



AGENDA

June 01, 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#

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 May 18, 2026

5. Petitions, Communications, Remonstrance, and Memorial

Appeal No. 2026-25 Use Variance for Volunteer Training and Operations Facility in R-1 Single Family Residential - NE corner of E. McKinley & Division St.

Appeal No. 2026-26 Use Variance to allow Liquor Store and Retail Dales development Variance for Reduction of Parking - 1217 E. McKinley

Petition No. 2026-13 Rezone from I-1 Light Industrial to R-1 Single Family Residential for a New House - West side of Elder Rd. Approx 2,470' South of Day Rd.

Petition No. 2026-14 Rezone from I-2 Heavy Industrial to R-1 Single Family Residential for an existing Legal non-conforming Residential House - 3616 York St.

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2026-20 Use Variance to allow for a 4 Tenant Building with 2 Drive-Thrus - Property South of 4840 N. Main Street

R2026-21 Use Variance for Counseling Center - 327 W. Colfax

9. Ordinances on Second Reading

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) **Withdrawal Requested**

P.O. No. 2026-19 Amending Ord 5926AA Establishing Boundaries
for Water and Sewer Service Outside City
Limits. **(Assigned to Land Use Planning
Committee) Amendment Requested**

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An archived version of the livestream video can be viewed on the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

May 18, 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 May 18, 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 (P), Mrs. Voelker (P), Mr. Carroll (P), Mr. Banicki (P), Mr. Emmons (A), Ms. Hahn (P), Mr. Mammolenti (P), Mr. Violi (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

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.

Minutes for the Regular Meeting on May 4, 2026, were approved as received from the Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals regarding their recommendation from their May 12, 2026, meeting.

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

PROPOSED ORDINANCE NO. 2026-19

**AN ORDINANCE AMENDING ORDINANCE 5926 AS AMENDED AFFIRMING,
AUTHORIZING, AND ESTABLISHING BOUNDARIES FOR MISHAWAKA
UTILITIES TO FURNISH WATER AND SEWER SERVICE TO THE PUBLIC OF UP
TO FOUR MILES OUTSIDE OF MISHAWAKA CITY LIMITS
Amending Ord 5926AA Establishing Boundaries for Water and Sewer Service Outside of
City Limits
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NI. 2026-20

**AN ORDINANCE ESTABLISHING THE MISHAWAKA UTILITY RATE ASSISTANCE
PROGRAM
(Petitioner requesting Second Reading)**

The chair entertained a motion to waive their regular council rules and conduct first and second reading on **PROPOSED ORDINANCE 2026-20** that evening under New Business. Mrs. Voelker moved the motion and with a second from Mr. Banicki, a voice vote was held on the motion. The motion passed unanimously and the matter would be heard under New Business.

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

RESOLUTION R2026-18

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: PROPERTY NORTH OF 1622, 1628, 1640 & 1706 E MCKINLEY AVENUE

Fiscal Plan for annexation of 1622, 1628, 1640, and 1706 E. McKinley Avenue

Christa Hill, Senior Planner with the Planning and Redevelopment Department for the City of Mishawaka, spoke in favor of **RESOLUTION R2026-18**. Mrs. Hill stated this was 0.87 acres that were on the north side of East McKinley approximately 220 feet east of Fir and behind or north of the properties that were listed. Mrs. Hill stated 1622 was a home, 1628 was the former ethnic food store that was now being used as a restaurant, 1640 was a motel, and 1706 was another single-family home. Mrs. Hill stated since the 0.87 acres was next to a property that was already in the city, it met the 50% contiguity, which was more than the 12.5% that was required by state law. Mrs. Hill stated the former food store had already been converted into a restaurant and the west half of the property would be zoned C-1 and they would provide their own parking area designated for the restaurant. Mrs. Hill stated the hotel where the remainder of the property was damaged by a fire about a year ago and it would be demolished and thirty-nine new apartment units would be constructed on that side, and the east half of the property would be zoned R-3. Mrs. Hill stated as with all fiscal plans, they sent it out to all city departments to make sure that they could serve it without additional expenditures seeing that half of the property was already in the city and some of the improvements extended into the unincorporated area and they wanted it all to be in the city when they redeveloped it.

Mr. Violi asked for clarification if the motel and two houses would be demolished and if they were voting on that. Mrs. Hill stated that was correct regarding the demolitions, but she did not know if they were voting on it in particular. Mr. Violi stated to him, the annexation was contingent on that and that was what the plan would be, and he just wanted to make sure he understood it correctly. Mrs. Hill stated that was the plan and they had a preliminary site plan that showed three 12-unit apartment buildings that would cover where the hotel was and the house on the east side. Mrs. Hill stated the house on the west side would be demolished for parking for the restaurant. Mrs. Hill stated they would also have to go before the Plan Commission with the site plan process to cross all of the T's and dot all of the I's for building

height, landscaping, parking spaces width, and other things. Mrs. Hill stated there would be another step after the vote from the Council that evening.

Question was called for at 6:08PM for **RESOLUTION R2026-18 Motion passed by majority roll call vote (summary: Yes = 8 No = 0).**

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

RESOLUTION R2026-19

**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: 13511 E. 6TH STREET MISHAWAKA, IN 46544 – NORTHWEST CORNER OF KLINE STREET AND E. 6TH STREET
Fiscal Plan for annexation of 13511 E. 6th Street**

Derek Spier, City Planner for the City of Mishawaka, spoke in favor of **RESOLUTION R2026-19**. Mr. Spier stated this property was $\frac{3}{4}$ of an acre property and the owner desired to annex it into the city and to zone to R-1 Single-Family District. Mr. Spier stated in the future, they were proposing to split the property into two lots to construct two new single-family homes. Mr. Spier stated the property was 45% contiguous to the existing city limits, so it met the one-eighth contiguity requirement. Mr. Spier stated when the fiscal plans were done, they forwarded them to all the departments for review to see if they could service this without any increase in their budget and they said they could service it without any additional expenditures and also the cost of connecting utilities to the two sites would be born on the owner to do so. Mr. Spier stated he was happy to answer any questions the Council had.

Question was called for at 6:10PM for **RESOLUTION R2026-19 Motion passed by majority roll call vote (summary: Yes = 8 No = 0).**

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

RESOLUTION R2026-20

**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: SOUTH OF 4840 N. MAIN STREET
Use Variance to allow for a 4 Tenant Building with 2 Drive-Thrus – Property South of 4840 N. Main Street**

Mrs. Voelker made a motion to postpone the public hearing on **RESOLUTION R2026-20** until their next regularly scheduled council meeting as the petitioner was not present that evening. Mr.

Banicki seconded the motion, and a voice vote was held on the motion. The motion passed unanimously and the matter was postponed until their meeting on June 1st.

RESOLUTION R2026-21

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: 327 W. COLFAX Use Variance for Counseling Center – 327 W. Colfax

Mr. Violi stated based on the Board of Zoning Appeal's unfavorable recommendation and a conversation he had with one of the members, he made a motion that they postpone the public hearing on **RESOLUTION R2026-21** until their next scheduled meeting on June 1st to confirm there had been discussion between the applicant and the neighbors. Banicki seconded the motion and a voice vote was held on the motion. Prior to the voice vote, Mr. Hixenbaugh added that there were some technical corrections that needed to be made with regard to the proposed resolution and his fear from his standpoint was that he would not be able to vote in favor of the matter if he was so inclined based upon those technicalities, so he also supported the postponement for that reason. The motion passed unanimously and the matter was postponed until their meeting on June 1st.

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 THE WATER SERVICES FURNISHED BY THE CITY OF MISHAWAKA'S MUNICIPAL WATER UTILITY Amending Water Rates & Charges

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

Mayor Dave Wood spoke in favor of **PROPOSED ORDINANCE NO. 2026-06**. Mayor Wood stated he would not ask the Council to support a rate increase of their utilities without coming before them and letting them know he supported it. Mayor Wood stated they were all familiar with their small, but mighty, nonprofit water utility and it was a world-class operation. Mayor Wood stated it distributed over two billion gallons of water to their 17,000 customers through 332 miles of water main. Mayor Wood stated these decisions were always tough and they always hated raising rates. Mayor Wood stated they were very judicious when it came to raising rates and they tried to make sure that they were great value and they provided a great service and he was confident that they did. Mayor Wood stated ten to fifteen years ago, he talked about their

strategic advantage being that they were blessed to have unlimited water right there in Mishawaka and since those days, you heard more and more about water insecurity and that would continue to be something they would hear about. Mayor Wood stated there were communities fairly close to them and throughout the country that would struggle with providing a simple, basic necessity of life such as clean portable drinking water. Mayor Wood stated they did not have to worry about that in Mishawaka and they did so at rates that were competitive anywhere you cared to look, but especially locally. Mayor Wood stated they were among the lowest utilities in the state and locally they were among the most competitive for an outstanding product and service. Mayor Wood stated when it came to their water utility, their citizens could completely take it for granted and they would be fine with that because they did the hard work to make sure that they could take it for granted and they did not shirk their responsibility. Mayor Wood stated rate increases were what allowed them to maintain their system and keep it at the highest levels. Mayor Wood stated with regard to this rate case, it would support a \$38 million filtration plant upgrade, a plant where its filters had not been upgraded or touched for 60 years and it was the plant that the Council had the opportunity to tour and hopefully they saw the need and the need was getting imminent. Mayor Wood stated they were thankfully able to get their Juday Creek filtration plant and get that done so that they could completely take a plant offline and renovate it. Mayor Wood stated they were not able to do that before but now they could, thanks to Council support and the outstanding staff that they had. Mayor Wood stated they would take that offline and they would have to bond most of that and then the rates also supported the payment assistance plan that they would hear about later that evening and also pilot payment in lieu of taxes. Mayor Wood stated as they knew, they were running into some fiscal headwinds as a city and the city was the owner of their small and mighty nonprofit utility. Mayor Wood stated when you thought about the service that this provided and outstanding staff that operated this, he would put their water utility up against any others. Mayor Wood stated that also held true with their team of consultants who they would hear from, DLZ had helped them to plan the system, and they knew their system as well as anyone else. Mayor Wood stated Baker Tilly helped them to make sure their finances were in good order and they got audited, so he could assure their ratepayers and 17,500 customers that this was a top-notch operation but it was only top-notch because they did what was necessary and they were responsible with it as this was a basic necessity of life. Mayor Wood thanked the Council for their ongoing partnership to allow this operation to go so that they could deal with their responsibilities, maintain it, make sure that it was state-of-the-art and so that their customers could completely take clean drinking water for granted in the Princess City. Mayor Wood thanked the Council.

Matthew Lentsch, Executive Director of Development and Governmental Affairs for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2026-06**. Mr. Lentsch asked for the Council's support of the Mishawaka Utilities water capital and rate plan. Mr. Lentsch stated as they knew the process did not happen last week or a month ago, but the entire process of doing an audit on the infrastructure for their water plants happened over a year ago. Mr. Lentsch stated they spent all of that time working through not just the rate plan but going through the capital infrastructure that they needed to serve Mishawaka not just now but for years to come. Mr. Lentsch stated it had been done carefully and transparently with the Council and the

community, and they conducted informational meetings, neighborhood meetings, public discussions, individual meetings with the councilmembers, and tours of the Virgil water treatment plant. Mr. Lentsch stated at the end of the day, this discussion was not really about rates, it was about water security. Mr. Lentsch stated they had aquifers and were close to Lake Michigan and because of those aquifers, they had water security and they did their best to make sure that they were treating that resource very carefully. Mr. Lentsch stated this also had to do with public health as well as fire protection, infrastructure reliability, and regulatory water compliance. Mr. Lentsch stated one of the things he said to the Council before was that they never waited until anything was broken and they did their due diligence with Dave Majewski and his team and DLZ to make sure that they did not wait until things were broken. Mr. Lentsch stated they had a five-year rate plan that was based upon both the audit and looking at the operational costs as well as the infrastructure costs. Mr. Lentsch stated while nobody liked utility rate increases, what they were proposing was a disciplined, measured, stair-stepped approach designed specifically to avoid the kind of massive shock increases many communities had faced when they delayed action too long. Mr. Lentsch stated even with the proposed plan, Mishawaka Utilities remained among the most affordable composite utility provider in the state of Indiana. Mr. Lentsch stated in this region they were the lowest utility provider and they were in the lowest quartile in terms of most affordable. Mr. Lentsch stated just being affordable is not the only thing that matters, but it was about being reliable as well and they tried to balance that all together. Mr. Lentsch stated it mattered, because Mishawaka Utilities was not an investor-owned utility, they were a nonprofit municipal utility and they did not exist to generate profits for shareholders, they existed to provide safe, reliable, and affordable utility service to the community while responsibly reinvesting in the infrastructure residents depended on every day. Mr. Lentsch stated at the same time they were not avoiding affordability concerns and that evening the Council was going to be considering the Mishawaka utility rate assistance plan. Mr. Lentsch stated it was a targeted sustainable program designed to help vulnerable residents who truly needed assistance which reflected balance, compassion, and responsible governance. Mr. Lentsch stated Mishawaka had always succeeded when leadership worked together and they were blessed to be able to work alongside each other in Mishawaka. Mr. Lentsch stated he believed they had worked together throughout the past years to find not just the best rate, but what was going to be affordable yet served the purpose. Mr. Lentsch stated when the mayor, his administration, utilities, and the Common Council collaborated progress was not just possible, it was expected. Mr. Lentsch stated collaboration led to action and action delivered results and that evening was another one of those moments. Mr. Lentsch stated it was not about politics; it was about protecting the long-term future of the community. Mr. Lentsch stated Mishawaka had always prided itself on planning ahead rather than falling behind and that was the Mishawaka way. Mr. Lentsch asked for the Council's support in continuing that tradition.

Jeff Rowe, Baker Tilly, spoke in favor of **PROPOSED ORDINANCE NO. 2026-06**. Mr. Rowe stated he wanted to provide additional testimony and context behind the rate plan that was being discussed and considered that evening. Mr. Rowe stated the city went through a very in-depth comprehensive process to develop a rate structure and a rate plan that accomplished three goals in mind. Mr. Rowe stated the first goal was providing a rate structure that was sufficient for the

utility to meet its obligations. Mr. Rowe stated those obligations included operation and maintenance expenses, debt service associated with the funding of capital improvements, both outstanding and proposed bonds, cash funded capital needs of the utility, and funding payment in lieu of property taxes to help support the city as it navigated its way through the effects and impacts of SB1. Mr. Rowe stated the second goal was developing a rate structure that was affordable and the rate plan that was before the Council accomplished that in two ways with the water utility having some of the lowest rates, if not the lowest rates amongst its peers and within the state of Indiana and in addition to that, the rate assistance program that helped those most heavily impacted individuals or households in the community from an affordability standpoint and add an additional 5% credit to the total utility bill. Mr. Rowe stated thirdly, to develop a plan that was sustainable over the long-haul and that was because the city had looked at the next twenty years by doing a very in-depth asset management plan that looked at what those various needs would be and those replacement needs going forward over that twenty-year period. Mr. Rowe stated in terms of the rates, the comprehensive rate plan proposed a five-year rate phase-in with the average increase to the average monthly bill to be about \$2.25. Mr. Rowe stated the current water bill was \$33.95, so that rate would go up if the plan was eventually adopted to between \$2 and \$2.54 on a monthly basis for that five-year period. As Mr. Rowe stated for context, they may recall the sewer rate increase that was implemented was an average of about \$2.45 per month and going back even further, the electric increase was roughly \$4.50 on average increase over a five-year period. Mr. Rowe stated this rate structure was actually lower than some of the other increases that the city had experienced. Mr. Rowe stated looking at the water portion of the bill, right now the City of Mishawaka had of the nine peers that they identified, the fourth lowest water utility rate with the average being about \$33.95 compared to the lowest which was about \$16.95 and then the highest, which was \$58.99. Mr. Rowe stated in terms of the statewide average, the statewide average was \$39.52, so even when looking at the first phase increase that would go into effect if the rates were adopted, it would still be quite a bit below the statewide average. Mr. Rowe stated if they were to look at the utility bill as a whole when adding all of the other utilities to it, the city had the lowest amongst its peers. Mr. Rowe stated at that time the average residential customer would pay a total bill of about \$228 compared to the highest of its peers, which paid about \$290. Mr. Rowe stated this rate structure had affordability at the front of it and even with the increase it would still provide rates that were very affordable across the state of Indiana and amongst the peers of the city.

Mr. Carroll stated they had more of an inside look at the due diligence that went on Baker Tilly's end and Mr. Lentsch spoke about a little more in the cities and asked if he could give them a brief overview of the process that they all had to go through and what they were considering when they were coming up with the proposals for them. Mr. Rowe stated they always started by looking back, so they looked at what the historical trends from a financial perspective had been and what the trends in revenues were, what the trends were in operating expenses, and they were looking at all the cap cost categories. Mr. Rowe stated they were looking at the operation and maintenance costs, debt service requirements, and any other obligations that came along with issuance of debt, and then also the capital improvement needs, which was one of the higher drivers of any kind of rate adjustment. Mr. Rowe stated after looking at the last few years, from

there they used that as their baseline projecting forward and using information that was provided by management and also by looking at pro forma estimates based on what they anticipated and what the city anticipated changing going forward. Mr. Rowe stated they looked at all of that and developed what the annual revenue requirements were for the utility and then they went back into the rate increases that would be needed to meet the annual revenue requirements going forward. Mr. Rowe stated after that, they started looking at whether the rates were affordable and comparisons to other communities and then finally arrived at the rate structure that was being proposed. Mr. Carroll asked how long the process was from start to finish to cover all of that. Mr. Rowe stated it had been close to a year since they started, and it had been a good long in-depth process. Mr. Carroll asked for all who were listening or watching if they did look at all of the alternatives and the requirements for this and recommended what in his opinion was the best option. Mr. Rowe stated they did and they looked at various scenarios and a lot of the scenarios revolved around how they funded capital needs going forward, so they looked at how much the utility could afford to pay out of cash on hand or a pay go basis versus bonding. Mr. Rowe stated they also looked at various bond structures, as well as accelerated principal payments or delayed principal payments in trying to come back to a rate structure that minimized the overall increase but also provided frequent consistent increases over time. Mr. Rowe stated they looked at different scenarios around how they would fund the capital needs to eventually arrive at a point where they felt good about the amount of debt that was being proposed to be issued and funded through debt versus on a pay go basis. Mr. Carroll thanked Mr. Rowe.

