



AGENDA

June 15, 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: 217 373 773 224 77
Meeting password: k5C6B8SD

Dial by phone: [+1 213-493-9412](tel:+12134939412), [468343614#](tel:+12134939412)

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 June 01, 2026

5. Petitions, Communications, Remonstrance, and Memorial

A letter from the Board of Zoning Appeals regarding their recommendation from their June 9, 2026, meeting.

A letter from the City Plan Commission regarding their recommendation from their June 9, 2026, meeting.

Presentment of Annual Operations Report for Local Roads & Street & Bridges.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. No. 2026-21 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.

P.O. No. 2026-22 Rezone from I-2 Heavy Industrial to R-1 Single Family Residential for an existing Legal non-conforming Residential House - 3616 York St.

8. Resolutions

R2026-22 Rescinding Use Variance to allow for a Event Center/ Assembly Hall - 526 W. McKinley Ave.

R2026-23 Adding Property to the City Acquisition List

- R2026-24 Use Variance for Volunteer Training and Operations Facility in R-1 Single Family Residential - NE corner of E. McKinley & Division St.
- R2026-25 Use Variance to allow Liquor Store and Retail sales development Variance for Reduction of Parking - 1217 E. McKinley

9. Ordinances on Second Reading

- P.O. NO. 2025-45 Establishing Responsible Bidding Practices and Submission Requirements ***(Public Improvements Committee)*** Amendment Requested

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

Change Regular Scheduled Meeting for July 20th to July 27th

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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages.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

June 1, 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 June 1, 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, followed by a moment of silence for former Mishawaka Chief of Police Leo Daggy and also Mayor Dave Wood's father, James Cecil Wood.

Council President Hixenbaugh stated on behalf of the entire Common Council, their condolences went out to both families and may they both rest in peace.

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.

Chief Deputy City Clerk Raven Boston called roll.

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

Minutes for the Regular Meeting on May 18, 2026, were approved as received from the Clerk's Office.

Clerk Boston read the following appeals and petitions by title.

- | | |
|-----------------------------|--|
| 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 Sales 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. Approximately 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 Home – 3616 York St. |

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

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 **RESOLUTION R2026-20** until their next regularly scheduled council meeting when a representative of the building could be there to talk with them about the matter. With a second from Mr. Banicki, a voice vote was held on the motion. The motion passed unanimously and the matter was postponed until their next regularly scheduled council meeting.

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, MISHAWAKA,
INDIANA
Use Variance for Counseling Center – 327 W. Colfax**

Mr. Hixenbaugh stated the chair entertained a motion to amend **RESOLUTION R2026-21** to incorporate some technical corrections into the form of the resolution as had been distributed to the Council by the Clerk's Office. Mr. Violi moved the motion and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously and the amendment was made to **RESOLUTION R2026-21**.

Dan Bridges, representing Missionary Church North Central Region, spoke in favor of **RESOLUTION R2026-21**. Mr. Bridges stated they were the owners of 327 West Colfax and their desire was to convert a parsonage that was next to one of their churches. Mr. Bridges stated they were a parent organization of 60 missionary churches in the Michiana area and they would like to convert that parsonage with the cooperation of Bethel University, which was their denominational school, into a counseling center. Mr. Bridges stated Bethel University had a counseling center on campus, and this would move that to the site in question and that would continue to serve the students at the university as well as some referrals from their pastors and churches in the area. Mr. Bridges stated when they presented to the Board of Zoning Appeals, they had two neighbors who had concerns that they were unaware of and one of their concerns were with sewer connections which they attempted to address, and a letter was distributed to the Council regarding that issue. Mr. Bridges stated the other family was under the misconception that they were building a new counseling center on top of their parking lot and once that notion

was dissuaded, the majority of the concerns were alleviated as well. Mr. Bridges stated the Board of Zoning Appeals suggested that they meet with the neighbors and they offered an opportunity to do that with invitations being distributed door to door and the meeting was held on Sunday, May 17th for that purpose. Mr. Bridges stated at that point, they were not aware of any further concerns among the neighbors. Mr. Bridges stated he would entertain any questions the Council had for him.

Mrs. Voelker thanked Mr. Bridges for working with the neighborhood and contacting the people that lived around him to alleviate any questions or concerns they had. Mrs. Voelker stated he had mentioned that Bethel had counseling on campus at that time and asked who specifically provided the counseling and if that group was going to move into the new space or if this was going to be a completely different counseling group. Mr. Bridges stated the current staff from the on-campus site would move over to this site, but in order to serve a few additional from their church referrals, which had not been an option before, they were hiring additional staff. Mrs. Voelker asked who then employed the counselors. Mr. Bridges stated that would be Bethel University and Dr. Julie Beam was in attendance that evening from the university if there were any questions in that field the Council had.

Mr. Mammolenti thanked Mr. Bridges for coming that evening and also for extending the invitation to their neighboring community to address any questions or concerns. Mr. Mammolenti asked how many people attended the meeting. Mr. Bridges stated two families with three people in total attended, with it being a husband and a wife, and a single gentleman. Mr. Mammolenti asked if those were the two families that he had referenced to that had the concerns. Mr. Bridges stated yes. Mr. Mammolenti asked if he could briefly describe some of the counseling services that would be offered. Mr. Bridges stated he would be willing to do that, but he thought his colleague would do a much better job of answering his question. Mr. Mammolenti stated he would wait until she was called up and thanked Mr. Bridges.

Mr. Banicki asked if anybody would live in the house. Mr. Bridges stated no and it would be converted to office space and group conversation space. Mr. Banicki asked what kind of hours of operation they would have. Mr. Bridges stated the majority would be daytime business hours but there would be limited evening hours for those who worked and were not available during the daytime and Julie could answer that question further. Mr. Banicki asked if there would be folks there with addictions and things like that that came and went out of the center. Mr. Bridges stated the likelihood of that was not very high, but there was a possibility of that. Mr. Bridges stated the ones that would be referred from their churches would typically be cases that were beyond the normal biblical pastoral counseling that their pastors could provide and they would say this would be somebody that needed to see a licensed individual, so there was the potential for that level, but the majority of what they would have would be marital counseling, depression, and anxiety and would be the more normal cases. Mr. Banicki asked if this was on a bus line. Mr. Bridges stated not that he was aware of. Mr. Banicki stated he asked that, because if somebody needed assistance and they did not have car, being on a bus line would be much more convenient than some alternate transportation. Mr. Banicki stated when you look at a lot of other areas

where you may see these types of things not in a residential neighborhood, you may see bus service and things like that. Mr. Banicki asked if this was a tax-exempt organization that would be in the home. Mr. Bridges stated yes, it was. Mr. Banicki asked if that property would be taken off the tax rolls or if it was already. Mr. Bridges stated it currently was as a part of their church. Mr. Banicki thanked Mr. Bridges.

Julia Beam, Vice President for Student Development and Success at Bethel University, spoke in favor of **RESOLUTION R2026-21**. Mrs. Beam stated the counseling center that operated on campus at that time was under her span of care and they would operate a very similar type of thing just down the road at this location. Mrs. Beam stated what that allowed them to do was, by joining with the region, the strength of what they could offer increased, so they would be able to hire a staff member or two who could provide additional support. Mrs. Beam stated this would let them provide different areas of focus, so an individual whose work was with sports psychology or with addictions. Mrs. Beam stated she thought one piece that had not been mentioned that could help their understanding was they were taking by referral from the pastors, so the goal of the center was not that it was just generally open to the public, these were people who were attending one of the regional missionary churches and the pastoral staff was needing support and that was a place where they had some expertise and they could step in to provide support. Mrs. Beam stated there also was a bus line on Logan which was about two blocks away, but not too far if that were needed.

