of this chapter. Each "inspection fee" is good for three (3) years or when a new tenant occupies the space, whichever occurs first. However, in the case of a rental unit that meets the requirements for an exemption, the City of Mishawaka, IN may not impose any inspection fee pertaining to the inspection of that rental unit.

(2) Reinspection- If after conducting an initial inspection, the Inspection Officer determines that a reinspection is necessary, the City of Mishawaka, IN, may charge the owner of the rental unit an additional \$75.00 per reinspection, fee. The reinspection fee is due within thirty (30) days of owner receipt of the notice of reinspection. The reinspection fee must be paid prior to issuance of the certificate of occupancy.

(h) Inspection Certificate. The building department shall issue to the owner of every registered and inspected rental unit an inspection certificate as proof that the unit passed inspection. The inspection certificate shall be valid for three (3) years or until the next inspection is required by this chapter.

(i) Violation Notice. If an inspection officer finds that a rental unit or any part thereof fails to comply with any standard set forth in this chapter, any other ordinance of the City of Mishawaka, IN or any statute of the state of Indiana, he or she shall give notice of the alleged violation to the owner of the rental unit (the "violation notice"). The violation notice

shall be in writing and shall reasonably describe the violation found. The violation notice shall further specify the date by which the violation must be corrected.

(j) Service of Violation Notice. The violation notice shall be served upon the owner or the owner's representative, and the occupant of the rental unit. The violation notice may be served by any of the following methods:

(1) Sending a copy of the violation notice by registered or certified mail to the address of the owner and/or occupant as reflected on the registration form.

(2) Delivering a copy of the violation notice personally to the person to be notified;
or

(3) Leaving a copy of the violation notice at the address of the owner and/or occupant as reflected on the registration form.

In the event that service cannot be obtained by foregoing methods, the alternate means of service described in IC [36-7-9-25](#) may be used.

(k) Curing Violations. A rental unit that the inspection officer finds to be unsafe or uninhabitable shall be repaired so that it meets acceptable standards within 15 days of the violation notice. Any other violations shall be repaired within 30 days of the violation notice. Failure to cure a violation shall result in a violation of this chapter. The City of Mishawaka, IN Building Official may extend the period for cure for good cause.

Sec. ____ - ____ . Penalties for violation.

Any violation of any provision of this chapter shall subject the violating party to a fine not to exceed \$250.00 per day. Each day that a violation continues or remains uncured shall constitute a separate offense.

Section 2. The provisions of this chapter are severable, and the invalidity of any phrase, clause or part of this chapter shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 3. This chapter of this ordinance shall be in full force and effective thirty (30) days after its passage, approval and publication according to the laws of the State of Indiana.

PASSED by the Common Council the ____ day of _____, 2026 at
_____ o'clock ____m.

Gregg Hixenbaugh, Council President

ATTEST:

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

PRESENTED to the Mayor this ____ day of _____, 2026 at ____
o'clock ____m.

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

APPROVED by me this ____ day of _____, 2026 at ____ o'clock ____m.

David A. Wood, Mayor

City of Mishawaka Rental Inspection Program

The City of Mishawaka has long taken pride in being a safe, family-oriented, and well-maintained community. As our city continues to grow and attract new residents, it is important that we also strengthen the protections that ensure every citizen has access to safe and livable housing. For this reason, we strongly recommend the approval of a rental inspection program for the City of Mishawaka.

A rental inspection program is not designed to burden responsible landlords or create unnecessary government oversight. Instead, it serves as a proactive measure to protect tenants, preserve property values, and maintain the overall quality of neighborhoods throughout the city. Some property owners already maintain their rental units responsibly, but without a formal inspection process, unsafe and neglected properties can go unnoticed until serious issues arise. Problems such as faulty electrical systems, mold, structural hazards, plumbing failures, and inadequate heating can create dangerous living conditions for residents and place additional strain on emergency services and city resources.

Implementing a rental inspection program would help identify these issues before they escalate into larger health and safety concerns. By establishing minimum housing standards and conducting periodic inspections, the city can ensure that rental properties remain safe, sanitary, and compliant with local codes. This benefits not only tenants but also neighboring homeowners and businesses who rely on stable, well-maintained communities to protect property values and encourage investment.

Additionally, Mishawaka would not be acting alone in adopting such a program. Both of our neighboring cities have already implemented rental inspection programs, recognizing the value they bring to their communities. These cities have demonstrated that rental inspections can be administered fairly and effectively while improving housing conditions and accountability. By adopting a similar program, Mishawaka would align itself with proven regional standards and avoid becoming an outlier where substandard rental housing may become more concentrated.

A rental inspection program also promotes fairness among landlords. Responsible property owners who already invest time and money into maintaining their rentals should not have to compete against negligent landlords who ignore safety standards while collecting the same rent. Regular inspections help create a level playing field where all rental properties are held to consistent expectations.

Most importantly, this program is about protecting the citizens of Mishawaka. Every resident deserves to feel safe in their home, regardless of whether they own or rent.

Families, seniors, students, and working individuals should not have to worry about unsafe living conditions or absentee landlords failing to address serious maintenance issues. A rental inspection program demonstrates that the city values the health, safety, and well-being of all residents equally.

Approving this program would be a responsible investment in the future of Mishawaka. It would strengthen neighborhoods, support responsible landlords, improve housing quality, and provide greater protection for residents across the community. As our neighboring cities have already shown, rental inspections are a practical and effective tool for maintaining safe and thriving communities. Mishawaka should take this important step forward in the best interest of its citizens.

Bo Hundt

Building Commissioner

Ken Witkowski

Code Enforcement Director

APR 15 2026

City Clerk
Mishawaka, IN

APPEAL #26-13

RESOLUTION NO. 2026-16

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:

14325 & 14233 (pre-annexation) Cleveland Road (including Five (5) tax parcels), Mishawaka, IN

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 Conditional Use Permit for property located at **14325 & 14233 (pre-annexation) Cleveland Road (including Five (5) tax parcels), Mishawaka, Indiana**, more particularly known and described as follows:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34" EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE FOR THE NEXT ELEVEN (11) COURSES, SOUTH 42°40'53" EAST, A DISTANCE OF 31.28 FEET (REC. SOUTH 42°34'37" EAST, 28.51 FEET), AND THENCE SOUTH 45°32'38" EAST, A DISTANCE OF 100.12 FEET (REC. SOUTH 45°26'22" EAST, 100.12 FEET), AND THENCE SOUTH 48°23'31" EAST, A DISTANCE OF 402.00 FEET (REC. SOUTH 48°17'15" EAST, 402.00 FEET), AND THENCE SOUTH 41°51'47" EAST, A DISTANCE OF 350.13 FEET (REC. SOUTH 41°45'31" EAST, 350.13 FEET), AND THENCE SOUTH 37°41'14" EAST, A DISTANCE OF 55.20 FEET (REC. SOUTH 37°34'58" WEST, 55.20 FEET), AND THENCE SOUTH 37°41'14" EAST, A DISTANCE OF 171.96 FEET (REC. SOUTH 37°34'58" EAST, 171.96 FEET), AND THENCE SOUTH 26°28'39" EAST, A DISTANCE OF 182.82 FEET (REC. SOUTH 26°28'33" EAST, 55.20 FEET), AND THENCE SOUTH 26°28'39" EAST, A DISTANCE OF 182.82 FEET (REC. SOUTH 26°28'33" EAST, 182.82 FEET), AND THENCE SOUTH 10°13'10" EAST, A

DISTANCE OF 182.49 FEET (REC. SOUTH 10°23'04" EAST, 182.49 FEET), AND THENCE SOUTH 02°51'52" WEST, A DISTANCE OF 281.06 FEET (REC. SOUTH 02°41'58" WEST, 182.49 FEET), AND THENCE SOUTH 00°15'43" EAST, A DISTANCE OF 100.00 FEET (REC. SOUTH 00°25'37" EAST, 100.00 FEET), AND THENCE SOUTH 05°58'21" EAST, A DISTANCE OF 201.00 FEET (REC. SOUTH 06°08'15" EAST, 201.00 FEET), AND THENCE SOUTH 00°15'43" EAST, A DISTANCE OF 175.00 FEET (REC. SOUTH 00°25'37" EAST, 175.00 FEET) TO THE NORTHERLY RIGHT-OF-WAY LINE OF CLEVELAND ROAD, THENCE ALONG SAID NORTHERLY LINE FOR THE NEXT TWO (2) COURSES, SOUTH 82°17'48" WEST, A DISTANCE OF 241.33 FEET (REC. SOUTH 82°07'54" WEST, 241.33 FEET), AND THENCE SOUTH 82°17'48" WEST, A DISTANCE OF 21.53 FEET; THENCE SOUTH 67°09'16" WEST, A DISTANCE OF 81.41 FEET (REC. SOUTH 68°32'30" WEST, 80.78 FEET) TO A POINT ON THE SOUTH LINE OF SAID SECTION 23 ALSO BEING THE CENTERLINE OF CLEVELAND ROAD; THENCE ALONG SAID SOUTH LINE OF SECTION 23 AND THE CENTERLINE OF CLEVELAND ROAD, SOUTH 89°41'58" WEST, A DISTANCE OF 1759.15 FEET TO THE POINT THE POINT OF BEGINNING.
CONTAINING 72.06 ACRES MORE OR LESS AND COMPRISED OF ONE (1) LOT.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

The Conditional Use Permit will allow a private fuel facility with an underground fuel tank within the City's 5-year time of travel area of the Juday Creek wellfield. The facility will service only vehicles from the various car dealerships within the Gurley Leep Auto mall and is subject to the following conditions:

1. The underground storage tank shall follow all requirements per the Indiana Department of Environmental Management standards Title 329, Article 9 IAC, and all subsequent revisions.
2. All proper safety and spill prevention measures shall be installed and maintained.
3. A hydrodynamic separator shall be provided in the surface drainage area prior to runoff entering the storm sewer system.

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, hereby finds that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.* The proposed private fuel facility will meet or exceed all required state and local codes for underground fuel storage tanks, including but not limited to, double-walled tanks, alarm systems and automatic cutoff for fuel pumps. Any required water quality storm captor structures will be provided to prevent the infiltration of petroleum liquid by products to the existing soils around the fuel facility.
2. *The use and value of the area adjacent to the property included in the conditional use permit will not be affected in a substantially adverse manner.* Constructing the private fuel facility to the latest state and local codes and requirements, along with the local approval of all required plans, should lessen any perceived adverse impact on any adjacent property.

3. *The conditions of approval shall mitigate any potentially adverse impact of the proposed use upon the adjacent properties.* As mentioned above, by providing all reviewing agencies and departments with detailed plans and protection for the proposed private fuel facility, any adverse impact should be mitigated.
4. *Adequate measures will be taken to provide proper utilities, drainage, paved access roads, landscape buffering, fencing, leakproof dikes, safety precautions, and to minimize traffic protection.* Since the proposed fuel facility will only be used by the car dealerships within the project site, the private use shall aid to ensure that all adequate protections are anticipated and provided. The fuel facility will meet all state and local codes for safety and the project site.
5. *The granting of this conditional use is in the best interests of the community.* The proposed private fuel facility will not be open to the public, and therefore, access and use will be limited to the employees of the dealerships. Private use only will aid to control any possible issues with vehicle refueling.

Section IV. 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 _____, 2026, at _____ o'clock _____.m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2026,
at _____ o'clock _____.m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at
_____ o'clock _____.m.

David A. Wood, Mayor

STAFF REPORT

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

Date: April 14, 2026

Appeal: 26-13

Prepared By: DJS

GENERAL INFORMATION

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

Status: Owner / Engineering Consultant & Representative

Request: Conditional Use Permit to allow a private fuel facility with an underground fuel tank to service only vehicles from the various car dealerships within the Gurley Leep auto mall

Zoning Classification: S-2 Planned Unit Development (Ord. 5805, 5886, and 5941)

Lot Size: +/- 72 acres

Applicable Regulations: Section 137-43 / Conditional Use Permits & Section 137-870 thru 874 / Wellhead Protection Land Use Restrictions (Ord. 5932)

SPECIAL INFORMATION

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

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

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

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

Thoroughfare: Cleveland Road & Capital Avenue

Council District: 6

School District: Penn-Harris-Madison

Township: Harris

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

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

ANALYSIS

The Applicant, Mish RE LLC, is requesting a Conditional Use Permit to allow a private fuel facility with an underground storage tank to service only vehicles from the various car dealerships within the Gurley Leep auto mall. The underground tank will be located within the City's 5-year time of travel area of the Juday Creek wellfield site.

The Gurley Leep auto mall will be located on an approximate 72 area site at the northwest corner of Cleveland Road and Capital Avenue with the north boundary being the Indiana Toll Road. The auto mall campus will include eight (8) new auto dealerships, a used automobile/corporate office building, a maintenance and body shop, and a car wash for dealership use only. The Planned Unit Development regulations and conditions, which were approved in 2022 and 2024 via two separate annexation requests (Petition 22-11/Ord. 5805, and Petition 24-02/Ord. 5886) and further amended via Petition 25-09 (Ord. 5941), limited permitted uses to those identified in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and the C-10 Filling Station/Car Wash zoning districts. Public fuel stations not associated with the automobile dealerships are prohibited.

At the time of the annexations and establishing the PUD, the existing wellhead time of travel map reflected that the property was bisected by the 5-year time of travel area and the 10-year time of travel area. The proposed auto mall when designed envisioned a private fuel facility to solely be used by the dealerships for their vehicles. The location of the fuel facility was situated to the north of the maintenance and body shop along the Toll Road. With the effective wellfield maps for the 5-year time of travel area and the 10-year time of travel area, the fuel facility having an underground tank would have been in the 10-year time of travel and would not have required the approval of a conditional use permit. The conditional use permit requirements were not approved until May 2025 as part of the City's wellhead protection land use restrictions. Following the approval wellhead protection land use restrictions, the wellhead 5-year and 10-year time of travel maps were revised with the 5-year time of travel area being enlarged moving the regulated area further east, northeast, and north. After the wellhead time of travel maps were revised, the proposed location of the private fuel facility now falls within the 5-year time of travel and requires approval of a conditional use permit. The applicant plans to locate the fuel facility as far north as possible within auto mall campus. The fuel facility will comply with the state and local required underground petroleum tank safety requirements for the protection of the City's wellfield.

Division 8: Wellhead Protection Land Use Restrictions, Section 137-871 / Conditional Uses, states, "The commercial storage and distribution of chemicals, materials, uses, and storage methods identified in [section 137-872](#) (which includes petroleum) may be conditionally approved by the board of zoning appeals and the common council outside of the one-year time of travel but within the five-year time of travel for public wellfields. Maps of the one-year and five-year time of travel shall be as adopted by the city in accordance with the Safe Drinking Water Act and the Indiana Wellhead Protection Rule (327 IAC 8-4.1) which mandates the delineation of maps that identifies the time of travel and a wellhead protection program for each well or wellfield providing groundwater to a community public water system."

Due to the timing of events and approvals as described above, the Staff feels that the conditional use permit should be approved. The underground storage tank for petroleum was in the planning stages and proposed prior to the approval of the wellhead protection land use restrictions and modification of the 5 year time-of-travel map for the Juday Creek wellfield which placed the proposed location of the fuel facility within the regulated area requiring a conditional use permit. The fuel facility will not be used by the public and will be located as far north as possible within the property along the Toll Road.

All pertinent City Departments have reviewed and approved the request for the conditional use permit .

RECOMMENDATION

The Staff recommends **in favor** of Appeal 26-13 to allow a private fuel facility with an underground fuel tank within the City's 5-year time of travel area of the Juday Creek wellfield. The facility will service only

vehicles from the various car dealerships within the Gurley Leep Auto mall and is subject to the following conditions:

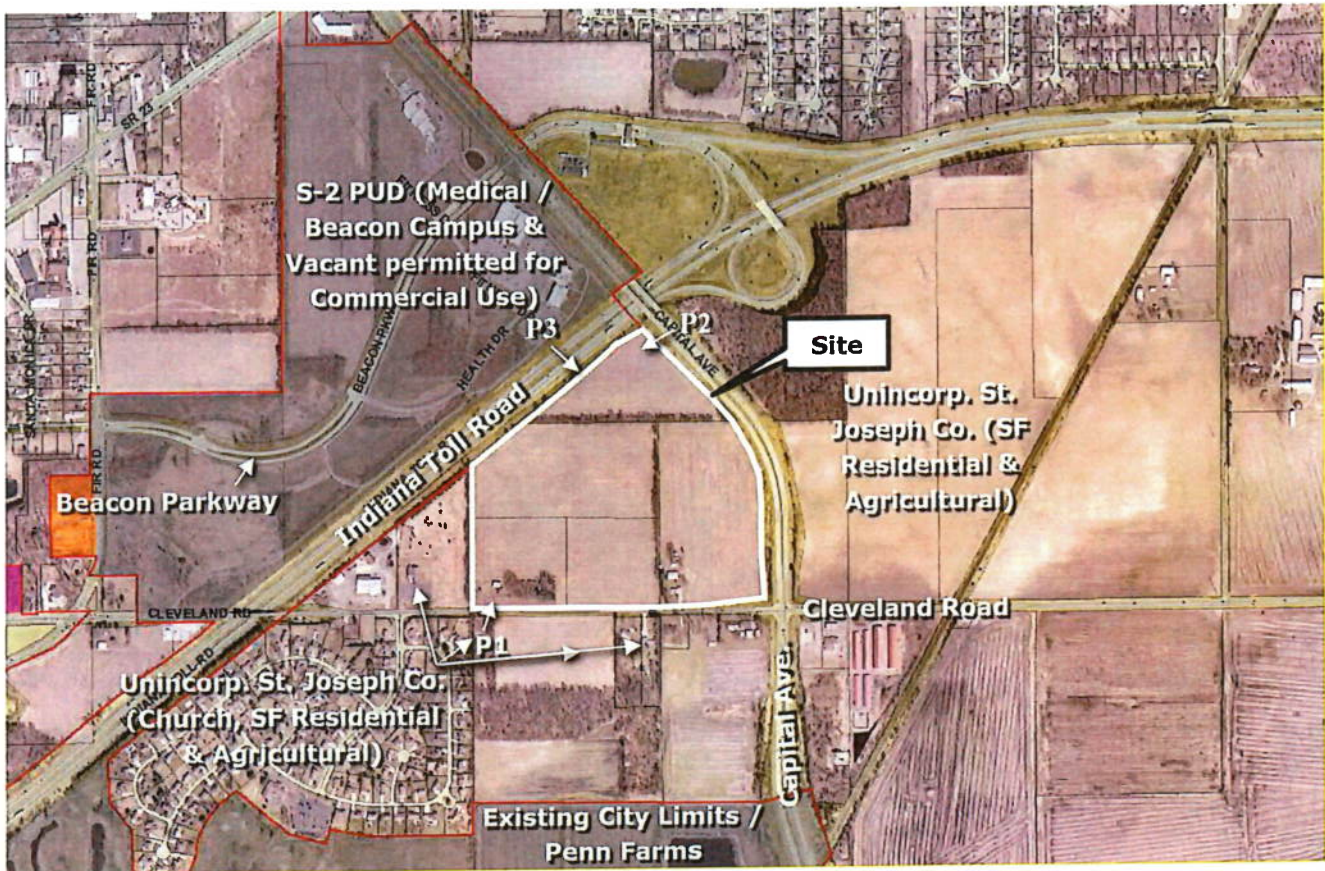
1. The underground storage tank shall follow all requirements per the Indiana Department of Environmental Management standards Title 329, Article 9 IAC, and all subsequent revisions.
2. All proper safety and spill prevention measures shall be installed and maintained.
3. A hydrodynamic separator shall be provided in the surface drainage area prior to runoff entering the storm sewer system.

This recommendation is based upon the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed private fuel facility will meet or exceed all required state and local codes for underground fuel storage tanks, including but not limited to, double-walled tanks, alarm systems and automatic cutoff for fuel pumps. Any required water quality storm captor structures will be provided to prevent the infiltration of petroleum liquid by products to the existing soils around the fuel facility.
2. The use and value of the area adjacent to the property included in the conditional use permit will not be affected in a substantially adverse manner. Constructing the private fuel facility to the latest state and local codes and requirements, along with the local approval of all required plans, should lessen any perceived adverse impact on any adjacent property.
3. The conditions of approval shall mitigate any potentially adverse impact of the proposed use upon the adjacent properties. As mentioned above, by providing all reviewing agencies and departments with detailed plans and protection for the proposed private fuel facility, any adverse impact should be mitigated.
4. Adequate measures will be taken to provide proper utilities, drainage, paved access roads, landscape buffering, fencing, leakproof dikes, safety precautions, and to minimize traffic protection. Since the proposed fuel facility will only be used by the car dealerships within the project site, the private use shall aid to ensure that all adequate protections are anticipated and provided. The fuel facility will meet all state and local codes for safety and the project site.
5. The granting of this conditional use is in the best interests of the community. The proposed private fuel facility will not be open to the public, and therefore, access and use will be limited to the employees of the dealerships. Private use only will aid to control any possible issues with vehicle refueling.

ATTACHMENTS

Aerial, Photograph(s), Appeal, Site Plan with Location of Private Fuel Facility, Prior 5-Year Time of Travel Map for the Juday Creek Wellfield prior to Approval of the Wellhead Protection Land Use Restrictions (Ord. 5932), Current 5-year Time of Travel Map for the Juday Creek Wellfield, Location Map



Aerial Photograph

14325 & 14233 Cleveland Road including five parcels

Proposed Gurley Leep Auto Mall including a private fuel facility with an underground storage tank



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



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



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

Board of Zoning Appeals
City of Mishawaka, Indiana
100 Lincolnway West,
Mishawaka, Indiana 46544

Date: March 22, 2026

Re: MISH RE LLC Application for a Conditional Use Permit,
3000 Block of East Cleveland Road:

AP 26-13
Received

MAR 25 2026

Planning and
Community Development

Dear Board Members:

On behalf of our client, MISH RE LLC we are asking for the approval of a Conditional Use Permit to allow for a private fuel center having underground fuel tanks within the City's 5-year time of travel area of the City's Douglas Road Wellfield site. The project site is located in the 3000 Block of East Cleveland Road on a 71 acre+/- site located more generally at the Northwest corner of East Cleveland Road and Capital Avenue, with the North boundary of the site being the Indiana East-West Toll Road. The project site was annexed into the city several years ago and the proposed use is an Auto Mall Campus consisting of several Dealerships, a Maintenance and Repair facility, a Carwash facility and administrative offices for the Gurley-Leep Group. The project was rezoned to the City's S-2 Planned Unit Development District for the Auto Mall.