Mr. Hixenbaugh stated he appreciated the thoughts and information Mr. Rowe shared that evening as well as the work he and Baker Tilly had done throughout the year-long process to continue to support their utilities. Mr. Hixenbaugh stated he talked for comparison purposes about the flat dollar increase and how that compared to their previous sewer rate increases and he believed Mr. Rowe mentioned the electric increase that the Council approved some time ago. Mr. Hixenbaugh stated the flat dollar amount of what was being proposed that evening was much less than either the sewer rate increase or the electric rate increase that had already been approved and asked if that was correct. Mr. Rowe stated that was correct. Mr. Hixenbaugh stated with regard to percentages, different people processed information in different ways. Mr. Hixenbaugh asked if they were going to assign a percentage to the increase, what would that be over the course of the five-year proposal. Mr. Rowe stated it would come out to about 5.8% per year over that five-year period. Mr. Hixenbaugh asked Mr. Rowe if he would agree with him that with regard to both the sewer rate increase that was previously approved as well as the electric rate increase that was approved, those were approved at a 3.75% increase and asked if that was accurate. Mr. Rowe stated yes and even though he did not have that exact percentage in front of him, that was pretty close to what the percentage was. Mr. Hixenbaugh stated one of the logical questions someone would ask was if they did 3.75% for sewer and they did 3.75% for electric, why is this percentage so much higher. Mr. Hixenbaugh stated he believed that was a logical question and he sensed that Mr. Rowe agreed with him and asked if it was in fact the case that the starting point for the water rate increase was so much lower that even a lesser dollar impact generated a higher percentage increase. Mr. Rowe stated that was correct and the dollar amount that the percentage was being applied to was much less than the dollar amount that was being

applied under the lower percentage for electric and sewer. Mr. Rowe stated for example, the sewer bill original rate was \$60.73, and the electric bill was \$112.35, so when you applied the smaller percentage, it actually came out to have a higher monthly dollar rate impact. Mr. Hixenbaugh asked if someone else would be talking about the significantly large capital investments that would be generated by the rate increase and in particular the investment that they would make in the Virgil Street plant. Mr. Rowe stated in terms of the capital needs that the utility was facing, President Hixenbaugh mentioned the Virgil project which was estimated to be about \$30 million which was a significant component of the capital plan. Mr. Rowe stated overall over the next five years, the city anticipated spending about \$43 million on total capital needs and a large portion of that, about \$38 million, was anticipated to be bond funded so those costs would be spread over the next twenty years or more. Mr. Rowe stated \$5.3 million would be funded on a pay go basis or through cash on hand. Mr. Hixenbaugh stated if he understood the proposal correctly, the proposed rate increase would also allow utilities to generate a capital reserve that would be available for future expenses and asked if that was accurate. Mr. Rowe stated that was correct and as part of the capital plan, what they also looked at was projecting out what the individual funds would be or the cash reserve setting in each fund and so with the improvement fund that was established and being used, those dollars that were in the improvement fund were specifically to be used for future capital needs. Mr. Rowe stated when they were establishing the comprehensive rate plan, they looked at based on the rate increases and the spending plan, how much would the utility be able to maintain best practice which was to keep at least one year's worth of capital improvement needs in reserve, so that the city had that money there when they started the year and this plan did that. Mr. Rowe stated the plan maintained the capital reserve within improvement fund that was sufficient to cover the annual average capital needs of the utility. Mr. Hixenbaugh asked in Mr. Rowe's professional experience, what happened to a municipal utility that did not have a cash reserve fund available to deal with not just the day-to-day expenses of the utility, but those unexpected expenses that everybody in the world was subject to, particularly a multi-million municipal utility. Mr. Rowe stated generally what happened if reserves were insufficient was that the utility had to look at the civil side, for example, what other funds the city had that the utility could tap into in an emergency event because they knew that that could cause issues with other departments within the city. Mr. Rowe stated it could also trigger an emergency rate increase and a need for a rate increase that might be unexpected and larger than you would like to see, especially if it was a one-off. Mr. Rowe stated a city could also be in a position where it had to access capital through the bond market fairly quickly to take on the emergency needs. Mr. Rowe stated at the end of the day, it ended up being more expensive generally whenever you ran into an emergency situation like that and you did not have sufficient cash within the utility to absorb those emergency needs. Mr. Hixenbaugh asked if one of the reasons why it would be more expensive was that it would cost the municipal utility more to go to the open market to borrow money at a higher rate rather than gradually creating a cash reserve that at the end of the day allowed them to save money in those emergency circumstances. Mr. Rowe stated that was correct and the cost of borrowing and the interest costs associated with it and the rate shock that customers experienced if you had to do a significant bond issuance, you had rates in place to support that bond so you had to have a

rate adoption prior to the bonding. Mr. Rowe stated he thought there certainly was a financial cost but there was also a customer trust cost as well. Mr. Hixenbaugh thanked Mr. Rowe.

Mr. Carroll stated in the meetings that they had with Mr. Rowe's group, he spoke specifically on why this particular rate would save them on bonds and have those ratios. Mr. Carroll asked if Mr. Rowe could give a brief summary and why they would not go more one way or the other. Mr. Rowe stated maintaining a strong fiscal policy and strong financial metrics helped keep costs down going forward whenever you were going out to the bond market to fund capital projects and the reason for that was if you were going to the open market to issue bonds, just like any other stock or bond you had a prospectus and those potential buyers looked at the strength of issuer and as part of that process, they also went through the process of getting a bond rating. Mr. Rowe stated it was important that the utility maintained strong financial metrics that supported a strong bond rating as a strong bond rating resulted in a lower interest rate and lower overall interest cost over time. Mr. Rowe stated things like bond coverage played a role in that and whenever the city issued debt or bonds, a potential buyer always looked at the revenue stream coming in and always wanted to see that say for every dollar of debt, the utility would be generating at least \$1.25 for example so that you had some cushion there. Mr. Rowe stated debt coverage was one of the metrics that were looked at and the financial plan proposed that evening provided for strong debt service coverage in the event that the city needed to go out and issue utility revenue bonds. Mr. Rowe stated the strength of cash position was also important, so demonstrating that the city had policies and good cash reserve policies in place to maintain not only those minimum reserves, but also best industry practices like a capital improvement fund. Mr. Rowe stated there were lots of different metrics, but at the end of the day it came down to what your rate structure was and if it were providing revenues to support those metrics that would also bring it a strong bond rating. Mr. Carroll asked in Mr. Rowe's opinion if they did not act on this or if they asked for a smaller rate increase, that that could cost the city more through not being as competitive in the bond market. Mr. Rowe stated it could.

Dave Majewski, Division Manager of the Mishawaka Utilities Water Department, spoke in favor of **PROPOSED ORDINANCE NO. 2026-06**. Mr. Majewski stated Jeff spoke very eloquently about the project and the plan and he wanted to express his sincere gratitude for the due diligence of the Council as they had gone through the process. Mr. Majewski stated he understood rate adjustments were never an easy topic, albeit necessary, and as their partner oversaw the improvements, they had done them a lot in the last ten years together. Mr. Majewski stated he was grateful for their support and dedication in keeping Mishawaka Utilities strong. Mr. Majewski stated the one large piece of the puzzle that remained was the very heart of their water system which would keep their water system robust and healthy for generations to come was the Virgil Water Treatment Plant which was their largest plan and could serve any location in the city, benefiting all of their citizens. Mr. Majewski stated it ran 24 hours a day, 7 days a week, and 365 days a year. Mr. Majewski stated as they knew, the filtration system was at end of life after 60 years and they had a meeting with the engineer that day from WesTech Filters who was intimately knowledgeable with this particular filter system and he did not understand how the filter system was still working and he was glad it was still working but was curious what would

happen to it in the future and that was why they were there that evening. Mr. Majewski stated there was a serious need and after running for 60 years, it was time for a makeover. Mr. Majewski stated he would be happy to answer any questions and representatives from DLZ were also present if any technical questions came up and they could speak more about that. Mr. Majewski stated the improvements they had made over the last few years by expanding the tank one site to five million gallons, adding the Juday Creek Plant now gave them the ability to do this much needed renovation. Mr. Majewski stated please know their thoughtful and important questions were much appreciated and he was proud of the Princess City and the work they had accomplished with their support, and he asked again for their support in this rate plan that was vital for the citizens of Mishawaka and the health of the water utility moving forward.

Mr. Carroll asked Mr. Majewski if the Council were to say they were not going to use the Virgil plant anymore as it was at end of life, if he could talk about the risk posed to the community if they were not to follow through on this. Mr. Majewski stated they could run into situations where if there was a main break or a hot summer day, they would have their two other plants, but they could get into a situation if that lasted indefinitely. Mr. Majewski stated they would do their best to get it back online, but it would have negative impact on their customers not having that treatment plant. Mr. Carroll thanked Mr. Majewski.

Mrs. Voelker stated one of the things she wanted to talk about was the process and she was very impressed with the financial analysis that went into this and she knew Jeff answered a lot of questions from her and she really appreciated that, but she was also really happy about the 20-year capital improvement plan that went into this. Mrs. Voelker stated she wanted to understand how that came about and asked, going forward with a 20-year capital improvement plan if they would be able to continue to roll that plan so that you always had a 20-year plan in place. Mrs. Voelker stated when you were working with a water treatment filter system that was 60 years old, one of the things she thought about was why they waited for 60 years to fix it at end of life. Mrs. Voelker stated she was really interested in moving forward if they continued this capital improvement plan and updating it so that they did not get their equipment to the point where it was at end of life and in a dire situation. Mr. Majewski stated they were always looking ahead and the capital improvement plan was updated every five years and they looked at the needs and rolled that in there. Mr. Majewski stated 23 years ago, Virgil had a cursory and a lot of improvements were made at that time. Mr. Majewski stated the filters were looked at, some improvements were made, and they were able to get 23 more years out of the filters, so they were looking at that back then. Mr. Majewski stated, for instance, going back to Juday Creek, which was on the planning table for 10 to 15 years. Mr. Majewski stated Virgil was on their radar, but they could never do it because they never had that ability to take the treatment plant down and now, they had that ability to do that with Juday Creek. Mr. Majewski stated there were times when they would go to bed at night and wonder if they were going to have enough water in the morning. Mr. Majewski stated they had surpassed that over the last 20 years with all of the improvements they made with their system, so they did monitor that in their assessment and that was constantly looked at. Mr. Majewski stated when they said 60 years, they squeezed a lot of life out of the filters, but improvements had been made over the years to those. Mrs. Voelker

stated her understanding when they were doing the tour was that with the new tank, they would be able to shut down half of Virgil at a time to make improvements and asked if she remembered that correctly. Mr. Majewski stated yes, that would be the plan and there would be some shutdowns, but the plan would be to try to keep half of the plant online through improvement. Mr. Majewski stated there were eight filter cells and they would take four filter cells down, work on those, and then they would approach the other four filter cells. Mrs. Voelker thanked Mr. Majewski.

Mrs. Hazen asked if they did vote to pass the plan tonight when the billing cycle would be and if it would be in June or July when it took effect. Mr. Majewski stated it would take effect July 1st.

Nancy Duncan, 2216 Ridge Place Mishawaka, IN 46544, spoke in opposition to **PROPOSED ORDINANCE NO. 2026-06**. Mrs. Duncan stated as candidate for Penn Township Trustee, she was focused on the residents of Penn and Mishawaka and especially those who were struggling. Mrs. Duncan stated the information had come out recently that across United States, seniors were at an alarming rate slipping below the poverty line and in their area, they had families sending kids to school where 40% to 45% of the kids qualified for reduced rate lunches or free lunches and there were not just a few of their residents who were going to be surprised to learn that this was not really about the rates. Mrs. Duncan stated she assured them, when they got that white envelope with Mishawaka Utilities on it and they opened it, it was about the rates, and they were going to think 25% rate increase was too much. Mrs. Duncan stated as they knew, they were in a time of inflation and prices of everything were going up as well as other utilities and people were worrying about it. Mrs. Duncan stated food was going up, gas was shooting up, and there was no reason to believe that this trend was going to turn around anytime soon and 25% was too much. Mrs. Duncan stated the argument that families who were truly needy may be able to get assistance, that whole idea of truly needy put additional burden on some of their most burdened residents already. Mrs. Duncan stated she lived in Blair Hills which was considered by a lot of people to be a pretty comfortable neighborhood and yet she listened to the young families around her talking about affordability and impossible choices. Mrs. Duncan stated she did not have a crystal ball, but she did think that by November of the following year, if they passed this rate increase, their opponents would not fail to think it was worth mentioning that the Council voted for it. Mrs. Duncan asked the Council not to pass the ordinance and 25% for many of their residents was too much.

Mr. Mammolenti thanked those that put several hours into the proposed rate plan, and he knew Mr. Lentsch had been kind enough to host a neighborhood meeting and inform their residents and take questions from them as well. Mr. Mammolenti stated the Mayor and Mr. Majewski and all of those involved knew as they mentioned that this was not easy but he thought that it was his responsibility as well as his colleagues and it would be easy to just kick this down the road but they were looking to the future of the residents and their children and the people to come. Mr. Mammolenti stated it was their responsibility to make sure that they took the proper steps to ensure safe, clean drinking water for their residents for years to come. Mr. Mammolenti thanked

everyone for their efforts and thanked his colleagues for attending all of the meetings and tours and making a wise decision.

Mr. Carroll echoed Mr. Mammolenti's thanks to everybody involved and stated he knew it was a lengthy process of due diligence and a lot of considerations went into that. Mr. Carroll stated any time they looked at anything like this, he always asked himself two questions. Mr. Carroll stated first off, he asked what the consequences were if they did nothing and taking one of their three plants offline and exposing Mishawaka residents to that risk seemed quite unacceptable to him. Mr. Carroll stated the second thing was asking who would pay for it. Mr. Carroll stated if they were going to say no, then they were saying somebody else was going to pay for it because they did not want to. Mr. Carroll stated he did not think that was a responsible position that he could in good conscience put towards his kids, grandkids, and others to say that was not his job and it was the future generation's job to fix it later. Mr. Carroll stated he thought this was a good investment in the community and when he went door to door, he talked about investing in their community. Mr. Carroll stated he could not think of a better investment in their community than making sure that they had clean drinking water at an affordable price that many people had spent many hours making sure they had the least impact on their community as possible. Mr. Carroll thanked everyone for their effort in doing that and fulfilling all of those goals. Mr. Carroll stated he would be voting in favor of this.

Mr. Hixenbaugh echoed his colleagues and stated he appreciated the interactive process that they had over the course of the past year with the administration, but he also wanted to acknowledge the significant time that the Council put into the process as well. Mr. Hixenbaugh stated it was not just showing up at a couple of meetings, including an informational meeting, and voting on it, there had been a number of meetings, small and large in scope, that they had including a tour of the Virgil Street plant. Mr. Hixenbaugh stated he really wished everybody, particularly those who had a concern about the proposed rate, had an opportunity to do that because it continued to get the job done today but it was almost despite itself because of what they had in place and as Mr. Majewski had alluded to, they had been fortunate to be able to far surpass the usable life of those filters that were a critical component to their largest water treatment plant, so some reinvestment in that plant was certainly warranted. Mr. Hixenbaugh stated with regard to the rate increases that had been proposed across the utilities, not too long when he first joined the Council and his friend and colleague Mayor Wood joined the Council, Mishawaka's practice was to defer necessary investments in their municipal utilities for convenience and personal comfort and other reasons until they just could not defer it any longer and it got to be not a 3.75% increase, not a 4% or 5% but they had some double digit increases that they were looking at and the Council and Councils before them had consistently encouraged the administration to look at more modest, regular increases rather than to defer until they got to a 10%, 15%, 20% expensive bill that came due and that was what happened when you deferred doing the right thing. Mr. Hixenbaugh stated it was easy enough to pander to the public, whether you were an elected official or a candidate, and talk about doing nothing. Mr. Hixenbaugh stated that was an extremely easy thing to do and he also found that to be very selfish to put your own personal interests against what you believed was best for the community was the textbook definition of

being selfish. Mr. Hixenbaugh stated he absolutely rejected the suggestion that himself or any of the other council members sitting up on the dais would cast a vote based upon what it would do to their future electoral prospects. Mr. Hixenbaugh stated that was not really insulting to them, but it was insulting to the residents of Mishawaka to think they were so easily swayed by that inauthentic pandering on an issue that was of such importance. Mr. Hixenbaugh stated the bill always came due and as they heard that evening and on prior occasions leading up to the vote that evening, that bill was not going to be the same bill that it was that day. Mr. Hixenbaugh stated history told them that it was going to be a much more expensive bill if they did not do the right thing that evening. Mr. Hixenbaugh stated he, like everybody else who resided in the community, was not overly enthused about raising rates on anyone who lived in Mishawaka, but it was the right thing to do and they took an obligation each time they were elected to do what was in the best interest of the community, not what was in the best interest of themselves and in his opinion, voting in favor of the proposed ordinance in front of them that evening was what was best for Mishawaka and he was proud to support it as well.

Question was called for at 7:07PM for **PROPOSED ORDINANCE NO. 2026-06 Motion passed by majority roll call vote (summary: Yes = 8 No = 0).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5984.**

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
Vote Only**

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.

Question was called for at 7:09PM for **PROPOSED ORDINANCE NO. 2026-15 Motion passed by majority roll call vote (summary: Yes = 8 No = 0).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5985.**

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

Mrs. Hazen 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.