Mr. Carroll stated when this was on campus, it was going to be a little more contained and would be right in the middle of an R-1 residential area and his main concern was for the neighbors and situations there. Mr. Carroll stated she mentioned licensed employees and that anybody working with another individual coming into the counseling center would be licensed to some degree and asked if she could speak more about that and their level of expertise. Mrs. Beam stated they would have two licensed therapists on site and they also operated with their student counseling interns and so those licensed professionals would oversee the counseling interns who were completing their final year. Mrs. Beam the assignments of the licensed individuals were based on the level of need that each person would come to the center with. Mr. Carroll asked if there would be anybody there that was not counseled by a licensed person, such as more of a spiritual type of thing as opposed to a professional in the field. Mrs. Beam stated they were looking at that and had not landed that yet, but this was another potential growth point for the missionary church and for Bethel where what they would love to get to at some point was actually having pastoral counseling and mental health counseling both present so that depending on what a person needed, they could see if what they needed was biblical counsel and prayer, that was possible and if what they needed was more of an intense mental health space that they had professionals on both sides present. Mr. Carroll stated his concern in a delicate area was that the licensed professionals were going to be bound by a code of ethics and there were certain lines that once they were crossed needed to be referred to police and things like that. Mr. Carroll asked for if those who were not held to those standards they were by their own profession, on the more spiritual side, working out of it in a neighborhood, would be bound by those things if they saw anything that could be a danger or a threat to not try and handle it on their own, but to pass it on

to authorities. Mrs. Beam stated yes, absolutely and because this was run by Bethel University, what they were taking to the site was a high level of concern for the safety of all who were involved. Mrs. Beam stated she thought one thing that she had not mentioned worth naming was that this was not the type of counseling center that saw people indefinitely. Mrs. Beam stated this was considered a short-term or gap kind of transitional counseling service and this was what they provided for college students. Mrs. Beam stated with many of them, there were challenges that came up during their time but by the nature of having made it to college many of them were in a fairly stable place. Mrs. Beam stated addiction came up and that probably didn't surprise any of the council members and yet they had a really supportive community that was able to support students, and they believed that could be expanded to support some others who were at churches and just beyond what some of those pastoral staffs could provide. Mrs. Beam stated they were not planning to do counseling for someone who had such a specific intense need that they needed to be seen weekly or multiple times a week for the rest of their lives; this was what they did with students which was eight free sessions and they would start with four free sessions for individuals who were referred by their pastors and then the church could choose to come alongside them and pay for some additional sessions if needed. Mrs. Beam stated if longer term care was needed beyond eight or 10 sessions or something like that then they started to look at other centers where they would refer them to. Mrs. Beam stated they did not see this as a place where there was going to be a lot of individuals with risky kinds of behavior showing up. Mrs. Beam stated they would be a refer out center when they got to a place like that. Mr. Carroll asked if the entire operation was going to be covered under Bethel's liability insurance even if it was outside missionary church folks coming in. Mrs. Beam stated that was right and they had been working with the insurance on the language for this and they were on board. Mr. Carroll thanked Mrs. Beam.

Mr. Hixenbaugh thanked the presenters that evening for the information that they shared and certainly both the church and Bethel were partnering on a venture that provided valuable service to the community. Mr. Hixenbaugh stated he did have some concerns and it was not at all related to the use per se but rather it was the location. Mr. Hixenbaugh stated over the course of the last 25 years or so Bethel, which was a valuable corporate entity within the community, in his experience had crept beyond the fringes of the campus proper as those of them who had lived in Mishawaka had known it and there was value in that. Mr. Hixenbaugh stated the concern he had, which was touched on by some of the questions from his colleagues, was that transformation of income producing property to non-tax paying status was always going to be of concern to municipal government. Mr. Hixenbaugh stated that was one of their primary funding sources and it was also a concern to the school corporation for somebody who had lived there all of their life. Mr. Hixenbaugh stated he went to school with people who had lived up and down that street which fed into the public school corporation and again, there was good on one hand and there was a concern on the other and trying to find that balance he thought was important. Mr. Hixenbaugh stated for him the most important factor in this regard was the current use and it would not go from pro-tax paying status to non-tax paying status, this was really a continuation of that status, just a change in the complexion of the service that was going to be provided there. Mr. Hixenbaugh stated he was certainly going to vote in favor of this, but he asked Bethel and its

community partners as they had opportunities to grow beyond the confines of the campus as it existed today to really take a hard look at what property was available within the confines of the campus, which was a beautiful wooded area and posed some unique challenges with regard to development within the confines of the campus however if Bethel could balance that desire to grow outside its current boundaries against the desire, the need of the community to try to keep as much taxpaying property available to them and to the school corporation as possible, he thought there was a happy medium that could be struck somewhere. Mr. Hixenbaugh stated he appreciated the information and appreciated Bethel's willingness to partner with the church to provide a needed service and he asked that in the future both entities always balance their needs against the larger needs of the community.

Question was called for at 6:21PM for **RESOLUTION R2026-21 Motion passed by majority roll call vote (summary: Yes = 8 No = 1).**

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

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

Chief Deputy Clerk Boston notified President Hixenbaugh that the petitioner from the prior resolution, **RESOLUTION R2026-20**, was online in the lobby and had technical difficulties when the Council prepared to hear the matter prior to postponement and was ready to have **RESOLUTION R2026-20** be heard. Mr. Hixenbaugh stated absent any objections from the Council, he was inclined to grant the petitioner the opportunity to present. The chair entertained a motion to afford the appellant the opportunity to present **RESOLUTION R2026-20** that evening. Mrs. Voelker moved the motion and with a second from Mr. Mammolenti, a voice vote was held on the motion. The motion passed unanimously and the public hearing on **RESOLUTION R2026-20** was opened.

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

Bill Terrian, Y Engineers at 1050 North College Avenue, Indianapolis, IN 46280, spoke in favor of **RESOLUTION R2026-20**. Mr. Terrian stated they were speaking that evening about the variances to allow the four-tenant building with the two drive-thrus at the property at 4840 N. Main Street. Mr. Terrian stated they had worked with staff to come up with a site plan and they got approval four weeks ago. Mr. Terrian apologized for the mix-up with the Council a couple of weeks ago and for logging on late remotely as there was a technical difficulty on their end. Mr. Terrian stated he would answer any questions the Council had.

Justin Reese, 13733 Smoky Ridge Overlook, Carmel, IN 46033, spoke in favor of **RESOLUTION R2026-20**. Mr. Reese stated he was part of the development group on the property and they had a special interest in the property to attempt to connect the two trade areas and the view along Main Street. Mr. Reese stated the restaurant-heavy area to the north and then what they viewed to be a really attractive area for future development further to the south were the two areas they were trying to connect as part of this development project. Mr. Reese stated they had worked with the overlay of the area and the ownership group to conform to their building specifications and they would appreciate the Council's support on the project.

Mrs. Voelker asked Mr. Reese if he had any potential businesses that were prepared to move in if this project moved forward and if he could tell the Council about them. Mr. Reese stated he would be happy to and they owned a burger franchise called Small Sliders out of Louisiana and Texas and it was just named 2025's fastest growing QSR concept and they were excited about bringing that to Indiana. Mr. Reese stated they had an 18-unit development agreement with Mishawaka being one of their first locations for that and they were hoping to use one of the two drive-thrus for that location. Mr. Reese stated they did not have any additional signed Letters of Intent at that time, but they had preliminary interest from Dave's Hot Chicken, Tropical Smoothie, and a couple of other national brands on the parcel in particular. Mrs. Voelker asked what would go in the other two and who the other two tenants would be and what type of business. Mr. Reese stated they were exploring that and there was talk of a Delta Dental Group opportunity and there were others they were exploring and discussing with, but they had not signed any otherwise at that time. Mrs. Voelker asked what their timeframe for developing the project was. Mr. Reese stated they would like to be open by quarter three of 2027.

Question was called for at 6:28PM for **RESOLUTION R2026-20 Motion passed by majority roll call vote (summary: Yes = 9).**

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

Chief Deputy Clerk Boston read the following proposed ordinances by title and opened the public hearing.

PROPOSED ORDINANCE NO. 2026-13

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

**Rezone from C-1 General Commercial to C-4 Automobile Oriented Commercial for Auto Body Shop – Vacant lot South of 3610 Bremen Highway (Meijer)
Withdrawal Requested**

Based on the request of the petitioner, the chair entertained a motion to approve the withdrawal of **PROPOSED ORDINANCE NO. 2026-13**. Mr. Violi moved the motion and with a second from Mrs. Voelker, a voice vote was held on the motion. The motion passed unanimously and **PROPOSED ORDINANCE NO. 2026-13** was withdrawn.

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
(Amendment Requested)**

The chair entertained a motion to amend **PROPOSED ORDINANCE NO. 2026-19** as requested by the Administration. Mr. Banicki moved the motion and with a second from Mrs. Voelker, a voice vote was held on the motion. The motion passed unanimously and **PROPOSED ORDINANCE NO. 2026-19** was amended.

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.