At the time the project was approved, the existing Time of travel map reflected that the project site was bisected by the 5-year time of travel area and the 10- year time of travel area. The proposed project when designed envisioned a private fuel center that was to be used by the various planned Auto dealerships to fuel their vehicles. The location of the private fuel center was part of the proposed maintenance and repair facility which is planned to be located at the northwestern edge of the project site along the Toll Road. With the Wellfield maps done at the time for the 5-year and 10-year travel time, the private fuel center having underground fuel tank(s) would have been in the 10-year travel time and would not have required the approval of a Condition Use Permit as approved as part of the City's Wellhead Protection Ordinance approved in April of 2025. Since the time the Auto Mall project was approved, the Wellhead 5-year and 10-year mapped areas were revised and the 5-year time travel was enlarged moving the impact area further east, northeast and north. Due to the revised Wellhead maps the proposed private fuel center now falls within the 5-year time of travel and requires approval of a Conditional Use Permit. The Petitioner still plans to keep the private fuel center as far north as possible within the Auto Mall Campus as shown. The Petitioner would also adhere to the latest State and Local required underground petroleum tank safety requirements for the protection of the City's Wellfield.

The undersigned Appellants respectfully shows the Board:

1. Petitioner is the owner of the following described real estate located in the City of Mishawaka, St. Joseph County, State of Indiana, to-wit:

(See attached legal description, common address of the property.)

2. The above-described (attached) real estate presently has a zoning classification of S-2 Planned Unit Development District classification. District under the Zoning Ordinance of the City of Mishawaka.
3. Petitioner presently occupies *(or proposes to occupy)* the above-described property in the

1643 Commerce Drive, South Bend, Indiana 46628
574-234-4003, 574-234-4119 Fax

following manner:

Commercial development consisting of several Car Dealership facilities, a Maintenance/Repair facility, a carwash facility, a private fuel pump facility for car dealership facilities only, administrative offices.

4. Petitioner desires to: build a small private fuel pump facility with an underground fuel tank to service only vehicles from the various car dealerships located within the project site. The fuel pump facility is not open for public usage. The facility is located at point north of the maintenance facility building by the northern edge of the project site south the Toll Road right-of-way.
5. The Zoning Ordinance of the City of Mishawaka requires: Division 8. Wellhead Protection Land Use Restrictions, Sec. 137-871 – Conditional uses, Sec.- 137-872 – Identified chemicals, materials, uses, and storage methods, a). Petroleum or petroleum-based products, including fuels, fuel additives, lubricating oils, motor oils, hydraulic fluids, and other similar petroleum-based products, located within the five-year (5) time of travel designated area around the Mishawaka Wellfield facility.
6. Explain: Why the approval will not be injurious to the public health, safety, morals and general welfare of the community; The proposed private fuel facility will meet or exceed all required State and Local codes for underground fuel storage tanks, including but not limited to double-walled tanks, alarm systems and automatic electric cutoffs for fuel pump. Also included will be any required water quality storm captor structures to prevent the infiltration of petroleum liquids, by products to existing soils around said fuel facility. City Engineering and other City Departments shall be required to approve the facility details prior to its construction.
7. Why the use and value of the area adjacent to the property included in the conditional use permit will not be affected in a substantially adverse manner; By constructing the proposed private fuel facility to the latest State and Local codes and requirements along with local approval of all required plans, should help eliminate any perceived adverse impact and any adjacent property.
8. If adequate conditions will be stipulated to mitigate any potentially adverse impact of the conditional use permit upon adjacent property; As mentioned above, by providing all review agencies and departments with detail plan and protection for the proposed private fuel facility, any adverse impact should be mitigated.
9. If adequate measures have been taken to provide proper utilities, drainage, paved access roads, landscape buffering, fencing, leakproof dikes, safety precautions, and to minimize traffic congestion; As this proposed private fuel facility will only be used by the car dealerships within the project site, that will help insure that all adequate protections are being anticipated along with the fuel facility design meeting all State and Local codes for safety and for the project site.

10. Why the granting of the conditional use permit is in the best interest of the community. The proposed private fuel facility will not be open to the public, and therefore access and use would be limited to employees of the Dealerships, and that will help to control any possible issues with vehicle refueling. The underground tank(s) would meet the latest State and Local standards for all systems of the fuel center to lessen any negative impact to the project site and the surrounding environs.

Wherefore, Petitioner prays and respectfully requests a hearing on this application and that after such hearing the Board grant the requested Conditional Use Permit.



Chris A. Pustelak, CPA for MISH RE LLC
Vice President of Operations
5201 N. Grape Road
Mishawaka, IN 46545

CONTACT PERSON:

Name: Michael Danch, - Danch, Harner & Associates, Inc.
Address: 1643 Commerce Drive, South Bend, Indiana 46628
Phone/Fax: 574-234-4003,
E-Mail: mdanch@danchharner.com

1643 Commerce Drive, South Bend, Indiana 46628
574-234-4003, 574-234-4119 Fax

LEGAL DESCRIPTION:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 00°25'31" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 23, A DISTANCE OF 1040.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INDIANA EAST-WEST TOLL ROAD (I 80-90); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 51°26'34" EAST, A DISTANCE OF 1322.08 FEET, AND NORTH 55°30'54" EAST, A DISTANCE OF 193.49 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE FOR THE NEXT ELEVEN (11) COURSES, SOUTH 42°40'53" EAST, A DISTANCE OF 31.28 FEET (REC. SOUTH 42°34'37" EAST, 28.51 FEET), AND THENCE SOUTH 45°32'38" EAST, A DISTANCE OF 100.12 FEET (REC. SOUTH 45°26'22" EAST, 100.12 FEET), AND THENCE SOUTH 48°23'31" EAST, A DISTANCE OF 402.00 FEET (REC. SOUTH 48°17'15" EAST, 402.00 FEET), AND THENCE SOUTH 41°51'47" EAST, A DISTANCE OF 350.13 FEET (REC. SOUTH 41°45'31" EAST, 350.13 FEET), AND THENCE SOUTH 37°41'14" EAST, A DISTANCE OF 55.20 FEET (REC. SOUTH 37°34'58" WEST, 55.20 FEET), AND THENCE SOUTH 37°41'14" EAST, A DISTANCE OF 171.96 FEET (REC. SOUTH 37°34'58" EAST, 171.96 FEET), AND THENCE SOUTH 26°28'39" EAST, A DISTANCE OF 182.82 FEET (REC. SOUTH 26°28'33" EAST, 55.20 FEET), AND THENCE SOUTH 26°28'39" EAST, A DISTANCE OF 182.82 FEET (REC. SOUTH 26°28'33" EAST, 182.82 FEET), AND THENCE SOUTH 10°13'10" EAST, A DISTANCE OF 182.49 FEET (REC. SOUTH 10°23'04" EAST, 182.49 FEET), AND THENCE SOUTH 02°51'52" WEST, A DISTANCE OF 281.06 FEET (REC. SOUTH 02°41'58" WEST, 182.49 FEET), AND THENCE SOUTH 00°15'43" EAST, A DISTANCE OF 100.00 FEET (REC. SOUTH 00°25'37" EAST, 100.00 FEET), AND THENCE SOUTH 05°58'21" EAST, A DISTANCE OF 201.00 FEET (REC. SOUTH 06°08'15" EAST, 201.00 FEET), AND THENCE SOUTH 00°15'43" EAST, A DISTANCE OF 175.00 FEET (REC. SOUTH 00°25'37" EAST, 175.00 FEET) TO THE NORTHERLY RIGHT-OF-WAY LINE OF CLEVELAND ROAD, THENCE ALONG SAID NORTHERLY LINE FOR THE NEXT TWO (2) COURSES, SOUTH 82°17'48" WEST, A DISTANCE OF 241.33 FEET (REC. SOUTH 82°07'54" WEST, 241.33 FEET), AND THENCE SOUTH 82°17'48" WEST, A DISTANCE OF 21.53 FEET; THENCE SOUTH 67°09'16" WEST, A DISTANCE OF 81.41 FEET (REC. SOUTH 68°32'30" WEST, 80.78 FEET) TO A POINT ON THE SOUTH LINE OF SAID SECTION 23 ALSO BEING THE CENTERLINE OF CLEVELAND ROAD; THENCE ALONG SAID SOUTH LINE OF SECTION 23 AND THE CENTERLINE OF CLEVELAND ROAD, SOUTH 89°41'58" WEST, A DISTANCE OF 1759.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 72.06 ACRES MORE OR LESS.

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

BZA SITE PLAN
PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



CONDITIONAL USE REQUESTS:

[illegible]

TAX KEY NUMBER



BY LAW,
POWER.

24

ALL WARNER 9910032

DATE	BY	REVISIONS

REVISIONS

DATE	BY	TIME	TV
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DATE	03/25/26
SCALE	

1

217

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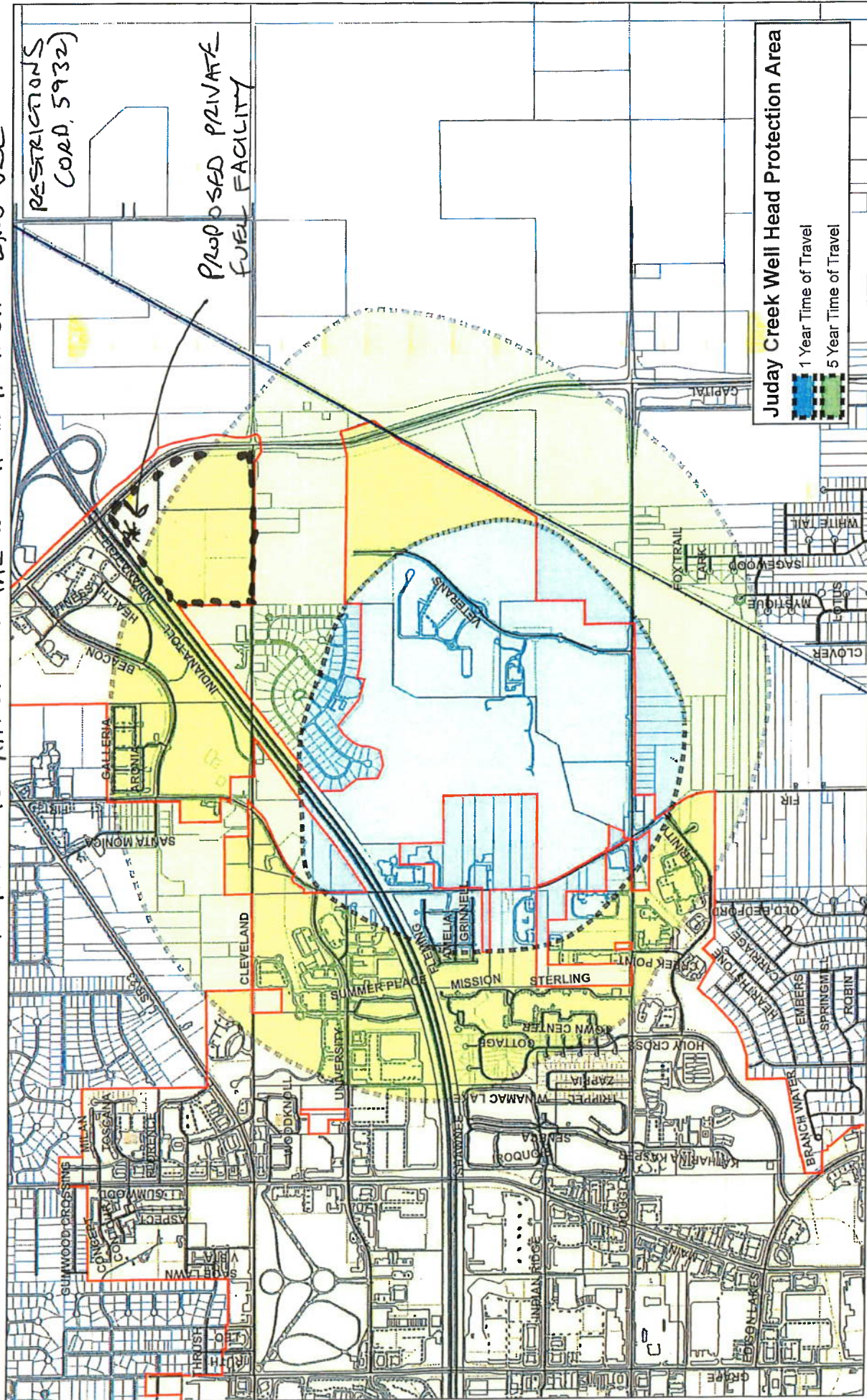
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PRIOR 5-YEAR TIME OF TRAVEL MAP PRIOR TO APPROVAL OF THE WELHEAD PROTECTION LAND USE



CURRENT 5-YEAR
TIME OF TRAVEL MAP
JUDY CREEK WETLAND

5-YEAR TIME OF TRAVEL

PROPOSED
PRIVATE FIRE
PROTECTION

VETERANS PKWY

1-YEAR
TIME OF TRAVEL

CAPITAL AVE

DOUGLAS RD

BEACON PKWY

HEALTH DR

GALLERIA DR

ARONIA RD

EB INDIANA TOLL RD (I-80/90)

E CLEVELAND RD

UNIVERSITY DR

ELEMING ST

N FIR RD

FIR RD N FIR RD

FIR RD

TRINITY PL

MILAN ST

ORANGE AVE

GUMWOOD RD

N MAIN ST

SENECA DR

OTTAWA CT

STERLING DR

DOUGLAS RD



NORTH

AP 26-13

AP 26-13

S-2

S-2

FITNESS DR

HEALTH DR

WB INDIANA TOLL RD (I-80/90)
EB INDIANA TOLL RD (I-80/90)

E CLEVELAND RD

CAPITAL AVE

VETERANS PKWY

Location Map

APPEAL 26-13

OWNER: MISH RE LLC

LOCATION: NW CORNER OF E
CLEVELAND ROAD AND CAPITAL AVE

CONDITIONAL USE FOR
UNDERGROUND
FUEL STORAGE TANK

APR 29 2026

City Clerk
Mishawaka, IN

**RESOLUTION NO. 2026-17
Miscellaneous Property Acquisitions
1115 South Union Street**

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

WHEREAS, on February 24, 2014, the City of Mishawaka Redevelopment Commission (the "Commission") approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project Into One Area, And Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas (the "Expansion Areas") for purposes of tax increment financing pursuant to Section 39 of Indiana Code 36-7-14 (the "Act") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") to provide for such Economic Development as amended to serve as the economic development plan for the Consolidated Area Improvement Project (as amended by the Plan Amendment shall hereinafter be referred to as the "Economic Development Plan"); and

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan

Amendment, conform to the plan of development for the City and approving, ratifying and confirming the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the “Plan Commission Order”); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the “Common Council”) previously approved the Plan Commission Order by Common Council Resolution 2014-07; and

WHEREAS, as part of the previous approval various public improvement projects were listed as part of the Economic Development Plan; and

WHEREAS, a number of those projects including the acquisition of properties necessary for the future widening of Union Street in the area improvement project were included in the economic development plan; and

WHEREAS, the City has acquired the properties both north and south of the parcel; and

WHEREAS, the property owner desires to enter into an agreement at this time; and

WHEREAS, the Administration is asking the legislative body for its review and approval of adding certain properties to the City’s acquisition list to implement a portion of these projects; and

WHEREAS, the description of the property that is proposed to be added is as follows:

1115 South Union Street

Lot 1 Meunincks

PARCELID 016-1157-6279

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Mishawaka, Indiana, as follows:

1. The referenced parcels are hereby added to the City’s acquisition list as part of the consolidated area improvement projects
2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on May 4th, 2026.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____
day of May _____, 2026, at the hour of _____ .m.

Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the ____ day of May, 2026, at the
hour of _____ .m.

David A. Wood
Mayor of the City of Mishawaka, Indiana

BUY AND SELL AGREEMENT

THIS AGREEMENT made and entered into as of the 20th. day of April 2026 by and between Greg and Paula Elliott, hereinafter referred to as "Seller", and CITY OF MISHAWAKA, acting by and through its Redevelopment Commission, hereinafter referred to as "Buyer", All of St. Joseph County, State of Indiana,

WITNESSETH THAT:

The Seller promises and agrees to sell and convey to the Buyer, and the Buyer promises and agrees to purchase of and from the Seller, for the sum of Seventy-Five Thousand dollars and 00/100. (\$75,000.00), the property's located at 1115 S. Union Street, City of Mishawaka, 46544 St. Joseph County, Indiana, more particularly described as follows:

Legal Description: Lot 1Meunincks

Tax key number: 016-1157-6279

Parcel Number: 71-09-21-227-021.000-023

This purchase is contingent on the following:

1. Upon the Seller's approval of his agreement, the Buyer will order two appraisals of the properties. If the average of the two property appraisals is equal to or less than \$75,000, the purchase price shall be \$75,000.
2. As a public entity, the Buyer is subject to specific purchasing laws identified by the Indiana Code. This includes adding this property to an official acquisition list that requires the approval of the Common Council of the City of Mishawaka.
3. Unless mutually agreed to prior to closing, Seller shall remove any items, material, or debris stored within the building and properly dispose of any chemicals or materials in accordance with applicable laws and restrictions.

Subject to and upon the terms and conditions hereinafter set forth:

1. Buyer shall obtain, at Buyer's expense, a commitment for \$75,000.00 Owner's Policy of Title Insurance in which the title insurance company shall agree to insure merchantable title in the name of the Buyer after delivery of a Deed to Buyer from Seller. Any defects in title which tend to render the same un-merchantable shall be submitted by the Buyer to the Seller in writing and the Seller shall be given reasonable time to correct the same. If the Seller shall fail or refuse to cause such defects to be corrected, Buyer shall have the option of accepting title subject to defects, or of terminating this Agreement.
2. After the title to the described real estate has been approved by the Buyer, and upon payment of the balance of the purchase price by the Buyer to the Seller, the Seller shall execute and deliver a Warranty Deed conveying the real estate above described to the Buyer, free and clear of all liens and encumbrances, except as provided herein, and subject to all covenants, restrictions, easements, and zoning ordinances of record.
3. It is understood and agreed by the parties hereto that Buyer is purchasing the real estate and personal property covered by this agreement in an "as is" condition and that Seller has made no guarantees or warranties, expressed or implied, concerning said personal property, real estate, or any improvements thereon.
4. It is estimated that this Transaction will be closed in June 2026, or before, according to owner's schedule. This timing may be dictated by the time necessary for the action of relocation of tenant.
5. Seller shall deliver possession of the real estate above described to the Buyer at the time of closing. The Seller has identified that no tenants are currently residing on the property. Furthermore, the Seller agrees to deliver possession to the buyer with no tenants occupying the premises nor with any tenants holding any lease hold interest in

the property. The Buyer shall be permitted to inspect the premises on the day of closing to insure the building is not occupied.

6. Seller, at his option, shall have the right to limited salvage rights in the real estate. All such salvage rights are to be approved by the Buyer prior to Seller exercising his salvage rights. Salvage shall specifically not include anything that would structurally modify or impact the structure. As part of any salvage, the Seller shall be responsible for maintaining a secure structure not creating any openings that would freely allow birds, animals, or people to enter the building. The Seller shall have the time up to the closing of the transaction to complete any salvage work.
7. Risk of loss or damage to any improvements located upon the real estate above described shall remain with the Seller until the time of delivery of the Warranty Deed conveying title from Seller to Buyer and possession of the premises by Buyer.
8. Seller acknowledges that because Federal Funds may be used by the Buyer in the purchase of the subject property that the sale on behalf of the Seller is voluntary. Seller further acknowledges that the Buyer will not use the power of eminent domain to acquire the property. Seller acknowledges that the estimate of the fair market value of the property to be \$75,000.00. Seller further acknowledges that since the purchase is a voluntary, arm's length transaction, Seller would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation.
9. Seller shall pay any unpaid taxes and assessments for prior years. Taxes for the year 2026, payable in 2027, shall be prorated to the date of closing based upon the last official tax rate.
10. The covenants, agreements, and conditions herein contained shall be binding upon the parties hereto and shall also extend to and be binding upon their respective heirs, legal representatives, and assigns.

11. The seller shall assist with and provide any documentation relative to known environmental conditions on the property including but not limited to underground tanks and other existing conditions on the property of an environmental nature. This shall include providing the buyer with any existing environmental reports such as a phase 1 or Phase 2 environmental studies.
12. Vendor's Affidavit. Seller shall provide Buyer with an executed Vendor's Affidavit at the Closing in form acceptable to the Title Company.
13. **In addition, the Buyer will pay all closing fees, plus the costs associated for deed preparation, recording the deed and Metropolitan Title Company closing fees.**
14. Seller shall be responsible for maintaining the property until Closing and for paying for all necessary maintenance and repairs. Seller shall also maintain a proper insurance on the property until Closing, fully insuring it against loss.
15. In the event that the Seller or Buyer breaches any of the terms of this Agreement and the party not in default employs attorneys to protect or to enforce its rights hereunder and prevails, then the party in default agrees to pay all reasonable costs, attorney fees, and expenses incurred by the party not in default in enforcing the covenants and agreements contained herein.
16. No modification to this Agreement shall be valid unless in writing and signed by all parties.
17. If any provision of this Agreement is deemed void or unenforceable, the same shall in no way impair the validity or enforceability of any other provisions of this Agreement, which shall remain in full force and effect.
18. It is expressly agreed and understood that this Agreement contains all of the agreements of the parties and that no verbal agreements of any kind shall be binding upon the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

BUYER

SELLER

CITY OF MISHAWAKA, acting by and

Greg Elliott and

Paula Elliott.

