

**APPEALS FOR THE PROPERTY LOCATED AT: 14325 & 14233 (PRE-ANNEXATION)
CLEVELAND ROAD (INCLUDING FIVE TAX PARCELS
Conditional Use for Underground Fuel Storage Tank – NW corner of E. Cleveland Road &
Capital Avenue**

Mike Danch, President at Danch, Harner & Associates located at 1643 Commerce Drive, South Bend, IN 46628, spoke in favor of **RESOLUTION R2026-16**. Mr. Danch stated he was representing the petitioner which was Mishawaka RE LLC. Mr. Danch apologized to the Council for not being at the last meeting as there was miscommunication on whether he needed to be at the public hearing and they thought it was a first reading and he apologized for that. Mr. Danch stated before them was a request for conditional use and this was the Gurley Leep Auto Mall up on Cleveland Road, the northwest corner of Cleveland and Capital Avenue. Mr. Danch stated this was about a 72-acre site. Mr. Danch stated he had been before the Council in 2022 and 2024 for the annexation and also the rezoning to a PUD for the piece of property in question and then they came back in 2025 and had asked for some approval of developmental standards for the site as well. Mr. Danch stated they had a situation where back in 2022 and 2024 when they had asked for the annexation and the rezoning, they knew that this piece of property was in the vicinity of the Mishawaka Wellfield site that was down on Douglas Road. Mr. Danch stated at the time that they had done the development and what they could see on the site plan, it was a layout for an auto mall concept that had about six or seven developments. Mr. Danch stated what it also had was a repair and a maintenance facility that could be seen on the plan as well as administrative offices, a car wash facility, and then there would be some future development that would be handled as part of the repair and maintenance facility. Mr. Danch stated there was also going to be a private fueling center and that would be strictly for the dealerships so they had a place to refuel the new cars that were coming in on the line and also for the pre-used cars that were there and it would not be public. Mr. Danch stated the maps that were available for what is called the five-year and ten-year times of concentration, which affected any kind of pollution that could happen to the Wellfield site, had actually bisected their 72 acres and because of that, they had planned to put the fuel center as far north as possible that was outside of the five-year time of travel and the location. Mr. Danch stated they went through the next two years doing reiterations for the development and the owner worked with the facilities for the different dealerships for the plan that the Council saw before them that evening. Mr. Danch stated that took two years of going through and citing the different dealerships, how the water and sewer was going to work, and how the drainage system was going to work for this particular facility, how all of the utilities were going to get to the site, the water lines, electric, and everything that could possibly happen. Mr. Danch stated there were a lot of conversations with the different Mishawaka as part of the development and there were a lot of money expenditures for future improvements to Cleveland Road and also to bring up Veterans Parkway from the south where it sat at that time across from the farm ground south of them to bring it up to the intersection of Cleveland Road, which would be the main entrance into the auto mall site. Mr. Danch stated when they got to the final part where they were at currently doing the final site plans and doing everything else that they saw on this particular situation, the maps had changed. Mr. Danch stated that was not known to them until about three weeks ago that instead of the site being bisected by the five-year and ten-year