Ken Prince, Director of Planning and Community Development for the City of Mishawaka, spoke in favor of **PROPOSED ORDINANCE NO. 2026-19AA**. Mr. Prince stated as they were aware, this was regarding the amending of their city's service areas for water and sewer service. Mr. Prince stated it was prepared by Nikki Shoultz who was their special counsel from Bose McKinney & Evans who had helped them with this matter in the IURC. Mr. Prince stated as Mayor Wood indicated at his State of the City Address a year ago, the Council adopted an ordinance in response to the proposed Microsoft data center potentially being served by a private water utility and the St. Joseph County regional water and sewer district. Mr. Prince stated that was rather than the long-planned expansion of Mishawaka Utilities to serve the Capital Avenue corridor. Mr. Prince stated that ordinance, 2025-08, reaffirmed the ordinance the Council adopted in 2014 that identified the exclusive service boundaries for Mishawaka Utilities to furnish water and wastewater service. Mr. Prince stated this enabled the city to immediately file the request with the Indiana Utility Regulatory Commission to confirm the exclusive boundaries that included the Capital Avenue corridor. Mr. Prince stated in the fall of 2025, the city acted by and through the Board of Public Works and Safety and Utility Board and the St. Joseph County acted through the Board of Commissioners and the regional water and sewer district reached a settlement agreement that was jointly filed before the IURC on October 29th, 2025. Mr. Prince stated a copy of the settlement agreement was the basis and had been attached to the ordinance as reference. Mr. Prince stated on April 22nd, 2026, the IURC approved the settlement agreement subject to the

City of Mishawaka adopting an amendment to the regulatory ordinance to incorporate the service areas and material information that was included in the settlement. Mr. Prince stated the final IURC order had been previously attached to the ordinance and distributed to the Council for their use and information was available publicly. Mr. Prince stated the proposed ordinance had been drafted specifically to fulfill that requirement by the IURC and once it was approved, the revised ordinance would be filed with the IURC and then their action would become effective. Mr. Prince stated it had been a long year, and he wanted to thank the commissioners and the district for their willingness to evaluate the situation and reach an agreement with the city on what they believed to be in the best interests to serve both the citizens of unincorporated St. Joseph County and the City of Mishawaka. Mr. Prince stated he was happy to answer any questions the Council had.

Mr. Hixenbaugh thanked Mr. Prince as well as the other individuals and entities involved and specifically the Administration for being willing to work with their partners and local government to arrive at a fair resolution to the issue. Mr. Hixenbaugh thanked Mr. Prince once again for the work that he and others had done on this.

Question was called for at 6:35PM for **PROPOSED ORDINANCE NO. 2026-19 Motion passed by majority roll call vote (summary: Yes = 9).**

Yes: Mrs. Hazen, Mrs. Voelker, Mr. Carroll, Mr. Banicki, Mr. Emmons, Ms. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The proposed ordinance passed 9-0, thus it became **ORDINANCE NO. 5989.**

NEW BUSINESS

Mr. Carroll made a reminder that Thursday June 11th at 7PM, the 2nd District neighborhood meeting would take place at the Blair Hills Pool Complex, and their guest speaker would be Ken Prince, Director of Planning and Community Development for the City of Mishawaka. Mr. Carroll stated all Mishawaka residents were welcome to attend.

ADJOURNMENT 6:36PM

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.



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAMC, MMC

June 10, 2026

JUN 10 2026

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
June 9, 2026, Public Hearing

Honorable Members:

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

APPEAL #26-25 An appeal submitted by Habitat for Humanity of St. Joseph County Inc. requesting a Use Variance for property located at the northeast corner of E. McKinley Avenue and Division Street to permit a volunteer training and operations facility in the R-1 Single Family Residential District and C-1 General Commercial District.

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

APPEAL #26-26 An appeal submitted by KAMBOJ requesting a Use Variance for property located at 1217 E McKinley Avenue, Mishawaka, IN, to allow an existing building to be used for a liquor store and/or retail sales.

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

Respectfully,

Donna M Whitt

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

June 10, 2026

Deborah S. Block, IAMC, MMC

JUN 10 2026

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
June 9, 2026, Public Hearing

Honorable Members:

A regular meeting of the Mishawaka Plan Commission meeting was held on the above date at which time the following petitions were considered:

PET #26-13

A request submitted by Todd A & Lori D Lange requesting to rezone property located on the west side of Elder Road (west of 55250 Elder Road) approximately 2,470' south of Day Road from I-1 Light Industrial to R-1 Single Family Residential.

The Commission, with a vote of 7-0, recommended approval.

PET #26-14

A request submitted by Expanding Investments LLC requesting to rezone property located at 3616 York Street, Mishawaka, IN from I-2 Heavy Industrial to R-1 Single Family Residential.

The Commission, with a vote of 7-0, recommended approval.

Respectfully,

Donna M Whitt

Donna M Whitt, Administrative Planner
Secretary, Plan Commission



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Maguire, Controller
Kayla Yoder, Deputy Controller

Deborah S. Block, IAMC, MMC

MAY 29 2026

City Clerk
Mishawaka, IN

Date: May 29, 2026

To: Honorable Members of the Common Council

From: Rebecca Maguire – Controller

Re: **Presentment of the Annual Operational Report for Local Roads and Streets and Bridges**

Honorable members:

Indiana Code 8-17-4.1-7 requires this report to be filed with the governing body annually. This report has been prepared by the Street Department with input and review from Engineering and Finance.

*Pages 1-7 are instructions and not included in the report.

Please contact me with any questions.

c: David A. Wood, Mayor
Chris Jamrose, Director of Engineering/City Engineer
Louis Hazen, Street Commissioner

St. Joseph COUNTY, INDIANA

City OF **Mishawaka**
(For City or Town Reports) (Name of Unit)
(City and Town Form 225 Only)

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
(IC 8-17-4.1)

FOR THE YEAR ENDED
DECEMBER 31, 2025__

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
Part of State Form 54400 (X-2018)
Section 1 Financial Statement

Section 1 - Financial Statement	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge
Cash - January 1	\$830,828.54		\$1,370,216.22	
Receipts				
Operating Receipts				
Taxes	\$3,681,526.92	\$0.00	\$0.00	\$0.00
Intergovernmental	\$860,664.27	\$1,500,000.00	\$987,215.56	\$0.00
Charges for Services	\$0.00	\$0.00	\$0.00	\$0.00
Other Operating Receipts	\$19,177.79	\$0.00	\$0.00	\$0.00
Total Operating Receipts	\$4,561,368.98	\$1,500,000.00	\$987,215.56	\$0.00
Other Financing Sources				
Bond Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Note/Loan Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loan Proceeds	\$0.00	\$0.00	\$0.00	\$0.00
Investments Matured or Sold	\$0.00	\$0.00	\$0.00	\$0.00
Transfers In	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Total Receipts	\$4,561,368.98	\$1,500,000.00	\$987,215.56	\$0.00
Disbursements				
Operating Disbursements				
General Administration & Unallocated	\$3,079,739.42	\$0.00	\$0.00	\$0.00
Construction, Reconstruction & Preservation	\$0.00	\$1,500,000.00	\$653,688.04	\$0.00
Maintenance & Repair	\$0.00	\$0.00	\$785,411.48	\$0.00
Total Operating Disbursements	\$3,079,739.42	\$1,500,000.00	\$1,439,099.52	\$0.00
Other Financing Sources				
Debt Service - Principal	\$0.00	\$0.00	\$0.00	\$0.00
Debt Service - Interest	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loan Payments	\$0.00	\$0.00	\$0.00	\$0.00
Interfund Loans Made	\$0.00	\$0.00	\$0.00	\$0.00
Investments Purchased	\$0.00	\$0.00	\$0.00	\$0.00
Transfers Out	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Total Disbursements	\$3,079,739.42	\$1,500,000.00	\$1,439,099.52	\$0.00
Excess				
Over (Under) Total Disbursements	\$1,481,629.56	\$0.00	-\$451,883.96	\$0.00
Cash - December 31	\$2,312,458.10	\$0.00	\$918,332.26	\$0.00
Investments - December 31				
Cash and Investments - December 31	\$2,312,458.10	\$0.00	\$918,332.26	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 1 Financial Statement

Total Common Funds	Other Funds	Total All Funds
\$2,201,044.76		
\$3,681,526.92	\$1,120,823.25	\$4,802,350.17
\$3,347,879.83	\$0.00	\$3,347,879.83
\$0.00	\$0.00	\$0.00
\$19,177.79	\$0.00	\$19,177.79
<u>\$7,048,584.54</u>	<u>\$1,120,823.25</u>	<u>\$8,169,407.79</u>
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
<u>\$7,048,584.54</u>	<u>\$1,120,823.25</u>	<u>\$8,169,407.79</u>
\$3,079,739.42	\$361,216.85	\$3,440,956.27
\$2,153,688.04	\$176,518.96	\$2,330,207.00
\$785,411.48	\$583,087.44	\$1,368,498.92
<u>\$6,018,838.94</u>	<u>\$1,120,823.25</u>	<u>\$7,139,662.19</u>
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
<u>\$6,018,838.94</u>	<u>\$1,120,823.25</u>	<u>\$7,139,662.19</u>
\$1,029,745.60		
\$3,230,790.36		
<u>\$3,230,790.36</u>		