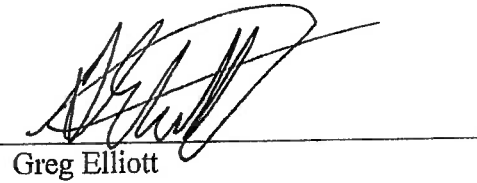
Through its Redevelopment Commission

21979 Roosevelt Road

South Bend, Indiana 46614-9610

By:


Janet Whitfield-Hydak, President


Greg Elliott


Kris Ermeti, Secretary


Paula Elliott

Location Map:

1115 S. Union Street



FEB 10 2026

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2026-06

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING REVISED RATES AND CHARGES FOR
WATER SERVICES FURNISHED BY THE CITY OF MISHAWAKA'S
MUNICIPAL WATER UTILITY**

WHEREAS, the City of Mishawaka, Indiana, operates a municipal water utility through its agency, Mishawaka Utilities (the "Utility") for the purpose of acquiring and distributing water to aid City and surrounding areas; and,

WHEREAS, the existing rates and charges for water services provided by the Utility were placed into effect following approval by the Common Council in Ordinance No. 5727 on December 21, 2020; and,

WHEREAS, the Utility engaged Baker Tilly Advisory Group, LP to study the Utility's revenue requirements for water service under IC 8-1.5-3.8 and IC 8-1.5-2-28, and develop, in addition to other information, annual estimated revenues and expenses for the test year ended December 31, 2024; and,

WHEREAS, Baker Tilly Advisory Group, LP has studied the Utility's annual revenue requirements and determined that the Utility's annual estimated operating revenues from water service do not produce an adequate net operating income, and such revenues need to be increased to provide income for the revenue requirements set forth in IC 8-1.5-3-8 and IC 8-1.5-2-28; and,

WHEREAS, the Utility Board of the City of Mishawaka has recommended to the Common Council that it approve by Ordinance the revised rates and charges for water service developed by Baker Tilly Advisory Group, LP, which rates and charges are set forth as part of Exhibits "A" and "B" attached hereto; and,

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

Section 1. The rates and charges for water service attached hereto as part of Exhibits "A" and "B" are hereby adopted as and for the rates and charges to be utilized by the Utility when charging customers for water service, effective as set forth below.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage; Phase One rates shall be effective on July 1, 2026, Phase Two rates shall be effective January 1, 2027, Phase Three rates shall be effective January 1, 2028, Phase Four rates shall be effective January 1, 2029 and Phase Five rates shall be effective January 1, 2030.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, ON THIS ____ DAY OF _____, 2026.**

Common Council
City of Mishawaka, Indiana

Greg Hixenbaugh, President

ATTEST:

Deborah S. Block, City Clerk

Presented by me, the undersigned City Clerk of the City of Mishawaka, Indiana, to the Mayor of the City of Mishawaka, Indiana, for approval on the ____ day of _____, 2026 at _____ o'clock __m.

Deborah S. Block, City Clerk

Having examined the foregoing Ordinance, I do as the Mayor of the City of Mishawaka, Indiana, approve said Ordinance and return the same to the City Clerk of the City of Mishawaka, Indiana, this ____ day of _____, 2026.

Dave Wood, Mayor
City of Mishawaka, Indiana

ATTEST:

Deborah S. Block, City Clerk

FEB 10 2026

City Clerk
Mishawaka, IN

MUW Water Rate Plan for Council Review and Support Submission of MUW Water Rate Plan for Council Review and Support

Dear President Hixenbaugh and Members of the Mishawaka Common Council,

I am writing to formally submit the Mishawaka Utilities Water (MUW) Rate Plan for your review, consideration, and support.

This rate plan represents the culmination of extensive technical analysis, financial modeling, and policy evaluation conducted over many months by City staff and our professional advisors. It is designed to ensure the long-term reliability, regulatory compliance, and financial sustainability of our water utility, while remaining mindful of the affordability challenges facing our residents and local businesses.

Mishawaka's water system is one of our most critical public assets. It supports public health, economic development, fire protection, and overall quality of life. Maintaining that system requires ongoing investment in aging infrastructure, regulatory compliance, cybersecurity, resiliency, and operational excellence. These obligations are not optional, and they continue to grow in both complexity and cost.

At the same time, we recognize our responsibility to be prudent stewards of public resources. This proposed rate plan reflects a balanced and disciplined approach. It avoids unnecessary debt, maintains required bond covenant coverage, preserves financial flexibility, and minimizes long-term interest costs. It also positions the utility to meet future capital needs without imposing sudden or destabilizing rate shocks on customers.

Importantly, this plan was developed with a strong focus on affordability and fairness. It reflects careful consideration of household impacts, fixed-income residents, and small businesses, and it is aligned with our broader efforts to advance customer assistance and ratepayer support programs. The goal is not simply to raise rates, but to sustain a system that remains dependable, compliant, and equitable for decades to come.

In my professional judgment, this plan represents the most responsible path forward. Alternative scenarios were carefully evaluated and, in many cases, would have resulted in higher long-term costs, weaker financial metrics, increased risk, or reduced operational resilience. This proposal strikes the right balance between fiscal discipline, infrastructure stewardship, and public accountability.

Your support of this rate plan will send a clear message that Mishawaka is committed to:

- Protecting public health and safety
- Maintaining strong financial management
- Meeting regulatory obligations
- Preserving system reliability
- Treating ratepayers fairly and transparently
- Planning responsibly for the future

I appreciate the Council's thoughtful oversight and engagement on this matter. City staff and our advisors stand ready to answer questions, provide additional information, and work collaboratively with you as you review this proposal.

Thank you for your continued leadership and your commitment to the long-term well-being of our community. I respectfully request your favorable consideration and support of this rate plan.

Sincerely,

Matt Lentsch
Executive Director of Development & Government Affairs
City of Mishawaka

EXHIBIT A

SCHEDULE OF RATES AND CHARGES

MISHAWAKA WATER UTILITY – INSIDE CITY

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES – INSIDE CITY

(Cont'd)

For the use of and the service rendered by the Water Utility of the City of Mishawaka, Indiana, the following rates and charges based upon the amount of water supplied by said Water Utility.

Residential and Multi-Unit:

- (a) Metered rates – Phase One effective July 1, 2026, Phase Two effective January 1, 2027, Phase Three Effective January 1, 2028, Phase Four Effective January 1, 2029, and Phase Five Effective January 1, 2030, in the amounts as follows:

<u>Metered Rates per Month</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Rate per 100 Cubic Feet	\$3.25	\$3.44	\$3.64	\$3.85	\$4.08

- (b) Customer base charge – Phase One effective July 1, 2026, Phase Two effective January 1, 2027, Phase Three Effective January 1, 2028, Phase Four Effective January 1, 2029, and Phase Five Effective January 1, 2030, in the amounts as follows:

<u>Size of Meter *</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
5/8" - 1"	\$10.64	\$11.27	\$11.93	\$12.63	\$13.38

*Meters over 1 inch are reclassified to commercial and industrial rates

- (c) Fire Protection charge – Phase One effective July 1, 2026, Phase Two effective January 1, 2027, Phase Three Effective January 1, 2028, Phase Four Effective January 1, 2029, and Phase Five Effective January 1, 2030, in the amounts as follows:

<u>Customer Charge</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Per Month	\$7.92	\$8.39	\$8.89	\$9.41	\$9.97

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

Small Non-Residential

(a) <u>Metered Rates per Month</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Rate per 100 Cubic Feet	\$3.31	\$3.51	\$3.72	\$3.94	\$4.17

*Metered usage for all City Parks Department meters shall be billed at 50% of the standard metered rates shown above.

(b) Customer Base Charge

Each user shall pay a monthly base charge in according with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
5/8" – 3/4"	\$10.64	\$11.27	\$11.93	\$12.63	\$13.38
1"	\$21.49	\$22.76	\$24.10	\$25.52	\$27.03
1 1/2"	\$39.51	\$41.84	\$44.31	\$46.92	\$49.69
2"	\$61.10	\$64.70	\$68.52	\$72.56	\$76.84
3"	\$111.52	\$118.10	\$125.07	\$132.45	\$140.26

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
5/8" – 3/4"	\$7.92	\$8.39	\$8.89	\$9.41	\$9.97
1"	\$19.82	\$20.99	\$22.23	\$23.54	\$24.93
1 1/2"	\$39.63	\$41.97	\$44.45	\$47.07	\$49.85
2"	\$63.41	\$67.15	\$71.11	\$75.31	\$79.75
3"	\$118.90	\$125.92	\$133.35	\$141.22	\$149.55

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

Large Non-Residential

(a) <u>Metered Rates Per Month</u> (Per 100 Cubic Feet)	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
First 7,750 cubic feet	\$3.45	\$3.65	\$3.87	\$4.10	\$4.34
Over 7,750 cubic feet	\$2.18	\$2.31	\$2.45	\$2.59	\$2.74

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable sized meter installed.

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
4"	\$183.56	\$194.39	\$205.86	\$218.01	\$230.87
6"	\$363.77	\$385.23	\$407.96	\$432.03	\$457.52
8"	\$579.92	\$614.14	\$650.37	\$688.74	\$729.38
10"	\$832.13	\$881.23	\$933.22	\$988.28	\$1,046.59

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
4"	\$198.12	\$209.81	\$222.19	\$235.30	\$249.18
6"	\$396.32	\$419.70	\$444.46	\$470.68	\$498.45
8"	\$634.12	\$671.53	\$711.15	\$753.11	\$797.54
10"	\$911.52	\$965.30	\$1,022.25	\$1,082.56	\$1,146.43

<u>Hydrant Rental</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Private hydrants – per annum	\$1,021.15	\$1,081.40	\$1,145.20	\$1,212.77	\$1,284.32

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - INSIDE CITY

(Cont'd)

<u>Private Fire Protection Service</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Sprinkler connection – per annum					
1"	\$28.38	\$30.05	\$31.82	\$33.70	\$35.69
1 1/2"	\$63.95	\$67.72	\$71.72	\$75.95	\$80.43
2"	\$113.50	\$120.20	\$127.29	\$134.80	\$142.75
3"	\$255.34	\$270.41	\$286.36	\$303.26	\$321.15
4"	\$453.96	\$480.74	\$509.10	\$539.14	\$570.95
6"	\$1,021.15	\$1,081.40	\$1,145.20	\$1,212.77	\$1,284.32
8"	\$1,815.36	\$1,922.47	\$2,035.90	\$2,156.02	\$2,283.23
10"	\$2,836.51	\$3,003.86	\$3,181.09	\$3,368.77	\$3,567.53
12"	\$4,084.66	\$4,325.65	\$4,580.86	\$4,851.13	\$5,137.35

EXHIBIT A

SCHEDULE OF RATES AND CHARGES

MISHAWAKA WATER UTILITY - OUTSIDE RATES

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

For the use of and the service rendered by the Water Utility of the City of Mishawaka, Indiana, the following rates and charges based upon the amount of water supplied by said Water Utility.

Residential & Multi-Unit:

- (a) Metered rates - Phase One effective July 1, 2026, Phase Two effective January 1, 2027, Phase Three Effective January 1, 2028, Phase Four Effective January 1, 2029, and Phase Five Effective January 1, 2030, in the amounts as follows:

<u>Metered Rates per Month</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>	<u>Surcharge Percentage</u>
Rate per 100 Cubic Feet	\$3.77	\$3.99	\$4.22	\$4.47	\$4.73	16%

- (b) Customer base charge - Phase One effective July 1, 2026, Phase Two effective January 1, 2027, Phase Three Effective January 1, 2028, Phase Four Effective January 1, 2029, and Phase Five Effective January 1, 2030, in the amounts as follows:

<u>Size of Meter *</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>	<u>Surcharge Percentage</u>
5/8" – 1"	\$12.56	\$13.30	\$14.08	\$14.90	\$15.79	18%

* Meters over 1 inch are reclassified to commercial and industrial rates

- (c) Fire Protection charge - Phase One effective July 1, 2026, Phase Two effective January 1, 2027, Phase Three Effective January 1, 2028, Phase Four Effective January 1, 2029, and Phase Five Effective January 1, 2030, in the amounts as follows

<u>Customer Charge</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Per Month	\$7.92	\$8.39	\$8.89	\$9.41	\$9.97

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

Small Non-Residential

(a) <u>Metered Rates</u> <u>per Month</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>	<u>Surcharge</u> <u>Percentage</u>
All Consumption	\$3.77	\$4.00	\$4.24	\$4.49	\$4.75	14%

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>	<u>Surcharge</u> <u>Percentage</u>
5/8" – 3/4"	\$12.56	\$13.30	\$14.08	\$14.90	\$15.79	18%
1"	\$26.22	\$27.77	\$29.40	\$31.13	\$32.98	22%
1 1/2"	\$48.99	\$51.88	\$54.94	\$58.18	\$61.62	24%
2"	\$76.38	\$80.88	\$85.65	\$90.70	\$96.05	25%
3"	\$140.52	\$148.81	\$157.59	\$166.89	\$176.73	26%

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
5/8" – 3/4"	\$7.92	\$8.39	\$8.89	\$9.41	\$9.97
1"	\$19.82	\$20.99	\$22.23	\$23.54	\$24.93
1 1/2"	\$39.63	\$41.97	\$44.45	\$47.07	\$49.85
2"	\$63.41	\$67.15	\$71.11	\$75.31	\$79.75
3"	\$118.90	\$125.92	\$133.35	\$141.22	\$149.55

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

Large non-Residential

(a) <u>Metered Rates</u> <u>Per Month</u> (Per 100 Cubic Feet)	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>	<u>Surcharge</u> <u>Percentage</u>
First 7,750 cubic feet	\$3.24	\$3.43	\$3.64	\$3.85	\$4.08	-6%
Over 7,750 cubic feet	\$2.51	\$2.66	\$2.82	\$2.98	\$3.15	15%

(b) Customer Base Charge

Each user shall pay a monthly base charge in accordance with the following applicable size meter installed:

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>	<u>Surcharge</u> <u>Percentage</u>
4"	\$231.29	\$244.93	\$259.38	\$274.69	\$290.90	26%
6"	\$461.99	\$489.24	\$518.11	\$548.68	\$581.05	27%
8"	\$736.50	\$779.96	\$825.97	\$874.70	\$926.31	27%
10"	\$1,056.81	\$1,119.16	\$1,185.19	\$1,255.12	\$1,329.17	27%

(c) Fire Protection Charge

<u>Size of Meter</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
4"	\$198.12	\$209.81	\$222.19	\$235.30	\$249.18
6"	\$396.32	\$419.70	\$444.46	\$470.68	\$498.45
8"	\$634.12	\$671.53	\$711.15	\$753.11	\$797.54
10"	\$911.52	\$965.30	\$1,022.25	\$1,082.56	\$1,146.43

<u>Hydrant Rental</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Private hydrants – per annum	\$1,021.15	\$1,081.40	\$1,145.20	\$1,212.77	\$1,284.32

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

SCHEDULE OF RATES AND CHARGES - OUTSIDE CITY

(Cont'd)

<u>Private Fire Protection Service</u>	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Sprinkler connection – per annum					
1"	\$28.38	\$30.05	\$31.82	\$33.70	\$35.69
1 1/2"	\$63.95	\$67.72	\$71.72	\$75.95	\$80.43
2"	\$113.50	\$120.20	\$127.29	\$134.80	\$142.75
3"	\$255.34	\$270.41	\$286.36	\$303.26	\$321.15
4"	\$453.96	\$480.74	\$509.10	\$539.14	\$570.95
6"	\$1,021.15	\$1,081.40	\$1,145.20	\$1,212.77	\$1,284.32
8"	\$1,815.36	\$1,922.47	\$2,035.90	\$2,156.02	\$2,283.23
10"	\$2,836.51	\$3,003.86	\$3,181.09	\$3,368.77	\$3,567.53
12"	\$4,084.66	\$4,325.65	\$4,580.86	\$4,851.13	\$5,137.35

Non-Recurring Charges

Refer to Exhibit "B".

Current rate effective January 1, 2023.

EXHIBIT B

NON-RECURRING CHARGES

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

- A. Water Account Service Charge - \$20.00
- B. Sprinkling Meters Turn-on Charge \$20.00
- C. Service Deposits- Service deposits are set by the Utility and can be up to one-sixth of normal annual bill per service location
- D. Failure to Meet Appointment Scheduled Charge - \$15.00
- E. Dishonored Negotiable Instrument Charge - \$20.00
- F. Processing/Disconnect Charge
 - Disconnect During Office Hours—\$25.00
 - Additional Reconnect charges after hours—\$70.00
 - Additional Reconnect charges on Sundays & Holidays— \$90.00
- G. After Hours Service Charge
 - After hours & Saturdays - \$70.00 minimum 1st 2 hours
 - After 2 hours call out time an additional \$35.00 per hour per man
 - Sundays and Holidays - \$90.00 minimum 1st 2 hours
 - After 2 hours call out time an additional \$45.00 per hour per man
- H. Turn Water Services Off/On (For Repair or To Test Plumbing). No charge during office hours 8-5
 - For after hour charges, refer to item G
- I. Late Penalty – 10% of the first \$3.00 plus 3% of the balance
- J. Meter Tampering Charge
 - First Offense – Actual cost of parts, labor, equipment and overhead plus cost of service estimated to have been used, based on prior history - \$75.00 + damages and a police report filed with police.
 - Second Offense – Same as above, plus \$250.00 + damages.
 - Subsequent Offenses – Same as second offense, plus disconnection of service

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

K. Violation of Fire Service Agreement – Illegal use of fire hydrant

First Offense - \$500.00

Subsequent Offense - \$1,000.00 and subject to criminal charges

L. Construction Permit Fees

150 day Residential – \$65.00

240 day Commercial – \$135.00 Per Building or \$5.00 per unit (whichever is larger)

320 day Industrial – \$600.00 Per Building

M. New Service Address Meter Charges –

Contact Water Department for current cost – 574-258-1652

Meter Size	Charge
5/8" — 3/4" (touch pad)	Actual Current Cost
1"	Actual Current Cost
1 1/2"	Actual Current Cost
2"	Actual Current Cost
3" & Larger	Actual Current Cost

Damage to Existing System Actual cost of repair

N. Meter Test at Customer Request

(No charge for first & second meter testing if second test has been requested after twelve months of the first testing)

Meter Size	Test Fee
5/8" — 1"	\$25.00
1 1/2" - 2"	\$48.00
3" & larger	Actual Cost

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

O. Hydrant Use Agreement

Hydrant Permit Charge – \$35.00

Deposit \$750.00

Damages to hydrant - repair cost to be deducted from deposit before refund, plus cost of water used, or per month (whichever is larger) \$ 50.00 minimum.

Township Hydrant Use (Fire Department Use Only) \$ 25.00 plus cost of water.

P. Tapping Permit

Existing taps never used and no fee paid at time of installation

Residential	
3/4"	\$1,198.00
1"	\$1,203.00
1 1/2"	\$1,564.00
2"	\$1,738.00
Commercial	
3/4"	Actual Current Cost
1"	Actual Current Cost
1 1/2"	Actual Current Cost
2"	Actual Current Cost
Commercial/Industrial	
4"	Actual Current Cost
6"	Actual Current Cost
8"	Actual Current Cost
10"	Actual Current Cost
12"	Actual Current Cost

All New Taps – Actual Current Cost

Contact Water Department for current pricing – 574-258-1652

MISHAWAKA (INDIANA) MUNICIPAL WATER UTILITY

NON-RECURRING CHARGES

Q. Lead Service Line Replacement Tap Costs

(Does Not Include Meter)

Size	Cost
5/8" — 3/4"	\$1,198.00
1"	\$1,203.00
1 1/2"	\$1,564.00
2"	\$1,738.00

R. Land Improvement Charges

Non-Residential	
Water Main	Charge / Linear Foot
6"	\$12.00
8"	\$16.00
10"	\$20.00
12"	\$24.00
14"	\$28.00
16"	\$32.00
20"	\$40.00
24"	\$48.00
Residential	
1/2 of the current cost of a 6" water main (100 feet maximum)	

S. Backflow Inspection Fee - Phase One effective July 1, 2026, Phase Two effective January 1, 2027, Phase Three Effective January 1, 2028, Phase Four Effective January 1, 2029, and Phase Five Effective January 1, 2030, in the amounts as follows:

	<u>Phase One</u>	<u>Phase Two</u>	<u>Phase Three</u>	<u>Phase Four</u>	<u>Phase Five</u>
Per Service	\$25.81	\$27.33	\$28.94	\$30.65	\$32.46

PETITION 26-08

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2026-13

ORDINANCE NO. _____

Deborah S. Block, AMC, MMC

APR 15 2026

City Clerk
Mishawaka, IN

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:

Vacant Lot South of 3610 Meijer Drive, Mishawaka, IN

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

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

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

LOT 3A IN MEIJER/MCDANIEL'S HARLEY-DAVIDSON SUBDIVISION, THE PLAT OF WHICH IS RECORDED AS INSTRUMENT NUMBER 0710312, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

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-4 Automobile Oriented Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. *The Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. 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 is vacant, is currently zoned for commercial use and located along a commercially zoned corridor between Bremen Highway and Autumn Lakes apartments. The buildings and land uses along this corridor are single-tenant commercial structures including an unoccupied credit union being proposed for a restaurant with drive-thru, a fuel station and convenience store, a big-box supercenter, and an outdoor power equipment retailer and service business.*
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 commercial zoning and development, the most desirable use of the property is commercial.*

Proposed Ordinance No: _____

Ordinance No: _____

4. *Conservation of property values – The proposed rezoning should not be injurious to property values in the area. Permitted C-4 Automobile Oriented 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 _____, 2026, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2026, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at _____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: Vacant Property South of 3610 Bremen Highway (Meijer)
Lot 3A of "Meijer / McDaniel's Harley-Davidson Subdivision" (PLAT 07-07)

Date: April 14, 2026

Petition: 26- 08

Prepared By: DJS

GENERAL INFORMATION

Applicant: Annamac LLC / Cresa

Status: Property Owner / Representative & Commercial Realtor

Request: To rezone from C-1 General Commercial District to C-4 Automobile Oriented Commercial District to allow for a Crash Champions – an automobile body shop

Zoning Classification: C-1 General Commercial District

Lot Size: 6.48 acres

Applicable Regulations: Section 137-379 & 137-380 / C-4 Automobile Oriented 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 (Retail / Meijer)
South: St. Joseph Valley Parkway / U.S. 20 Bypass
East: C-1 General Commercial (Vacant Outlot with Access Drive & Outdoor Power Equipment Sales & Service / Rigg's)
West: C-1 General Commercial (Vacant Outlot)

Thoroughfare: Meijer Drive

Council District: 2

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner, Annamac LLC, is requesting to rezone property located south of 3610 Bremen Highway (Meijer) from C-1 General Commercial District to C-4 Automobile Oriented Commercial District for a Crash Champions automobile body shop. In addition to the following report, the applicant provided a project narrative that is attached following the rezoning petition.