time of travel, their entire 72 acres was now encompassed by the five-year time of travel, so that ten-year when it was on their site had actually been pushed further to the northeast and to the north. Mr. Danch stated the five-year time of travel in their particular situation not only covered their site but actually went north of the toll road and went east of Capital Avenue, which was not what was shown to them with the maps when they had done this particular development. Mr. Danch stated on 2025, the Council approved their wellfield ordinances and what that specifically did was that for anything that was in that five-year time of travel, if there were certain types of uses that could potentially affect the wellfield site, they had to go through an additional procedure which was called a conditional use. Mr. Danch stated if they were in the ten-year time of travel then you did not have to go through that and that was one of the reasons what they had placed the private facility where they did on the site and kept it outside of that so that there would not be an issue with the wellfield site. Mr. Danch stated because of the situation where the maps had been revised after already going through all of their development and planning process, they had conversations with the city to see how they could handle this particular situation. Mr. Danch stated the city suggested that they ask for conditional use and had explained different maps that had occurred and that they used for planning and that was what they were present that evening for. Mr. Danch stated because they were putting an underground fuel tank at the private facility, they would meet all of the state codes, all of the local codes, and anything else that was required. Mr. Danch stated there would be a double tank system and a monitoring system that was actually an alarm system for the tank that went in. Mr. Danch stated when you had a double-line tank, you had two sensor units for both of the conditions and there was also an automatic shut off for the fuel pump so that would be taken care of at the same time. Mr. Danch stated these were all the latest technologies for this type of system in order to protect the wellfield site. Mr. Danch stated they had made the discussions with staff and had taken a look at what they had proposed to do and they were given a favorable recommendation if the met all of the requirements. Mr. Danch stated one of the other conditions that they would also be doing as part of the development was that there would have to be detailed plans given to all of the departments in Mishawaka for them to review and approve. Mr. Danch stated he personally talked to Dave Majewski, Manager of the Water Department for the City of Mishawaka, to explain to him what they planned on doing and he did not have a concern as long as the Indiana standards were met for any possible contamination impact studies that could potentially happen. Mr. Danch stated one of the things that happened when you had a wellfield site was that after it was in operation, they went back and revised the maps and then they took a look at that, so he could not them that in a couple of years or however long that the situation worked that the time of travel areas might get larger and that was just one of the aspects on how they did the science and the engineering for a wellfield site for its protection. Mr. Danch stated what they were asking for that evening was to have a conditional use approved for the fuel tank center because of the maps being changed and if they met all of the conditions that the staff recommended as well as the state and local codes for protection of the wellfield site. Mr. Danch stated if the Council had any questions for him, he would be glad to answer them.

Mr. Banicki asked how many tanks they were going to have. Mr. Danch stated they would just have a single tank and what he was told was that it would have approximately a 15,000-gallon

capacity. Mr. Banicki stated he asked because not all cars held the same kind of gas with some taking premium, some taking regular, and some taking diesel. Mr. Danch stated he believed besides the size of the tank, it would probably be almost like a gas station where you might have regular and premium. Mr. Danch stated there was no diesel that he knew of in this instance. Mr. Banicki asked who would be monitoring the tanks and everything involved with the tanks. Mr. Danch stated the Gurley Leep group would be monitoring the tank as part of the entire campus, because they would continue to own all of the property that was out there, so they would be in charge of monitoring the system. Mr. Banicki stated he knew he mentioned Gurley Leep, but there had to be one person that would be personally responsible and asked who that would be. Mr. Danch stated the owners of the property, Mish RE LLC, would be responsible. Mr. Banicki asked specifically who would be watching the alarms and who was going to keep their eye on things. Mr. Danch stated that would be the maintenance facility that they saw at the building. Mr. Banicki stated it sounded like an unmanned type of situation. Mr. Danch stated it would be monitored 24 hours a day. Mr. Banicki stated electronically but not physically. Mr. Danch stated it would be monitored electronically, yes.

Mr. Hixenbaugh stated Mr. Banicki's questions were well taken and he would have preferred to hear a little bit more detail with regard to exactly how this was going to be monitored and noticed a representative from Gurley Leep wanted to provide more details, so he allowed the gentleman to have the floor.

Chris Pustelak, Gurley Leep Automotive 54610 29th Street South Bend, IN 46635, spoke in favor of **RESOLUTION R2026-16**. Mr. Pustelak stated they would have it monitored electronically but the maintenance crew right next door to the property would be the ones who knew when the trucks came in to fill the tanks at all of the levels and they would be monitoring that completely all day. Mr. Pustelak stated they also had a security department that would be there and when you entered the front gate, there was a building there and there would be a person there responsible for making sure no one came in that shouldn't and making sure everything was taken care of. Mr. Pustelak stated they would have security systems all over the place and it was 24/7 even though that person would not be there 24/7, but multiple people would be doing that. Mr. Pustelak stated the alarm system would route to that, route to the maintenance building, and then, like anything else, he would have his phone with him, and it would go to their phones as well. Mr. Pustelak stated there would be someone monitoring it and it would not be one person; it would probably be three or four people.