Bo Kirby, representing Sheds Direct, spoke in favor of **PROPOSED ORDINANCE NO. 2026-16**. Mr. Kirby thanked the Council for voting on this and hearing it. Mr. Kirby stated each of the council members were provided with a site plan and he was sure they got to review it and their goal when they came into any city was to selfishly be the nicest shed dealership or corporate dealership in the city they were coming into. Mr. Kirby stated they were not a company who dropped off sheds or carports just randomly in any given field you could find and did not have an employee there. Mr. Kirby stated they had heard all about these places, having signs that just asked people to call them and that was not Sheds Direct. Mr. Kirby stated they set their properties up for success whether it be the inventory being set exactly how the site plan showed or something else similar to that. Mr. Kirby stated they had an employee here six days a week, so it would be managed like a true business, and it would be set up to not be an eyesore to the community. Mr. Kirby stated it would be a pleasure to be there, and it would be a proud spot for the community they felt.

Mrs. Voelker asked if he could tell her where Sheds Direct corporate headquarters was located. Mr. Kirby stated they were found in 2011 and his older brother actually started Sheds Direct in 2011 and they were based in Granite Falls, North Carolina and their sheds for this location would be built in Ligonier, Indiana. Mrs. Voelker stated when she was looking at the area, it made her think that they would choose to locate their business in that location because of the mobile home park and that was a good market for them, because they would need additional storage. Mrs. Voelker asked how they chose the location. Mr. Kirby stated there were multiple factors, with the first being the traffic count on the road there at West Douglas being super high and they just never found anything in South Bend that interested them and they randomly found this location one day. Mr. Kirby stated they had some representatives up there looking for actual dealerships, not the corporate lot model that this one would be, and they came across the location in question, and it matched everything they were looking for. Mr. Kirby stated they looked for a fully paved lot with an existing office so that their customers were not walking in grass or gravel or anything like that. Mr. Kirby stated initially when they looked for new locations, they either looked for a previous new car dealership or used car dealership, old mobile home sales lots, and things like that that matched the same used that they would need. Mrs. Voelker welcomed them to

Mishawaka and stated they were glad to have them. Mrs. Voelker asked from a timing standpoint if there were improvements that they would need to make in order to set their business up and if this was approved that evening, what their timing was. Mr. Kirby stated they would look to act immediately as they had to have contractors lined up to do the work for them that was needed and on the site plan, the main work that they needed to do to match the zoning specifications would be the tree and shrub to the left and the bottom of the site plan at the west and south ends of the properties had bushes as well as arborvitaes and red maples. Mr. Kirby stated up front there were some existing trees that gave them a little bit of freedom up there, but they still had a few more bushes and trees up there as well. Mr. Kirby stated there was not much work that had to be done at the office if anything at all. Mrs. Voelker thanked Mr. Kirby.

Mr. Mammolenti thanked Mr. Kirby for his presentation and asked how many sheds they planned to have on site. Mr. Kirby stated in the beginning it would be between 25 and 30 and then what they would do from there, depending on the property, they could have more on site much like the property in question. Mr. Kirby stated they liked to stick to the site plan though and usually 25 to 30 was a good mixture, but if the sales did warrant an increase in inventory, they could very well increase that as long as they could fit those in the current site plan model.

Question was called for at 7:15PM for **PROPOSED ORDINANCE NO. 2026-16 Motion passed by majority roll call vote (summary: Yes = 8 No = 0).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5986.**

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
Vote Only**

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.

Question was called for at 7:17PM for **PROPOSED ORDINANCE NO. 2026-17 Motion passed by majority roll call vote (summary: Yes = 8 No = 0).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5987.**

NEW BUSINESS

PROPOSED ORDINANCE NO. 2026-20

AN ORDINANCE ESTABLISHING THE MISHAWAKA UTILITY RATE ASSISTANCE PROGRAM

Matthew Lentsch, Executive Director of Development and Governmental Affairs for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2026-20**. Mr. Lentsch thanked the Council for doing the work as councilmen and councilwomen and that meant to him that they were willing to put in the time, the energy, and the effort to understand what the facts were and what the reality was related to utilities. Mr. Lentsch stated he knew some of what they did and all of the goof work that they did on behalf of Mishawaka. Mr. Lentsch stated they had gone through an exhaustive process over about three and a half years for electric rates, wastewater rates, and now sewer rates. Mr. Lentsch stated he did a little work with candidates and one of the questions he always asked them was why they were getting into running for office and if their answer was ever wanting to be popular or wanting power, he would probe a little bit but if their answer was ever they wanted to always do what was convenient, he would never ever back a candidate like that. Mr. Lentsch stated that was not who their Council was and that was not who they were as the City of Mishawaka. Mr. Lentsch asked for their support of the proposed Mishawaka Utilities Rate Assistance Program. Mr. Lentsch stated as they discussed the rate increase for water, they also discussed how they could provide some assistance and do it in a way that would not hurt them going forward and what they came up with was what he believed to be a very sensible plan that really looked at how they could round off the curve for those folks who were most in need. Mr. Lentsch stated that was a challenge they took on, but he did not think that they could have made the water rate increase unless they had this. Mr. Lentsch stated they knew that infrastructure investment was necessary, and they also knew some residents struggled financially. Mr. Lentsch stated the rate payer assistance fund was designed to responsibly address both. Mr. Lentsch stated the program was not excessive and it was not unsustainable or open-ended. Mr. Lentsch stated it was intentionally structured to be targeted, verified, modest, and financially responsible. Mr. Lentsch stated the proposal of 5% assistance would only apply to qualified residents who were already verified through Indiana's energy assistance program administered by Rural Services. Mr. Lentsch stated they would verify to make sure that all of their ratepayers who were income qualified and independently renewed. Mr. Lentsch stated this was not a giveaway program and was not an unlimited subsidy. Mr. Lentsch stated this was not an attempt to avoid the realities of infrastructure investment, it was a measured assistance program designed to help vulnerable residents while still protecting the long-term financial viability and integrity of Mishawaka Utilities. Mr. Lentsch stated Mishawaka Utilities was a nonprofit municipal utility and they were a \$90 million nonprofit municipal

utility, but nonprofit did not mean that they operated without margins. Mr. Lentsch stated they still must maintain infrastructure, have the dollars to replace aging systems, comply with regulations, provide reliable service, and protect long-term financial sustainability. Mr. Lentsch stated if they failed to do that, they would fail everyone, including the very residents, that they were trying to help. Mr. Lentsch stated the ratepayer assistance program reflected balance and it said to the community that they would continue investing responsibly in critical infrastructure but also recognize that affordability mattered. Mr. Lentsch stated he believed it also sent a message about who they were as Mishawaka and as a community. Mr. Lentsch stated the ratepayer assistance fund did not solve every challenge but was a meaningful and responsible step that reflected the values of Mishawaka and the mission of their municipal utility system. Mr. Lentsch stated most importantly, while Mishawaka was making these investments and offering assistance, Mishawaka Utilities continued to provide some of the best overall utility value and affordability in the state of Indiana. Mr. Lentsch stated this was the result of decades of disciplined planning, municipal ownership, responsible governance, and local leadership. Mr. Lentsch respectfully asked for the Council's support of the ratepayer assistance program as part of a balanced approach that protected their residents, their infrastructure, and the long-term future of Mishawaka Utilities.

Mr. Violi thanked Mr. Lentsch for all of the work he had done, and he knew he put a lot of time into this and appreciated it. Mr. Violi asked for clarification that the 5% was on the water, electric, and wastewater fees that they charged per month for the entire year and if that was correct. Mr. Lentsch stated it was not on the fees charged or the taxes and it was only on the base rate and usage of water, wastewater, and electric. Mr. Violi stated unlike the current program that he noted with Real Services, which was only a five-month plan and asked if that was correct. Mr. Lentsch stated it was during the winter months, and it was for electric only. Mr. Violi stated he believed Mr. Lentsch had said that there were approximately 1,800 residents that had applied for the plan that was already in place and asked if they would have anybody automatically added onto the plan July 1st. Mr. Lentsch stated yes, they would and all the residents that applied for energy assistance through Real Services, all of those folks whose income was verified and they meet the criteria for energy assistance, they would be automatically qualified to receive the 5% discount as of July 1st. Mr. Violi asked when new customers would be able to apply. Mr. Lentsch stated they started in August and it went through November and Real Services had that expertise. Mr. Lentsch stated they were not going to be reinventing the wheel, nor should they and he had talked with Real Services, and they had the bandwidth to manage this, so it would require folks to go directly to Real Services and apply for assistance. Mr. Lentsch stated 100% of the people that were ratepayers in Mishawaka would allow them to be qualified with their qualification for the EAP.

Ms. Hahn asked when Mr. Lentsch said go to Real Services if that meant a physical visit or a phone call or a website visit for people who did not know how to enroll. Mr. Lentsch stated a lot of it could be done online, he did not know if that were the case for their entire process, but people could go to Real Services. Mr. Lentsch stated he knew the majority of the information was online and he was not sure if the application could be done 100% online, but a majority of it

could be. Ms. Hahn asked if Real Services had a physical office. Mr. Lentsch stated yes, they did.

Mrs. Voelker stated she had a supposition that if and when the old city hall building came to life that Real Services was supposed to be housed in city hall, so there was potential for it to become easier. Mrs. Voelker stated she had experience with a family member with Real Services and there was information for the application online, but it was certainly verified by a human. Mrs. Voelker asked if she were to suddenly qualify in April for the energy assistance program if she would have the ability to apply in April for the program. Mr. Lentsch stated he did not know but their application did start in August and he did not know when it ended but they would push people to Real Services starting in August until they were done with the EAP application. Mr. Lentsch stated they were hoping they could qualify people so they could take advantage of it come the 1st of the year but if there was a situation where folks were in need of a discount and something happened, that was one of the things that they were discussing to figure out how to navigate that outside of the time period and one of the things was working with Real Services and not trying to bring that in-house. Mr. Lentsch stated they were going to kick this off even though they would not be able to answer 100% of the questions so that 1,800 people who qualified for the EAP could get qualified as of July 1st to receive the discount and then as they looked at this and worked with Real Services, they wanted to stay within the timeframes they had for the most part but they would look beyond that so they had an ability to qualify those who needed it. Mrs. Voelker asked if this was approved for him and Real Services to follow up with her and the rest of the Council, because she thought it was really important if they had a 12-month program to be able to get into the program within that window. Mr. Lentsch stated they would continuously inform their ratepayers not just about increases in the rates but also about the ability to get discounts and there were discounts afforded to them for trash and recycling and this was a first of its type for Mishawaka and he thought it was a great and important thing for them to do. Mr. Lentsch stated he would make sure he got back to Mrs. Voelker with the answers. Mrs. Voelker stated she understood this was a discount and they did not have pot of money that they were going to be paying into it and asked if they had the ability as a city to generate funding through grants either public or private to help fund the program or if they were looking into that. Mr. Lentsch stated they would look into that and they would have an opportunity like they did with other nonprofits to round up. Mr. Lentsch stated initially, the answer was that the program would be supported within the overall financial structure of Mishawaka Utilities and the cost they were estimating at that point based upon people who qualified that were ratepayers and lived within the city limits was about \$105,000 a year and Mishawaka Utilities would take that on. Mr. Lentsch stated because the Ratepayer Assistance Program was limited and capped at 5% assistance level, the overall financial impact was manageable within Utilities' broader operational framework. Mr. Leach stated they would look into other grants and take contributions to help with it, but they had talked to Baker Tilly and looked at not just the structure of the program, but they looked at what was affordable and this was definitely affordable. Mr. Lentsch stated they would look at other ways to raise money and he had done this for 30 years for nonprofits and they would look at the dollars that were available to help their residents. Mrs. Voelker thanked Mr. Lentsch.

Mrs. Hazen thanked Mr. Lentsch for putting up with all of her questions because she had a lot and asked as of July 1st, they already had the list of people that qualified with Real Services and

how they got that list. Mr. Lentsch stated Real Services notified them and as they would fill out applications and around November 1st, they received a list of who qualified and now they would send some people that they trained and there would be a website they would go on and see the residents who qualified and got dollars pledged to their account. Mrs. Hazen asked if, as of July 1st, there would be people who took advantage of the winter account and automatically those names they currently had would get the 5% discount. Mr. Lentsch stated that was correct. Mrs. Hazen asked how they would tell them they were getting the discount. Mr. Lentsch stated it would be in the communicator that they were going to give the discount and it would be online. Mrs. Hazen asked if they would be telling the specific person as of July 1st if they were receiving the discount whether that be on their bill or otherwise. Mr. Lentsch stated they would figure out a way to put it on their statement that they were receiving it and there would be a percentage that did not get a written statement who would receive an email, and he would do his best to make sure they were notified. Mrs. Hazen stated her biggest concern was the same as Mrs. Voelker's as it was not always during the winter months however she put that to rest after she spoke with Mr. Lentsch and she talked to Ingrid at Real Services and she mentioned the fact that even though they were not helping people in the summer months, people could turn to the Penn Township Trustee office, so that was where that gap was filled in her mind. Mrs. Hazen stated that gave her peace of mind and she knew it was so new and they were still adjusting it since it was a trial. Mr. Lentsch thanked them all for their questions and stated it was a partnership to put this together and it did not happen overnight and many of the council members talked to them about the importance of it and how it was going to be structured and they worked with Baker Tilly, and this was a place to start. Mr. Lentsch stated they did not have all of the answers related to their questions, but he believed this was the most conservative way and best, most modest, target, income qualified, and financially sustainable way for now way to help their residents.

Mr. Violi asked if at the end of the year, he could give the Council a report on the status of how it was going and feedback on the program to where they had a synopsis to read. Mr. Lentsch stated this was the first time that he knew of that Mishawaka Utilities did anything like this, but he thought it behooved them with the rates going up and with inflation that they at least softened the curve and rounded off the curve of the increases to make this happen. Mr. Lentsch stated he would be glad to come up with a report. Mr. Lentsch stated they could give a report at a council meeting and he would gladly send them emails and information to keep them informed, but there would be bumps, they would adjust, and they were going to do this work.

Mr. Hixenbaugh gave Mr. Lentsch his words of appreciation for the time and effort he had put into this including answering the questions all of the Council and he had been very responsive and provided them with a wealth of information. Mr. Hixenbaugh stated as ready as he would be to approve the plan that evening, Mr. Lentsch hit the nail on the head in saying this was a new venture for them and he they wanted to make sure that not only did they have the answer to their questions, but the community had their questions answered as well because they wanted to make sure they really thought through everything that they needed to. Mr. Hixenbaugh stated he was not convinced that they had not done that, but because it was a new venture, he personally would find no shame or shortcoming on any of their parts if they took another beat and tried to work through some of those issues like how they were going to align a 12-month cycle they had with the less than 12-month cycle that Real Services operated under. Mr. Hixenbaugh stated he believed there was an answer to that question and he was not sure that he knew that answer that

evening as he sat and would vote on this. Mr. Hixenbaugh stated it very well may be that there were other items like that that a little bit more time would help them with. Mr. Hixenbaugh stated he understood that Mr. Lentsch and all of the other parties involved in putting this together had been working on this matter forever and they had ample opportunities to ask questions and that was true, but sometimes the best questions came in that setting and at that time when they were getting ready to cast the vote. Mr. Hixenbaugh stated he could vote to support the matter that evening but if there was an interest on the part of his colleagues to take another beat and to wait until their June 1st meeting, he asked if Mr. Lentsch would find that short-term delay in time to be detrimental to the July 1st implementation date. Mr. Lentsch stated as it related to the July 1st implementation, one of the things they wanted to do was kick it off so that it would not coincide with the rate increase for water, so he thought they could what he and other council members had been discussing without delaying it and get the answers that they needed. Mr. Lentsch stated he did not think they were far away from that and they would find the mechanism to make sure that people would be able to apply year-round. Mr. Hixenbaugh stated as long as that was the intent, he felt more comfortable with it and he did not necessarily need to know what the details were, but he appreciated that clarification. Mr. Hixenbaugh stated just to restate the point, during their 12-month cycle, whenever someone became inclined or eligible to apply, they would have the opportunity to apply notwithstanding the fact that Real Services operated under a different program year. Mr. Lentsch stated yes. Mr. Hixenbaugh stated he could live with that. Mr. Hixenbaugh stated he also would say that some ongoing communication between the Council and the Administration regularly would be important on this matter and because this was so new, some more robust communication would be preferred and taking a look at this at the same time that they received the Mishawaka Municipal Utilities budget was a good point for there to be some information shared with the Council on what type of appetite there had been on the part of the ratepayers to participate in this. Mr. Hixenbaugh stated beyond the 1,800 people cited, he would be interested to know how many more who were not eligible for assistance at that time would become eligible as a result of the approval of the plan. Mr. Hixenbaugh stated aligning that ongoing communication at least during the budget submission cycle would be a good time for the Council to receive an update on the initiative. Mr. Lentsch stated he agreed with that. Mr. Hixenbaugh stated he appreciated the work Mr. Lentsch, Baker Tilly, legal counsel, and everyone else had put into this because it was high time. Mr. Hixenbaugh stated even if they had not taken the steps they had taken to adjust their utility rates, it was high time for them to look at other ways they could support those in their community who needed support. Mr. Hixenbaugh thanked everyone for their efforts.

Question was called for at 7:48PM for **PROPOSED ORDINANCE NO. 2026-20 Motion passed by majority roll call vote (summary: Yes = 8 No = 0).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 8-0, thus it became **ORDINANCE NO. 5988.**

Ms. Hahn stated with Mr. Emmons' absence, she wanted to invite everybody the 1st District monthly meeting on Thursday May 21st at 7PM at St. Bavo's. Ms. Hahn stated Mayor Dave Wood would be the guest speaker giving his State of the City Address. Ms. Hahn stated West End donuts and refreshments would be provided.