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 2 Receipts

Section 2 - Detail of Receipts					Total All Funds			
Receipts	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge	Other Funds	Credit	(Insert Other Fund)	(Insert Other Fund)
Taxes								
General Property Taxes	\$2,704,543.97				\$0.00			
LIT - Certified Shares					\$0.00			
LIT - Economic Development Income Tax					\$1,120,823.25	\$1,120,823.25		
Wheel and Sur Tax	\$976,982.95				\$0.00	\$976,982.95		
Other Taxes					\$0.00	\$0.00		
Total Taxes	\$3,681,526.92	\$0.00	\$0.00	\$0.00	\$1,120,823.25	\$4,802,350.17	\$0.00	\$0.00
Intergovernmental								
Motor Vehicle Highway Distribution	\$696,883.73	\$1,500,000.00			\$0.00	\$2,196,883.73		
Local Road and Street Distribution			\$980,455.96		\$0.00	\$980,455.96		
Financial Institution Tax Distribution					\$0.00	\$0.00		
Vehicle/Aircraft Excise Tax Distribution	\$163,780.54				\$0.00	\$163,780.54		
State Grants					\$0.00	\$0.00		
Federal Grants			\$6,759.60		\$0.00	\$6,759.60		
Other Intergovernmental					\$0.00	\$0.00		
Total Intergovernmental	\$860,664.27	\$1,500,000.00	\$987,215.56	\$0.00	\$0.00	\$3,347,879.83	\$0.00	\$0.00
Charges for Services								
Federal State and Local Reimbursement for Services					\$0.00	\$0.00		
Other Charges for Services					\$0.00	\$0.00		
Total Charges for Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Operating Receipts								
Interest					\$0.00	\$0.00		
Refunds/Reimbursements	\$10,419.31				\$0.00	\$10,419.31		
Contributions/Donations					\$0.00	\$0.00		
Transfers from Toll Facilities					\$0.00	\$0.00		
Miscellaneous	\$8,758.48				\$0.00	\$8,758.48		
Total Other Operating Receipts	\$19,177.79	\$0.00	\$0.00	\$0.00	\$0.00	\$19,177.79	\$0.00	\$0.00
Other Financing Sources								
Bond Proceeds					\$0.00	\$0.00		
Note/Loan Proceeds					\$0.00	\$0.00		
Interfund Loan Proceeds					\$0.00	\$0.00		
Investments Matured or Sold					\$0.00	\$0.00		
Transfer In					\$0.00	\$0.00		
Other					\$0.00	\$0.00		
Total Other Financing Sources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Receipts	\$4,561,368.98	\$1,500,000.00	\$987,215.56	\$0.00	\$1,120,823.25	\$8,169,407.79	\$1,120,823.25	\$0.00

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES

Part of State Form 54400 (X-2018)

Section 2 Receipts

Section 2 - Detail of Receipts

Receipts

Taxes			
General Property Taxes			
LIT - Certified Shares			
LIT - Economic Development Income Tax			
Wheel and Sur Tax			
Other Taxes			
Total Taxes	\$0.00	\$0.00	\$0.00
Intergovernmental			
Motor Vehicle Highway Distribution			
Local Road and Street Distribution			
Financial Institution Tax Distribution			
Vehicle/Aircraft Excise Tax Distribution			
State Grants			
Federal Grants			
Other Intergovernmental			
Total Intergovernmental	\$0.00	\$0.00	\$0.00
Charges for Services			
Federal State and Local Reimbursement for Services			
Other Charges for Services			
Total Charges for Services	\$0.00	\$0.00	\$0.00
Other Operating Receipts			
Interest			
Refunds/Reimbursements			
Contributions/Donations			
Transfers from Toll Facilities			
Miscellaneous			
Total Other Operating Receipts	\$0.00	\$0.00	\$0.00
Other Financing Sources			
Bond Proceeds			
Note/Loan Proceeds			
Interfund Loan Proceeds			
Investments Matured or Sold			
Transfer In			
Other			
Total Other Financing Sources	\$0.00	\$0.00	\$0.00
Total Receipts	\$0.00	\$0.00	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**
Part of State Form 54400 (X-2018)
Section 3 Disbursements

Section 3 - Detail of Disbursements					
Disbursements	Motor Vehicle Highway	Motor Vehicle Highway Restricted	Local Road & Street	Cumulative Bridge	Total Other Funds
General Administration & Unallocated					
Personal Services	\$3,013,027.15				\$0.00
Supplies	\$38,617.53				\$127,161.78
Other Services and Charges	\$28,094.74				\$234,055.07
Capital Outlay					\$0.00
Total General Administration & Unallocated	\$3,079,739.42	\$0.00	\$0.00	\$0.00	\$361,216.85
Construction, Reconstruction & Preservation					
Personal Services					\$0.00
Supplies					\$176,518.96
Other Services and Charges					\$0.00
Capital Outlay		\$1,500,000.00	\$653,688.04		\$0.00
Total Construction, Reconstruction & Preservation	\$0.00	\$1,500,000.00	\$653,688.04	\$0.00	\$176,518.96
Maintenance and Repair					
Winter Operations					
Personal Services					\$0.00
Supplies					\$174,060.38
Other Services and Charges					\$0.00
Capital Outlay			\$425,000.00		\$0.00
Total Winter Operations	\$0.00	\$0.00	\$425,000.00	\$0.00	\$174,060.38
Other Maintenance and Repair					
Personal Services					\$0.00
Supplies					\$177,659.23
Other Services and Charges					\$231,367.83
Capital Outlay			\$360,411.48		\$0.00
Total Other Maintenance and Repair	\$0.00	\$0.00	\$360,411.48	\$0.00	\$409,027.06
Total Maintenance and Repair	\$0.00	\$0.00	\$785,411.48	\$0.00	\$583,087.44
Other Financing Uses					
Debt Service - Principal					\$0.00
Debt Service - Interest					\$0.00
Interfund Loan Payments					\$0.00
Interfund Loans Made					\$0.00
Investments Purchased					\$0.00
Transfer Out					\$0.00
Other					\$0.00
Total Other Financing Uses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Disbursements	\$3,079,739.42	\$1,500,000.00	\$1,439,099.52	\$0.00	\$1,120,823.25

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
Part of State Form 54400 (X-2018)
Section 3 Disbursements

Section 3 - Detail of Disbursements

	(Insert Other Fund)	(Insert Other Fund)	(Insert Other Fund)
Disbursements			
General Administration & Unallocated			
Personal Services			
Supplies			
Other Services and Charges			
Capital Outlay			
Total General Administration & Unallocated	\$0.00	\$0.00	\$0.00
Construction, Reconstruction & Preservation			
Personal Services			
Supplies			
Other Services and Charges			
Capital Outlay			
Total Construction, Reconstruction & Preservation	\$0.00	\$0.00	\$0.00
Maintenance and Repair			
Winter Operations			
Personal Services			
Supplies			
Other Services and Charges			
Capital Outlay			
Total Winter Operations	\$0.00	\$0.00	\$0.00
Other Maintenance and Repair			
Personal Services			
Supplies			
Other Services and Charges			
Capital Outlay			
Total Other Maintenance and Repair	\$0.00	\$0.00	\$0.00
Total Maintenance and Repair			
Other Financing Uses			
Debt Service - Principal			
Debt Service - Interest			
Interfund Loan Payments			
Interfund Loans Made			
Investments Purchased			
Transfer Out			
Other			
Total Other Financing Uses	\$0.00	\$0.00	\$0.00
Total Disbursements	\$0.00	\$0.00	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES**

Part of State Form 54400 (X-2018)

Section 5 Mileage Changes

Section 5 - Mileage

	Actual Mileage (Dec 31)	Change from prior year	Reason(s)
Concrete	14.55	-0.22	Recalculated GIS Centerline Geometry
Asphalt	176.88	-0.55	Recalculated GIS Centerline Geometry
Chip Seal	0.00		
Composite	0.77		
Brick	0.10		
Gravel	0.30		
Unimproved	0.07		
Total Miles	192.67	-0.77	

ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
Part of State Form 54400 (X-2018)