Mrs. Voelker asked for clarification if they would have security on site 24 hours a day. Mr. Pustelak stated yes, because they had to have somebody there since they had multiple acres of vehicles and they would have somebody at the front gate. Mr. Pustelak stated they would also have parts deliveries that came in at night, so the back gate would be closed then opened back up so that the deliveries could come back in. Mr. Pustelak stated they also would have plenty of cameras around the facility and they adhered to the dark sky committee to keep it dark so that no one would be able to see it from the street, but they would have that lit up with cameras and also

would have audio out there in case somebody did show up or sneak through the side off of Capital or some other place, so they would have people there 24/7.

Mr. Carroll stated the Council had come up against this before with a different site and asked if they would have monitoring wells or what the monitoring system set up would be and if they were using monitoring wells, how many of those there would be. Mr. Danch stated it was the monitoring system for the tanks themselves, so there was basically an alarm system that went into the tanks, so if there was the slightest leak it would be detected because the alarms would go off and let somebody know that there was an issue so that the maintenance could come out and take care of that situation. Mr. Danch stated one of the other things that they had to do was have a water quality drainage plan for the entire site, because you had pavement and everything else with potentially petroleum byproducts that had to go into a water quality system that also had to be approved by the City of Mishawaka and the actual people that were doing the engineering had been working with Mishawaka's Engineering Department to take care of all that situation before anything every got built out there and that was what they had been doing for the last year or so. Mr. Carroll asked if that was something that would be monitored from Mishawaka's wells or if there would actually be something that would tap into the water. Mr. Danch stated this would be on site and then the system that they used for drainage for water quality control was basically if any water was coming off of that pavement, it went into a system that was a baffle system that basically separated out the petroleum byproducts, so any of the water that was going into a retention area or what they called underground drainage areas, that would be clean water. Mr. Carroll stated if he recalled, the last issue they had was Casey's and they said that they also had people specifically trained on how to mitigate and deal with any surface spills at a moment's notice if the alarm went off and they had been trained to go out, put certain things down, contain that, and then report it right away. Mr. Carroll asked if they would be giving that level of training to the people responsible for monitoring. Mr. Pustelak stated they would be doing the same thing and they had to do that and at that time they had oil spill in their dealership and they were changing oil and they had a new person and they knocked it over and they had oil all over the place, they trained them on how to deal with that and it would be the same thing in this instance. Mr. Pustelak stated this was as similar of a situation as any gas station had and it was not like they were just putting in a rubber tank and they were doing the same kind of consistent facilities that gas stations had, so their people had to know it and be able to do it. Mr. Pustelak stated there would be only one kind of fuel, regular fuel, and they could not put premium and diesel in the tanks. Mr. Pustelak stated diesel trucks would have to go down the street to somebody else, and they would only have one tank of one type of fuel. Mr. Carroll stated that if the surface spill happened, he assumed they had normal drains down there and asked if that was what they were saying connected to the system that separated it out for retention. Mr. Danch stated yes, that was the baffle system that got used and there were things called storm sectors and basically what happened was the petroleum byproducts floated to the top and those were taken off and was cleaned out, so there was maintenance that had to happen and those and was checked. Mr. Danch stated usually depending on the amount of time, usually when you put those in at first, you checked it every two months just to see if there were any issues and that gave you your timeframe for doing the maintenance for that system. Mr. Danch stated if at some point in time

that baffle system needed to be replaced, it could be and that was what they were starting to see now for all of the types of sites that they had to start doing. Mr. Danch stated water quality was becoming a very important issue, so even if you were not doing a fuel system, they were starting to ask for that kind of water quality no matter what.

Mr. Mammolenti asked for Mr. Prince to approach the podium. Mr. Mammolenti stated he knew that the two gentlemen mentioned that they had spoke to Mr. Majewski and he seemed to be fine with this, but in his absence, he just wanted to get Mr. Prince's thoughts and he knew they had great and detailed conversation in this regard a few years ago, so he thought it was a great opportunity to get his thoughts on everything.