Mr. Mammolenti stated the monthly Twin Branch Neighborhood Watch meeting would be on May 20th at 7PM at Fire Station #4 where Mayor Dave Wood would be giving his State of the City Address for the residents there as he did every year for Mr. Mammolenti's group. Mr. Mammolenti stated if you happened to miss it a couple of weeks ago to come join them and listen to a condensed version or if you were like him, to enjoy hearing it for the second time. Mr. Mammolenti stated he always picked up something new every single time. Mr. Mammolenti stated all were welcome.

ADJOURNMENT 7:49PM

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

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

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

Deborah S. Block, IAC, MMC

MAY 26 2026

City Clerk
Mishawaka, IN

AP 26-25

May 14, 2026

Received

MAY 19 2026

Planning and
Community Development

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Jim Williams, Representing **Habitat for Humanity of St Joseph County Inc** the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

North Parcel: ID: 016-1019-025401, 406 E MC KINLEY AVE

Parc Beg 46.55' E Of Sw Cor Sw 1/4 Sec 3-37-3e N 226.11 E 345.88 S 226.11 W 380 To Pob
00-01 Split To 025402 Per Tr 4-20-9 00-01 Annex To City Per John Lentz Fr 27-1019-025401
No Annex Order

South Parcel: ID: 016-2093-303101

Parc Beg 46.55' E Of Sw Cor Sw 1/4 Sec 3-37-3e N 110 E 380 S 110 W To Pob Ex 15' Off S End
For St 00-01 Split To Parc 16-2093-303104 Per Trans 1781 4-20-99 00-01 Split To City For St
07-20-99 *SEE ATTACHED FOR SURVEYED LEGAL DESCRIPTION*

2. The above-described real estate presently has zoning classifications of Residential R-1 for the North Parcel and Commercial C-1 for the South Parcel District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies the above-described property as vacant land.
4. Appellant desires a **Use Variance** to construct a **"Volunteer Training and Operations Facility."**
5. The Zoning Ordinance of the City of Mishawaka requires (Explain ordinance requirements and note Section Number of the Ordinance.)

North Parcel, Residential R-1:

Sec. 137-164. - Intent. The residential R-1 district is designed for detached single-family dwellings on individual lots, and vacant land which is to be developed for detached single-family residential neighborhoods.

South Parcel, Commercial C-1:

Sec. 137-300. - Intent. The purpose of this general commercial district is to provide convenient retail and service establishments for the day-to-day needs of a large area with minimum impact on surrounding residential areas.

6. Explain why strict adherence to the Ordinance requirements would create unusual hardship.

The type of use proposed would not be permitted under existing zoning thus causing the organization to have to look elsewhere for such a facility. Similar available facilities are not currently available within a reasonable distance from corporate offices in Mishawaka, the closest of which is located near the Airport in South Bend. In such case Habitat employees would have to travel across the county from the Mishawaka Corporate office to the Airport area, costing time and travel expenses. Furthermore, volunteers would be sent to the Airport area for training and build events rather than coming to Mishawaka.

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? YES OR NO and explain your reason why.

No, the proposed use will not create significant amounts of vehicle traffic. Volunteer activities will take place within the building to minimize noise transmission. Indoor parking will allow company vehicles and trailers to be stored out of sight of neighboring homes.

(2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? YES OR NO and explain your reason why.

No, the proposed building will be constructed using quality materials to create an appealing appearance. Overall traffic flow will be less than that of most commercial businesses.

(3) Does the need for the variance arise from some condition peculiar to the property involved? YES OR NO and explain your reason why.

Yes, the proximity to the Habitat Corporate office creates high value for the organization. Additionally, with 85% of Habitat projects being located in Mishawaka over the next 5 years, the proximity to job sites is also of value. Note: Habitat intends to build over 90 homes in Mishawaka in the next 5 years.

(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 OR NO and explain your reason why.

Yes, the organization would not be able to construct the proposed facility thus causing the organization to look elsewhere in the county.

(5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? YES OR NO and explain your reason why.

No, the site is in Area 2 along McKinley Ave which calls for Commercial uses (page 39). The proposed facility creates a commercial-like presence with a traffic pattern that is less than typical commercial.

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

Signature of Property Owner/Title Holder



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

Second Property Owner/Title Holder

N/A

CONTACT PERSON:

Name: Jim Williams

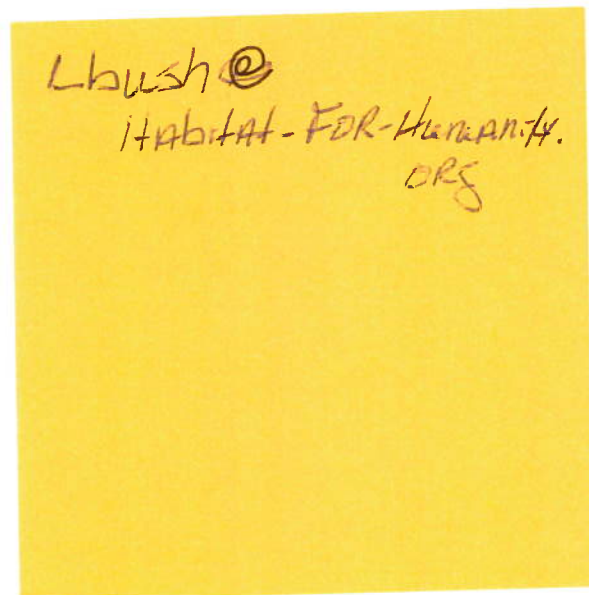
Address: 524 E. McKinley Ave

Mishawaka, IN 46545

Day Phone Number: 574-288-6967

Fax Number: 574-289-1954

Email: jwilliams@habitat-for-humanity.org

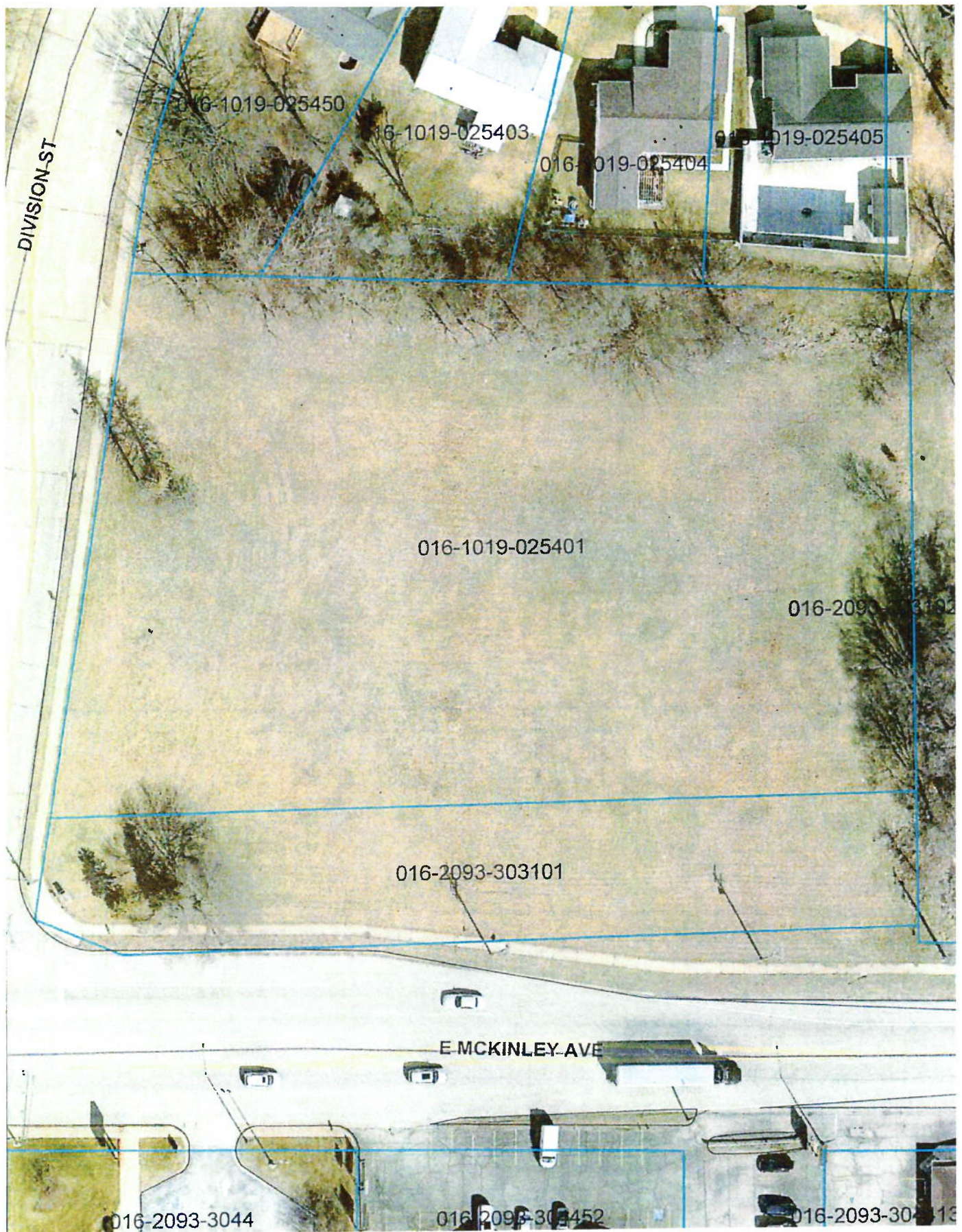


LEGAL DESCRIPTION: {UPDATED LEGAL DESCRIPTION PER RULE 12 BOUNDARY SURVEY AS RECORDED UNDER INSTRUMENT #2024-13181}

ALL OF THAT TRACT OF LAND CONVEYED TO DENNIS PREGEL AS DESCRIBED IN INSTRUMENT NUMBER 0029729, ST. JOSEPH COUNTY RECORDER, AND BEING LOCATED IN THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, (BASED ON A SURVEY PERFORMED BY ABONMARCHE CONSULTANTS, UNDER THE SUPERVISION OF HANS MUSSER, INDIANA PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 29700002, JOB NUMBER 24-0007-06), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

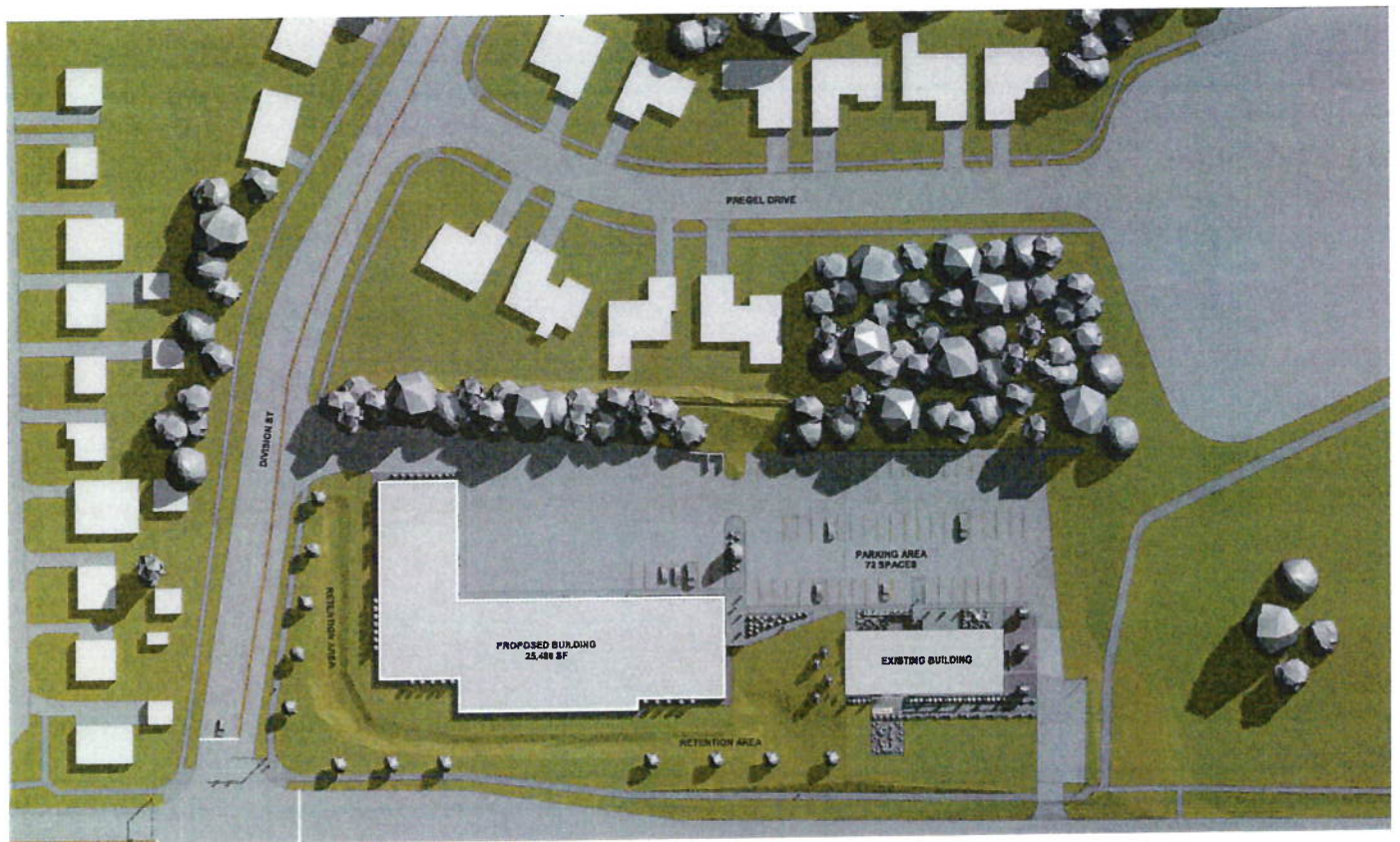
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE SOUTH 87° 47' 55" EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF 450.00 FEET; THENCE NORTH 00° 08' 25" EAST, A DISTANCE OF 40.03 FEET TO THE SOUTHWEST CORNER OF AN EXCEPTION AS DESCRIBED IN INSTRUMENT NUMBER 9014475, DATED JUNE 5, 1990, AS FOUND IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, AND BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO HABITAT FOR HUMANITY AS DESCRIBED IN INSTRUMENT NUMBER 2024-01372, PARCEL II, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 00° 08' 25" EAST, ALONG THE WEST LINE OF SAID HABITAT FOR HUMANITY LAND, A DISTANCE OF 15.01 FEET TO A 5/8" CAPPED REBAR ("ABONMARCHE FIRM 0050") MARKING THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF MISHAWAKA, INDIANA, AS DESCRIBED IN INSTRUMENT NUMBER 9933655, ST. JOSEPH COUNTY RECORDER, AND BEING THE POINT OF BEGINNING; THENCE NORTH 87° 47' 55" WEST, ALONG THE NORTH LINE OF SAID CITY OF MISHAWAKA, INDIANA LAND, A DISTANCE OF 354.86 FEET TO A 5/8" CAPPED REBAR ("ABONMARCHE FIRM 0050") THENCE NORTH 39° 47' 53" WEST, ALONG THE NORTHEASTERLY LINE OF SAID CITY OF MISHAWAKA, INDIANA LAND, A DISTANCE OF 50.69 FEET TO A 5/8" CAPPED REBAR ("ABONMARCHE FIRM 0050") ON THE EASTERLY LINE OF DIVISION STREET; THENCE NORTH 10° 00' 00" EAST, ALONG SAID EASTERLY LINE, 242.57 FEET TO A 5/8" CAPPED REBAR ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF LOT 1, AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WILDFLOWER COVE PHASE I, PART A, INSTRUMENT NUMBER 9925079, ST. JOSEPH COUNTY RECORDER; THENCE SOUTH 87° 47' 55" EAST, ALONG THE SOUTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF LOTS 2-5, OF SAID WILDFLOWER COVE PHASE I, PART A SUBDIVISION, A DISTANCE OF 345.86 FEET TO A CAPPED IRON (FIRM #44) MARKING THE NORTHWEST CONER OF SAID HABITAT FOR HUMANITY LAND; THENCE SOUTH 00° 08' 25" WEST, ALONG THE WEST LINE OF SAID HABITAT FOR HUMANITY LAND, A DISTANCE OF 278.18 FEET TO THE POINT OF BEGINNING. CONTAINING 2.34 ACRES, MORE OR LESS.

SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.