The 6.48 acre site, which is currently vacant, consists of one parcel of property (Tax Parcel 027-1032-0542.03). Several developmental constraints exist restricting the developable area to approximately 2.3 acres. The northern 100' of the property is mostly unusable due to an existing Indiana Michigan Power Company overhead utility easement, except for the allowance of underground utilities (sanitary sewer and electric) within easements along the Meijer Drive right-of-way. NIPSCO also has easement rights for buried gas main within part of the I&M easement. All existing easements are shown on the preliminary site plan. A large area within the eastern part of the property is also unusable due to the presence of an existing wetland.

Per the preliminary site plan, the applicant is proposing to construct an approximate 12,000 sq. ft. one-story building; parking areas for employees, customers, and vehicle storage; and other required infrastructure (utilities, a storm water detention basin, landscaping, etc.)

Access to the site will be provided from Meijer Drive via a new curb cut/drive aligning with Meijer's access drive to the north. The drive will allow for unrestricted turning movements to and from Meijer Drive.

Based on 5.5 parking spaces per 1,000 sq. ft. of gross floor area, which is the applicable ratio for the proposed C-4 Automobile Oriented Commercial District use, a total of sixty-six (66) parking spaces are required for the proposed 12,000 sq. ft. building. The preliminary site plan shows sixty-six (66) spaces provided within three (3) parking areas to the west, south, and east of the building. Thirteen (13) customer parking spaces, including three (3) ADA accessible spaces, will be located within a non-fenced in area west of the building. An additional fifty-three (53) parking spaces will be provided within a fenced in area to the east and south of the building for employee and pre and post service vehicle storage. There will be no long term storage for damaged vehicles or salvage operations.

Landscaping and screening shall comply with the commercial landscaping regulations (Section 137-815). Landscaping shall include perimeter deciduous shade (overstory) trees or deciduous ornamental (understory) trees planted at the maximum on-center requirements along all property lines, and parking lot landscaping. Credit can be given for all trees to remain with spacing to not exceed the maximum on-center requirements.

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.

Since the subject property and all properties along Meijer Drive between Bremen Highway and Autumn Lakes Apartment are zoned for general commercial use, Staff supports the request for rezoning. C-4 District uses 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 the property is outside of the city's electric service territory.

The Water Department commented that they should be contacted regarding water service, metering, and backflow needs. The applicant's representative (Cresa) has been in discussions with both our Water and Fire Department regarding the water service, potential connections, and fire hydrant requirements. These items will be addressed with the future required final site plan.

The Engineering, Building, and Fire Department reviewed and approved the rezoning request without comment.

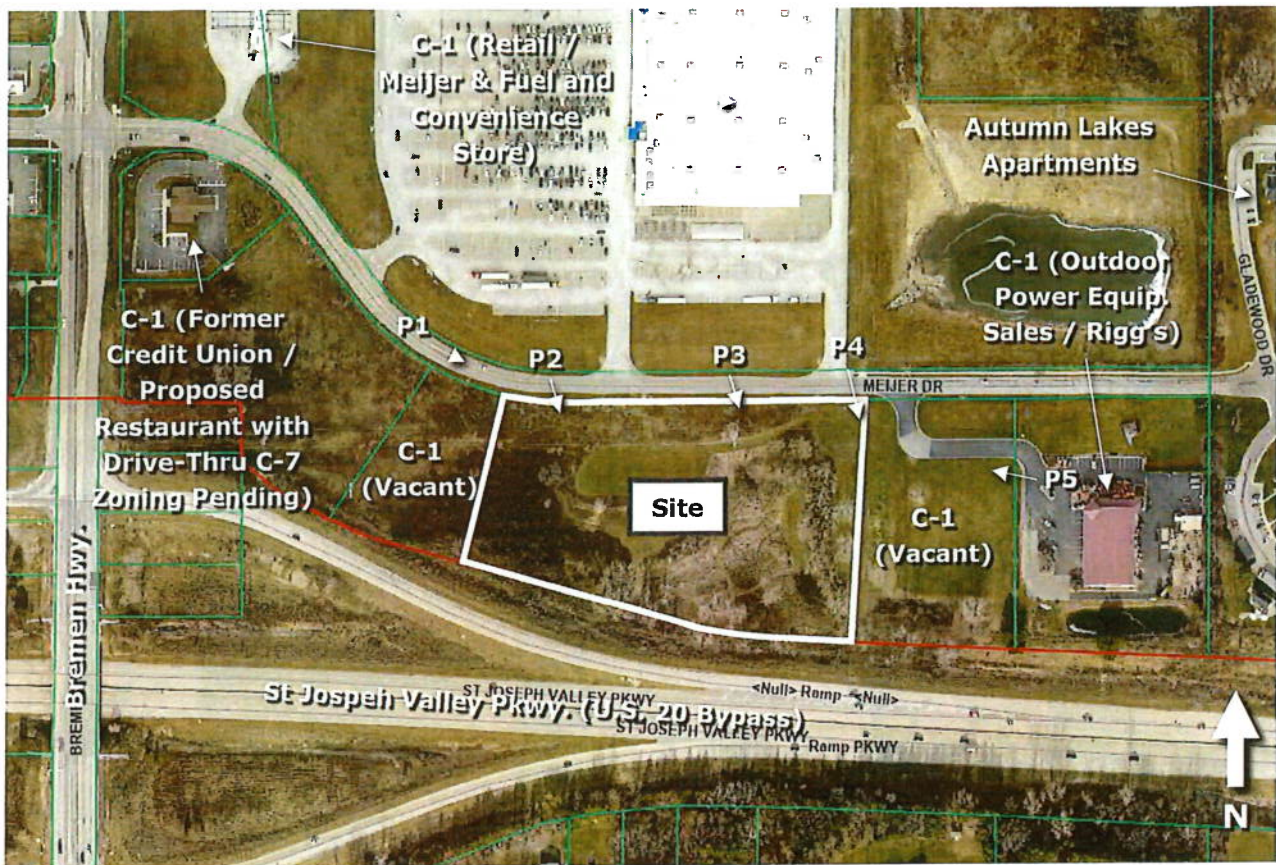
RECOMMENDATION

Staff recommends in **favor** of Petition 26-08 to rezone property south of 3610 Bremen Highway, more specifically being Lot 3A of Meijer / McDaniel's Harley-Davidson Subdivision, from C-1 General Commercial District to C-4 Filling Station Commercial District for a Crash Champions auto body shop. 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 within this property. 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 is vacant, is currently zoned for commercial use and located along a commercially zoned corridor between Bremen Highway and Autumn Lakes apartments. The buildings and land uses along this corridor are single-tenant commercial structures including an unoccupied credit union being proposed for a restaurant with drive-thru, a fuel station and convenience store, a big-box supercenter, and an outdoor power equipment retailer and service business.
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 commercial zoning and development, the most desirable use of the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. Permitted C-4 Automobile Oriented 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 & Project Narrative, Preliminary Site Plan, Location Map



Aerial Photograph
 Lot 3A of Meijer / McDaniel's Harley-Davidson Subdivision
 South of 3610 Bremen Highway (Meijer)



P1. Looking easterly from Meijer Drive toward the subject property on the right.



P2. Looking southerly from Meijer Drive toward the west part of the subject property.



P3. Looking southerly from Meijer Drive toward the east part of the subject property (undevelopable wetland in rear).



P4. Looking southerly from Meijer Drive along the east property line of the subject parcel.



P5. Looking westerly from the Rigg's parking lot two parcels east of subject parcel.

DATE: March 20, 2026

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

PK 26-09

Received

MAR 24 2026

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned, **Annamac, L.L.C., an Indiana limited liability company**, 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:

For APN/Parcel ID(s): 71-09-27-351-007.000-022
Property Address: Meijer (VI) Dr, Mishawaka, IN 46544

LOT 3A IN MEIJER/MCDANIEL'S HARLEY-DAVIDSON SUBDIVISION, THE PLAT OF WHICH IS RECORDED AS INSTRUMENT NUMBER 0710312, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

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 **vacant land**.

Petitioner(s) desire said real estate to be rezoned to **C-4 Auto-Oriented Commercial** District. Petitioner(s) further state that they intend to utilize said land for **Automobile Body Shop**.

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

Signature(s) of Property Owner(s)

Signed by:

2FCC28CCCBDA416...

Print Name: Scott McDaniel

Signature(s) of Property Owner(s)

Signed by:

08C2E08D3655442...

Print Name: Kevin McDaniel

CONTACT PERSON:

Megan Moore, Senior Project Manager
Cresa
167 North Green Street, Suite 1301, Chicago, IL 60607
(949) 728-8454
mmoore@cresa.com

PROJECT NARRATIVE

Crash Champions, LLC
APN: 71-09-27-351-007.000-022

1. REQUEST

The applicant is requesting approval to rezone the property from the C-1 District to the C-4 District to allow for the operation of an automobile collision repair facility, including accessory outdoor vehicle storage.

2. SITE DESCRIPTION

The subject property consists of approximately 6.48 acres. Crash Champions is proposing a new approximately 12,500-square-foot facility. The site is designed with efficient internal traffic flow to minimize congestion, with customer drop-off clearly separated from operations. Outdoor vehicle storage will be secured and screened with six-foot opaque fencing.

The proposed main entrance faces Meijer Drive. Overall, the project is designed to fit within the surrounding commercial corridor while maintaining safety, efficiency, and a professional appearance.

3. OPERATIONS

All repair work is done completely indoors. No adverse effects to adjacent properties are anticipated.

- Anticipated Hours: Mon–Fri 8:00 AM–5:00 PM; Sat 9:00 AM-12:00PM; Sun Closed
- Anticipated Staffing: 12-15 full-time employees
- Anticipated Customers: 10-15 per day (majority scheduled appointments)

Customers do not remain on-site during repairs; vehicles are dropped off and later retrieved, resulting in limited customer dwell time and reduced peak parking demand.

Vehicle Staging:

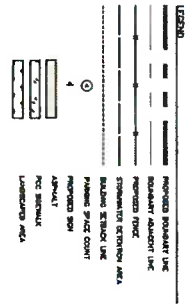
- Approximate Vehicle Turnaround Time: 9-15 days (industry standard)
- Outdoor vehicle storage is fully enclosed by a 6-foot opaque fence with 24/7 controlled access.

4. CONCLUSION

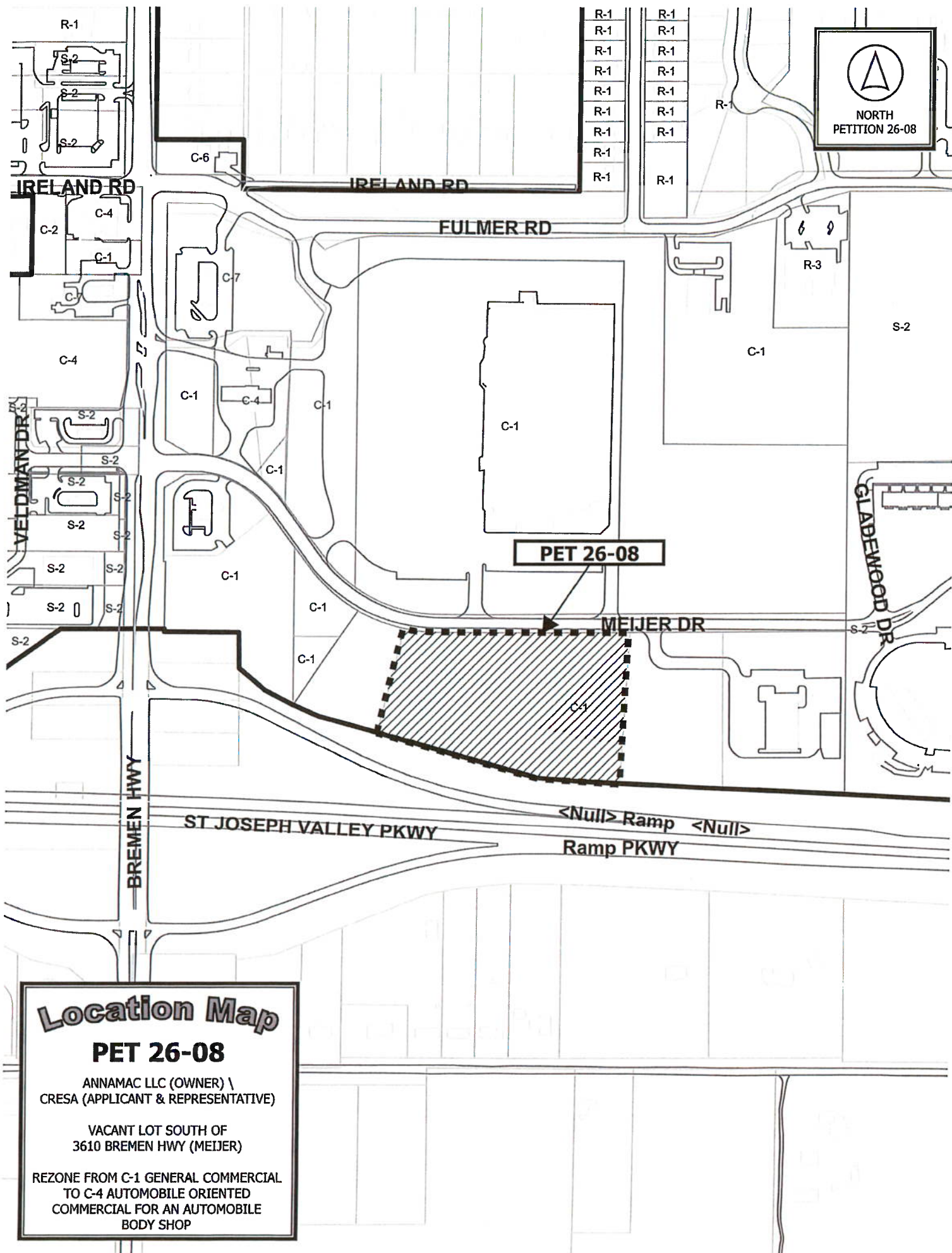
The proposed Crash Champions facility supports Mishawaka's planning and economic development objectives.

From an economic standpoint, this project represents:

- Long-term capital investment into Flowood
- Creation of skilled, well-paying local jobs
- Expansion of the local tax base
- Support for local vendors and service providers
- Increased service capacity for residents



CRASH CHAMPIONS
COLLEGE OF WISCONSIN TEAM



APR 15 2026

City Clerk
Mishawaka, IN

PETITION 26-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2026-14

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:

3630 Bremen Hwy, Mishawaka, IN

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

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

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

Lot Numbered One (1) as shown on the Recorded Plat of UFCU Bremen Highway & Meijer Drive Minor Subdivision, Recorded December 12, 2018 as Instrument Number 1831915 in the Office of the Recorder of St. Joseph County, Indiana

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-7 Automobile Oriented Restaurant District designated in "The Zoning Ordinance of 1966" as amended.

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

1. The applicable Comprehensive Plan is the 2000 Mishawaka Comprehensive Plan which identifies the area as General Commercial and the area currently has other dining with a drive- thru.
2. Current conditions and the character of current structures and uses in each district – This section of Bremen Highway is intended for commercial use. The current commercial uses vary from retail, drive thru restaurants, and gas stations for example.
3. The most desirable use for which the land in each district is adopted – Because the parcels are surrounded by various other commercial uses, zoning to the C-7 Automobile Restaurant Oriented Commercial District is a desirable use for this property;
4. The conservation of property values throughout the jurisdiction – The proposed rezoning should not be injurious to property values in the surrounding area as the majority of the property is currently zoned for various commercial properties.

Proposed Ordinance No: _____

Ordinance No: _____

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

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2026, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2026, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Date: April 14, 2026

Location: 3630 Bremen Highway

Petition: 26 09

Prepared By: SA

GENERAL INFORMATION

Applicant: United Federal Credit Union / Wightman

Status: Property Owners / Consulting Representative

Request: Rezone from C-1 General Commercial to C-7 Automobile Oriented Restaurant Commercial District

Zoning Classification: C-1 General Commercial

Lot Size: 1.34 acres

Applicable Regulations: Sec. 137-40 Plan Commission;
Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map;
Sec. 137-455 thru 137-457 C-7 Restaurant Automobile Oriented Commercial District; Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial & C-4 Auto-Oriented Commercial (Meijer Gas Center)
South: C-1 General Commercial (Vacant Land)
East: C-1 General Commercial (Meijer & Vacant Land)
West: S-2 Planned Unit Development (Wendy's & Vacant Land)

Thoroughfare: Bremen Highway & Meijer Drive

Council District: 2

School District: Penn-Harris-Madison

Township: Penn

Public Utilities: All utilities are available and existing

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner is requesting to rezone the above referenced property from C-1 General Commercial to C-7 Automobile Oriented Restaurant Commercial. The property is located on the Southeast corner of Bremen Highway and Meijer Drive, north of the St. Joseph Valley Parkway. The property was formerly United Federal Credit Union.

The reason for rezoning to C-7 Automobile Restaurant Oriented Commercial District is to allow for a future drive-thru restaurant. A preliminary site plan shows the existing 2595 square foot building to be utilized

with one (1) drive-thru lane, including a bail out lane. Thirteen (13) future parking spaces to be added. Five (5) of the proposed additional parking spaces will have to be provided elsewhere on the site or a reduction in parking variance would be required.

With this petition, the property owner and contingent developer are only seeking to establish the proper zoning required for the proposed use. If approved, a detailed final administrative site plan shall be submitted for Staff review and approval prior to construction.

The Water Department has commented to please call with any questions regarding water service, metering, or backflow needs.

The Engineering Department has commented with the proposed Use, a grease interceptor will be required per Engineering standards and FOG ordinance. The five future parking spaces area were intended to be a cross access drive to adjacent property to the east.

The Electric Department has commented that the site is outside MUED territory.

All other pertinent City Departments reviewed and approved the request.

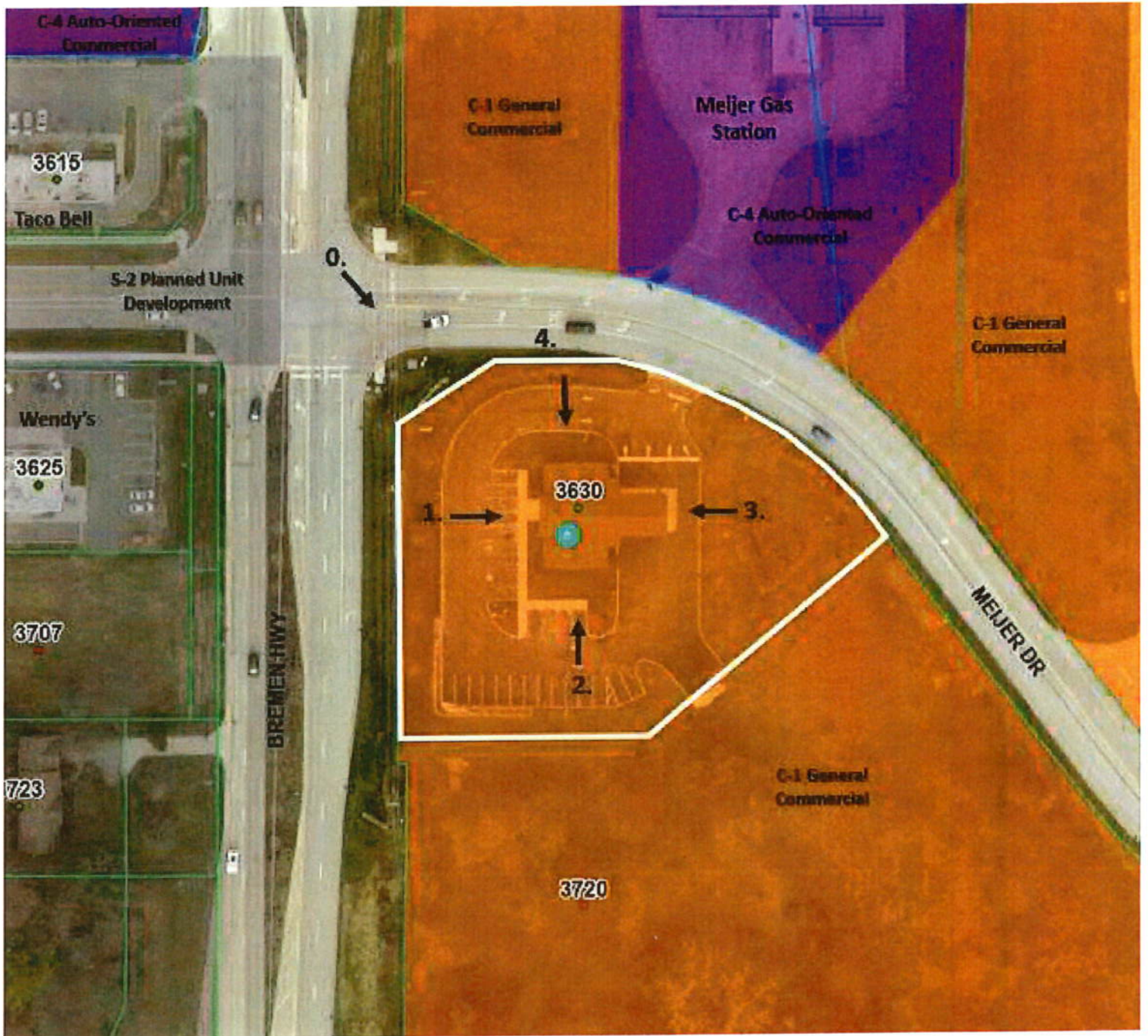
RECOMMENDATION

The Planning Department recommends **in favor** of Petition #26-09 to rezone the property located at 3630 Bremen Highway to C-7 Automobile Restaurant Oriented Commercial District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the 2000 Mishawaka Comprehensive Plan which identifies the area as General Commercial and the area currently has other dining with a drive-thru.
2. Current conditions and the character of current structures and uses in each district – This section of Bremen Highway is intended for commercial use. The current commercial uses vary from retail, drive thru restaurants, and gas stations for example.
3. The most desirable use for which the land in each district is adopted – Because the parcels are surrounded by various other commercial uses, zoning to the C-7 Automobile Restaurant Oriented Commercial District is a desirable use for this property;
4. The conservation of property values throughout the jurisdiction – The proposed rezoning should not be injurious to property values in the surrounding area as the majority of the property is currently zoned for various commercial properties.
5. Responsible development and growth – The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOS, PETITION, SITE PLAN, LOCATION MAP



Aerial



0. Southeast facing from Bremen Highway



1. East facing from the parking lot



2. North facing from the parking lot



3. West facing from the parking lot



4. South facing from the parking lot

March 25, 2026

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

Pet 26-09

Received

MAR 24 2026

Planning and
Community Development

RE: PETITION TO REZONE

The undersigned United Federal Credit Union respectfully show they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot Numbered One (1) as shown on the Recorded Plat of UFCU Bremen Highway & Meijer Drive Minor Subdivision, Recorded December 12, 2018 as Instrument Number 1831915 in the Office of the Recorder of St. Joseph County, Indiana. 3630 BREMEN HWY

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General District. Said property is a former credit union building and parking lot.