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke before the Council. Mr. Prince stated as the Council recalled, when they enacted the wellhead protection land use ordinance, they very specifically had different regulations for the one-year time of travel and the five-year time of travel, so with the one-year time of travel, if they remembered the Casey's site, that was within the one-year time of travel and that was only hundreds of feet away from the nearest well. Mr. Prince stated the difference in this case was this was thousands of feet from the nearest well and in the five-year time of travel, so when they adopted that ordinance because the footprints were so large for the time of travel, they thought it was very important to prohibit anything within the one-year time of travel but they would have the opportunity to review anything as a conditional use which was what was being requested for anything in the five-year time of travel. Mr. Prince stated using the site in question as an example, if you had a 70-acre site and you considered where you were going to put it, they had chosen with the city's guidance to put it as far away from the wellfield as possible. Mr. Prince stated to answer Mr. Mammolenti's question, he believed the ordinance that was adopted was working correctly and that was part of the reason why they were locating the fueling station as far away as they could from the wellfield in respect to protecting the city's water system. Mr. Mammolenti thanked Mr. Prince for that explanation and asked with that being said, even with the proposed location being the furthest north and far away from the wellfield, if he still felt confident that their wellfield was protected. Mr. Prince stated yes and as Mr. Danch indicated, Mr. Majewski just wanted to make sure that they would meet the same requirements as a fueling station would like a Casey's would in terms of the double wall tanks and the inspections that occurred provided that he was comfortable with the proposal as submitted. Mr. Mammolenti thanked Mr. Prince.

Mr. Hixenbaugh stated since he started the dialogue with regard to the monitoring, he appreciated that clarification. Mr. Hixenbaugh stated in hindsight that would have been good for that to be shared on the front side, but he appreciated the information nevertheless that was very useful, so he was at least satisfied by what he heard. Mr. Hixenbaugh stated with regard to some of the dialogue that Mr. Mammolenti and Mr. Prince had and the overall thought he had on this topic, he did not think it would be impossible for him to ever support this type of condition of use within the five-year time of travel but he would have some additional concerns and reservations but for at least three factors. Mr. Hixenbaugh stated his first was that he thought that

the conditions of approval that were built into the ordinance that was before them were very well done and addressed the use that was being proposed. Mr. Hixenbaugh stated he also had a fair amount of confidence in Gurley Leep as a good corporate citizen that they were going to keep the commitments they had made in writing and verbally that evening with regard to what they were talking about here. Mr. Hixenbaugh stated most importantly in his mind, it was a matter of fundamental fairness and Mr. Prince and Mr. Danch hit the nail on the head with that. Mr. Hixenbaugh stated they invited Gurley Leep to locate the facility exactly where they did and they did what they asked them to do as part of the prior approvals of the project. Mr. Hixenbaugh stated to him, it would be fundamentally unfair now at that point in time because of the shift in the map to pull the rug out from underneath them and to not allow them to move forward. Mr. Hixenbaugh stated for those reasons, he was going to support the matter but again, he thought as future requests for conditional uses came to them that did not have the same characteristics, it would be incumbent upon the Council and in the best interest of the community for them to apply a fair yet rigorous amount of scrutiny to these type of requests.

Question was called for at 6:26PM for **RESOLUTION R2026-16 Motion passed by majority roll call vote (summary: Yes = 8 No = 1).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh.

No: Mr. Banicki. The resolution passed 8-1.

RESOLUTION R2026-17

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
Adding Parcels to the City Acquisition List

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **RESOLUTION R2026-17**. Mr. Prince stated they were looking to add another property to the Union Street widening and this was 1115 South Union Street which was immediately to the north of the former 331 Inn, which had recently been completed in terms of its removal, and they also had the property immediately to the north of the proposed acquisition. Mr. Prince stated with this

acquisition, it would provide all of the frontage between 12th Street and 13th Street, which they thought was important for two reasons. Mr. Prince stated the first reason was the future widening of Union Street but secondly when they were removed, they would both create new single-family sites that faced both 12th Street and 13th Street instead of Union Street. Mr. Prince stated as the redevelopment happened, they believed that residential redevelopment infilled use would fit in perfectly into that neighborhood and would remove the accesses directly from Union Street which was their ideal situation. Mr. Prince also noted that they would not make any decisions on the redevelopment until after the road was completely engineered and that had not happened as of yet. Mr. Prince stated they were working with Code when they contacted the property to the north of the one in question and they had specifically reached out to the property owner, and they had an interest in selling and that was how the acquisition came up. Mr. Prince stated the property did not come up for sale publicly and they had reached out proactively and that was why they were before the Council that evening. Mr. Prince stated he was happy to answer any questions the Council had.