ANCON CONSTRUCTION

2810 W. 10TH AVENUE
SUITE 100
MISHAWAKA, IN 46545

PHONE: (219) 223-1111
FAX: (219) 223-1112
WWW.ANCONCONSTRUCTION.COM

NOT FOR CONSTRUCTION DRAWINGS

NOT FOR CONSTRUCTION DRAWINGS

DATE	03/21/2017
BY	JDH
CHECKED	JDH
APPROVED	JDH
REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMITTING

FEASIBILITY SITE PLAN

HABITAT FOR HUMANITY

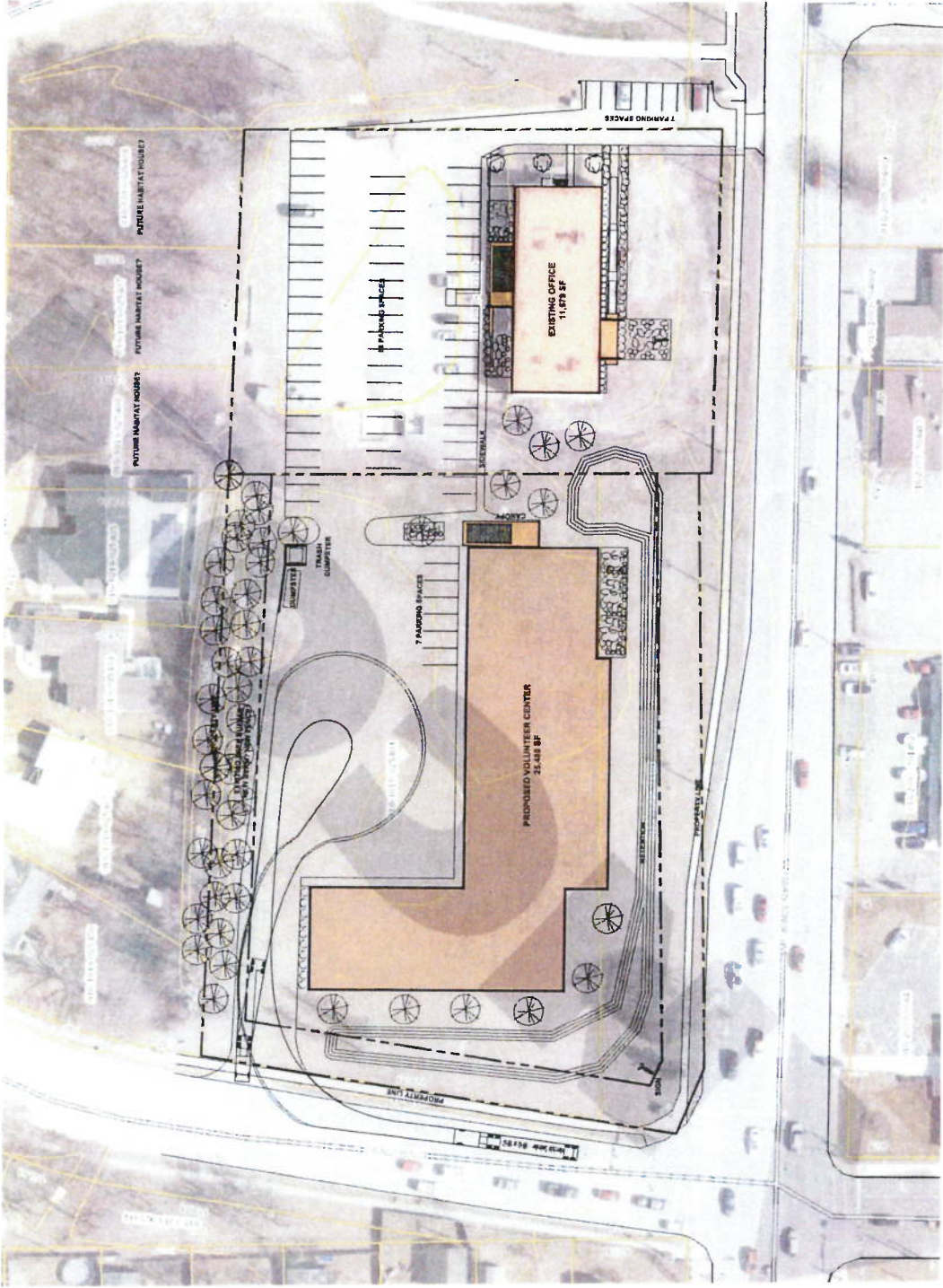
MISHAWAKA, INDIANA

MASTER SITE PLAN

28.1017

SHEET NUMBER

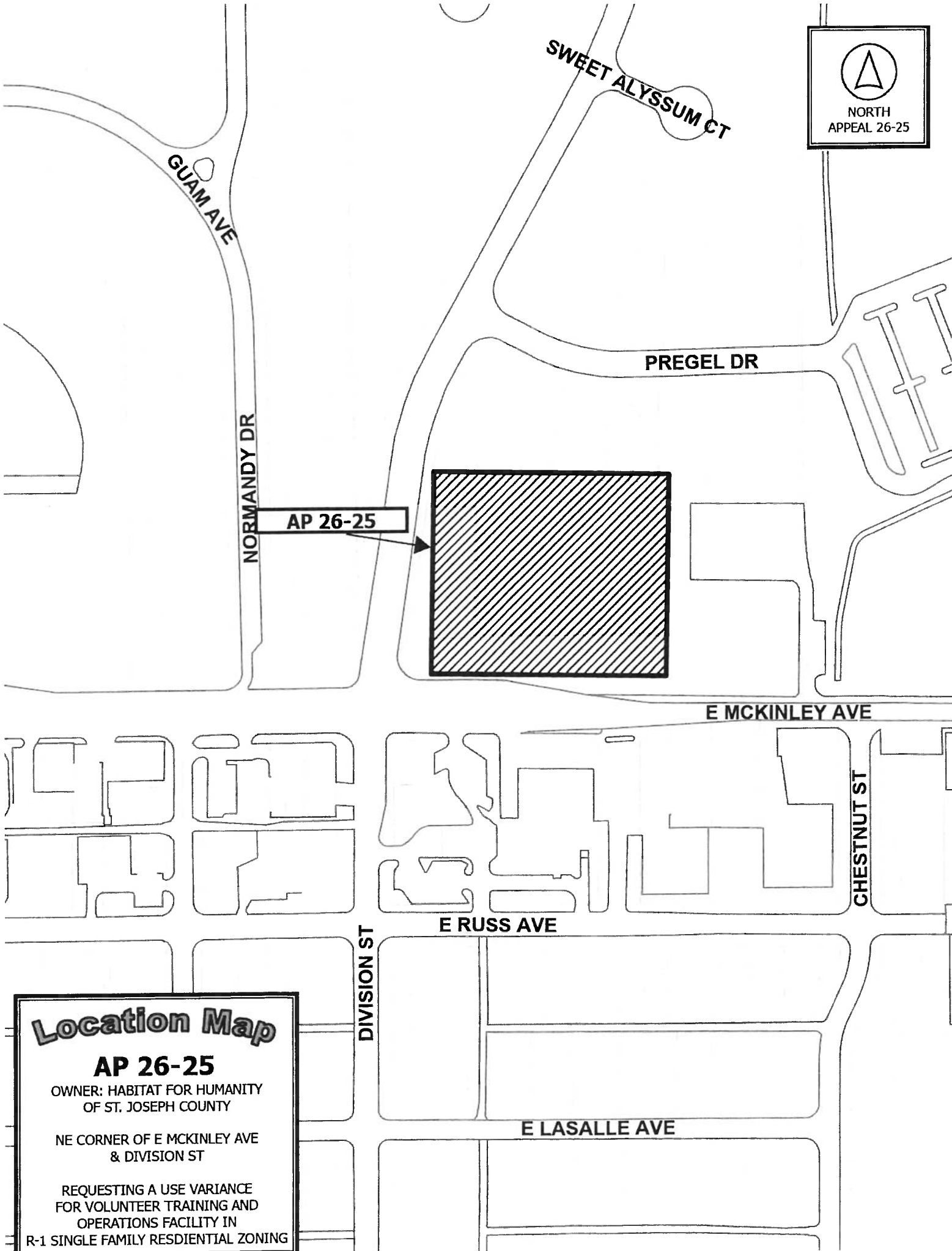
A100



1 FEASIBILITY SITE PLAN - 25,480 SF
A100

PROJECT STATISTICS	2.4 ACRES
LAND AREA	R-1
EXISTING ZONING CLASS	7
ASSUMED ZONING RE-CLASS	25,480 SF
PROPOSED BUILDING	27
NEW PARKING SPACES	45
EXISTING PARKING SPACES	12
TOTAL PARKING SPACES	25'
FRONT YD SETBACK	25'
SIDE YD SETBACK	25'
REAR YD SETBACK	25'

NOTE: THIS PLAN IS PROVIDED FOR CONCEPTUAL PURPOSES ONLY. THIS PLAN HAS BEEN PREPARED WITHOUT THE USE OF A SURVEY AND SHALL NOT BE CONSIDERED ACCURATE UNTIL A SURVEY IS PROVIDED.



Location Map

AP 26-25

OWNER: HABITAT FOR HUMANITY
OF ST. JOSEPH COUNTY

NE CORNER OF E MCKINLEY AVE
& DIVISION ST

REQUESTING A USE VARIANCE
FOR VOLUNTEER TRAINING AND
OPERATIONS FACILITY IN
R-1 SINGLE FAMILY RESIDENTIAL ZONING

AP 26-26

Deborah S. Block, IAMC, MMC

MAY 26 2026

City Clerk
Mishawaka, IN

DATE: 5/19/2026

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Bhola Singh, President of Kamboj Inc, 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:

Situate in the County of Saint Joseph, State of Indiana:

Lots Numbered Forty-one (41), Forty-two (42) and the East Half of Lot Forty-three (43) of SCHINDLER'S PROPOSED ADDITION to the City of Mishawaka, Indiana, less that part taken and transferred to the Mishawaka Department of Redevelopment, all of which is more particularly described as follows:

A tract of land in the West Half of the Northeast Quarter of Section 10, Township 87 North, Range 3 East located in the City of Mishawaka, Indiana, more particularly described as follows:

Beginning at a point on the North line of the West Half of the Northeast Quarter of said Section 10, 498.21 feet East of the Northwest corner of the Northeast Quarter of said Section 10; thence South 662.55 feet; thence East 160.85 feet; thence North 662.55 feet to the North line of the West Half of the Northeast Quarter of said Section 10; thence West along said North line, 162.47 feet to the place of beginning, except for the following described tract conveyed to the Mishawaka Department of Redevelopment:

Commencing at the Northwest corner of the Northeast Quarter of said Section 10; thence proceeding East 498.21 feet along the North line of the West Half of the Northeast Quarter of said Section 10 which has an assumed bearing of South 89°43'17" East; thence South 1°21'41" East 524.19 feet to point of beginning; thence 346.71 feet along curve to the left having a radius of 374.26 feet and subtended by a long chord 334.44 feet in length and a bearing of North 25°18'24" East; thence North 113°55" West 169.00 feet; thence North 45°28'36" West 17.19 feet, thence North 1°13'55" West 40.01 feet to the North line of the West Half of the Northeast Quarter of said Section 10; thence South 89°43'17" East along said North line 94.02 feet; thence South 1°13'55" East 40.01 feet; thence South 44°31'24" West 16.75 feet; thence South 1°13'55" East 167.15 feet thence 89.30 feet along curve to the right having a radius of 444.26 feet and subtended by a long chord 89.15 feet in length and having a bearing of South 4°31'35" West; thence North 89°43'17" West 48.70 feet; thence South 1°13'55" East 353.92 feet; thence North 89°42'17" West 161.55 feet; thence North 1°21'41" West 137.83 feet to the point of beginning.

Commonly known as **1217 East McKinley Avenue, Mishawaka, IN 46545**

2. The above-described real estate presently has a zoning classification of I-1 Light Industrial District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant proposes to occupy the above-described property in the following manner: Approximately 8,250 sqft of building to be used for retail sales and Package Liquor Store sales,

remaining space will be related office space and warehouse space. No major changes to the exterior are planned.

4. Appellant desires to operate the approximately 8,250 sqft as retail and Package Liquor Store Sales space, which is not allowed under the current zoning with only 24 parking spaces when 33 parking spaces are required. The remaining space will continue to be used for warehousing and office space for the Appellant.

5. The Zoning Ordinance of the City of Mishawaka in the "I-1" Industrial District, allows retail sales and Package Liquor Store Sales only if approved through a Land Use Variance request.

6. The Real Estate was purchased with the intent to continue operating a retail space and Package Liquor Store Sales, as prior to the purchase a furniture store operated in the space that is intended to be used for our retail sales and Package Liquor Sales, being unable to operate retail and Package Liquor Store Sales in the space would make the building far less useful and worth significantly less to the Appellant and operating retail would not adversely affect any adjacent property..

7.

(1) The Appellant would state that if the proposed Land Use Variance and parking Variance are approved, they would not adversely affect the adjacent properties or the surrounding neighborhood. The new use would be similar to the adjacent property.

(2) The Value of adjacent properties will not be affected as it is a similar use to adjoining properties and no exterior changes are planned to the building..

(3) The need for the above requested Land Use variance and Parking variance arises from a condition peculiar to the appellant's property because the principal warehouse use requires an industrial zoning(I-1), a zoning district that does not permit retail and package liquor store sales. Also , the parcel is long and narrow, surrounded by public right of way on three sides, creating a difficult access for modern industrial uses.

(4) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the Appellant's property because I-1 does not allow retail and package liquor store sales, which is a necessary component of the Appellant's business operation.

(5) The Appellant would also state that the approval of the variance would not interfere substantially with the Comprehensive Plan for this entire area which identifies this area for general commercial uses.

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

Signature of Property Owner/Title Holder:

Print Name Here: Kamboj Inc, Bhola Singh President

CONTACT PERSON:

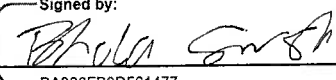
Name: Bhola Singh

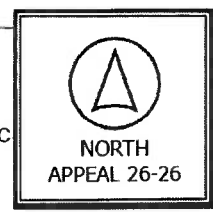
Address: 7106 Grape Rd, Granger, IN 46530

Day Phone Number: 269-506-3085

Email: turnainc@yahoo.com

Signed by:


BA386FB0D561477...



Location Map
AP 26-26
OWNER KAMBOJ INC
LOCATION: 1217 E MCKINLEY AVE
USE VARIANCE TO ALLOW
LIQUOR STORE AND RETAIL SALES
DEVELOPMENTAL VARIANCE
FOR REDUCTION OF PARKNG

MAY 26 2026

City Clerk
Mishawaka, IN

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

DATE:

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

PET 26-13
Received
MAY 15 2026
Planning and
Community Development

RE: PETITION TO REZONE

TODD A. + LORI D. LANGE

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:

See attached
Exhibit "A"

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

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of IL District. Said property is (State the existing use of the real estate).

Petitioner(s) desire said real estate to be rezoned to R1 District. Petitioner(s) further state that they intend to utilize said land for (State the proposed use for the property/ reason for the rezoning).

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

Signature(s) of Property Owner(s)

Todd A. Lange
Typewritten name also

Signature(s) of Property Owner(s)

Todd A. Lange / Lori D. Lange
Typewritten name also

CONTACT PERSON:

NAME Todd A. Lange

ADDRESS 554 W. 10th St

PHONE NUMBER 574-360-8389

FAX

EMAIL toddal67@gmail.com

EXHIBIT A

A part of the Northwest Quarter of the Northeast Quarter of Section 2, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, Saint Joseph County, Indiana, described as follows:

Beginning at a point that is 30.00 feet West and 150.00 feet North of the Southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 2; thence North along a line that is 30.00 feet West of and parallel with the East line of said Northwest Quarter of the Northeast Quarter, 119.00 feet; thence West along a line parallel with the South line of said Northwest Quarter of the Northeast Quarter, 300.00 feet; thence South along a line parallel with the East line of said Northwest Quarter of the Northeast Quarter, 119.00 feet; thence East along a line parallel with the South line of said Northwest Quarter of the Northeast Quarter, 300.00 feet to the Point of Beginning, containing 0.8196 of an acre, more or less; Excepting a strip of land 1 foot wide off of and from the entire Southerly boundary of said tract, containing 0.006 of an acre, more or less.

Elder Rd

Elder Rd

19

Elder Rd

Elder Rd

Drive

Pole bldg
30x80

House
28x60

septic

300ft

55235

Google Ma



ST. JOSEPH COUNTY
DEPARTMENT OF HEALTH
Prevent. Promote. Protect.

St. Joseph County Department of Health

"To promote health and wellness with compassion and integrity through partnerships, education, protection, and advocacy for all who reside in and visit St. Joseph County."

SEPTIC CONSULTATION RESULTS

DISCLAIMER:

The specifications, recommendations, and opinions shown below are based on limited information and investigation. They are intended as a guide to the requestor and shall not be construed to be definitive determinations. The Health Department shall not be held responsible for any decisions based on the information contained in this document or for changes in our guidance based on a reevaluation of the information or additional information or investigation. If the requestor requires a more definitive determination, they should contact a contractor/consultant or submit a full application for a septic permit and supply all of the required information.

THIS INFORMATION IS NOT TO BE USED FOR SYSTEM SPECIFICATIONS OR DESIGN SUBMITTAL

Applicant Name: Todd Lange
Property Location/Address: 55215 Elder Road, Mishawaka, IN 46545

General Site Information and Requirements:

Number of Bedroom Units: 3	Daily design flow: 450 gpd	Seasonal High-Water Table: 21 in
Septic Tank: 1000 gal	Dosing Tank: * gal	Discharge Rate: * gpm

System Type: FOR CONSULTATION PURPOSES ONLY

Subsurface Gravity Feed Trickle Flow		Subsurface Gravity Feed Flood Dose
Subsurface Pressure Distribution	X	Elevated Sand Mound -- Type I
Other:		Elevated Sand Mound - Type II

Probable Absorption Area Requirements: N/A

Size of Absorption Area: square feet	Loading Rate: gallons/square foot/day
Minimum Trench Depth: inches	Maximum Trench Depth: inches

Probable Elevated Sand Mound Requirements:

Absorption Area	750 square feet
Aggregate Bed	375 square feet
Loading Rate	0.60 gallons/square foot/day
Plowed Depth	7-14 inches
Additional Spec 23 Sand	0 inches

Perimeter Drain Requirements: N/A

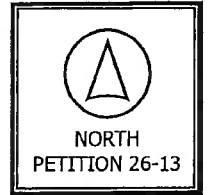
Perimeter Drain Depth	inches
Upslope Drain Depth	inches
Distance from Absorption Area	feet

Additional Comments: *Dosing tank and pump discharge rate dependent on system design.