Petitioner has a contingent purchaser that desires said real estate to be rezoned to C-7 Commercial District. Petitioner further state that they intend to utilize the existing structure as a restaurant with both dine-in and drive-thru facilities. They propose to utilize the existing drive and parking lot to the best of their ability. Slight modification may occur to the property in order to meet design standards of the City.

Wherefore, the Petitioner 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.

United Federal Credit Union
By **Sorin Mihalache** Digitally signed by Sorin Mihalache
Date: 2026.03.23 14:28:41 -04'00'
150 Hilltop Road
St. Joseph, Michigan 49085

CONTACT PERSON:

Wightman c/o Terance D. Lang, PS
1402 Mishawaka Avenue
South Bend, Indiana 46515
574-233-1841
tlang@gowightman.com

Received
MAR 24 2025
Planning and
Community Development

PRELIMINARY SITE

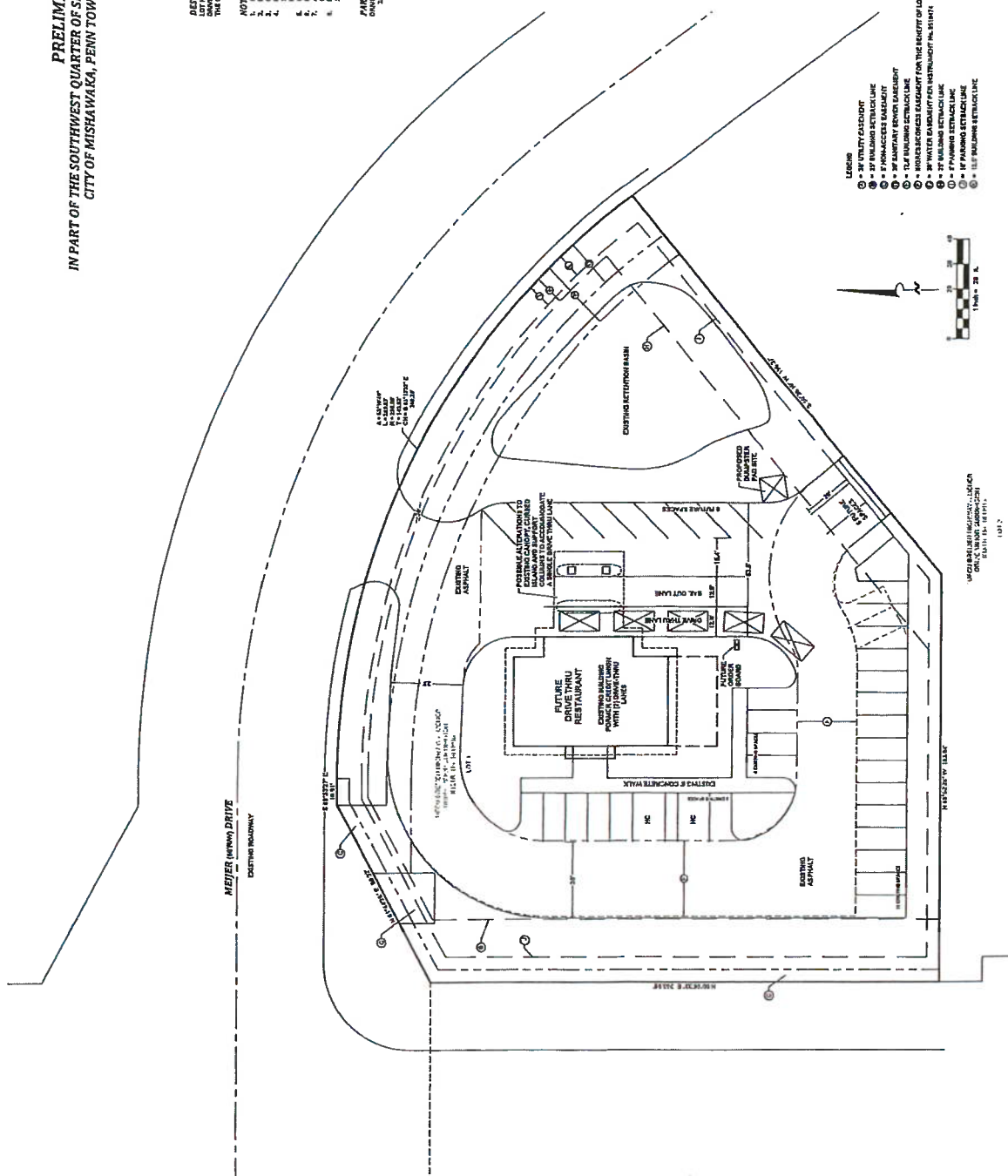
IN PART OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 3 EAST,
CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

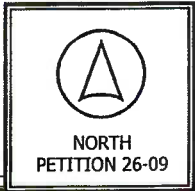
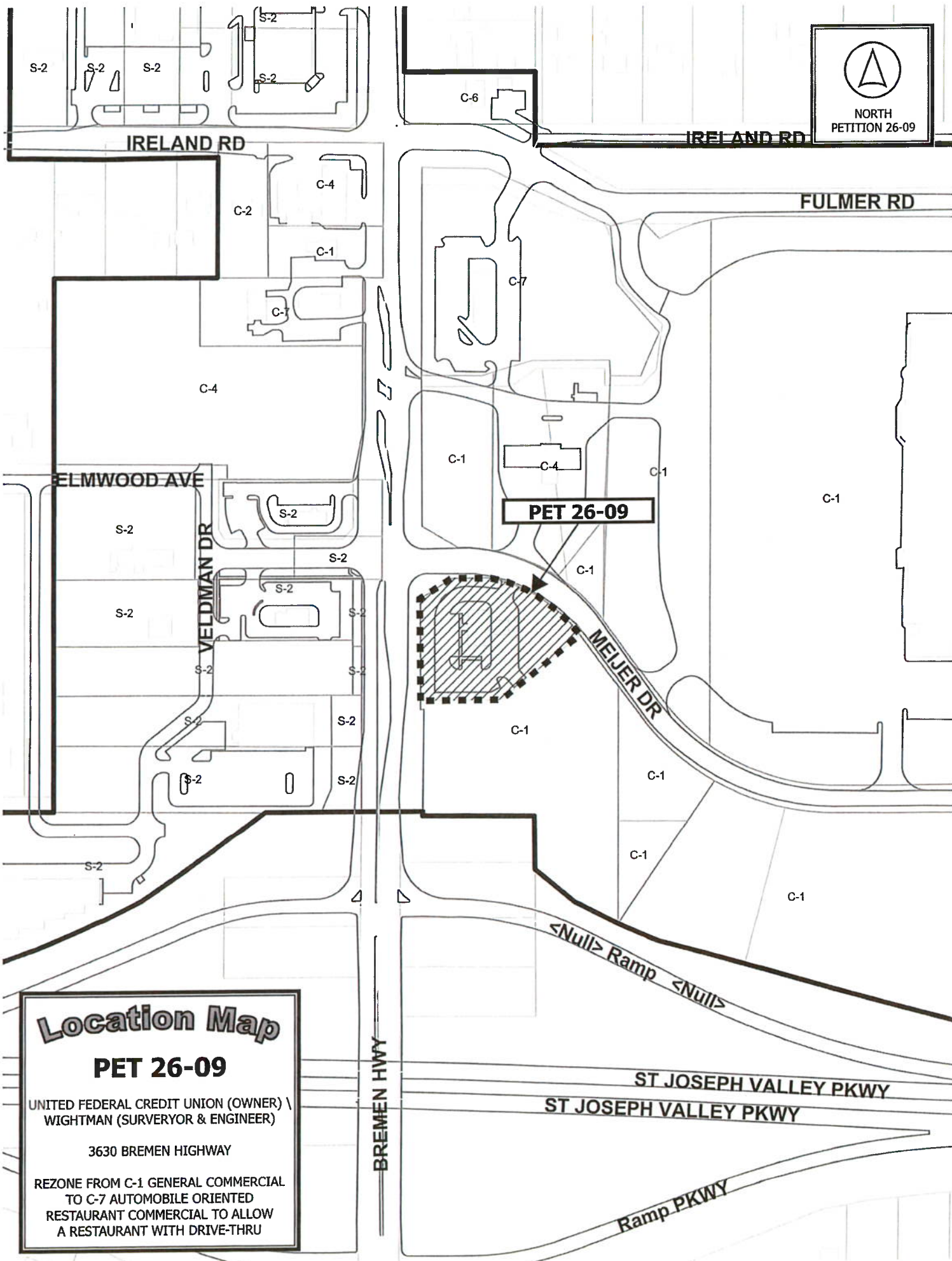
DESCRIPTION:
LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF UPCL BREWERY HIGHWAY & LAKEVIEW JUNCTION SUBDIVISION, RECORDED DECEMBER 12, 2018 AS INSTRUMENT NUMBER 181918 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

[illegible]

ALL ELEMENTS THAT ARE INDICATED ON DOCUMENTATION PROVIDED BY THE PROPERTY OWNER ARE SHOWN ON THE DRAWING.
EXISTING BUILDING IS CURRENTLY SERVED BY MAJORICAL WATER AND SANITARY SEWER AND SMALL INFRASTRUCTURE FOR A DRIVE-THRU RESTAURANT USE.

PARKING REQUIREMENTS:
 1000+ SEATING RESTAURANTS = 15 PER 1000 SQUARE FEET OF GROSS FLOOR AREA.
 2500+ SEATING = 20 SPACES REQUIRED
 25 CARRY-OUT SPACES SUPPLIED (2 HANDICAP)
 13 FUTURE SPACES + 28 SPACES AVAILABLE TO HANDICAP





PET 26-09

Location Map

PET 26-09

UNITED FEDERAL CREDIT UNION (OWNER) \
WIGHTMAN (SURVEYOR & ENGINEER)

3630 BREMEN HIGHWAY

REZONE FROM C-1 GENERAL COMMERCIAL
TO C-7 AUTOMOBILE ORIENTED
RESTAURANT COMMERCIAL TO ALLOW
A RESTAURANT WITH DRIVE-THRU

APR 15 2026

City Clerk
Mishawaka, IN

PETITION 26-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2026-15

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 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 PART OF THE SOUTHWEST, SOUTHEAST AND NORTHWEST QUARTERS OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF A PARCEL OF GROUND, DESCRIBED IN DEED DOCUMENT 2025-29047, IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA; RECORDER'S OFFICE; THENCE EAST (ALL BEARINGS ASSUMED) ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 180.02 FEET MORE OR LESS TO THE CENTERLINE OF KLINE STREET AND THE EXISTING CITY OF MISHAWAKA CORPORATE LINE; THENCE SOUTHERLY ALONG SAID CENTERLINE AND CORPORATE LINE, A DISTANCE OF 155.02 FEET MORE OR LESS TO THE CENTER OF SAID SECTION 13; THENCE EAST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 13 AND THE CITY OF MISHAWAKA CORPORATE LIMIT LINE, A DISTANCE OF 30.00 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF SAID KLINE STREET; THENCE SOUTHERLY, A DISTANCE OF 30.00 FEET MORE OR LESS TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 6TH STREET AND THE EAST RIGHT-OF-WAY LINE OF SAID KLINE STREET; THENCE WEST A DISTANCE OF 60.00 FEET CROSSING SAID KLINE STREET RIGHT-OF-WAY TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID KLINE STREET WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID 6TH STREET; THENCE CONTINUING WEST ALONG SAID SOUTH LINE, A DISTANCE OF 150.02 FEET MORE OR LESS TO A POINT WHICH IS 30.00 FEET MORE OR LESS SOUTH OF THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN DEED DOCUMENT 2025-29047; THENCE NORTH, A DISTANCE OF 30.00 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTH, CONTINUING ALONG THE WEST LINE OF SAID PARCEL AND THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE, A DISTANCE OF 155.02 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.79 ACRES MORE OR LESS.

Proposed Ordinance No: _____

Ordinance No: _____

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-1 Single Family Residential.

This recommendation is based on the following findings of fact:

1. *Existing Conditions - The subject property is located at the northwest corner of Kline Street and E. 6th Street approximately a quarter mile south of Lincolnway East. Kline Road and E. 6th Street, which are low travelled local roads, primarily serve as access to the adjacent residential areas. Traffic volumes along these roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses to the north, east, and south within unincorporated St. Joseph County and the City, and a recreational facility (baseball diamonds) to the west within the City.*
2. *Character of Buildings in Area - The buildings and land uses along Kline Street and E. 6th Street are primarily single family residential. Baseball diamonds are located to the west.*
3. *The most desirable/highest and best use – With the property's location adjacent to mostly residential uses, the most desirable use for the property is residential.*
4. *Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single family residential and recreational uses.*
5. *Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use as open space due to the adjacent recreational use to the west. However, the proposed residential use is consistent with the existing adjacent residential 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 _____, 2026, 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 _____,
2026, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 13511 E. 6th Street – Vacant at the Northwest
corner of E. 6th Street and Kline Street

Date: April 14, 2026

Petition: 26- 10

Prepared By: DJS

GENERAL INFORMATION

Applicants: Omar Sobih / Danch, Harner & Associates, Inc.

Status: Property Owner / Surveyor & Engineer

Request: To annex and establish zoning for two proposed residential lots

Existing Zoning: Unincorporated St. Joseph County (R Single-Family District)

Proposed Zoning: R-1 Single Family Residential District

Lot Size: 0.79 acres including the adjacent Kline Street & E. 6th Street right-of-way

Applicable Regulations: Section 137-164 thru 137-166 / R-1 Single Family Residential District,
Section 137-41 / Amendments to the 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:	Unincorporated St. Joseph County / R Residential (Single Family House)
South:	Unincorporated St. Joseph County / R Residential (Single Family House)
East:	R Single Family Residential (Single Family House)
West:	R Single Family Residential (Recreational / East End Little League)

Thoroughfare: Kline Street and E. 6th Street

Council District: To Be Determined (Contiguous to District 3)

School District: School City of Mishawaka

Township: Penn

Public Utilities: All public utilities are available and/or will be extended/connected to the site at the owner's/developer's expense.

Comprehensive Plan: Open Space

ANALYSIS

Proposal:

The petitioner is proposing to annex and establish zoning for two proposed residential lots.

The 0.52 acre property, which includes one parcel (Tax Parcel 028-1001-0031), is located at the northwest corner of Kline Street and E. 6th Street approximately 1,200' south of Lincolnway East. The site is vacant and has approximately 155' of frontage on Kline Street and 150' of frontage on E. 6th Street. Clover Road. The adjacent property to the west was annexed into the City of Mishawaka in 1979 with a Special M-1 District zoning classification (late became an R-1 zoning) for a little league baseball facility. The adjacent property to the east was annexed in 1950 with an R-1 Single Family Residential zoning classification for a partially developed residential area.

Per the annexation petition, the owner plans to subdivide the property into two single-family residential lots for future home construction. The lots shall be connected to city sanitary sewer and water which is presently adjacent within the Kline Street right-of-way. The average price of each lot, including the home, is estimated at \$300,000.

Access to each lot has yet to be determined but can be provided along either Kline Street or E. 6th Street. Only one access shall be permitted for each lot.

The petitioner is requesting a zoning classification of R-1 Single Family Residential specifically for detached single family dwellings.

Currently, the petitioner is only proposing to annex and establish the zoning as R-1 Single Family Residential. If the annexation and zoning request is approved, a subdivision plat must be submitted, approved, and recorded to establish two new residential lots. Each lot shall comply with all of the R-1 Single Family Residential height, area, and development regulations.

Annexation:

The adjacent properties to west and east were annexed in the city in 1979 and 1950 for recreational and residential uses as outlined above.

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 boundary to be annexed. With the previous annexations as outlined above, a total of 355.22', or 45%, of the total 790.08' 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 northwest corner of Kline Street and E. 6th Street nearly a quarter mile south of Lincolnway East and bound to the north by a single family residential house in unincorporated St. Joseph County, to the east by a single family residential house in the City of Mishawaka, to the south by a single family residential house in unincorporated St. Joseph County, and to the west by a recreational facility (baseball diamonds) in the City of Mishawaka.

Zoning Change:

Staff believes that the proposed zoning of this property to the R-1 Single Family Residential District for two detached residential dwellings is appropriate given that the adjacent property is zoned for and primarily occupied by single-family residential houses and a recreational use. Furthermore, Planning Staff stated that the property must be annexed for the two lots to be connected to city sanitary sewer and water.

Transportation/Roads:

The availability of nearby traffic counts is limited. However, a count is regularly taken along Kline Street between York Street and the railroad tracks approximately 400' north of the property. The most recent count at this location was 943 annual average daily trips. The counts have fluctuated between 856 AADT

(August 2018) and 1,295 AADT (April 2012) over the last 20 years and will likely remain consistent in future years.

The 2050 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, there are no major transportation improvements (added travel lanes, intersection improvements, auxiliary lanes, etc.) in the nearby area.

The Water Department commented that they should be contacted regarding water service, metering, or backflow needs.

All pertinent City Departments have reviewed and approved the request for annexation and zoning.

RECOMMENDATION

Staff recommends **approval** of Petition 26-10 to annex and establish zoning for property at 13511 E. 6th Street for two proposed single family residential lots. The property is proposed to be zoned R-1 Single Family Residential District subject to all the R-1 District height, area, and development regulations.

This recommendation is based on the following findings of fact:

1. Existing Conditions - The subject property is located at the northwest corner of Kline Street and E. 6th Street approximately a quarter mile south of Lincolnway East. Kline Road and E. 6th Street, which are low travelled local roads, primarily serve as access to the adjacent residential areas. Traffic volumes along these roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses to the north, east, and south within unincorporated St. Joseph County and the City, and a recreational facility (baseball diamonds) to the west within the City.
2. Character of Buildings in Area - The buildings and land uses along Kline Street and E. 6th Street are primarily single family residential. Baseball diamonds are located to the west.
3. The most desirable/highest and best use – With the property’s location adjacent to mostly residential uses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single family residential and recreational uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use as open space due to the adjacent recreational use to the west. However, the proposed residential use is consistent with the existing adjacent residential uses.

ATTACHMENTS

Aerial Map, Photographs, Petition for Annexation and Zoning Classification, and Location Map



Aerial Photograph – 13511 E. 6th Street
Proposed Two Single Family Residential Lots



P1. Looking west from Kline Street toward the property.



P2. Looking west from the Kline St. & E 6th St. intersection toward the southeast corner of the property.



P3. Looking north from E. 6th Street toward the property.