Mr. Hixenbaugh stated as he said before, he appreciated the proactive future thinking and the incremental way they were tackling this long-term project. Mr. Hixenbaugh thanked Mr. Prince for the work he had done on this. Mr. Prince thanked President Hixenbaugh for his comments.

Question was called for at 6:30PM for **RESOLUTION R2026-16 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 9-0.

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

PROPOSED ORDINANCE NO. 2026-06

AN ORDINANCE ADOPTING REVISED RATES AND CHARGES FOR WATER SERVICES FURNISHED TO THE CITY OF MISHAWAKA'S MUNICIPAL WATER UTILITIES

**Amending Water Rates & Charges
(Requesting Postponement to May 18th)**

Based on the request made by the Administration, at that time, the Chair entertained a motion to postpone the second reading and public hearing on **PROPOSED ORDINANCE NO. 2026-06** until their next regularly scheduled common council meeting on May 18, 2026. Mr. Banicki moved the motion and with a second from Mr. Violi, a voice vote was held. The motion passed unanimously and the matter was postponed.

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)
(Requesting Postponement)**

The Chair entertained a motion to postpone the second reading and public hearing on **PROPOSED ORDINANCE NO. 2026-13** until their regularly scheduled common council meeting on June 1, 2026, at the request of the petitioner. Mr. Banicki moved the motion and with a second from Mrs. Voelker, a voice vote was held. The motion passed unanimously and the matter was postponed.

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

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

Nathan Flickner, 1402 East Mishawaka Avenue, Wightman, spoke in favor of **PROPOSED ORDINANCE NO. 2026-14**. Mr. Flickner stated he was representing the petitioner and this was currently a bank out in front of Meijer and they were going to try to retrofit that into a fast-food restaurant. Mr. Flickner stated it would look good with the restaurants that were there in that area with Taco Bell, Wendy’s, and McDonald’s all right there. Mr. Flickner stated the building was already a drive thru as it already had two entrances and exits. Mr. Flickner stated it was the petitioner’s dream to make it a fast-food restaurant and he was working with their architecture and the restaurant to see if they could get the kitchen design to work and everything in there, but they really needed the zoning to move forward if they wanted to go any further with it.

Ms. Hahn commended the developer for trying to repurpose a building as opposed to tearing it down and building new. Mr. Flickner stated it would be a fun project. Ms. Hahn wished everyone good luck.

Mr. Carroll asked considering this and trying to make sure they understood the full decision, if he was at liberty to say who wanted to develop this. Mr. Flickner stated yes, it was Freddy’s and they were becoming very popular in Southern Indiana, Southern

Illinois, Kentucky, and Tennessee. Mr. Flickner stated they just did one last year for the same client in Elkhart and they bought the old theater over there and then did a minor sub and cut themselves out a lot and that one was very successful. Mr. Carroll asked what type of fast food it was. Mr. Flickner stated it was comparable to Culver's and had smash burgers and somewhat of the same menu.

Question was called for at 6:37PM for **PROPOSED ORDINANCE NO. 2026-14 Motion passed by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5983.**

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 (Public Hearing – No Vote)

Andy Heltzer, Danch, Harner & Associates, spoke in favor of **PROPOSED ORDINANCE NO. 2026-15.** Mr. Heltzel stated he was representing the petitioner and this annexation was for the purpose of developing the lot into two smaller single-family residential lots that would eventually go through the minor subdivision process if it passed annexation. Mr. Heltzer stated the rezoning was sticking with a compatible use to the neighborhood remaining single-family along with all of the other surrounding uses. Mr. Heltzel stated he was happy to answer any questions.