Issued By: Katey Myers	4/22/2026
Environmental Health Specialist	Date

22

DAY RD



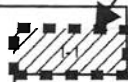
ELDER RD

CAPITAL AVE

N HOME ST

GLASER CT

PET 26-13



EARLY RD

Location Map

PET 26-13

TODD A. & LORI D. LANGE (OWNERS)

WEST SIDE OF ELDER ROAD APPROX.
2,470' SOUTH OF DAY ROAD

REZONE FROM I-1 LIGHT INDUSTRIAL
TO R-1 SINGLE FAMILY RESIDENTIAL
FOR A PROPOSED NEW HOUSE

Deborah S. Block, IAMC, MMC

MAY 26 2026

City Clerk
Mishawaka, IN

PET 26-14
Received

MAY 18 2026

Planning and
Community Development

May 18 2026

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

RE: PETITION TO REZONE

The Undersigned Expanding Investments LLC (Dustin Miller- Manager) respectfully show that 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:

Parcel Number 71-09-13-254-021.000-023
Legal Description: Lots 160 and 161 Geyers 4th Add
Common Description: 3616 York St Mishawaka, IN 46544

Petitioner owns one hundred (100%) percent of the above describes parcel of land which carries a zoning classification of **I-2 Heavy Industrial** District. Said property is used as a Single Family residence.

Petitioner desire said real estate to be rezoned to **R-1 Single Family** District. Petitioner further state that they intend to utilize said land for Single Family residence.

Wherefore, the petitioner prays and respectfully requests 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.



Property Owner Signature - Expanding Investments LLC (Dustin Miller- Manager)

Contact Person:

Name: Dustin Miller

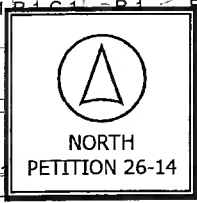
Address: 16490 Chandler Blvd Mishawaka, IN 46544

Phone Number: 574-252-1908

Email: dustin@expandinginvestments.com



LINCOLNWAY EAST



MAPLEWOOD AVE

SOAKLEY AVE

ORANGE AVE

OAKSIDES AVE

RAY ST

PET 26-14

E THIRD ST

YORK ST

Location Map

PET 26-14

EXPANDING INVESTMENTS LLC /
DUSTIN MILLER-MANGER (OWNER)

3616 YORK STREET

REZONE FROM I-2 HEAVY INDUSTRIAL
TO R-1 SINGLE FAMILY RESIDENTIAL
FOR AN EXISTING LEGAL NON-
CONFORMING RESIDENTIAL HOUSE

MAY 13 2026

City Clerk
Mishawaka, IN

APPEAL #26-20

RESOLUTION NO. 2026-20

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:

South of 4840 N Main Street , Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located **South of 4840 N Main Street, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 3 Juday Creek at Main Street Minor Subdivision

The Use Variance is to allow for a 4-tenant building with 2 restaurants with drive-thru for property located South of 4840 N Main Street.

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

Section III. The Common Council of the City of Mishawaka, Indiana, hereby finds based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties

are zoned commercial and the proposed use is consistent with those in the surrounding area.

3. The need for the use variance arises from the condition to the property in that the City of Mishawaka Zoning Ordinance does not have zoning classification that would allow for the proposed multi-tenant use with the drive-thru restaurant use.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the combined multi-tenant use and the drive-thru restaurant use. The preferred means by which to allow the two uses is through the use variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates which indicates commercial uses for this area.

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: Property South of 4840 N Main, North of Juday Creek

Date: May 12, 2026

Appeal: 26 20

Prepared By: CH

GENERAL INFORMATION

Applicant: Cressy Land Investments/Indy Prop Holdings LLC/Weihe Engineers

Status: Property Owner/Contingent Purchaser/Design Consultant

Request: Use variance to allow a four (4) tenant building, with two (2) tenants being drive-thru restaurants

Zoning Classification: C-1 General Commercial District

Lot Size: 3.15 acres

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals Use Variance
Section 137-300 to 137-303 / C-1 General Commercial District
Indiana Code 36-7-918.4

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (credit union)
South: C-1 General Commercial (Juday Creek)
East: C-1 General Commercial (medical facility)
West: C-1 General Commercial (hotel)

Thoroughfare: N Main Street

Council District: 6

School District: South Bend Community

Township: Clay

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

Comprehensive Plan: Service Commercial (office parks, medical centers, and hotels)

ANALYSIS

The Appellant is requesting a use variance to allow a maximum of four (4) tenants in a single commercial building and that two (2) tenants are allowed to be drive-thru restaurants.

The C-1 zoning classification only allows for a maximum of (2) separate tenants/uses on the property. In order to allow for the proposed multi-tenant building, the property would need to be rezoned to C-2 Shopping Center Commercial. However, the drive-thru restaurant use would not be allowed under the C-2 zoning classification and would need a zoning classification of C-7 Automobile Oriented Restaurant Commercial. The only means by which to allow the multi-tenant use with the drive-thru restaurant use is via the use variance process.

The lot is 3.15 acres, north of Juday Creek and south of the United Federal Credit Union at the southeast corner of Main Street and Edison Lakes Parkway. The proposal is to build a new building, with four (4) total tenants, including two (2) drive-thru restaurants, one at either end of the building.

Similar developments include the multi-tenant building east of Meijer, including an eye doctor, and two restaurants, one having a drive-thru (Potbelly's), approved in 2015 and The Shoppes at Grape on the southwest corner of Douglas and Grape, including Verizon, Nothing Bundt Cakes, and Dunkin drive-thru, approved in 2017.

No developmental variances are requested at this time. The preliminary site plan shows a building meeting all setbacks, supported by 94 parking spaces, which is in excess of both C-1 and C-2 calculations. Access will be from the existing drive off of Main Street which already serves the credit union and the rehab hospital.

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 access, storm drainage, grading, utilities, soil erosion control, landscaping, easements, and all other required improvements pertinent to the proposed development.

All other pertinent departments have reviewed and approved this request.

RECOMMENDATION

The Planning Staff recommends **approval** of Appeal #25-42 to allow a Use Variance for a residential unit in a C-2 Shopping Center Commercial District. This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the adjacent properties are zoned commercial and the proposed use is consistent with those in the surrounding area.
3. The need for the use variance arises from the condition to the property in that the City of Mishawaka Zoning Ordinance does not have zoning classification that would allow for the proposed multi-tenant use with the drive-thru restaurant use.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for the combined multi-tenant use and the drive-thru restaurant use. The preferred means by which to allow the two uses is through the use variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates which indicates commercial uses for this area.

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, and Location Map





A view north along Main Street



A view due east from Main Street



A view west from the parking lot of the rehab hospital

DATE: April 22, 2026

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

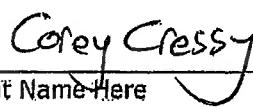
1. I, **Cressy Land Investments**, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

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.**

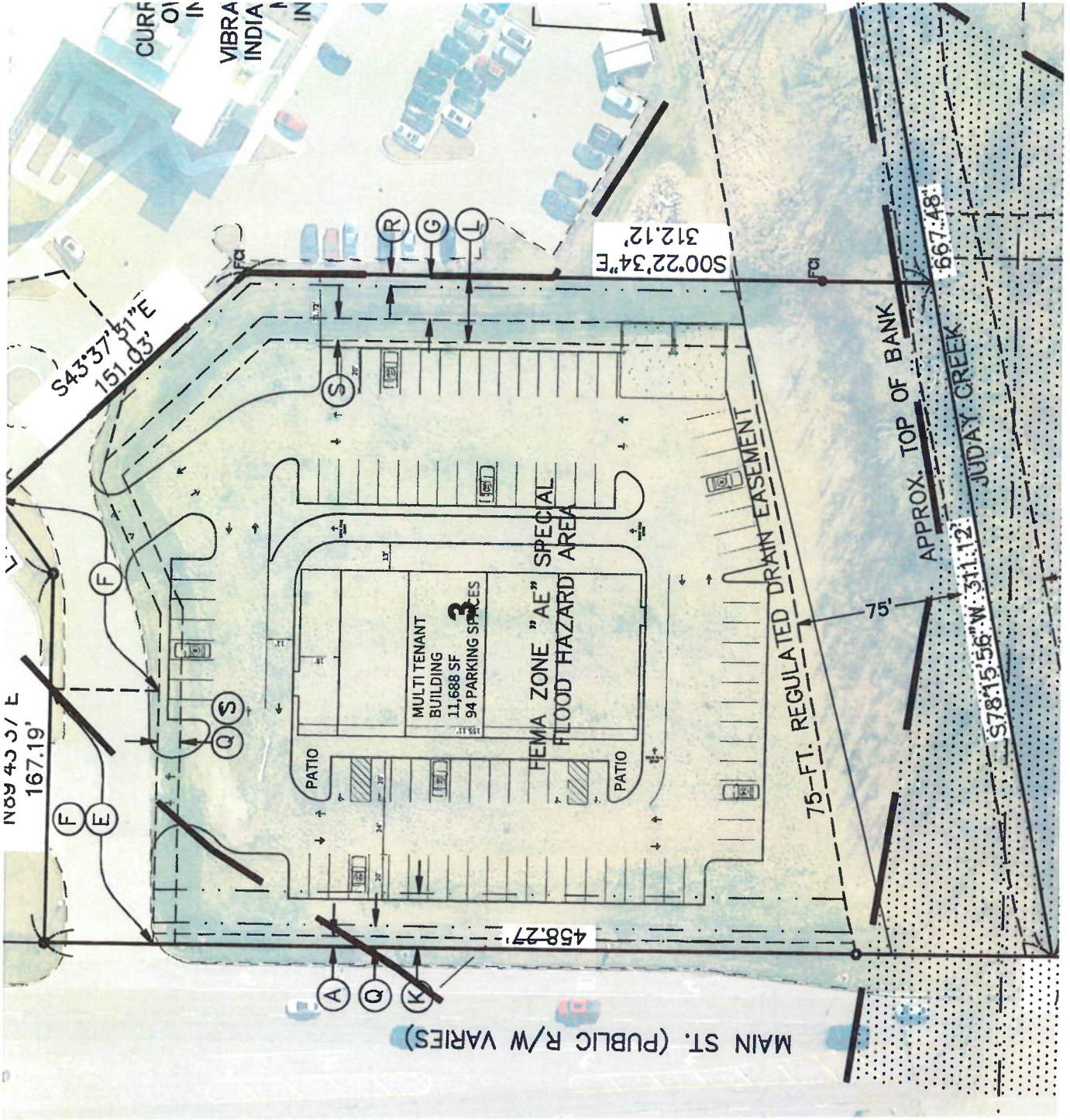
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

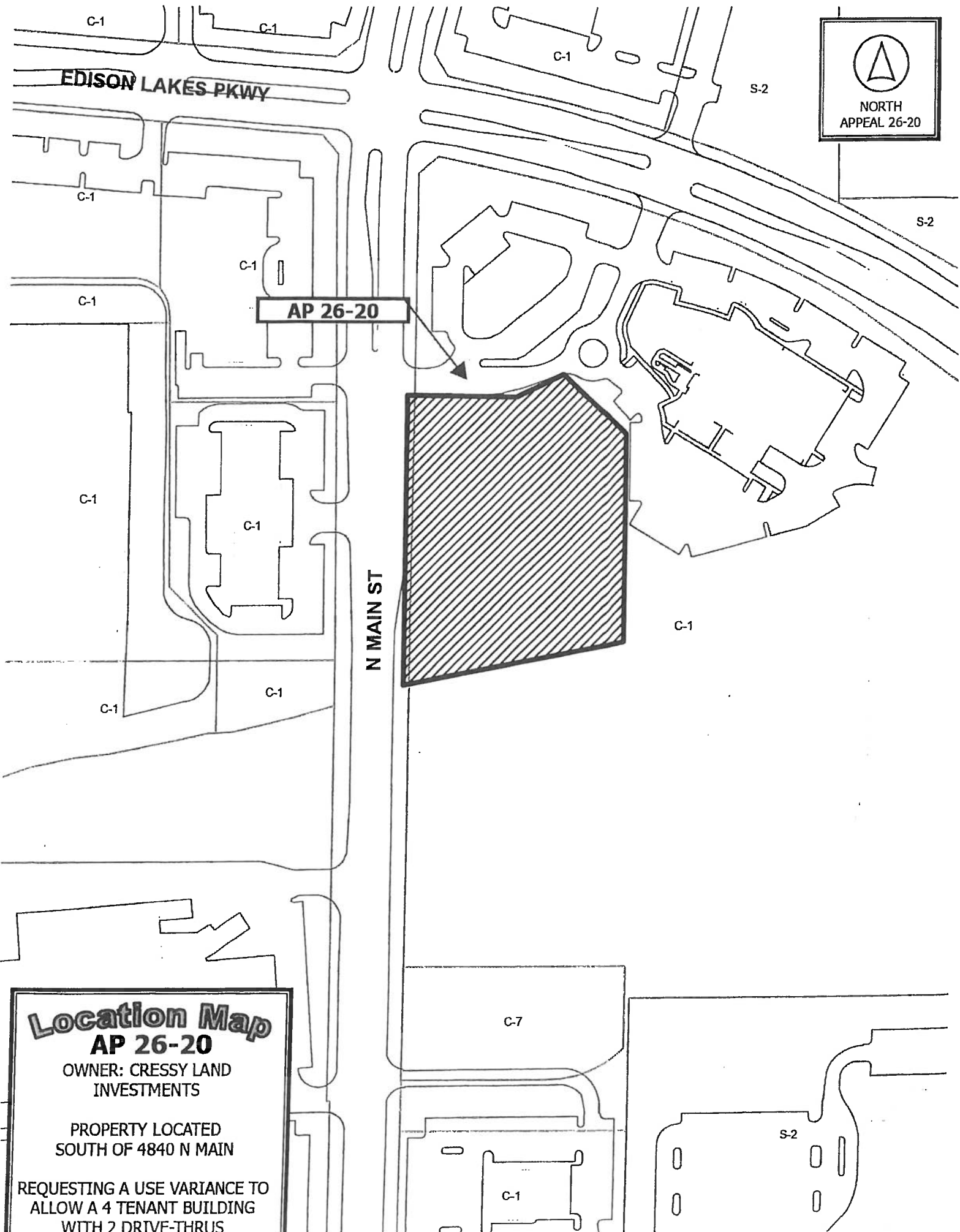

Print Name Here


Print Name Here

CONTACT PERSON:

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





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

MAY 13 2026

City Clerk
Mishawaka, IN

APPEAL #26-21

RESOLUTION NO. 2026-21

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:

327 W Colfax, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located **327 W Colfax, Mishawaka, Indiana**, more particularly known and described as follows:

A PARCEL OF LAND IN THE NW QTR OF SEC 9, T37N, R3E, DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE OF THE NE QTR OF SAID SEC 9, AT A POINT 410.45 FEET NORTH OF THE SW CORNER OF THE NW QTR OF THE NE QTR OF SAID SEC 9, SAID BEGINNING POINT 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 NE QTR 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.

The Use Variance is to allow for a counseling center for property located at 327 W Colfax.

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 based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the physical footprint of the building is not changing and will not be open to the public. The center will only be open to Bethel students and staff as well as congregants of the church.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because exterior improvements would increase the property value.
3. The need for the Use variance arises from the condition to the property in that the current zoning does not include counseling services in a residential home.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the applicant would not be able to provide a counseling center at this location.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates low density residential uses for this area because the R-1 zoning does allow for churches and schools.

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: 327 West Colfax Avenue

Date: May 12, 2026

Appeal: 26 21

Prepared By: SA

GENERAL INFORMATION

Applicant: Missionary Church North Central District Liberty Drive Church c/o College Park Church

Status: Property Owner

Request: Use variance to allow for a counseling center

Zoning Classification: R-1 Single Family Residential

Lot Size: 0.74 acres

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals Use Variance
Section 137-165 / R-1 Single Family Residential District
Indiana Code 36-7-918.4

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential (Missionary Church)
South: R-1 Single Family Residential (Residential)
East: R-1 Single Family Residential (Residential)
West: R-1 Single Family Residential (Bethel College)

Thoroughfare: Liberty Drive & West Colfax Ave

Council District: 4

School District: School City of Mishawaka

Township: Penn

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

Comprehensive Plan: Low Density Residential

ANALYSIS

The Appellant is requesting a Use variance to allow a counseling center to serve both congregants of the church as well as Bethel University students. Bethel currently runs a wellness center providing counseling to students that is near this property but is embedded on the campus and not accessible to others. Relocating the wellness center to this nearby location allows Bethel to provide the appellant access to these services for congregants and allows for expansion of needed services for both students and church patrons. The nature of the proposed Use involves a lot of one-on-one conversations. There will not be any increase in noise levels and most evenings the property will be closed. Most of the hours of operation will be during M-F daytime hours and appointments only. This may include some evening hours for working church members.

The R-1 Single Family District currently does not allow this type of Use. The subject building is a residential home owned by the church and is part of the same parcel as their parking lot. Parking would

not be a concern as a parking lot will be available. Additionally, the church would ensure no overlap between counseling center appointments and church activities. The tri-level layout of this home and physical conditions make compliance with commercial Use and accessibility impractical without interior alterations. Included with the application is a proposed interior remodel floor plan. Exterior improvements include: (Front) Closing up the garage door and adding four new windows, along with new siding too match existing. (Rear) Adding a small deck with two ramps for ADA compliance and a cement path connecting the existing church parking lot to new main entrance in the back. (Sides) freshen up exterior paint to ensure the property is up to date with new improvements. The number of employees will most likely be 2-3. Bethels current center has 1-2 employees. The max number of people that will be provided with counseling at any given time is approximately 8. If one counselor was doing a couple session and a second was doing a group of 6.

The Fire Department has commented that permits/CDR possible 34 will be needed.

The Building Department has commented that state release and local permits are needed.

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

All other pertinent departments have reviewed and approved this request. If approved by the Common Council, all applicable permits are required.