DATE: MARCH 17, 2026

PET 26-10
Received

MAR 25 2026

Planning and
Community Development

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

RE: PETITION FOR ANNEXATION & REZONING FOR:

OMAR SOBIH
1541 CANTONDALE LN.
MISHAWAKA, INDIANA 46544

THE UNDERSIGNED, OMAR SOBIH, 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:

A PART OF THE SOUTHWEST, SOUTHEAST AND NORTHWEST QUARTERS OF SECTION
13, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH
COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING
AT THE NORTHWEST CORNER OF A PARCEL OF GROUND, DESCRIBED IN DEED
DOCUMENT 2025-29047, IN THE RECORDS OF THE ST. JOSEPH COUNTY,
INDIANA; RECORDER'S OFFICE; THENCE EAST (ALL BEARINGS ASSUMED) ALONG
THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 180.02 FEET MORE OR LESS
TO THE CENTERLINE OF KLINE STREET AND THE EXISTING CITY OF MISHAWAKA
CORPORATE LINE; THENCE SOUTHERLY ALONG SAID CENTERLINE AND CORPORATE
LINE, A DISTANCE OF 155.02 FEET MORE OR LESS TO THE CENTER OF SAID
SECTION 13; THENCE EAST ALONG THE EAST-WEST CENTERLINE OF SAID
SECTION 13 AND THE CITY OF MISHAWAKA CORPORATE LIMIT LINE, A DISTANCE
OF 30.00 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF SAID
KLINE STREET; THENCE SOUTHERLY, A DISTANCE OF 30.00 FEET MORE OR LESS
TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 6TH STREET AND
THE EAST RIGHT-OF-WAY LINE OF SAID KLINE STREET; THENCE WEST A
DISTANCE OF 60.00 FEET CROSSING SAID KLINE STREET RIGHT-OF-WAY TO THE
INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID KLINE STREET WITH
THE SOUTH RIGHT-OF-WAY LINE OF SAID 6TH STREET; THENCE CONTINUING
WEST ALONG SAID SOUTH LINE, A DISTANCE OF 150.02 FEET MORE OR LESS TO
A POINT WHICH IS 30.00 FEET MORE OR LESS SOUTH OF THE SOUTHWEST
CORNER OF SAID PARCEL DESCRIBED IN DEED DOCUMENT 2025-29047; THENCE
NORTH, A DISTANCE OF 30.00 FEET MORE OR LESS TO THE SOUTHWEST CORNER
OF SAID PARCEL; THENCE NORTH, CONTINUING ALONG THE WEST LINE OF SAID
PARCEL AND THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE, A
DISTANCE OF 155.02 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 0.79 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

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-1" RESIDENTIAL DISTRICT CLASSIFICATION. THE PURPOSE FOR THE

ANNEXATION AND REZONING IS TO ALLOW FOR THE CREATION OF TWO BUILDABLE RESIDENTIAL LOTS.

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.


OMAR SOBIH (OWNER)

PH.NO. 574-520-7592

CONTACT PERSON:

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

P.O.B.

E 180.02'

C/L KLINE ST.

S 155.02'

EXISTING SHED TO BE REMOVED

E 30.00'

S 30.00'

W 60.00'

30'

15'

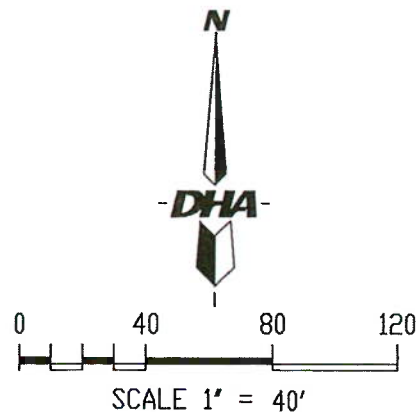
W 150.02'

C/L SIXTH ST.

A PART OF THE SOUTHWEST, SOUTHEAST AND NORTHWEST QUARTERS OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF A PARCEL OF GROUND, DESCRIBED IN DEED DOCUMENT 2025-29047, IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA; RECORDER'S OFFICE; THENCE EAST (ALL BEARINGS ASSUMED) ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 180.02 FEET MORE OR LESS TO THE CENTERLINE OF KLINE STREET AND THE EXISTING CITY OF MISHAWAKA CORPORATE LINE; THENCE SOUTHERLY ALONG SAID CENTERLINE AND CORPORATE LINE, A DISTANCE OF 155.02 FEET MORE OR LESS TO THE CENTER OF SAID SECTION 13; THENCE EAST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 13 AND THE CITY OF MISHAWAKA CORPORATE LIMIT LINE, A DISTANCE OF 30.00 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF SAID KLINE STREET; THENCE SOUTHERLY, A DISTANCE OF 30.00 FEET MORE OR LESS TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 6TH STREET AND THE EAST RIGHT-OF-WAY LINE OF SAID KLINE STREET; THENCE WEST A DISTANCE OF 60.00 FEET CROSSING SAID KLINE STREET RIGHT-OF-WAY TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID KLINE STREET WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID 6TH STREET; THENCE CONTINUING WEST ALONG SAID SOUTH LINE, A DISTANCE OF 150.02 FEET MORE OR LESS TO A POINT WHICH IS 30.00 FEET MORE OR LESS SOUTH OF THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN DEED DOCUMENT 2025-29047; THENCE NORTH, A DISTANCE OF 30.00 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTH, CONTINUING ALONG THE WEST LINE OF SAID PARCEL AND THE EXISTING CITY OF MISHAWAKA CORPORATE LIMIT LINE, A DISTANCE OF 155.02 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 0.79 ACRES MORE OR LESS.

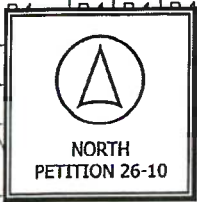
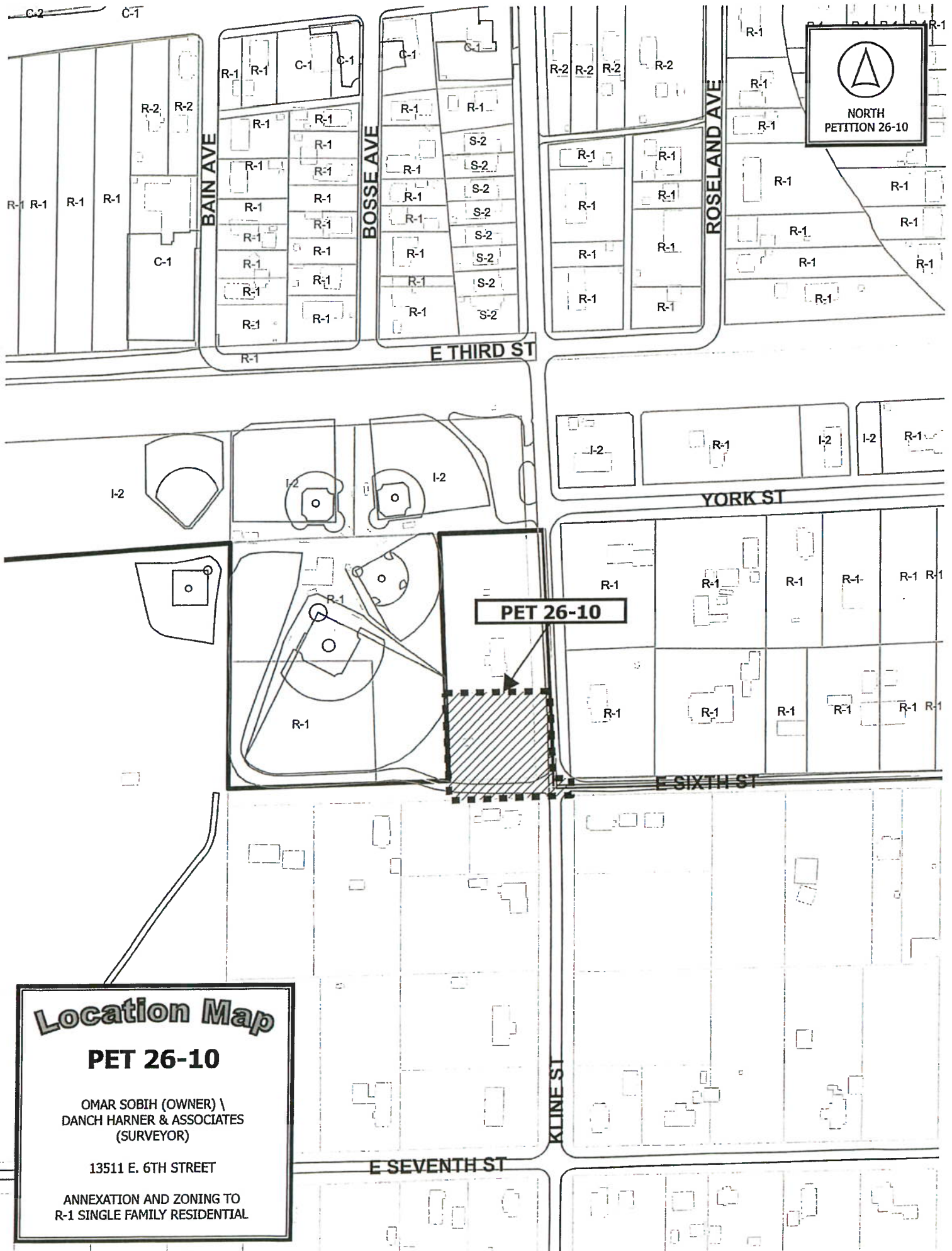
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

**DHA**

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 COMMERCE DRIVE • South Bend, IN 46628

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1/



Location Map

PET 26-10

OMAR SOBIH (OWNER) \
DANCH HARNER & ASSOCIATES
(SURVEYOR)

13511 E. 6TH STREET

ANNEXATION AND ZONING TO
R-1 SINGLE FAMILY RESIDENTIAL

APR 15 2026

City Clerk
Mishawaka, IN

PETITION 26-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2026-16

ORDINANCE NO. _____

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

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

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

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

A PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SAID SECTION 33; THENCE WEST ALONG THE CENTERLINE OF DOUGLAS ROAD AND THE NORTH LINE OF SAID SECTION 33 A DISTANCE OF 1237.50 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH A DISTANCE OF 400.00 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 335.50 FEET MORE OR LESS; THENCE NORTHWESTERLY A DISTANCE OF 267.20 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 362.10 FEET MORE OR LESS TO THE CENTERLINE OF DOUGLAS ROAD AND THE NORTH LINE OF SAID SECTION 33; THENCE EAST ALONG SAID NORTH LINE AND THE CENTERLINE OF DOUGLAS ROAD A DISTANCE OF 600.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 5.39 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

which real estate is now classified as S-2 Planned Unit Development District, Lake Shore Estates Planned Unit Development, shall hereafter be amended to allow for portable shed and metal garage/carport sales at 801 W Douglas Road.

This recommendation includes the following conditions of approval:

- 1. Sheds, garages, and carports for sale shall not be located within the existing 30' front yard setback along W. Douglas Road.*

Proposed Ordinance No: _____

Ordinance No: _____

2. *Landscaping shall be provided along all property lines / developed areas in accordance with the minimum landscaping and screening regulations (Section 137-815) for all commercial zoned districts.*
3. *A dense evergreen screen with a minimum height of 6' at the time of planting shall be provided along the west and south sides of the developed area inside of the existing 5' high chain link fence. If arborvitaes are proposed, the minimum spaces shall be 6' on-center. Greater spacing will be permitted for evergreen trees with a larger spread subject to review and approval by the Planning Department.*
4. *Vinyl slats shall be installed in the existing 5' chain link fence along the entire west and south fence lines.*
5. *An Administrative Site Plan shall be submitted for review and approval.*

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

This recommendation is based on the following Findings of Fact:

1. *Existing Conditions – The subject property is partially developed with a 1,700 sq. ft. office building, access drives, and paved area previously used for display of mobile/modular homes. Adjacent uses include an insurance office, single-family residential house, and vacant land to the north, a commercial parking lot to the east, and a mobile home park to the south and west.*
2. *Character of Buildings in Area – Buildings along the W. Douglas Road corridor vary greatly and include single and multi-tenant commercial buildings, single family residences, medical/dental buildings, single and multi-tenant office buildings, a gas station/convenience store, an apartment complex, and mobile home park.*
3. *The most desirable/highest and best use – The requested PUD amendment will allow reuse of vacant office building for portable storage shed and metal garage/carport sales. Continued commercial use, similar to the prior permitted mobile home/modular home sales, is the most desirable and best use along the heavily travelled W. Douglas Road corridor.*
4. *Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area. The proposed use of the property is similar to the historic use of the property. Additional landscaping and screening will be provided.*
5. *Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for manufactured home (residential) use as currently exists to the west and south. The proposed use is reasonably consistent with the adjacent uses and varied land uses along the W. Douglas Road corridor.*

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

STAFF REPORT

Location: 801 W. Douglas Road

Date: April 14, 2026

Petition: 26- 11

Prepared By: DJS

GENERAL INFORMATION

Applicant: Lake Shore & Willow Club Estates MHC, LLC / Sheds Direct

Status: Property Owner / Contingent Tenant

Request: Amend the Lake Shore Estates Planned Unit Development to allow portable storage shed and metal garage/carport sales

Zoning Classification: S-2 Planned Unit Development District / Permitted for mobile home/modular home sales, self-storage buildings and a climate controlled storage building

Lot Size: 5.39 acres (Entire PUD) / 2.54 acres (Developed Area)

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District (Ord. 4935); Section 137-41 / Amendment to Zoning Ordinance & Zoning Map; and Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:

North:	Unincorporated St. Joseph County – OB Office/Buffer (Insurance Office / State Farm) & R Residential (Single Family Residence), C-1 General Commercial (Vacant), and R-3 Multi-Family Residential (Vacant)
South:	R-4 Manufactured Home Residential (Mobile Home Park / Lake Shore Estates)
East:	S-2 Planned Unit Development (Commercial Parking Lot / Afdent and Single-Family Houses)
West:	R-4 Manufactured Home Residential (Mobile Home Park / Lake Shore Estates)

Thoroughfare: W. Douglas Road

Council District: 6

School District: South Bend Community School Corporation

Township: Clay

Public Utilities: All utilities are available and currently serve the property

Comprehensive Plan: Manufactured Home, Residential

ANALYSIS

The applicant and contingent tenant, Sheds Direct, are requesting to amend the Lake Shore Estates Planned Unit Development (PUD) to allow portable storage shed and metal garage/carport sales in addition to the previously approved permitted uses.

The Planned Unit Development, which was approved in 2005 (Ord. 4935), includes a total of 5.39 acres and is partially developed with an approximate 1,700 sq. ft. office building, access drives, and paved area previously used for display of mobile/modular homes. The property was developed in 2004 prior to the establishment and approval of the PUD. The additional proposed development of the self-storage buildings and climate controlled storage building never materialized.

Per the approved PUD regulations (Ord. 4935), permitted uses within the property were limited to mobile home/modular home sales, self-storage buildings, and a climate controlled storage building.

The applicant is proposing to occupy the site for Sheds Direct – a retailer of portable storage sheds, and metal garage/carports. A preliminary site plan was provided showing how the prospective tenant intends to utilize the property. The existing building will be used as the sales office. The parking spaces to the west and east of the building will be maintained for employees and customers. The larger metal garages and carports will be in the center part of the paved area behind the sales office with smaller sheds ringing the perimeter. Adequate spacing of the sheds, garages, and carports will allow for two-way drive aisles for access.

The approved PUD (Ord. 4935) required a minimum 6' high opaque fence along the east, south, and west property lines. The property was developed prior to the PUD approval with a 4' chain link fence along the east property line, and a 5' chain link fence along the south and east edges of the developed area. The 4' east fence is covered with a dense tree row and shrubs and borders a commercial parking lot to the east. Vinyl inserts will be required in the 5' chain link fence to screen the property from the west and south.

Additional landscaping will be required to meet the minimum commercial landscaping and screening regulations and the perimeter landscaping requirements per the approved PUD. Overstory shade trees shall be planted at a maximum of 40' on-center or understory ornamental trees planted at a maximum of 25' on-center along the north property line (W. Douglas Road frontage). Overstory shade trees shall be planted at a maximum 60' on-center or understory ornamental trees planted at a maximum of 40' on-center along the east, south, and west property lines/developed areas. Landscaping is present along W. Douglas Road and the east property line so credit will be given for the existing trees with new trees planted at the above rates to fill in the gaps where necessary. Currently, there is no landscaping along the south and west property lines/developed areas. In addition to the required deciduous trees, the PUD required a dense evergreen screen at a 6' minimum height at the time of planting along the east, south, and west property lines. An evergreen screen will not be required along the east property line but is required along the south and west property lines/developed areas. If arborvitaes are planted, they shall be a planted a minimum of 6' on center. Evergreens with a greater spread will also be permitted subject to review and approval of a final site plan.

Similar to when the original Planned Unit Development was approved, the applicant is only proposing to establish, or in this case, amend the permitted uses and basic development requirements of the planned unit development. If approved, a detailed final site plan must be submitted for administrative review and approval to address the required fencing/vinyl inserts, landscaping, and proposed shed, garage, and carport locations.

All pertinent City Departments have reviewed and approved the PUD amendment without comment.

RECOMMENDATION

Staff recommends **approval** to amend the Lake Shore Estates Planned Unit Development (PUD) to allow portable storage shed and metal garage/carport sales.

This recommendation includes the following conditions of approval:

1. Sheds, garages, and carports for sale shall not be located within the existing 30' front yard setback along W. Douglas Road.
2. Landscaping shall be provided along all property lines / developed areas in accordance with the minimum landscaping and screening regulations (Section 137-815) for all commercial zoned districts.
3. A dense evergreen screen with a minimum height of 6' at the time of planting shall be provided along the west and south sides of the developed area inside of the existing 5' high chain link fence. If arborvitae are proposed, the minimum spaces shall be 6' on-center. Greater spacing will be permitted for evergreen trees with a larger spread subject to review and approval by the Planning Department.
4. Vinyl slats shall be installed in the existing 5' chain link fence along the entire west and south fence lines.
5. An Administrative Site Plan shall be submitted for review and approval.

This recommendation is based upon the following findings of fact:

1. Existing Conditions – The subject property is partially developed with a 1,700 sq. ft. office building, access drives, and paved area previously used for display of mobile/modular homes. Adjacent uses include an insurance office, single-family residential house, and vacant land to the north, a commercial parking lot to the east, and a mobile home park to the south and west.
2. Character of Buildings in Area – Buildings along the W. Douglas Road corridor vary greatly and include single and multi-tenant commercial buildings, single family residences, medical/dental buildings, single and multi-tenant office buildings, a gas station/convenience store, an apartment complex, and mobile home park.
3. The most desirable/highest and best use – The requested PUD amendment will allow reuse of vacant office building for portable storage shed and metal garage/carport sales. Continued commercial use, similar to the prior permitted mobile home/modular home sales, is the most desirable and best use along the heavily travelled W. Douglas Road corridor.
4. Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area. The proposed use of the property is similar to the historic use of the property. Additional landscaping and screening will be provided.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for manufactured home (residential) use as currently exists to the west and south. The proposed use is reasonably consistent with the adjacent uses and varied land uses along the W. Douglas Road corridor.

ATTACHMENTS

Aerial, Photographs, Petition, Conceptual Site Plan, Location Map



Aerial Photograph
801 W. Douglas Road – Former Mobile / Modular Home Sales



P1. Looking southerly from W. Douglas Road toward the northeast corner of the property.



P2. Looking southerly from W. Douglas Road toward the existing office building.



P3. Looking southerly from W. Douglas Road toward the existing access drive in west part of property.



P4. Looking westerly from the access drive toward existing office building to right.



P5. Looking westerly from the access drive toward existing paved area south of building.

DATE: 2/1/26

Honorable Members of the Common Council, City of Mishawaka, Indiana

And

Mishawaka City Plan Commission, City of Mishawaka, Indiana

RE: PETITION FOR PUD AMENDMENT

The undersigned (type names(s) of the titleholder(s) of record) respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

801 Douglas Rd., Mishawaka, Indiana 46545

Legal Description: A PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER POST OF SAID SECTION 33; THENCE WEST ALONG THE CENTERLINE OF DOUGLAS ROAD AND THE NORTH LINE OF SAID SECTION 33 A DISTANCE OF 1237.50 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH A DISTANCE OF 400.00 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 335.50 FEET MORE OR LESS; THENCE NORTHWESTERLY A DISTANCE OF 267.20 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 362.10 FEET MORE OR LESS TO THE CENTERLINE OF DOUGLAS ROAD AND THE NORTH LINE OF SAID SECTION 33; THENCE EAST ALONG SAID NORTH LINE AND THE CENTERLINE OF DOUGLAS ROAD A DISTANCE OF 600.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 5.39 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

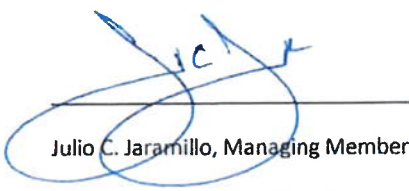
Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for: Mobile Home Sales and personal storage units in addition to any other allowed uses. (State the existing use of the real estate)

Petitioner(s) desire said real estate to be amended to allow for Portable Storage Shed Sales, and Metal Garage/Carport Sales, in addition to its current allowed uses.