Section 4 Debt

Section 4 - Debt Information

	(Description of Debt)	(Description of Debt)	(Description of Debt)	(Description of Debt)	(Description of Debt)	Totals
Bonds						
Bonds - Outstanding Principal January 1						\$0.00
New Bonds Issued During Year						\$0.00
Principal Paid						\$0.00
Interest Paid						\$0.00
Total Principal & Interest Paid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bonds - Outstanding Principal December 31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Notes/Loans						
Notes/Loans - Outstanding Principal January 1						\$0.00
New Notes/Loans Issued During Year						\$0.00
Principal Paid						\$0.00
Interest Paid						\$0.00
Total Principal & Interest Paid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Notes/Loans - Outstanding Principal December 31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Leases						
Capital Leases - Outstanding Principal January 1						\$0.00
New Capital Leases Entered Into During Year						\$0.00
Principal Paid						\$0.00
Interest Paid						\$0.00
Total Principal & Interest Paid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Leases - Outstanding Principal December 31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**ANNUAL OPERATIONAL REPORT
FOR LOCAL ROADS AND STREETS AND BRIDGES
SECTION 6 - CERTIFICATION**

Part of State Form 54400 (8-10)

FOR COUNTIES

Submitted by:

DATE: _____ 20 _____

Engineer/Director (if applicable)

DATE: _____ 20 _____

County Highway Supervisor

Approved:

DATE: _____ 20 _____

Board of County Commissioners

FOR CITIES AND TOWNS

Submitted by:

DATE: _____ 29-May 20 _____ 26 _____
Christine Jamrose, PE
City Engineer (if applicable)

DATE: _____ 29-May 20 _____ 26 _____
Louis Hazen
Street Commissioner or Supervisor

Approved:

DATE: _____ 29-May 20 _____ 26 _____
David A. Wood
Mayor or President of Town Council

1st Reading 6/15/26

2nd Reading

Passed

Failed

Continued To

PETITION 26-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2026-21

ORDINANCE NO. _____

Deborah S. Block, IAMC, MMC

JUN 10 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:

property located on the west side of Elder Road (west of 55250 Elder Road) approximately 2,470' south of Day Road, 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:

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.

which real estate is now classified as I-1 Light Industrial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Rezoning this property to R-1 Single Family Residential would still fit into the areas current use.

Proposed Ordinance No: _____

Ordinance No: _____

- 2. Current conditions and the character of current structures and uses in each district – A zoning of R-1 Single Family Residential would adhere to the current conditions and character of the area as the surrounding area is residential and vacant land.

- 3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is a single-family home as the surrounding area is primarily single-family homes and rural vacant land.

- 4. The conservation of property values throughout the jurisdiction –The property is and has been vacant so developing the property as a single-family residence would improve the property values.

- 5. Responsible development and growth - The proposed change is desirable given the surrounding area is single-family homes and vacant land.

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: West side of Elder Rd approximately 2,470' south of Day Rd Date: June 9, 2026
Petition: 26 13 Prepared By: DMW

GENERAL INFORMATION

Applicant: Todd A & Lori D Lange
Status: Property Owners
Request: Rezone from I-1 Light Industrial District to R-1 Single Family Residential
Zoning Classification: I-1 Light Industrial District
Lot Size: 0.86 acres
Applicable Regulations: Sec. 137-585 thru 137-587 I-1 Light Industrial District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (vacant land)
South: Unincorporated St. Joseph County (vacant land)
East: Unincorporated St. Joseph County (single family home)
West: S-2 Planned Unit Development (vacant land)
Thoroughfare: Elder Road
Council District: 5
School District: Penn-Harris-Madison
Township: Penn
Public Utilities: Some public utilities are available but does not include sanitary sewer or public water.
Comprehensive Plan: Industrial

ANALYSIS

The Petitioners, Todd & Lori Lange, are requesting to rezone vacant land located on the west side of Elder Rd approximately 2,470' south of Day Rd from I-1 Light Industrial District to R-1 Single Family Residential District. The property is located directly west of 55250 Elder Road. Properties to the east and directly south are in unincorporated St. Joseph County. Property directly to the north and west are within the City of Mishawaka and are zoned I-1 Light Industrial.

The property is currently a vacant wooded lot, and the Petitioners want to build a single-family home on the lot. City utilities will not be extended to the property so a septic system and well will be installed on

the property. Petitioners have worked with the St. Joseph County Health Department regarding installing a septic system.

Engineering Department commented that sanitary sewer is not available to this lot.

Building Department commented that permits are required.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #26-13 to rezone property located on the west side of Elder Rd approximately 2,470' south of Day Rd from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Rezoning this property to R-1 Single Family Residential would still fit into the areas current use.
2. Current conditions and the character of current structures and uses in each district – A zoning of R-1 Single Family Residential would adhere to the current conditions and character of the area as the surrounding area is residential and vacant land.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is a single-family home as the surrounding area is primarily single-family homes and rural vacant land.
4. The conservation of property values throughout the jurisdiction –The property is and has been vacant so developing the property as a single-family residence would improve the property values.
5. Responsible development and growth - The proposed change is desirable given the surrounding area is single-family homes and vacant land.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



Westerly view from Elder Road (southern line of property).



Westerly view from Elder Road.



Westerly view from Elder Road (northern line of property).

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 B1 District. Said property is (State the existing use of the real estate).

Petitioner(s) desire said real estate to be rezoned to B1 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

1-6

Elder Rd

Elder Rd

Drive

Pole big
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.

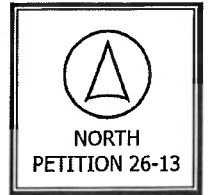
Issued By: Katey Myers

Environmental Health Specialist

4/22/2026

Date

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

1st Reading 6/15/26

PETITION 26-14

JUN 10 2026

2nd Reading

Passed

CITY OF MISHAWAKA, INDIANA

City Clerk
Mishawaka, IN

Failed

PROPOSED ORDINANCE NO. 2026-22

Continued To

ORDINANCE NO. _____

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

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

3616 York Street, 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:

Lots 160 and 161 Geyers 4th Addition

which real estate is now classified as I-2 Heavy Industrial District shall hereafter be within and a part of that District known as R-1 Single Family Residential District designated in "The Zoning Ordinance of 1966" as amended.

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

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Since that time and before, the subject property and surrounding area was residential. The proposed request is consistent with the use in this area.
2. Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses are R-1 Single Family, I-2 Heavy Industrial (are single family homes), and one I-1 Light Industrial property.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in 1927 and has always been a single-family residence.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.

Proposed Ordinance No: _____

Ordinance No: _____

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

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

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

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

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

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

STAFF REPORT

Location: 3616 York Street

Date: June 9, 2026

Petition: 26 14

Prepared By: SA

GENERAL INFORMATION

Applicant: Expanding Investments LLC / Dustin Miller

Status: Property Owner / Contact

Request: Rezone from I-2 Heavy Industrial District to R-1 Single Family Residential

Zoning Classification: I-2 Heavy Industrial District

Lot Size: 0.24 acres

Applicable Regulations: Sec. 137-164 thru 137-166 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map, Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: Railroad & R-1 Single Family Residential
South: R-1 Single Family Residential & I-1 Light Industrial (Burke Concrete Inc.)
East: I-2 Heavy Industrial (single family home)
West: I-2 Heavy Industrial (single family home)

Thoroughfare: York Street

Council District: 3

School District: School City of Mishawaka

Public Utilities: All public utilities are available and existing.

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioner is requesting to rezone 3616 York Street from I-2 Heavy Industrial District to R-1 Single Family Residential District. The property is located on York Street just south of the railroad tracks. The area is predominantly single-family residential homes with one I-1 Light Industrial property to the south.

The owner wants to rezone the property to match the use which is a single-family home. There is an existing single-family home on the property that was built in 1927. The property has always been a single-family home like neighboring properties. Several of the homes on York Street have been rezoned from I-2 Heavy Industrial to R-1 Single Family Residential with the most recent being in 2025.

Pertinent City Departments have reviewed and approved the request.