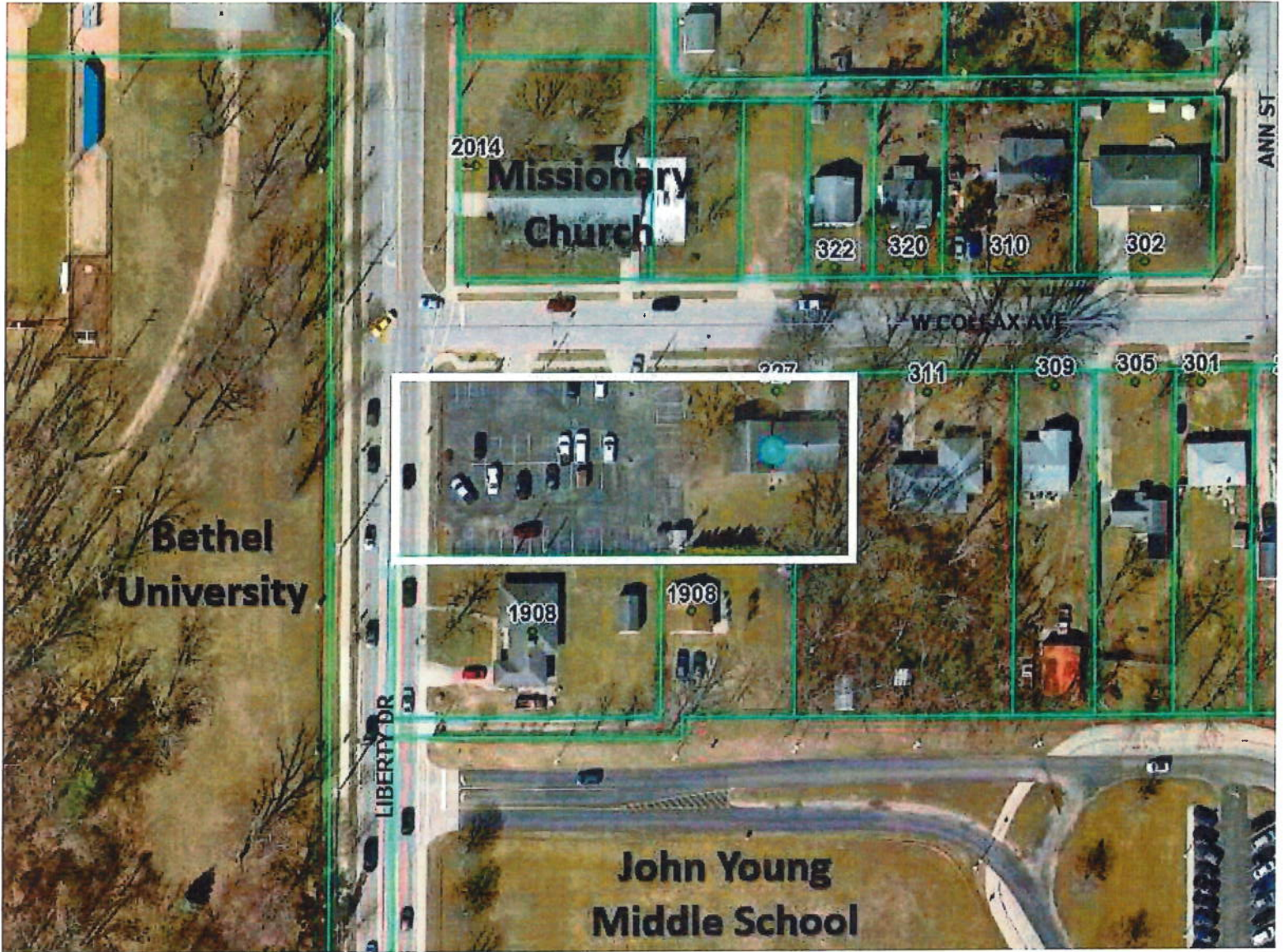
RECOMMENDATION

The Planning Staff recommends **approval** of Appeal #26-21 to allow a Use Variance for a counseling center in a R-1 Single Family District. This recommendation is based on the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the physical footprint of the building is not changing and will not be open to the public. The center will only be open to Bethel students and staff as well as congregants of the church.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because exterior improvements would increase the property value.
3. The need for the Use variance arises from the condition to the property in that the current zoning does not include counseling services in a residential home.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the applicant would not be able to provide a counseling center at this location.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates low density residential uses for this area because the R-1 zoning does allow for churches and schools.

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, and Location Map



Aerial



South facing from West Colfax Avenue



East facing from the parking lot



West facing from the parking lot



North facing from the parking lot.

DATE: 4/22/2026

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

AP-26-21
Received
APR 22 2026
Planning and
Community Development

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~~ *S/E ATTACHED*

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.

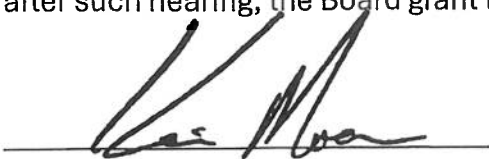
Minimum relief requested: allow change of use from residential to commercial (wellness center) and permit the limited site and building modifications described, converting the garage to a conference/office area with the garage floor raised to match main level, installation of exterior cement paths and 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?

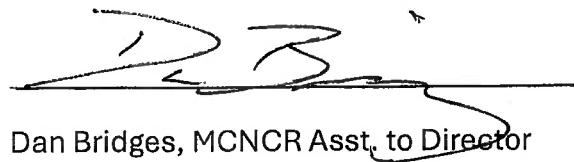
Answer: NO. The proposal fits the general goals for this area (local services/compatible use) and will not conflict with the plan's intent. Because the property is not open to the public and is already being used by the church, there really is not a visible or experienced disruption to the goals for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

Name:

Alex Gonzalez (Project Manager)

Address:

307 S. Main St.

Middlebury, IN 46540

Day Phone Number:

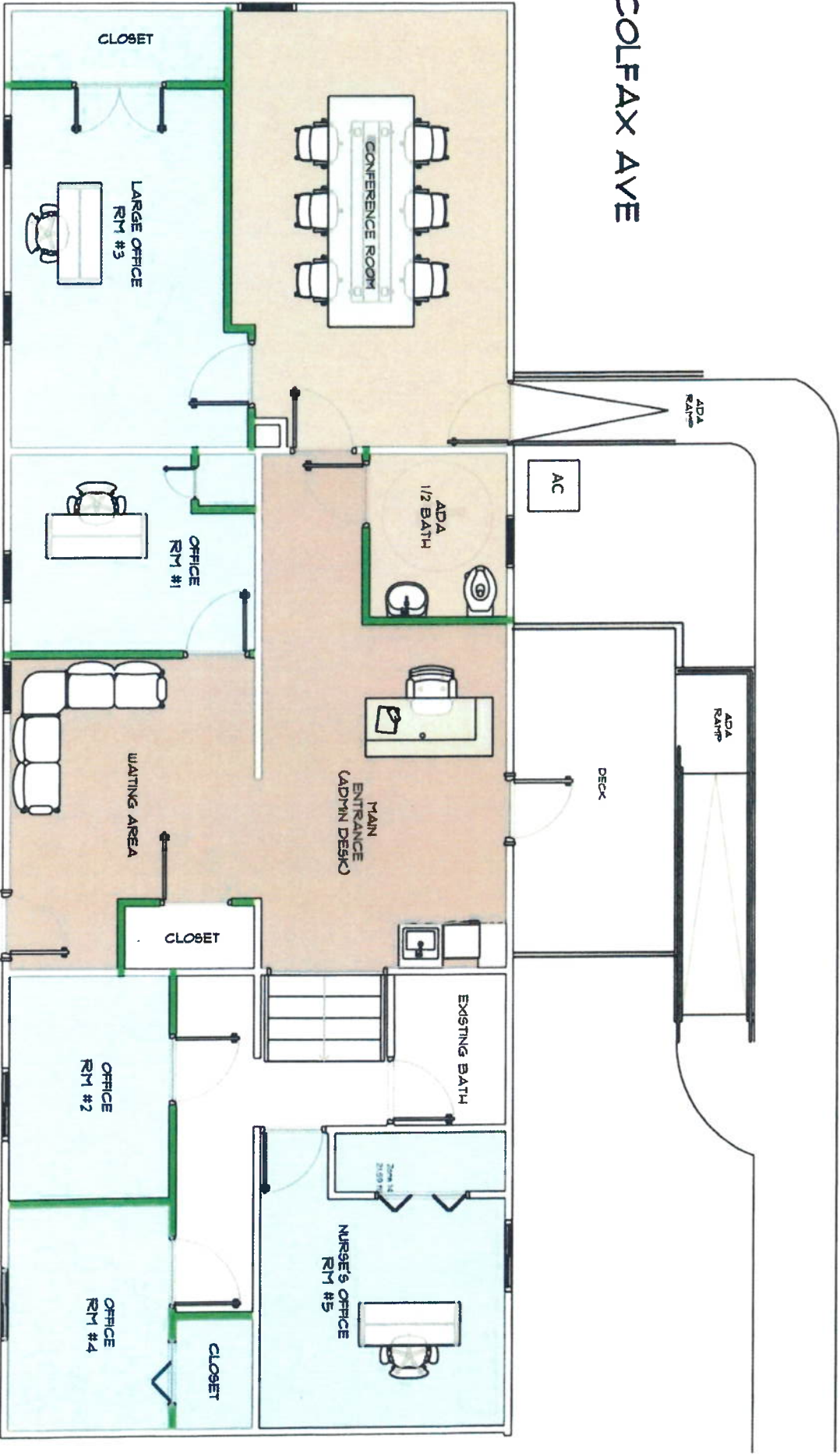
574-302-1347

Email:

anldesignco@gmail.com

And →

327 W. COLFAX AVE



GREEN LINES ARE NEW INTERIOR
WALLS PROPOSED

PROPOSED
LAYOUT

NORTH

JOHN YOUNG MIDDLE SCHOOL



NORTH

BETHEL UNIVERSITY

PARCEL AREA

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

LIBERTY DR

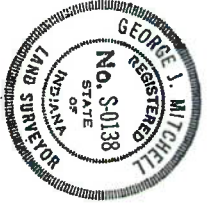
NORTH 410.45'
112.45'

COLFAX AVENUE

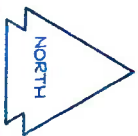
Nov. 12, 1973

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 S-0138

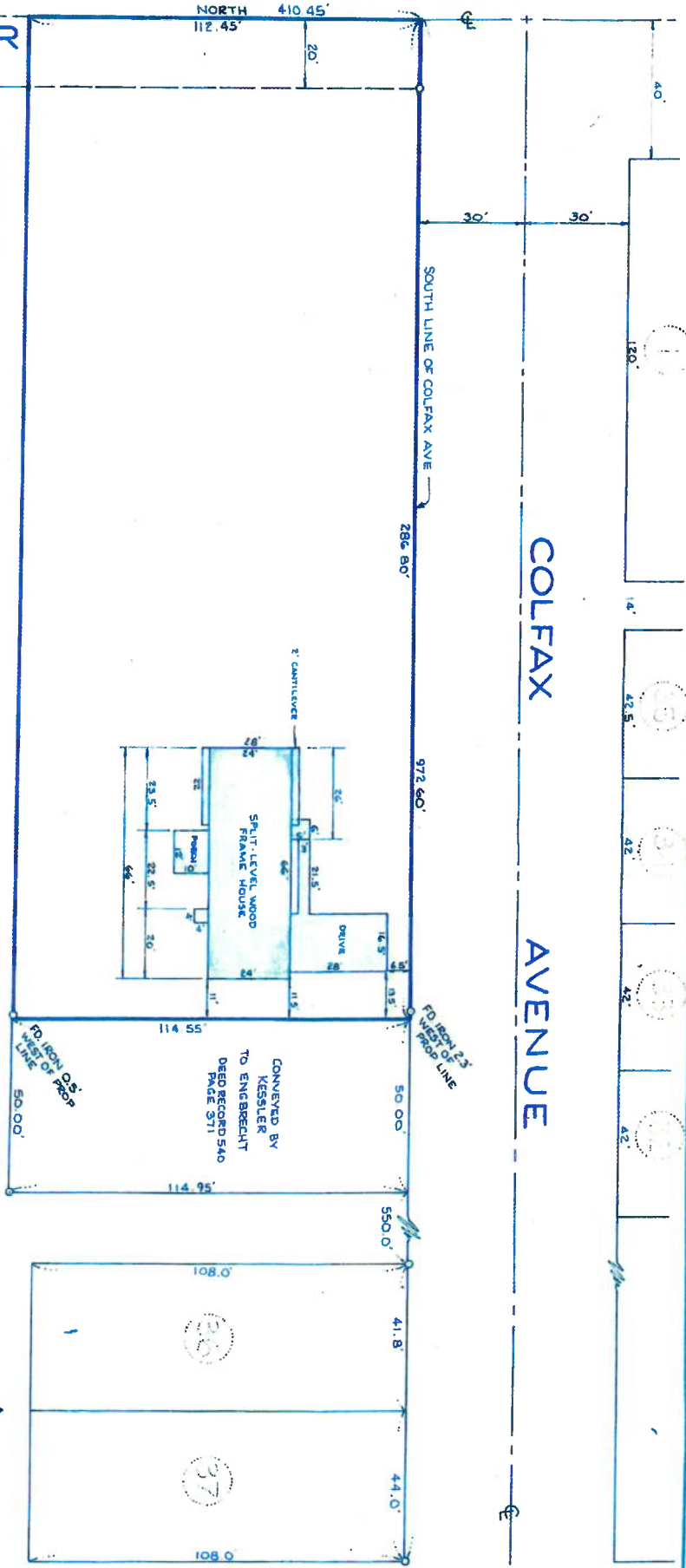


SCALE: 1"=30'



DESCRIPTION

A PARCEL OF LAND IN THE NW 1/4 OF THE NE 1/4 OF SEC 9, T37N R3E, DESCRIBED AS FOLLOWS:
BEGINNING ON THE WEST LINE OF THE NE 1/4 OF SAID SEC 9, AT A POINT 410.45 FEET NORTH OF THE SW CORNER OF THE NW 1/4 OF THE NE 1/4 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 NE 1/4 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



A MORTGAGE REPORT OF A PARCEL
NW 1/4, NE 1/4, 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.	P73-325	Date	11-12-73
Drawn By	Moty	Scale	1"=30'
Approved By		Sheet	1 of 1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1



NORTH
APPEAL 26-21

W LASALLE AVE

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

ANN ST

AP 26-21

W COLFAX AVE

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

R-1

LIBERTY DR

Location Map

AP 26-21

MISSIONARY CHURCH INC
NORTH CENTRAL DISTRICT

327 W COLFAX

USE VARIANCE FOR
COUNSELING CENTER

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.

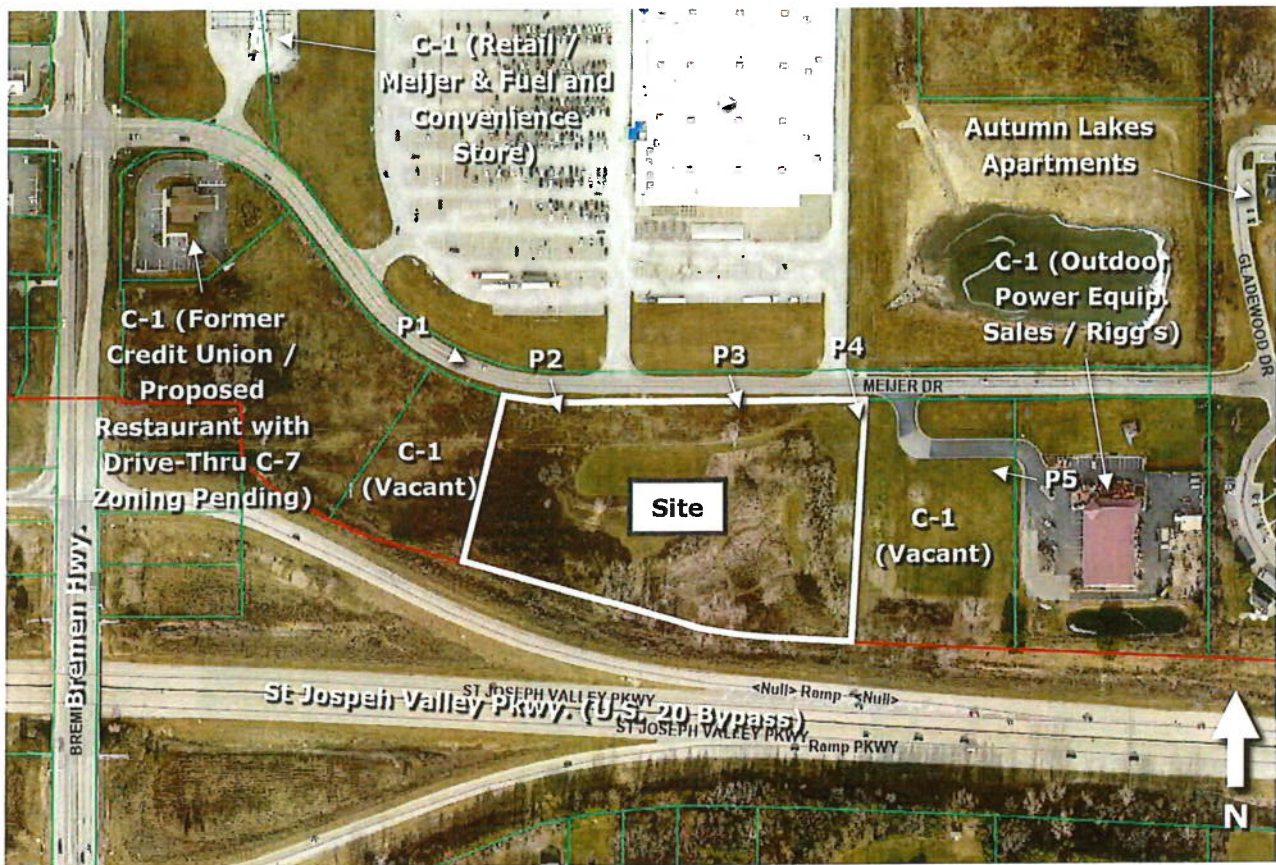
RECOMMENDATION

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

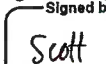
LOT 3A IN MEIJER/MCDANIEL'S HARLEY-DAVIDSON SUBDIVISION, THE PLAT OF WHICH IS RECORDED AS INSTRUMENT NUMBER 0710312, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

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**.