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

LAKE SHORE & WILLOW CLUB ESTATES MHC LLC


Julio C. Jaramillo, Managing Member

By: Evergreen Communities, LLC

For: Lake Shore & Willow Club Estates MHC, LLC

d. (818) 276-8233

321 N. Pass Ave., Suite #300

Burbank, CA 91505

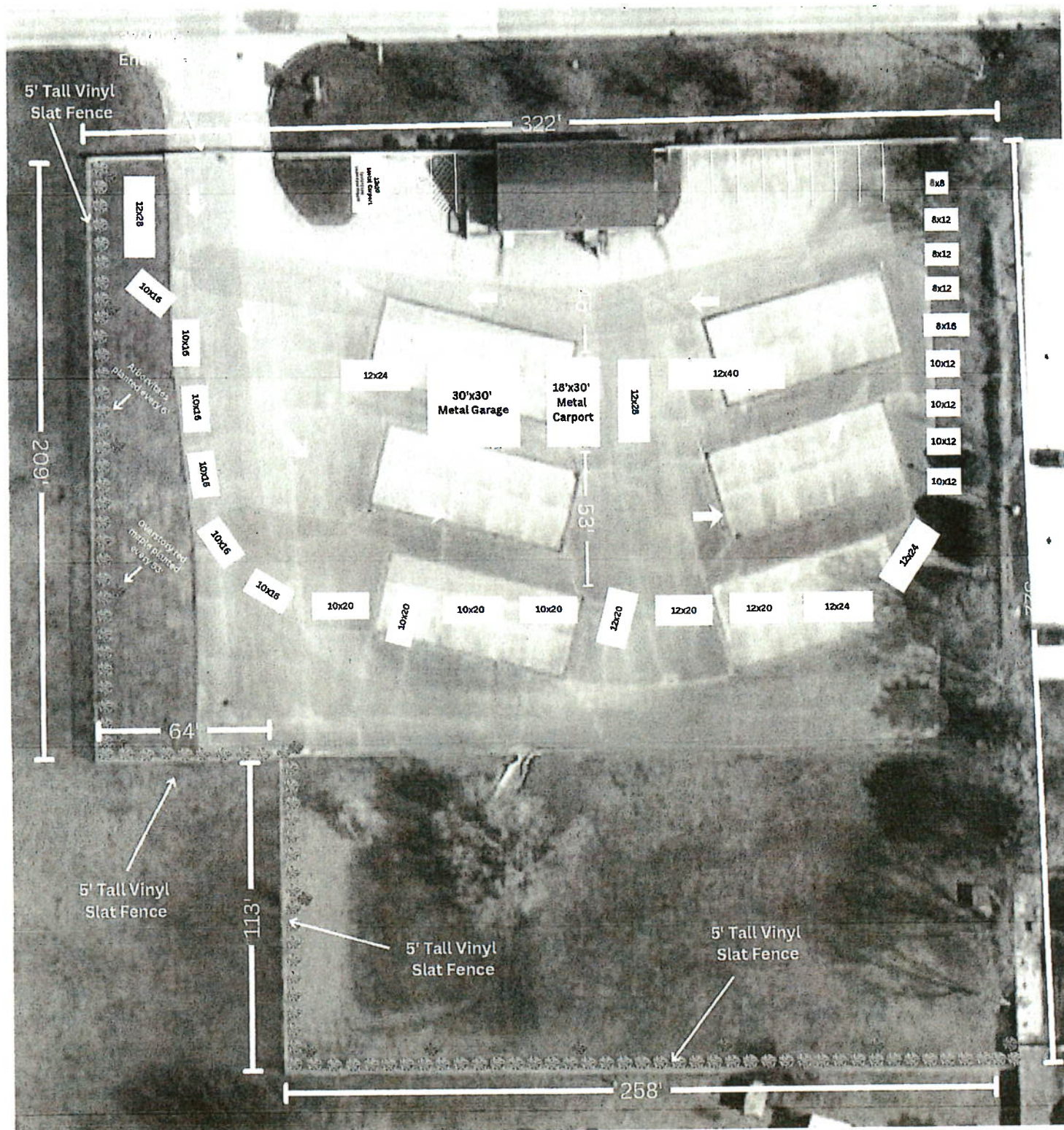
Plat 26-11
Received
MAR 26 2026
Planning and
Community Development

CONTACT PERSON:

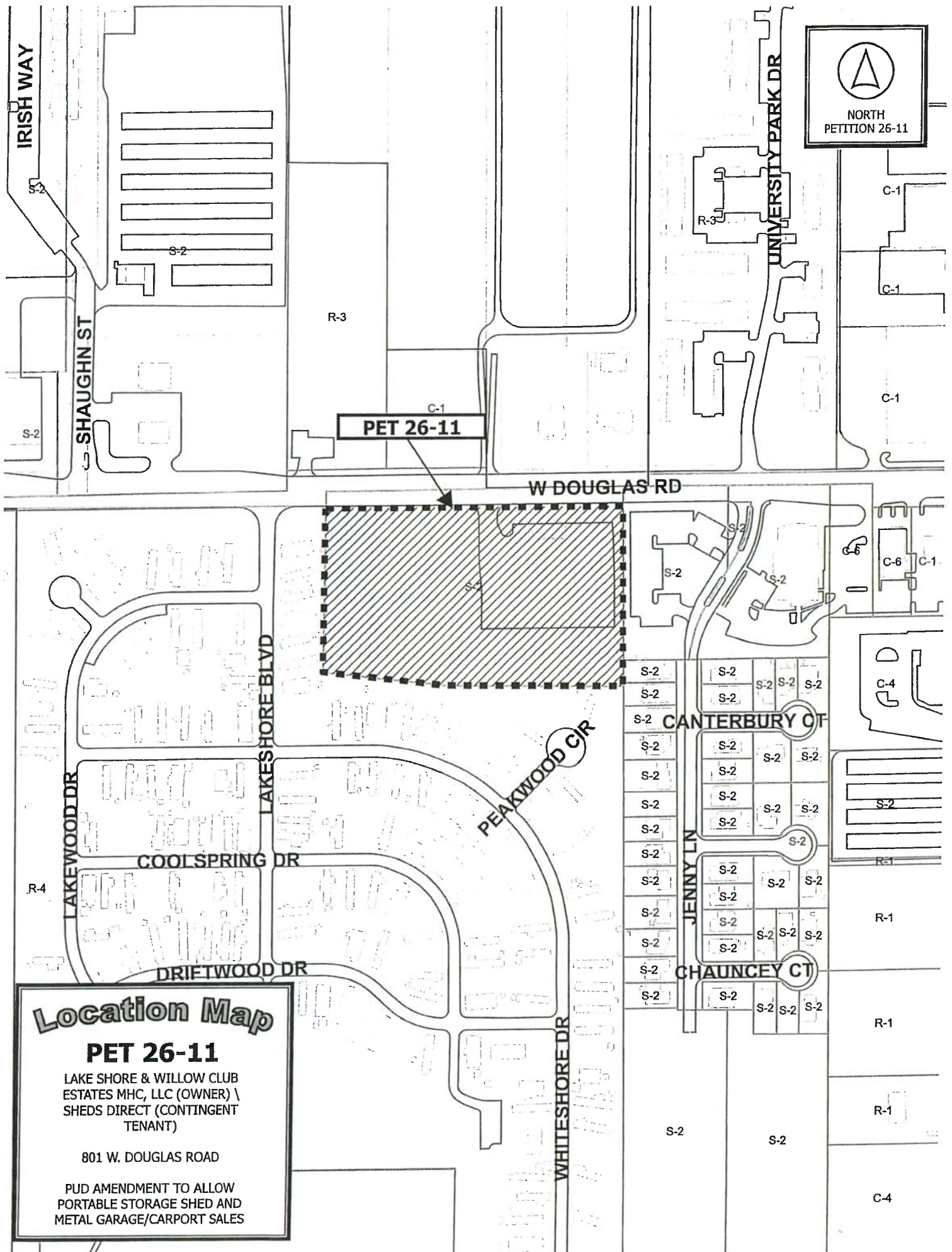
Name: Bo Kirby , Sheds Direct
Address: 6156 Petra Mill Road, Granite Falls, NC. 28630
Phone Number/ Fax: m. (828) 310-1546; f. 828.483.4020
Email: bo@shedsdirectinc.com

AND

Name: Julio C. Jaramillo, Evergreen Communities
Address: 321 N. Pass Ave, Suite #300, Burbank, CA 91505
Phone Number/ Fax: d. (818) 276-8233
Email: julio@evergreencommunities.com







Location Map

PET 26-11

LAKE SHORE & WILLOW CLUB
ESTATES MHC, LLC (OWNER) \
SHEDS DIRECT (CONTINGENT
TENANT)

801 W. DOUGLAS ROAD

PUD AMENDMENT TO ALLOW
PORTABLE STORAGE SHED AND
METAL GARAGE/CARPORT SALES

APR 15 2026

City Clerk
Mishawaka, IN

PETITION #25-15

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2026-17

ORDINANCE NO. _____

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

That part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, described as: Beginning at the northeast corner of a parcel conveyed to Kim D. Tuttle, in Instrument Number 0165455, St. Joseph County Records; thence South 89° 56' 08" East on the north line of a parcel convey B & B Premier Holdings LLC, in Instrument Number 2024-28292 a distance of 440.00 feet to the northwest corner of a parcel conveyed to Niedbalski Real Estate, LLC, in Instrument Number 0559611, St. Joseph County Records, thence South 01° 00' 14" East on the west line of said parcel 87.00 feet; thence North 89° 56' 08" West 440.00 feet to the east line of said Kim D. Tuttle parcel; thence North 01°00'14" West on the east line of said parcel 87.00 feet to the point of beginning containing 0.88 acres more or less.

Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Subject to any facts that may be disclosed in a full and accurate title search.

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 District.

Section 2. 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.

Proposed Ordinance No. _____

Ordinance No. _____

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

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

That part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, described as: Beginning South 00° 00' 14" East 124.93 feet from the northeast of a parcel conveyed to Kim D. Tuttle, in Instrument Number 0165455, St. Joseph County Records; thence South 89° 56' 08" East on the north line of a parcel convey B & B Premier Holdings LLC, in Instrument Number 2024-28292 a distance of 315.07 feet to the northwest corner of a parcel conveyed to Niedbalski Real Estate, LLC, in Instrument Number 0559611, St. Joseph County Records, thence South 01° 00' 14" East on the west line of said parcel 236.84 feet to the south line of said Section 2; thence North 89° 56' 08" West on said south line 315.07 feet; thence North 01° 00' 14" West parallel with the east line of said Kim D. Tuttle parcel 236.84 feet to the point of beginning containing 1.71 acres more or less.

Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Subject to any facts that may be disclosed in a full and accurate title search.

Property located 1640 & 1706 E McKinley and property immediately north which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as R-3 Multi-Family District designated in "The Zoning Ordinance of 1966" as amended.

Section 3. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

- 1. The Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of general commercial along E McKinley Avenue. The proposed use is reasonably consistent with the goals and objectives of the plan and the existing adjacent land uses.*
- 2. Current conditions and the character of current structures and uses in each district - The character of buildings and land uses located along the McKinley corridor vary and include commercial, office, and other residential land uses. Adjacent land uses include single family residential property to the north, automobile sales to the west, automobile salvage to the east, and shed sales to the south.*
- 3. The most desirable use for which the land in each district is adopted - 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.*
- 4. The conservation of property values throughout the jurisdiction - The proposed zoning should not be injurious to the property values in the surrounding area. When the property is ready to be developed, a detailed final site plan for the development must be submitted to address all the applicable regulations, which would require screening of any residential properties.*

Proposed Ordinance No. _____

Ordinance No. _____

5. *Responsible development and growth - The redevelopment of the property for the proposed use is responsible development and growth given the current partial commercial zoning and location along the highly travelled E. McKinley Avenue corridor.*

Section 4. 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 _____, 2026, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2026, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2026, at _____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 1622, 1628, 1640 & 1706 E McKinley Avenue
and property adjacent to the north

Date: April 14, 2026

Petition: 25- 15

Prepared By: CH

GENERAL INFORMATION

Applicant: B & B Premiere Holdings/Wightman

Status: Property Owner / Surveyor

Request: To annex property and establish zoning as C-1 General Commercial District on the west and R-3 Multi-Family Residential District

Existing Zoning: C Commercial District (Unincorporated St. Joseph County) & C-1 General Commercial (City of Mishawaka)

Proposed Zoning: C-1 General Commercial District & R-3 Multi-Family Residential District

Lot Size: 2.28 +/- acres

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial District &
Section 137-215 to 137-217 / R-3 Multi-Family Residential 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: Unincorporated St. Joseph County – R Single Family (houses)
South: C-4 Automobile Oriented Commercial (vacant and shed sales)
East: C-4 Automobile Oriented Commercial (salvage lot)
West: C-4 Automobile Oriented Commercial (car sales)

Thoroughfare: E McKinley Ave and N Fir Road

Council District: Pending (adjacent to 5)

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: General Commercial

ANALYSIS

Proposal:

The applicant is proposing to annex and establish zoning, rezone, and approve a preliminary site plan to allow for the redevelopment of the site including addresses 1622, 1628, 1640 & 1706 E McKinley Avenue and property adjacent to the north.

The 2.28 acre site, consists of 8 parcels;

<i>Parcel ID</i>	<i>Address</i>	<i>Use</i>
71-09-02-352-009.000-022	1622 E McKinley	House
71-09-02-352-003.000-031	Unincorporated N of 1622 E McKinley	Accessory buildings
71-09-02-352-010.000-022	1628 E McKinley	Restaurant
71-09-02-352-004.000-031	Unincorporated N of 1628 E McKinley	Storage
71-09-02-352-011.000-022	1640 E McKinley	Motel
71-09-02-352-005.000-031	Unincorporated N of 1640 E McKinley	Motel
71-09-02-352-012.000-022	1706 E McKinley	House
71-09-02-352-006.000-031	Unincorporated N of 1706 E McKinley	House

The properties are located on the north side of E McKinley Avenue, approximately 225' east of N Byrkit/N Fir Road. There are 2 houses, a restaurant, and a motel on the site. The two homes and motel are planned to be demolished. A fire at the Pangford Motel in March of 2025 did significant damage. The restaurant, Memo's, will remain.

The applicant is requesting to annex the northern 87' of all properties, rezone the northern 87' and western 125'+/- to C-1 General Commercial to match the restaurant's existing zoning, and rezone the remaining 236'+/- x 315'+/- to R-3 Multi-Family Residential for development of apartment/townhomes.

The preliminary site plan shows restaurant building remaining, but provides it with 30 parking spaces. The residential side will have 39 apartment units in three 3-story buildings, and 61 parking spaces. 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:

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. Since it shares the entire southern boundary, approximately 527 feet, or 50%, of the total 1,054 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 properties are located on the north side of E McKinley Avenue, approximately 225' east of N Byrkit/N Fir Road. To the north are single family homes within unincorporated St. Joseph County, to the west is an auto sales lot, to the east is an auto salvage lot, and to the south is vacant land and shed sales. The intersection of E McKinley Avenue and N Byrkit/N Fir Road is commercial with industrial uses as the McKinley corridor extends west towards the railroad tracks and east towards Home Street. There has been change recently at the intersection of E McKinley Avenue and N Byrkit/N Fir Road with Granger Community Church redeveloping the automobile uses at the northwest corner for community outreach and Habitat for Humanity redeveloping the southeast corner (former Oak Grove trailer park) with residential.

Zoning Change:

Staff believes that the proposed zoning of the western 125'+/- of the property to the C-1 General Commercial District is appropriate for the existing restaurant, given the primarily commercial uses along the McKinley corridor. Staff also believes that the proposed zoning of the eastern 315'+/- of this property to the R-3 Multi-Family Residential District is appropriate, given the nearby residential uses. There have

been changes recently at the intersection of E McKinley Avenue and N Byrkit/N Fir Road with Granger Community Church redeveloping the automobile uses at the northwest corner for community outreach and Habitat for Humanity redeveloping the southeast corner (former Oak Grove trailer park) with residential.

Transportation/Roads:

According to the latest available traffic counts, there were 15,735 annual average daily trips (AADT) (September 2025) on E McKinley Avenue, east of N Byrkit/N Fir Road. The counts at this location have slowly decreased over the last 19 years ranging from a high of 19,451 (July 2008) to a low of 15,735 AADT (September 2025). With the existing commercial development along E McKinley Avenue including the new developments just west of N Byrkit/N Fir Road, it is anticipated that traffic volumes will remain relatively consistent in future years.

The 2050 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, shows auxiliary lanes proposed for the McKinley/Fir intersection with a completion date of 2035. There are also additional travel lanes along the McKinley corridor from Lynn to Elder with a completion date of 2040.

All pertinent City Departments have reviewed and approved the request for annexation and zoning providing the following comments:

1. Water: Please call with any questions regarding water service, metering or backflow needs.
2. Electric will need to discuss electric needs with contractor prior to construction.

These comments shall be addressed with the Final Site Plan.

RECOMMENDATION

Staff recommends Petition 25-15 to annex and establish zoning as C-1 General Commercial District for the western 125' +/- and rezone the eastern 236' +/- x 315' +/- R-3 Multi-Family Residential for property located 1622, 1628, 1640 & 1706 E McKinley Avenue and property adjacent to the north be forwarded to the Common Council with a **favorable** recommendation. This recommendation is based on the following findings of fact per Indiana Code Section 36-7-4-603:

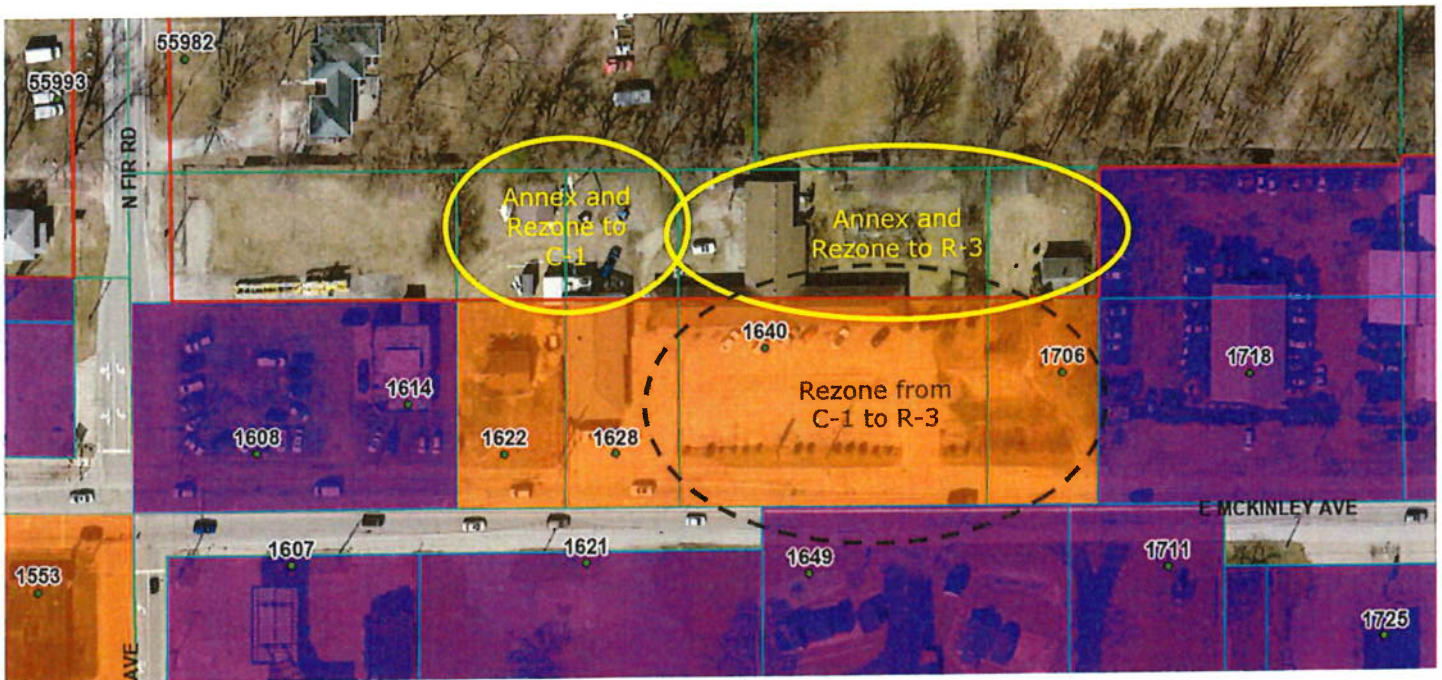
1. *The Comprehensive Plan* - The Mishawaka 2000 Comprehensive Plan, created in 1990, identified a preferred land use of general commercial along E McKinley Avenue. The proposed use is reasonably consistent with the goals and objectives of the plan and the existing adjacent land uses.
2. *Current conditions and the character of current structures and uses in each district* - The character of buildings and land uses located along the McKinley corridor vary and include commercial, office, and other residential land uses. Adjacent land uses include single family residential property to the north, automobile sales to the west, automobile salvage to the east, and shed sales to the south.
3. *The most desirable use for which the land in each district is adopted* - 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.
4. *The conservation of property values throughout the jurisdiction* - The proposed zoning should not be injurious to the property values in the surrounding area. When the property is ready to be developed, a detailed final site plan for the development must be submitted to address all the applicable regulations, which would require screening of any residential properties.
5. *Responsible development and growth* - The redevelopment of the property for the proposed use is responsible development and growth given the current partial commercial zoning and location along the highly travelled E. McKinley Avenue corridor.

ATTACHMENTS

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



Overall Site



How property is changing



3/30/26 11:14 AM

The house at 1622 E McKinley



3/30/26 11:14 AM

The restaurant at 1628 E McKinley



The hotel at 1640 E McKinley



The house at 1706 E McKinley

March 25, 2026

PK 25-15

Received

MAR 24 2026

Planning and
Community Development

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 B & B Holdings, 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:

That part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, described as: Beginning at the northeast corner of a parcel conveyed to Kim D. Tuttle, in Instrument Number 0165455, St. Joseph County Records; thence South 89° 56' 08" East on the north line of a parcel convey B & B Premier Holdings LLC, in Instrument Number 2024-28292 a distance of 440.00 feet to the northwest corner of a parcel conveyed to Niedbalski Real Estate, LLC, in Instrument Number 0559611, St. Joseph County Records, thence South 01° 00' 14" East on the west line of said parcel 236.84 feet; thence North 89° 56' 08" West 440.00 feet to the east line of said Kim D. Tuttle parcel; thence North 01°00'14" West on the east line of said parcel 236.48 feet to the point of beginning containing 2.39 acres more or less.

Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Subject to any facts that may be disclosed in a full and accurate title search

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located to the rear of the following properties 1622, 1628, 1640 and 1706 E. McKinley Avenue, Mishawaka, Indiana 46545 and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana with zoning classifications of C-1 General Commercial and R-3 Multi Family Residential, as defined in the following descriptions. Petitioners further state they intend to utilize said land for a restaurant and 3 proposed 3-story multi-family buildings, containing a total of 39 units.