RECOMMENDATION

The Planning Department recommends **approval** of Petition #26-14 to rezone 3616 York Street from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact per *Indiana Code Section 36-7-4-603*:

1. The applicable Comprehensive Plan is the Mishawaka 2000 Comprehensive Plan, created in 1990, which identifies a land use of the subject property as Industrial. Since that time and before, the subject property and surrounding area was residential. The proposed request is consistent with the use in this area.
2. Current conditions and the character of current structures and uses in each district – The proposed R-1 Single Family Residential is consistent with the properties in this area. Adjacent land uses are R-1 Single Family, I-2 Heavy Industrial (are single family homes), and one I-1 Light Industrial property.
3. The most desirable use for which the land in each district is adopted – The most desirable use for the property is Single Family Residential. The home was built in 1927 and has always been a single-family residence.
4. The conservation of property values throughout the jurisdiction – Rezoning this property to the R-1 Single-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood.
5. Responsible development and growth - The proposed change is desirable given the existing uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



North facing from York Street



South facing from East Third Street

Pet 26-14

May 18 2026

Received

MAY 18 2026

Planning and
Community Development

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



JUN 12 2026

City Clerk
Mishawaka, IN

RESOLUTION NO. 2026-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, RESCINDING APPROVAL OF APPEAL #2025-07 OF THE MISHAWAKA BOARD OF ZONING APPEALS AND COMMON COUNCIL RESOLUTION #2025-06 FOR VIOLATION OF CONDITIONS FOR THE PROPERTY LOCATED AT:

526 W McKinley Avenue, Mishawaka, Indiana

WHEREAS, following the due consideration and action of the Mishawaka Board of Zoning Appeals Appeal 2025-07, the Common Council approved Resolution 2025-06 on April 14th, 2025 which approved the appellant's request to utilize a 2,299 square foot portion of an existing shopping center building zoned C-2 Shopping Center Commercial to be used as an event center, with conditions; and

WHEREAS, as part of the Council's approval of the request, the Council placed a condition on the request that limited the hours of operation where events would not occur past midnight; and

WHEREAS, the Council placed the condition to limit the potential for late night events to occur that the City has had problems with across the City, including the Heavenly Goat shooting that left a person dead from a shooting where over a hundred shots were fired, and Smith's Downtown where there were issues such as fights and public urination were frequent problems, all occurring after midnight; and

WHEREAS, without the addition of this condition, the Council would not have approved Resolution 2025-06; and

WHEREAS, as part of the hearing process the appellant acknowledged and accepted the condition limiting the hours of operation; and

WHEREAS, the condition for the use variance has been violated repeatedly as documented by the Mishawaka Police Department on four separate occasions by police report numbers MPD 2512070011, MPD 2604260009, MPD 2605090086, and MPD 2605240002; and

WHEREAS, the City Department of Planning and Community Development assembled a summary of these violations and documentation of the same; and

WHEREAS, Kenneth B. Prince, the Executive Director of the Department of Planning and Community Development sent a letter dated 5/29/2026 to the appellants/owner of the property Abdelrahman Farman (M&A Property LLC), LaTrenia Anderson, and to the business address by e-mail and by certified mail. This letter outlined the violations, the events, the dangerous activities occurring, the attempts made to contact the owner, and the belligerent response given on site to members of the Mishawaka Police Department. This letter and its attachments are attached to this resolution for reference; and

WHEREAS, this letter specifically identified that the Common Council would be considering a resolution to revoke the previously granted variance at its June 15th regular

meeting, and that the appellant would have the opportunity to speak on its own behalf at the public hearing thereon; and

WHEREAS, the appellant was directed given the seriousness of the matter to reach out to the City's Corporation Counsel if there was a desire to communicate with the City. As of the morning of June 10th, 2026, no communication had occurred; and

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, notice of consideration of this resolution has been duly posted in accordance with the Indiana Code.

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

WHEREAS, the City Administration has proposed and made a specific request in favor of the proposed resolution to revoke the use variance.

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 this resolution pursuant to Indiana Code on the Administration's request to rescind the Use Variance for property located at **526 W McKinley Avenue, Mishawaka, Indiana**, previously approved with conditions by Council Resolution 2025-06, more particularly known and described as follows:

A tract of land in the southeast quarter of the southwest quarter of section 4, township 38 north, range 3 east, City of Mishawaka, St. Joseph County, Indiana, said tract being more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of the southwest quarter of said section 4, thence east along the south line thereof, 400.00 feet; thence north 00°18'44" east, 290.00 feet, said point being the true place of beginning; thence continuing on the aforesaid being of north 00°18'44" east, 515.00 feet thence south 89°55'29" east, 225.61 feet; thence south 00°17'00" west, 118.63 feet thence south 44°43'00" east. 115.08 feet; thence south 89°55'29" west, 349.85 feet to the place of beginning.

Section II. Following a presentation by the Administration including the Mishawaka Police Department, and after proper public hearing, and with the appellant having the opportunity to speak on its behalf at the same, the Common Council hereby approves this resolution as recommended by the Administration, a copy of which is on file in the Office of the City Clerk. The Use Variance approved through Council resolution 2025-06 which allowed a 2,299 square foot event center within the C-2 Shopping Center Commercial District is hereby rescinded. The property may no longer be used as an event center.

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

1. *Approval of the resolution revoking the use variance is necessary based on repeated violations of the conditions placed on the previously granted use variance with activities occurring that are generally injurious to the public health, safety, morals and general welfare of the community as documented by the Mishawaka Police Department. The appellant has created an environment that is inherently dangerous for those in attendance and for our public safety officials who are responsible for responding as incidents occur;*
2. *The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner if it is not rescinded because the proposed event center/assembly hall has repeatedly violated the condition of the previously approved use variance and has created an environment that is inherently dangerous for those in attendance and for our public safety officials who are responsible for responding as incidents occur. If these activities continue, or if a serious incident were to occur, it will negatively impact the surrounding commercial area and the ability to attract businesses to this longstanding commercial corridor;*
3. *The need for the resolution rescinding arises from some condition peculiar to the property in that the owner and appellants have the responsibility to insure compliance with the required condition of their use variance, and either by direct action or by a lack of active management, have failed to do so; and*
4. *Strict application of the terms of this chapter will not constitute a hardship if applied to the property because the property still can be used for other permitted C-2 shopping center uses, without an event center; and*
5. *The approval revoking the use variance will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The property will remain a Commercial Shopping Center which is consistent with the Comprehensive Plan.*

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. Upon approval, notice shall be forwarded to the appellant by e-mail and certified mail, and may be supplemented by hand delivery by the Mishawaka Police Department.

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

5/29/2026

Abdelrahman Farhan
M&A Property LLC
51287 Windy Willow Court
South Bend, IN 46628

LaTrenia Anderson
13681 Wood Haven Drive
Granger, IN 46530

Business Owner/Occupant
526 W. McKinley Avenue
Mishawaka, IN 46545

Sent Certified Mail and by e-mail

RE: Violations of Approved Use Variance Appeal 25-07
Common Council Resolution 2025-06
526 W. McKinley Avenue, Mishawaka IN 46545
Notice of Violations and hearing request to revoke approved use variance.

Mr. Farhan and Ms. Anderson,

In April of 2025, the City of Mishawaka Common Council approved your requested use variance to allow 2,299 square feet of an existing retail shopping center located at 526 W. McKinley Avenue, zoned C-2 Chopping Center Commercial, to be used as an event center. As part of the approval, the Council approved the request subject to one condition as requested by staff and the Board of Zoning Appeals. This one condition is "All events shall end by 12:00am midnight".

The reason this condition was placed was specifically to avoid the type of events and gatherings that are now occurring at this event center. The past shooting that occurred at a Juneteenth celebration at the former Heavenly Goat Brewery that occurred in the early morning hours is exactly the type of event that the City wanted to avoid in placing this restriction.

Attached to this letter is documentation that has been provided by the Mishawaka Police Department concerning the activities that have been occurring, not only in violation of your variance, but it also identifies that you have created an environment that is inherently dangerous to those attending and to our public safety officials who are responsible for responding, either directly or by a lack of active management. This is no incidental violation that can happen from time to time that can be corrected. These police reports substantiate a blatant disregard of what you are legally bound as part of the use variance and shown to be directly detrimental to public health, safety and welfare of the public. Mishawaka Police has indicated they have made multiple attempts to contact the Owner/Management to which no response has been received. Based on this, as part of the certified mailing, \$250 zoning citations for each of the events associated with the attached police reports have

been issued. This is the maximum amount I am permitted to write outside of a court order and wholly not commensurate to the seriousness of the violations.

In addition, I am requesting that the Mishawaka Common Council conduct a public hearing and consider rescinding your use variance for this location. This hearing will be advertised according to law and will occur at the regularly scheduled June 15th Common Council meeting. The Council meeting starts at 6pm in the Common Council Chambers of City Hall, 100 Lincolnway West. At that time, you will be given an opportunity to present your case for keeping the use variance if desired. At that time, the Mishawaka Police Department will present a summary of the reports attached including:

- MPD 2512070011 - Parking lot fight while event center still open at 1:50 am.
- MPD 2604260009 - Parking lot fight while event center still open at 1:45 am. Patrons were "kicked out" of event.
- MPD 2605090086 - Parking lot fight.
- MPD 2605240002 - Patrons inside and outside of event center after Resolution 2025-06 required 12:00 am end time. Renting event representative upset and confrontational with officers. Unable to contact Event Center owner/manager. Police contact made at 12:38 am and event finally cleared at 3:38 am.