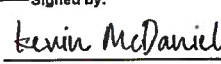
Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

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:

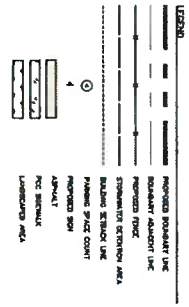
- Approximate Vehicle Turnaround Time: 9-15 days (industry standard)
- Outdoor vehicle storage is fully enclosed by a 6-foot opaque fence with 24/7 controlled access.

4. CONCLUSION

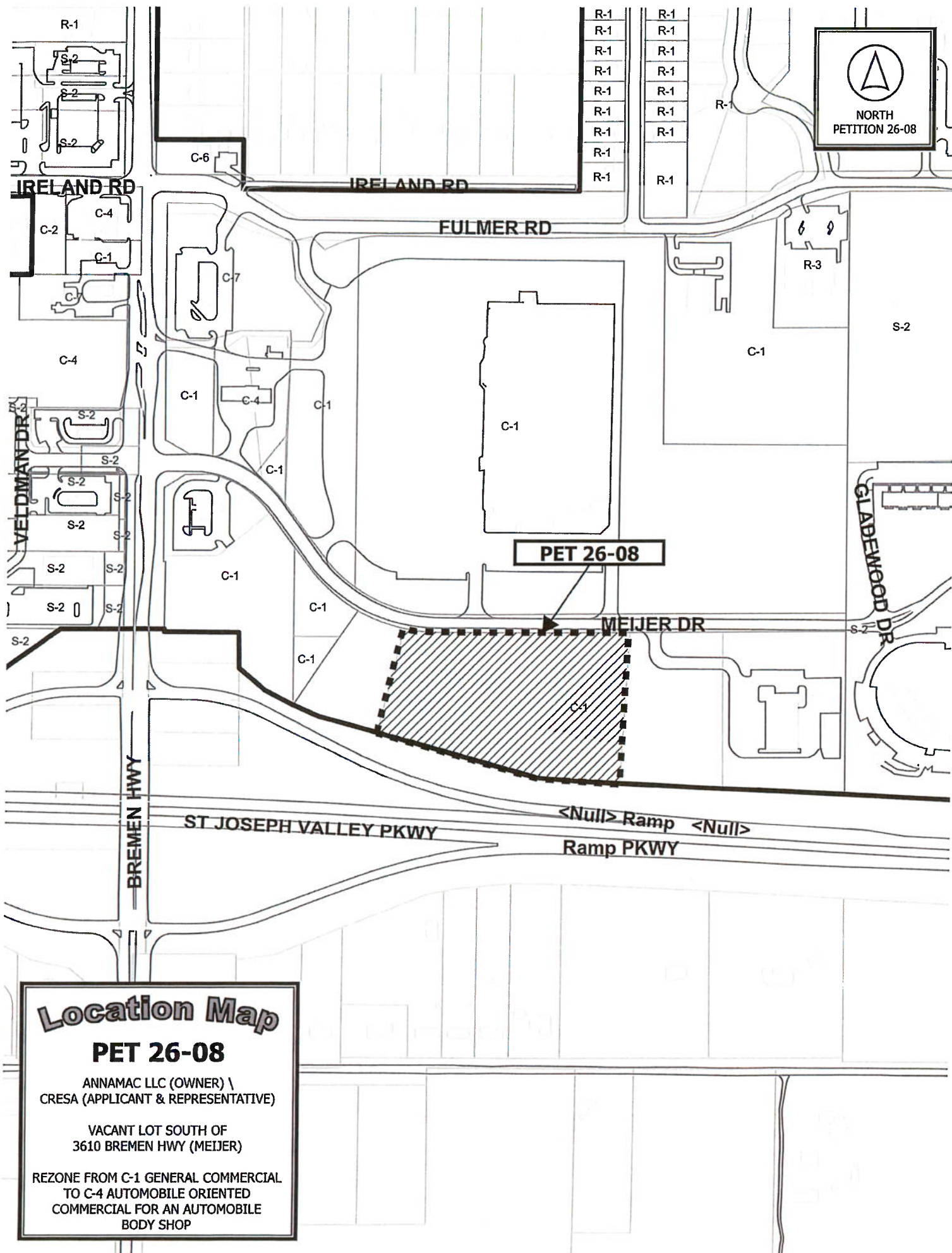
The proposed Crash Champions facility supports Mishawaka's planning and economic development objectives.

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 WILLIAMSBURG



MAY 27 2026

City Clerk
Mishawaka, IN

1st Reading 5/18/26

2nd Reading

Passed

Failed

Continued To

PROPOSED ORDINANCE NO. 2026-19

ORDINANCE NO. _____

AS AMENDED

AN ORDINANCE AMENDING ORDINANCE 5926AA AFFIRMING, AUTHORIZING AND ESTABLISHING BOUNDARIES FOR MISHAWAKA UTILITIES TO FURNISH WATER AND SEWER SERVICE TO THE PUBLIC UP TO FOUR MILES OUTSIDE MISHAWAKA CITY LIMITS

WHEREAS, the City of Mishawaka, Indiana (“Mishawaka” or “City”) is a second-class city as defined by Indiana Code §36-4-1-1(a); and

WHEREAS, Mishawaka, through Mishawaka Utilities, furnishes water to the public pursuant to Indiana Code § 36-9-2-14 and Indiana Code § 8-1.5-2-3; and

WHEREAS, Mishawaka, through Mishawaka Utilities, furnishes sewer service to the public pursuant to Indiana Code § 36-9-2-16 and Indiana Code § 36-9-23; and

WHEREAS, Indiana Code § 36-9-2-18 provides: "A municipality may exercise powers granted by sections 2, 3, 14, 16, and 17 [IC 36-9-2-2, 36-9-2-3, 36-9-2-14, 36-9-2-16, and 36-9-2-17] of this chapter in areas within four (4) miles outside its corporate boundaries;" and

WHEREAS, pursuant to Indiana Code § 8-1.5-6, following adoption of a regulatory ordinance concerning authority to provide service outside of a municipalities’ corporate boundaries, the municipality must petition the Indiana Utility Regulatory Commission (“IURC”) for its approval of the regulatory ordinance; and

WHEREAS, pursuant to Mishawaka Ordinance No. 5437 enacted by the Common Council of the City of Mishawaka on February 17, 2014, the City established a Regulated Territory to regulate and exclusively furnish water and sewer services, through Mishawaka Utilities, within an area up to four miles outside the City of Mishawaka’s corporate limits, excluding areas within the corporate limits of the City of South Bend and excluding customers then connected to and receiving service from other water or sewer utilities as of February 17, 2014; and

WHEREAS, the Common Council of the City of Mishawaka enacted Ordinance No. 2025-08 on April 10, 2025 reaffirming Ordinance No. 5437 and establishing boundaries for Mishawaka Utilities to furnish water and wastewater service to the public up to four miles outside Mishawaka city limits; and

WHEREAS, pursuant to Indiana Code § 8-1.5-6, on April 16, 2025, the City of Mishawaka petitioned the IURC for approval of the Ordinance 5926AA in IURC Cause No. 46221; and

WHEREAS, on April 22, 2026, the IURC approved the Settlement Agreement attached hereto as Exhibit A in IURC Cause No. 46221 (“Settlement Agreement”) between the City of

Mishawaka acting by and through the Board of Public Works and Safety and Utility Board; the Board of Commissioners of St. Joseph County; and the St. Joseph Regional Water & Sewer District that establishes the boundaries for the City's exclusive and non-exclusive provision of water and wastewater service to the public outside of Mishawaka's city limits.

WHEREAS, the City of Mishawaka hereby amends Ordinance No. 5926AA by adopting Exhibit A, attached hereto, which updates, amends, and replaces the Regulated Territory map included in Mishawaka Ordinance No. 5926AA, and provides the Settlement Agreement establishing the terms and conditions associated therewith.

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

Section 1. The City of Mishawaka Regulated Territory is hereby defined and established as those areas within the corporate boundaries of Mishawaka, as well as certain areas outside the City's boundaries as identified and depicted in Exhibit A attached hereto and incorporated herein by reference (the "Regulated Territory"), which excludes areas within the corporate limits of the City of South Bend and customers connected to and receiving services from other existing water or sewer utilities as of February 17, 2014, a copy of which shall be available for public inspection in the offices of Mishawaka Utilities and the Mishawaka City Clerk.

Section 2. Pursuant to the IURC's April 22, 2026 Order in IURC Cause No. 46221, except as otherwise set forth in Exhibit A, Mishawaka Utilities shall have the exclusive authority and hold an exclusive license to furnish and regulate water and wastewater service in the Regulated Territory, and Mishawaka Utilities shall be the exclusive provider of water and wastewater utility service to the public within the Regulated Territory as depicted in Exhibit A.

Section 3. Pursuant to the IURC's April 22, 2026 Order in IURC Cause No. 46221, except as otherwise set forth in Exhibit A, no other utilities are permitted to provide water and/or wastewater service within the Regulated Territory as depicted in Exhibit A. This Ordinance does not: (i) mandate that Mishawaka Utilities extend or provide service; (ii) prevent the use of onsite wastewater disposal systems or water supply where Mishawaka Utilities does not have facilities available and such other onsite wastewater disposal or water supply is otherwise permitted. Rather, this Ordinance expressly prohibits other utilities from furnishing water and wastewater service to customers within the Regulated Territory as depicted in Exhibit A except as otherwise set forth in Exhibit A.

Section 4. Except within the area marked as the Joint Participation Area in Exhibit A, no end user of water or wastewater service within the Regulated Territory as depicted in Exhibit A shall connect, and no water or wastewater producing structure within the Regulated Territory shall be connected to, collection or treatment facilities of any other water or wastewater service provider or utility.

Section 5. Any person, firm, or corporation that violates this Ordinance shall be subject to a civil penalty of two thousand dollars (\$2,000.00) per violation, with each day of violation and each separate connection being deemed a separate violation, and shall be responsible for

reimbursing Mishawaka for its costs and attorneys' fees in any action brought to enforce this Ordinance.

Section 6. Mishawaka Utilities' existing rules and regulations for water and wastewater service, as may be amended from time to time, shall apply to and within the Regulated Territory as depicted in Exhibit A.

Section 7. If any one or more of the terms, provisions, or sentences of this Ordinance, or portions of the Regulated Territory depicted in Exhibit A shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Ordinance, and in lieu of each provision that is found to contrary to law, a provision will be added as a part of this Ordinance that is as similar to the invalid provision as may be possible and be legal, valid, and enforceable.

Section 8. This Ordinance shall be in full force and effect from and after its adoption and any regulatory approval required by applicable law, and all other ordinances in conflict with the provisions hereof, including but not limited to Ordinance Nos. 5437 and 5926AA, are hereby amended and of no further force or effect to the extent of such conflict.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _ _ day of June, 2026, at ____ o'clock ____ .m.

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 June _____, 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 June, 2026, at the
hour of _____ .m.

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

MAY 27 2026

City Clerk
Mishawaka, IN

PROPOSED ORDINANCE NO. 2026-19

ORDINANCE NO.

Deleted: AMENDMENT TO ORDINANCE NO. 2025-08

Formatted: Underline

Deleted: 2025-8

AN ORDINANCE AMENDING ORDINANCE 5926AA AFFIRMING, AUTHORIZING AND ESTABLISHING BOUNDARIES FOR MISHAWAKA UTILITIES TO FURNISH WATER AND SEWER SERVICE TO THE PUBLIC UP TO FOUR MILES OUTSIDE MISHAWAKA CITY LIMITS

WHEREAS, the City of Mishawaka, Indiana ("Mishawaka" or "City") is a second-class city as defined by Indiana Code §36-4-1-1(a); and

WHEREAS, Mishawaka, through Mishawaka Utilities, furnishes water to the public pursuant to Indiana Code § 36-9-2-14 and Indiana Code § 8-1.5-2-3; and

WHEREAS, Mishawaka, through Mishawaka Utilities, furnishes sewer service to the public pursuant to Indiana Code § 36-9-2-16 and Indiana Code § 36-9-23; and

WHEREAS, Indiana Code § 36-9-2-18 provides: "A municipality may exercise powers granted by sections 2, 3, 14, 16, and 17 [IC 36-9-2-2, 36-9-2-3, 36-9-2-14, 36-9-2-16, and 36-92-17] of this chapter in areas within four (4) miles outside its corporate boundaries;" and

WHEREAS, pursuant to Indiana Code § 8-1.5-6, following adoption of a regulatory ordinance concerning authority to provide service outside of a municipalities' corporate boundaries, the municipality must petition the Indiana Utility Regulatory Commission ("IURC") for its approval of the regulatory ordinance; and

WHEREAS, pursuant to Mishawaka Ordinance No. 5437 enacted by the Common Council of the City of Mishawaka on February 17, 2014, the City established a Regulated Territory to regulate and exclusively furnish water and sewer services, through Mishawaka Utilities, within an area up to four miles outside the City of Mishawaka's corporate limits, excluding areas within the corporate limits of the City of South Bend and excluding customers then connected to and receiving service from other water or sewer utilities as of February 17, 2014; and

WHEREAS, the Common Council of the City of Mishawaka enacted Ordinance No. 5926AA on April 10, 2025 reaffirming Ordinance No. 5437 and establishing boundaries for Mishawaka Utilities to furnish water and wastewater service to the public up to four miles outside Mishawaka city limits; and

Deleted: 2025-08

WHEREAS, pursuant to Indiana Code § 8-1.5-6, on April 16, 2025, the City of Mishawaka petitioned the IURC for approval of the Ordinance 5926AA in IURC Cause No. 46221; and

Deleted: 2025-08

WHEREAS, on April 22, 2026, the IURC approved the Settlement Agreement attached hereto as Exhibit A in IURC Cause No. 46221 ("Settlement Agreement") between the City of Mishawaka acting by and through the Board of Public Works and Safety and Utility Board; the Board of Commissioners of St. Joseph County; and the St. Joseph Regional Water & Sewer

District that establishes the boundaries for the City's exclusive and non-exclusive provision of water and wastewater service to the public outside of Mishawaka's city limits.

WHEREAS, the City of Mishawaka hereby amends Ordinance No. 5926AA by adopting Exhibit A, attached hereto, which updates, amends, and replaces the Regulated Territory map included in Mishawaka Ordinance No. 5926AA, and provides the Settlement Agreement establishing the terms and conditions associated therewith.

Deleted: 2025-08

Deleted: 2025-08

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

Section 1. The City of Mishawaka Regulated Territory is hereby defined and established as those areas within the corporate boundaries of Mishawaka, as well as certain areas outside the City's boundaries as identified and depicted in Exhibit A attached hereto and incorporated herein by reference (the "Regulated Territory"), which excludes areas within the corporate limits of the City of South Bend and customers connected to and receiving services from other existing water or sewer utilities as of February 17, 2014, a copy of which shall be available for public inspection in the offices of Mishawaka Utilities and the Mishawaka City Clerk.

Section 2. Pursuant to the IURC's April 22, 2026 Order in IURC Cause No. 46221, except as otherwise set forth in Exhibit A, Mishawaka Utilities shall have the exclusive authority and hold an exclusive license to furnish and regulate water and wastewater service in the Regulated Territory, and Mishawaka Utilities shall be the exclusive provider of water and wastewater utility service to the public within the Regulated Territory as depicted in Exhibit A.

Section 3. Pursuant to the IURC's April 22, 2026 Order in IURC Cause No. 46221, except as otherwise set forth in Exhibit A, no other utilities are permitted to provide water and/or wastewater service within the Regulated Territory as depicted in Exhibit A. This Ordinance does not: (i) mandate that Mishawaka Utilities extend or provide service; (ii) prevent the use of onsite wastewater disposal systems or water supply where Mishawaka Utilities does not have facilities available and such other onsite wastewater disposal or water supply is otherwise permitted. Rather, this Ordinance expressly prohibits other utilities from furnishing water and wastewater service to customers within the Regulated Territory as depicted in Exhibit A except as otherwise set forth in Exhibit A.

Section 4. Except within the area marked as the Joint Participation Area in Exhibit A, no end user of water or wastewater service within the Regulated Territory as depicted in Exhibit A shall connect, and no water or wastewater producing structure within the Regulated Territory shall be connected to, collection or treatment facilities of any other water or wastewater service provider or utility.

Deleted: N

Section 5. Any person, firm, or corporation that violates this Ordinance shall be subject to a civil penalty of two thousand dollars (\$2,000.00) per violation, with each day of violation and each separate connection being deemed a separate violation, and shall be responsible for reimbursing Mishawaka for its costs and attorneys' fees in any action brought to enforce this Ordinance.

Section 6. Mishawaka Utilities' existing rules and regulations for water and wastewater service, as may be amended from time to time, shall apply to and within the Regulated Territory as depicted in Exhibit A.

Section 7. If any one or more of the terms, provisions, or sentences of this Ordinance, or portions of the Regulated Territory depicted in Exhibit A shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Ordinance, and in lieu of each provision that is found to contrary to law, a provision will be added as a part of this Ordinance that is as similar to the invalid provision as may be possible and be legal, valid, and enforceable.

Section 8. This Ordinance shall be in full force and effect from and after its adoption and any regulatory approval required by applicable law, and all other ordinances in conflict with the provisions hereof, including but not limited to Ordinance Nos. 5437 and 5926AA, are hereby amended and of no further force or effect to the extent of such conflict.

Deleted: 2025-08

PASSED by the Common Council of the City of Mishawaka, Indiana, this ____ day of June, 2026, at ____ o'clock ____m.

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 June _____, 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 June, 2026, at the
hour of _____.m.

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