Legal description (Parcel to be annexed into the City)

That part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, described as: Beginning at the northeast corner of a parcel conveyed to Kim D. Tuttle, in Instrument Number 0165455, St. Joseph County Records; thence South 89° 56' 08" East on the north line of a parcel convey B & B Premier Holdings LLC, in Instrument Number 2024-28292 a distance of 440.00 feet to the northwest corner of a parcel conveyed to Niedbalski Real Estate, LLC, in Instrument Number 0559611, St. Joseph County Records, thence South 01° 00' 14" East on the west line of said parcel 87.00 feet; thence North 89° 56' 08" West 440.00 feet to the east line of said Kim D. Tuttle parcel; thence North 01°00'14" West on the east line of said parcel 87.00 feet to the point of beginning containing 0.88 acres more or less.

Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Subject to any facts that may be disclosed in a full and accurate title search

Legal Description (Parcel to be zoned C-1 General Commercial)

That part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, described as: Beginning at the northeast corner of a parcel conveyed to Kim D. Tuttle, in Instrument Number 0165455, St. Joseph County Records; thence South 89° 56' 08" East on the north line of a parcel convey B & B Premier Holdings LLC, in Instrument Number 2024-28292 a distance of 124.93; thence South 01° 00' 14" East parallel with the east line of said Kim D. Tuttle parcel 87.00 feet; thence North 89° 56' 08" West 124.93 feet to the east line of said Kim D. Tuttle parcel; thence North 01°00'14" West on the east line of said parcel 87.00 feet to the point of beginning containing 0.25 acres more or less.

Subject to any and all easements and restrictions of record, or otherwise.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Subject to any facts that may be disclosed in a full and accurate title search

Legal Description (Parcel to be zoned R-3 Multi Family Residential)

That part of the Southwest Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana, described as: Beginning South 00° 00' 14" East 124.93 feet from the northeast of a parcel conveyed to Kim D. Tuttle, in Instrument Number 0165455, St. Joseph County Records; thence South 89° 56' 08" East on the north line of a parcel convey B & B Premier Holdings LLC, in Instrument Number 2024-28292 a distance of 315.07 feet to the northwest corner of a parcel conveyed to Niedbalski Real Estate, LLC, in Instrument Number 0559611, St. Joseph County Records, thence South 01° 00' 14" East on the west line of said parcel 236.84 feet to the south line of said Section 2; thence North 89° 56' 08" West on said south line 315.07 feet; thence North 01° 00' 14" West parallel with the east line of said Kim D. Tuttle parcel 236.84 feet to the point of beginning containing 1.71 acres more or less.

Subject to any and all easements and restrictions of record, or otherwise.

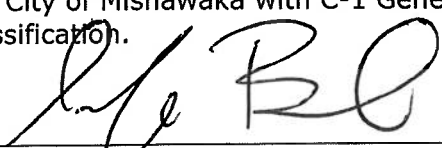
Subject to the rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Subject to any facts that may be disclosed in a full and accurate title search

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the existing building to be renovated for a restaurant and the 3 proposed buildings for multi-family use.

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 C-1 General Commercial and R-3 Multi Family Residential zoning classification.



B & B Holdings, LLC
Stefan Bomsia

Contact Person:

Wightman c/o Terance D. Lang, PS
1402 Mishawaka Avenue
South Bend, Indiana 46615
574-233-1841
TLang@GoWightman.com

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NOT FOR CONSTRUCTION

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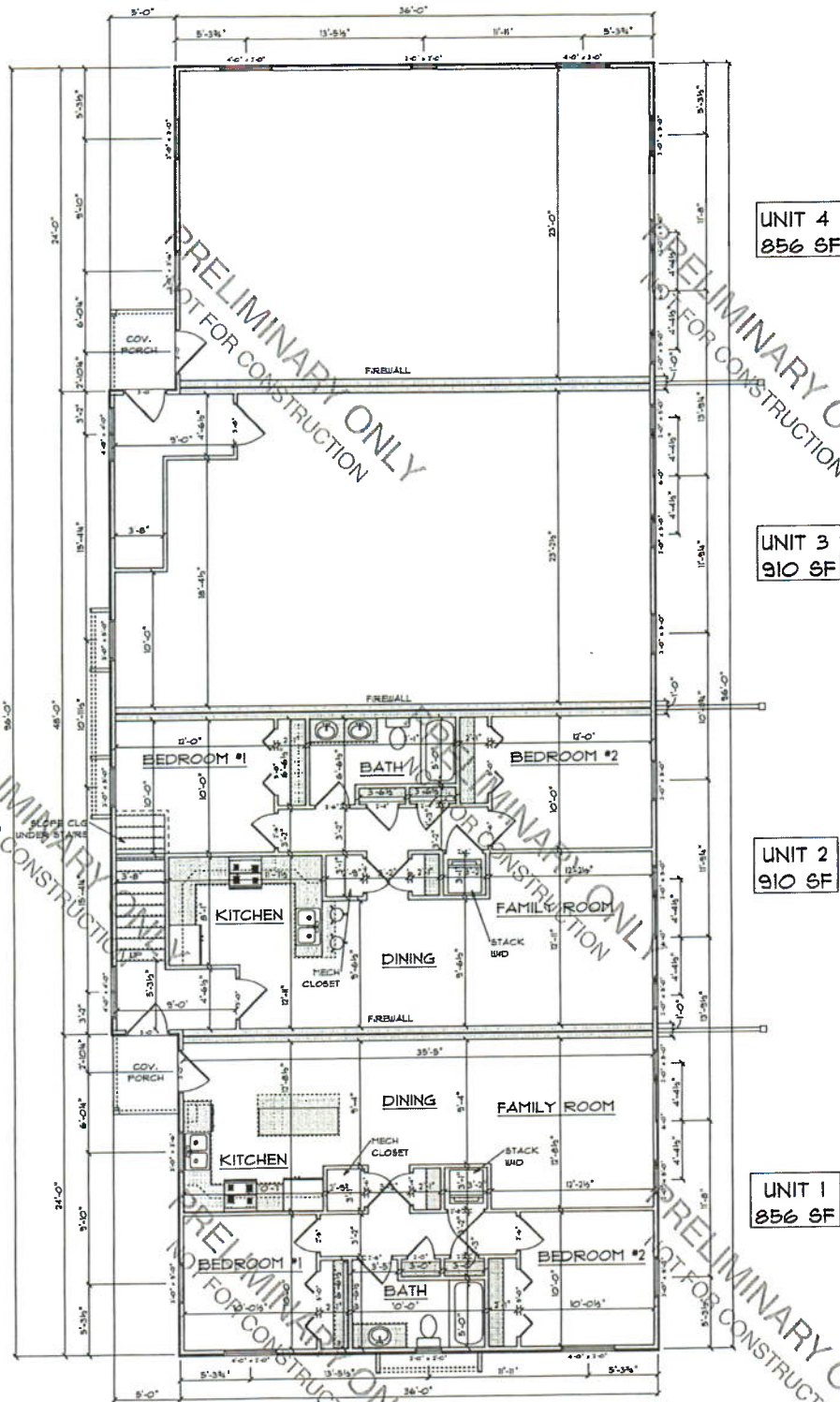
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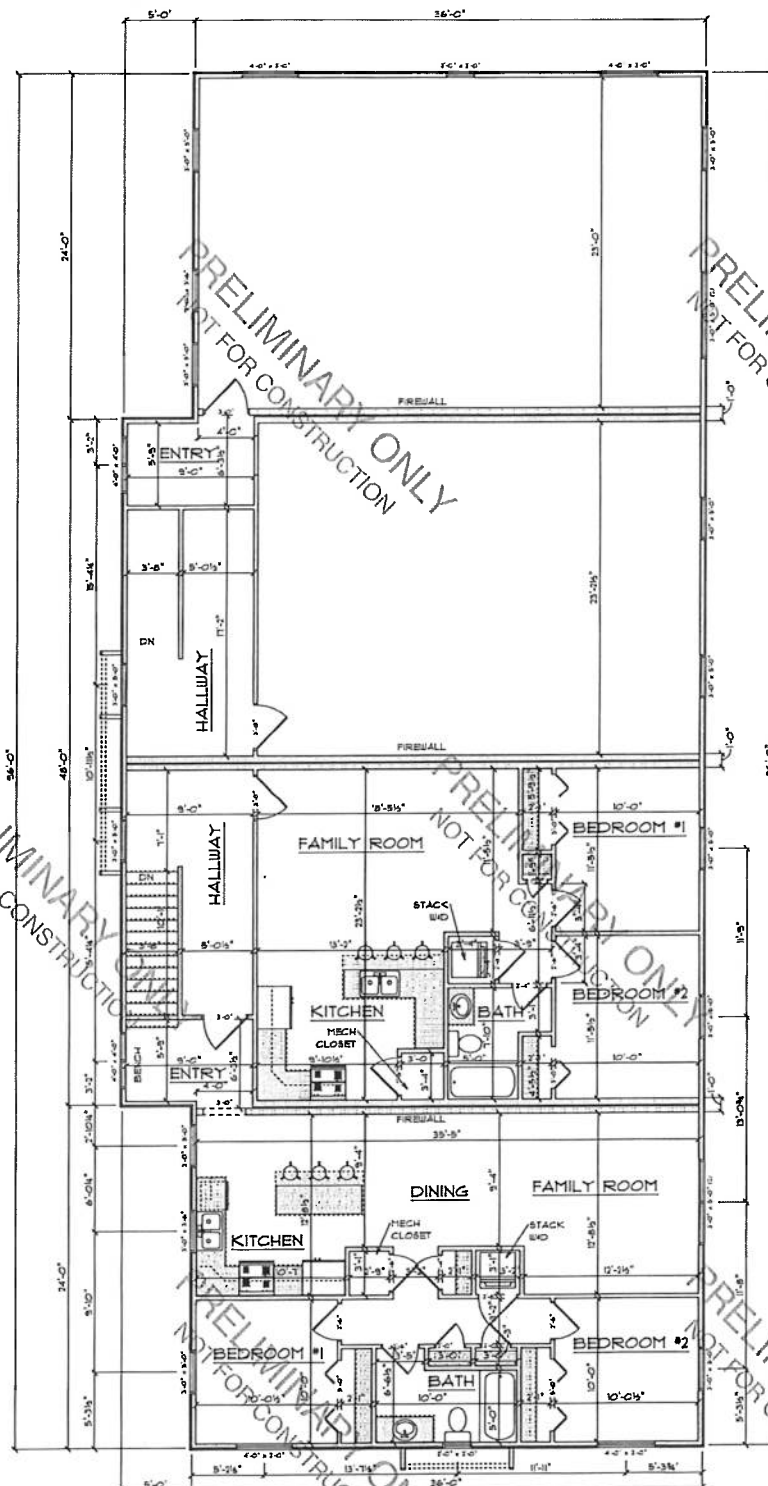
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UNIT 8
915 SF

UNIT 7
765 SF

UNIT 6
765 SF

UNIT 5
915 SF

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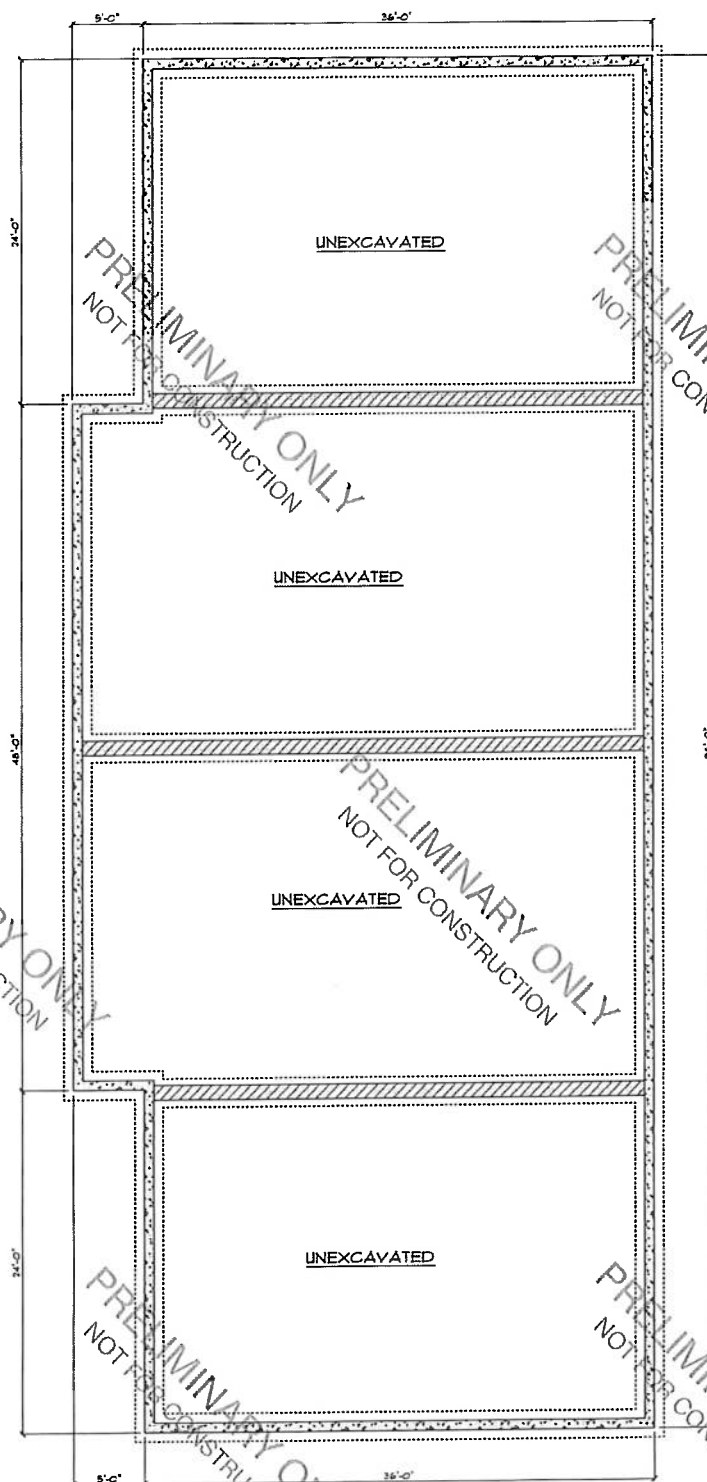
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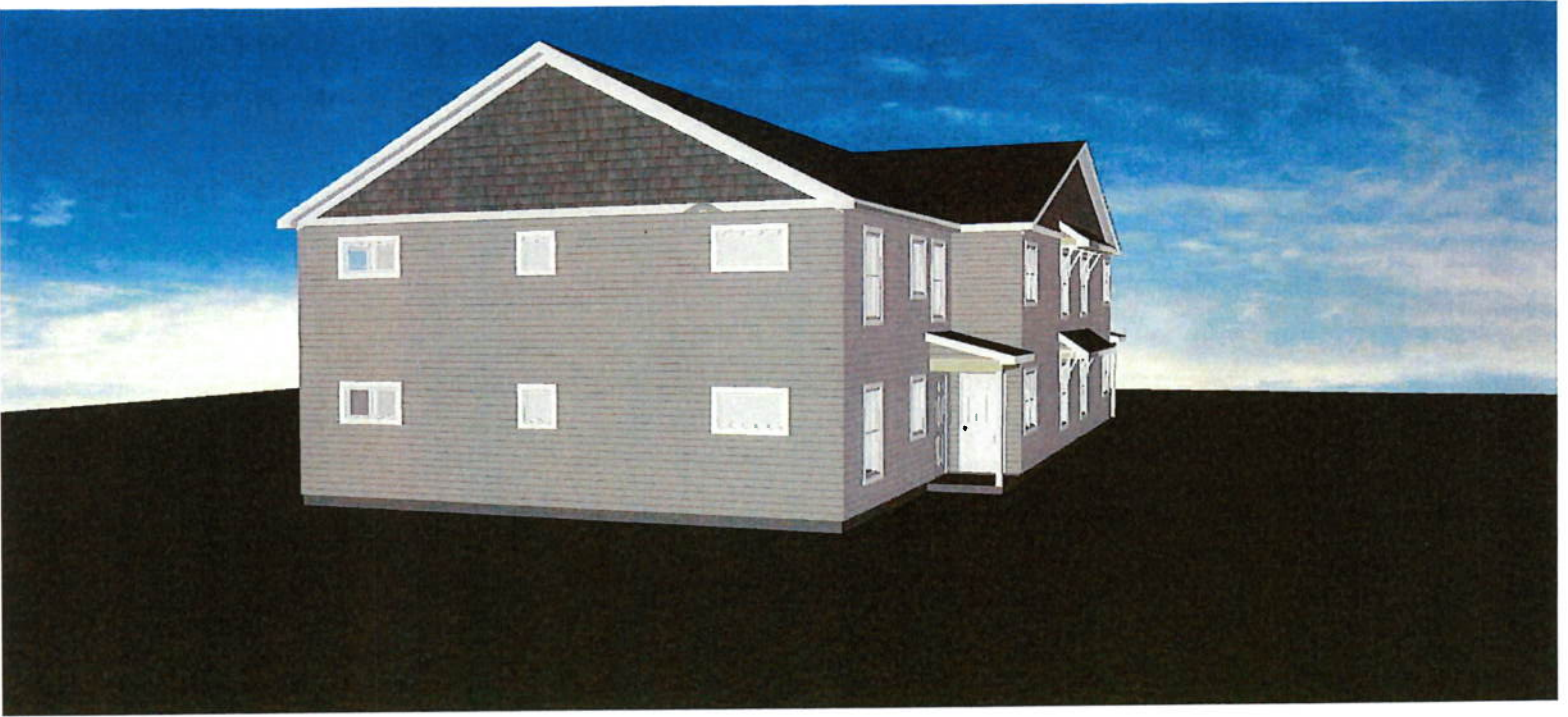
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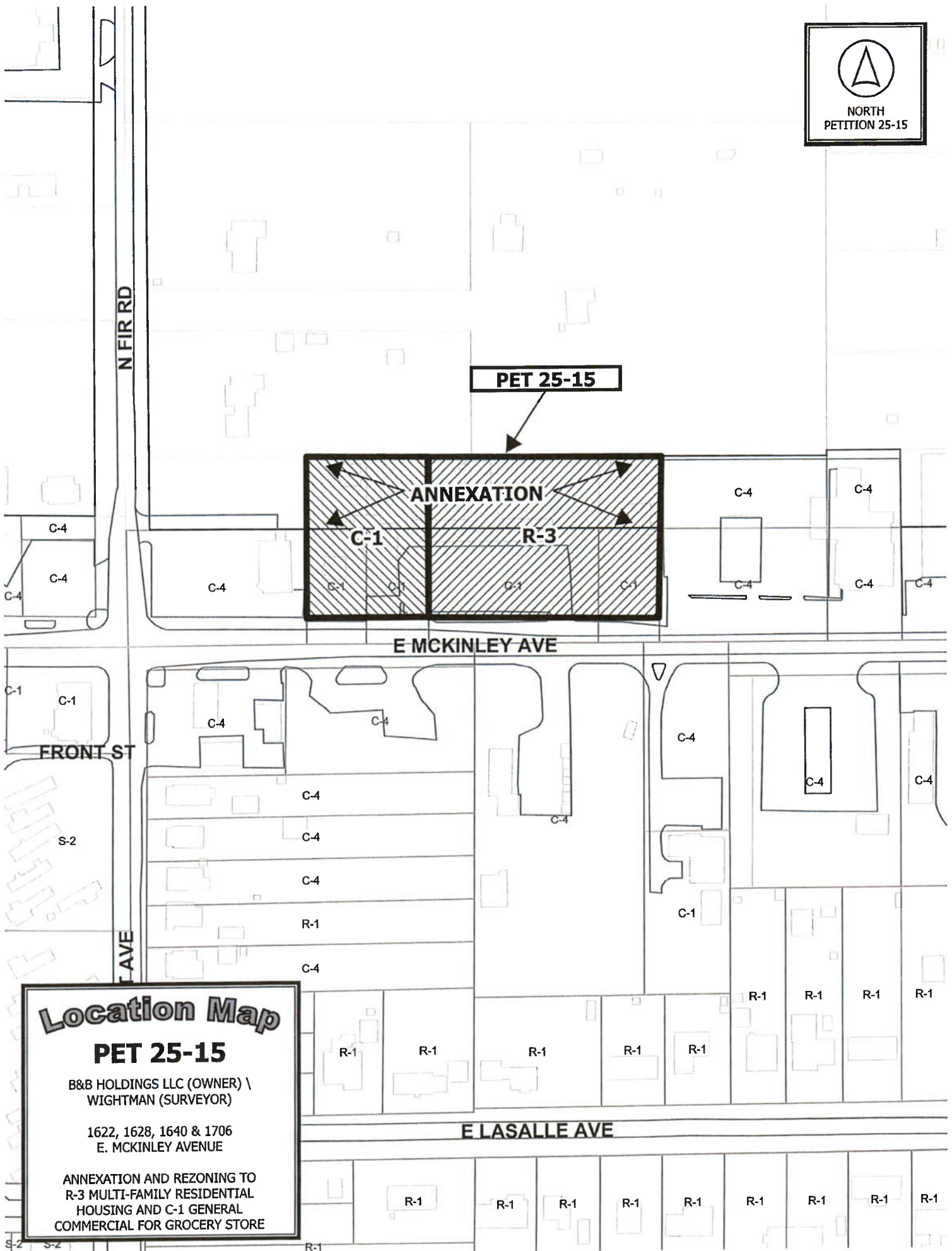
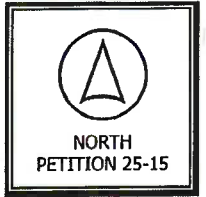
PRELIMINARY ONLY
NOT FOR CONSTRUCTION











Location Map

PET 25-15

B&B HOLDINGS LLC (OWNER) \
WIGHTMAN (SURVEYOR)

1622, 1628, 1640 & 1706
E. MCKINLEY AVENUE

ANNEXATION AND REZONING TO
R-3 MULTI-FAMILY RESIDENTIAL
HOUSING AND C-1 GENERAL
COMMERCIAL FOR GROCERY STORE