I have also attached the additional Event Flyers that have been provided. The Mishawaka Police Department also has police body and dash camera video that may be presented at the discretion of Police Chief Arendt. Given the disregard of the use variance, Mishawaka Police has also reached out to Excise to see if there are any violations concerning the licenses required to serve alcohol at these events.

If the variance is revoked by the Common Council, no further event center events will be allowed to occur at this location from the date it is passed, regardless if events have already been booked. Other uses permitted by right in the C-2 Shopping Center District Zoning District could occupy this location subject to compliance with all applicable codes and ordinances. Given the seriousness of the violations and our requested revocation of the use variance, should you desire to communicate with the City, please reach out directly to our Corporation Counsel, John Roggeman who can be reached by you or your counsel at 574-258-1637.

Sincerely,



Kenneth B. Prince, FASLA
Executive Director

Cc- Mishawaka Law Department
Mishawaka Police Department
Mishawaka Common Council

City of Mishawaka, Indiana
Board of Zoning Appeals

AP 25-07
Received
MAR 04 2025
Planning and
Community Development

DATE: 02/21/2025
TO: Board of Zoning Appeals
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

1. I, Abdelrahman Farhan / M+A PROPERTY LLC, am the owner of the following described real estate located within the City of Mishawaka, Township, St. Joseph County, State of Indiana, to-wit:

(PROVIDE ACCURATE LEGAL DESCRIPTION AND ALSO THE COMMON ADDRESS—A TAX KEY NUMBER IS NOT A LEGAL DESCRIPTION) SEE ATTACHED

526 W. MCANLEY AVE., MISHAWAKA, IN 46545
2. The above-described real estate presently has a zoning classification of C-2 District under the Zoning Ordinance of the City of Mishawaka.

3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: C-1/Event Center.

4. Appellant desires to (Explain what is proposed that violates the Ordinance.)
C-2 zoning classification does not allow for an Assembly Hall/Event Center/Banquet Hall zoning.

5. The Zoning Ordinance of the City of Mishawaka requires (Explain ordinance requirements and note Section Number of the Ordinance.)
Division 3 - Commercial Districts - Subdivision II - Sec 137-301 - Uses.

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

Strict adherence to the Ordinance requirements would violate the intent/uses of Sec 137-326 for permitted uses in order to be able operate as an Event Center/Hall

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, as this will be for private, commercial use. -

(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, this change does not affect the value of the area adjacent to the property. -

(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, because of the current C2 zoning classification, does not allow for the proposed business. -

(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, because the C2 classification does not allow for an event hall. -

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

- No this approval will have no interference with the Mishawaka 2000 Comprehensive Plan. -

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

Abdelrahman Farhan



CONTACT PERSON:

Name: Latenia Anderson

Address: 51287 Windy Willow Court

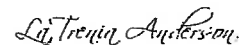
Day Phone Number: 2692083449

Fax Number: 2692083449

Email: afarhan483@sbcglobal.net

Second Property Owner/Title Holder

latenia Anderson



LaTrenia Anderson

13681 wood haven drive

5743343290

0

levlslounge23@gmail.com

APR 03 2024

City Clerk
Mishawaka, IN

APPEAL #25-07

RESOLUTION NO. 2025-06

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:

526 W McKinley Avenue, Mishawaka, Indiana

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

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

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

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

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **526 W McKinley Avenue, Mishawaka, Indiana**, more particularly known and described as follows:

A tract of land in the southeast quarter of the southwest quarter of section 4, township 38 north, range 3 east, City of Mishawaka, St. Joseph County, Indiana, said tract being more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of the southwest quarter of said section 4, thence east along the south line thereof, 400.00 feet; thence north 00°18'44" east, 290.00 feet, said point being the true place of beginning; thence continuing on the aforesaid being of north 00°18'44" east, 515.00 feet thence south 89°55'29" east, 225.61 feet; thence south 00°17'00" west, 118.63 feet thence south 44°43'00" east, 115.08 feet; thence south 89°55'29" west, 349.85 feet to the place of beginning.

The Use Variance will allow a 2,299 square foot event center within the C-2 Shopping Center Commercial District subject to the following conditions of approval:

1. **All events shall end by 12:00 am midnight**

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to

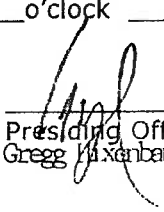
wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. *Approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed event center/assembly hall in the former Fun Tan in a multi-tenant building is consistent and compatible with the density and uses of the adjacent parcels;*
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 proposed event center/assembly hall in an existing multi-tenant commercial building is adjacent to and within property currently zoned for commercial use with adequate parking for the proposed use;*
3. *The need for the variance arises from some condition peculiar to the property as the C-2 zoning district does not permit the use as an event center/assembly hall;*
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 as the Appellant will not be able to expand their business and make use of a current vacant space and enlarged parking facilities; and*
5. *The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The proposed use is consistent with the Comprehensive Plan.*

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 14 day of April, 2025, at 7:54 o'clock P.m.



Presiding Officer
Gregg Luxenbaugh

ATTEST:

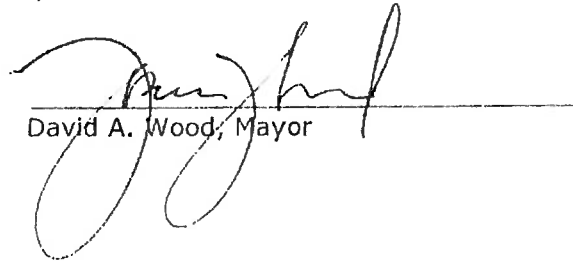


Deborah S. Block, IAMCA, MMC, City Clerk

PRESENTED by me to the Mayor this 15 day of April 2025,
at 8:30 o'clock a.m.


Deborah S. Block, JAMCA, MMC, City Clerk

APPROVED by me this 15th day of April, 2025, at
10:02 o'clock A.m.


David A. Wood, Mayor

STAFF REPORT

Location: 526 West McKinley Avenue

Date: April 8, 2025

Appeal: 25 07

Prepared By: SA

GENERAL INFORMATION

Applicant: M & A Property LLC / Levis Lounge

Status: Property Owner / Contingent Tenant

Request: Use Variance to allow for an event center / assembly hall

Zoning Classification: C-2 Shopping Center Commercial

Acreage: 3.67 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance, Section 137-326 C-2 Shopping Center Commercial Uses, Indiana Code 36-7-4-918.4

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial (Techniplas/Plastics Manufacturer)
South: C-7 Auto-Oriented Restaurant Commercial (Burger King, Taco Bell)
East: C-7 Auto-Oriented Restaurant Commercial (Planet Fitness, Big Lots, Home Outlet, Smoothie King)
West: C-4 Auto-Oriented Commercial (Gates)

Thoroughfare: W McKinley Ave & Grape Rd

Council District: 6

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial

ANALYSIS

The Appellants are requesting a Use Variance to allow a 2,299 square foot event center. The contingent tenant, LaTrenia Anderson, owner of The Levis Lounge, would like to open at 526 W. McKinley Ave. in the space identified on the aerial (former Fun Tan). There will be no food prep on site. All food/drinks would be provided by others if needed. Closing hours would conclude at midnight considering they will be providing service for wedding receptions, baby showers, high-end corporate meetings, community gatherings, etc. They would need to have time for the guests to end their event as well as clean up prior to leaving. A similar Use Variance at 502 W. McKinley Avenue (same shopping center) to allow an event center (assembly hall) with bingo was approved on April 12, 2022 with 67 parking spaces.

The number of parking spaces required for a shopping center in the C-2 district is 5 spaces per 1,000 sq. ft. of building space. Based on the total sq. ft. of the shopping center, a total of 151 parking spaces were determined to be required. In reviewing the existing parking spaces within the property, it appears that there are approximately 160 spaces in total. The total number of parking spaces exceeds the previously determined required number of spaces. The prior event center with bingo is no longer in business. Also, there are additional parking spaces often not used within the adjacent large commercial property to the east.

The Electric Department has commented they will need to discuss electrical needs with the contractor prior to construction. The Fire Department has requested the Construction Design Release (it has since been provided) and plan for fire alarm. All other pertinent City departments have reviewed and approved.