Mr. Carroll asked which properties were the contiguous properties. Mr. Heltzel stated he believed it was the north and then east across Kline Street.

Mr. Emmons asked for clarification if the address was 13151. Mr. Heltzel stated he believed it was 13511 East 6th Street. Mr. Emmons stated it just caught him by surprise when he read it that the East 6th Street was that far east. Mr. Heltzel stated he believed it was split at some point and there might be some properties separated into two segments.

Mrs. Hazen asked if there had been conversations with the homeowners in the area and if they were aware of the proposed annexation. Mr. Heltzel stated it was possible that the developer had heard from them and he had not had any conversation with them or heard anybody reach out.

Mr. Hixenbaugh stated he thought this was an admirable proposal and he was certainly inclined to support it, but he asked that Mr. Heltzel pass along to his client given the proximity to the little league park and the difficulty that parents such as himself had faced for years to get in and

out of that site, if as part of the construction process they could be really sensitive to the proximity to the little league park, he thought that would be well received by all of them in the community. Mr. Heltzel stated he would absolutely relay the information. Mr. Hixenbaugh stated he appreciated that.

Pursuant to Indiana law, the public hearing on **PROPOSED ORDINANCE NO. 2026-15** was closed at 6:42PM and was set for final action at their next regularly scheduled council meeting.

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

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

Mr. Banicki stated in light of the petitioner not being available that evening, he proposed that they postpone the matter until their next regularly scheduled council meeting. Mr. Mammolenti seconded the motion, and a voice vote was held. The motion passed unanimously and the matter was postponed until May 18th.

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
(Public Hearing – No Vote)**

Nathan Flickner, 1402 East Mishawaka Avenue, Wightman, spoke in favor of **PROPOSED ORDINANCE NO. 2026-17**. Mr. Flickner stated this was up on McKinley and there was a motel there that had a fire and their client came to them, and he wanted to rebuild the hotel. Mr. Flickner stated they did not think this would be a good one to just retrofit and they would be completely taking down the motel and redoing some multi-family townhome styles of buildings there. Mr. Flickner stated the petitioner also owned the property east and west of the motel that

burnt down and they were going to put a couple of units on each one of those and then keep the restaurant and redo the parking and the curb. Mr. Flickner stated they really just wanted to redevelop the area as it was an eyesore at that time and they were really glad somebody was trying to develop it into something. Mr. Flickner stated they also needed to annex half of the property into the city and wanted to make it contiguous to all of Mishawaka and redevelop that whole section there.

Mr. Violi stated he was really glad to hear this. Mr. Violi stated he and Mr. Prince had a couple of meetings with other people that were going to try to remodel it and asked what would be torn down. Mr. Flickner stated everything would be demoed except the restaurant. Mr. Violi asked if money would then be going into the restaurant to fix it up as well. Mr. Flickner stated yes and they would be redoing the fascia and everything out there and he believed they already had the landscape and everything that went into that and they were planning on really brightening up that area. Mr. Violi thanked Mr. Flickner.

Mrs. Voelker stated it was certainly an eyesore and asked if this was the Asia Market building that he was referring to as the restaurant. Mr. Flickner stated yes and they would be converting it into a restaurant. Mrs. Voelker stated that would be a miracle and it was rough looking at that time, but she was sure the Building Department and Planning Department would be monitoring that and she would love to see the plans for what that would look like. Mrs. Voelker asked in regard to the residential units that were being proposed, if they would be short-term rentals or long-term rentals. Mr. Flickner stated they would be for more long-term rental and they would be year-to-year leases. Mrs. Voelker wished them best of luck.

The public hearing on **PROPOSED ORDINANCE NO. 2026-17** was closed at 6:49PM and pursuant to Indiana law, the Council would take final action on this matter at their next regularly schedule council meeting on May 18, 2026.

NEW BUSINESS

Mr. Carroll made an announcement that the 2nd District Neighborhood meeting would take place on Thursday May 14th at 7PM at the Blair Hills Pool Complex Common Room and all Mishawaka residents were welcome to attend.

ADJOURNMENT 6:50PM

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.