The tenant will be required to obtain all necessary permits from the City prior to work.

RECOMMENDATION

The Planning Staff recommends approval of Appeal #25-07 to allow an event center at 526 W McKinley Avenue. This recommendation is based on the **condition** that all events shall end by 12:00 am midnight and upon the following findings of fact *per Indiana Code 36-7-4-918.4*:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the proposed event center/assembly hall in the former Fun Tan in a multi-tenant building is consistent and compatible with the density and uses of the adjacent parcels;
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 proposed event center/assembly hall in an existing multi-tenant commercial building is adjacent to and within property currently zoned for commercial use with adequate parking for the proposed use;
3. The need for the variance arises from some condition peculiar to the property as the C-2 zoning district does not permit the use as an event center/assembly hall;
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 as the Appellant will not be able to expand their business and make use of a current vacant space and enlarged parking facilities; and
5. The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial development within this property. The proposed use is consistent with the Comprehensive Plan.

Call For Service Information

Case Folder #	2605230082	Incident	FOLLOW UP
CFS #	MPD-2026-00015728		
Agency	MISHAWAKA PD	Location Name	LEVL5 EVENT CENTER
Call Source	OFFICER INITIATED	Location	526 W Mc Kinley Ave
		Apt.	
		CSZ	MISHAWAKAIN46545
Call Created	5/23/2026 9:34:37 PM		
1 st Unit Dispatch		At or in Front	At Location
1 st Unit Enroute		Beat	MPD52_1
1 st Unit Arrival	5/23/2026 9:34:37 PM		
Incident Closed	5/23/2026 10:26:51 PM	Coordinate X	-86.18947910
		Coordinate Y	41.68134955
Call Creator	eparmley		
Device ID	PSAP-PW-DIS33		

Subject Information

Disposition(s)

Disposition	FOLLOW-UP
Unit ID	MPD/M302
Primary Unit?	Y - Yes
Comments	ATTEMPTED TO MAKE CONTACT WITH AN AGENT OF THE PROPERTY REGARDING THE ORDINANCE REQUIREMENT TO CLOSE AT MIDNIGHT FEMALE WHO HAD KEYS TO THE BUILDING CLAIMED SHE WAS NOT IN CHARGE AND WOULDNT TELL ME WHO WAS SHE WAS VERY HOSTILE AND UNCOOPERATIVE

Comments

User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/23/2026 9:34:37 PM		
Comment Text	FU PER 302		
User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/23/2026 9:37:08 PM		
Comment Text	302 -REW KH PERSON HES SPEAKING WITH IS UNCOOPERATIVE		
User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/23/2026 9:38:04 PM		
Comment Text	NO KH LISTED		
User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/23/2026 9:51:05 PM		
Comment Text	SIG 4		
User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/23/2026 10:07:09 PM		
Comment Text	SIG 4		

Unit Assignment

Unit ID	MPD/M302MPD	Primary Unit?	Y - Yes
Officer	MPD20142 - Smith, Matthew	Temporary Unit?	
Dispatched			
Enroute			
Arrived	5/23/2026 9:34:37 PM		
Cleared	5/23/2026 10:26:51 PM		
Unit ID	MPD/M304MPD	Primary Unit?	N - No
Officer	MPD20402 - Norby, Michael	Temporary Unit?	
Dispatched	5/23/2026 9:35:27 PM		
Enroute			
Arrived	5/23/2026 9:39:06 PM		
Cleared	5/23/2026 10:10:07 PM		

Call For Service Information

Case Folder #	2512070011	Incident	DISTURBANCE
CFS #	MPD-2025-00039845		IN PROGRESS
Agency	MISHAWAKA PD	Location Name	LEVLS EVENT CENTER
Call Source	ADMIN	Location	526 W Mc Kinley Ave
		Apt.	
		CSZ	MISHAWAKAIN46545
Call Created	12/7/2025 1:50:25 AM		
1 st Unit Dispatch	12/7/2025 1:50:29 AM	At or in Front	At Location
1 st Unit Enroute	12/7/2025 1:50:39 AM	Beat	MPD52_1
1 st Unit Arrival	12/7/2025 1:51:31 AM		
Incident Closed	12/7/2025 3:19:48 AM	Coordinate X	-86.18947910
		Coordinate Y	41.68134955
Call Creator	dtolosa		
Device ID	PSAP-PW-DIS33		

Subject Information

Disposition(s)

Disposition	NO REPORT
Unit ID	MPD/M261
Primary Unit?	N - No
Comments	C11

Comments

User ID	dtolosa	Device ID	PSAP-PW-DIS33
Comment Date/Time	12/7/2025 1:50:25 AM		
Comment Text	OFF DUTY SBPD OFFICER REQ 2 UNITS FOR A FIGHT		
User ID	dtolosa	Device ID	PSAP-PW-DIS33
Comment Date/Time	12/7/2025 1:55:15 AM		
Comment Text	SIG 4		
User ID	dtolosa	Device ID	PSAP-PW-DIS33
Comment Date/Time	12/7/2025 1:56:54 AM		
Comment Text	ADD UNITS REQ		
User ID	maitorres	Device ID	PSAP-PW-DIS32
Comment Date/Time	12/7/2025 2:01:09 AM		
Comment Text	/		
	.0		
User ID	hlisenko	Device ID	PSAP-PW-DIS33
Comment Date/Time	12/7/2025 2:04:29 AM		
Comment Text	SIG 4 NF		

Unit Assignment

Unit ID	MPD/M252MPD	Primary Unit?	Y - Yes
Officer	MPD20405 - Singh, Sunpreet	Temporary Unit?	
Dispatched	12/7/2025 1:50:29 AM		
Enroute			
Arrived	12/7/2025 1:51:52 AM		
Cleared	12/7/2025 2:19:44 AM		
Unit ID	MPD/M254MPD	Primary Unit?	N - No
Officer	MPD20434 - Coney, Jeremy	Temporary Unit?	
Dispatched	12/7/2025 1:50:48 AM		
Enroute	12/7/2025 1:50:57 AM		
Arrived	12/7/2025 1:53:06 AM		
Cleared	12/7/2025 2:19:17 AM		
Unit ID	MPD/M255MPD	Primary Unit?	N - No
Officer	MPD20397 - Parsons, Hunter	Temporary Unit?	
Dispatched	12/7/2025 1:58:13 AM		
Enroute	12/7/2025 1:58:38 AM		

Arrived	12/7/2025 2:01:05 AM		
Cleared	12/7/2025 2:19:58 AM		
Unit ID	MPD/M256MPD	Primary Unit?	N - No
Officer	MPD20426 - Smith, Noah	Temporary Unit?	
Dispatched	12/7/2025 1:50:32 AM		
Enroute	12/7/2025 1:50:39 AM		
Arrived	12/7/2025 1:51:31 AM		
Cleared	12/7/2025 2:21:25 AM		
Unit ID	MPD/M258MPD	Primary Unit?	N - No
Officer	MPD20109 - Bogart, Jonathan	Temporary Unit?	
Dispatched	12/7/2025 1:57:19 AM		
Enroute			
Arrived	12/7/2025 1:57:49 AM		
Cleared	12/7/2025 2:47:08 AM		
Unit ID	MPD/M261MPD	Primary Unit?	N - No
Officer	MPD20337 - Vanderzwaag, Brent	Temporary Unit?	
Dispatched	12/7/2025 1:56:44 AM		
Enroute	12/7/2025 1:57:34 AM		
Arrived	12/7/2025 1:59:46 AM		
Cleared	12/7/2025 2:13:20 AM		
Unit ID	MPD/M302MPD	Primary Unit?	N - No
Officer	MPD20142 - Smith, Matthew	Temporary Unit?	
Dispatched	12/7/2025 2:01:01 AM		
Enroute			
Arrived	12/7/2025 2:01:08 AM		
Cleared	12/7/2025 3:19:48 AM		
Unit ID	MPD/M304MPD	Primary Unit?	N - No
Officer	MPD20402 - Norby, Michael	Temporary Unit?	
Dispatched	12/7/2025 1:56:47 AM		
Enroute	12/7/2025 1:57:21 AM		
Arrived	12/7/2025 2:00:30 AM		
Cleared	12/7/2025 2:21:27 AM		

Call For Service Information

Case Folder #	2604260009	Incident	ASSAULT
CFS #	MPD-2026-00012478		IN PROGRESS
Agency	MISHAWAKA PD	Location Name	LEVL5 EVENT CENTER
Call Source	ADMIN	Location	526 W Mc Kinley Ave
		Apt.	
		CSZ	MISHAWAKAIN46545
Call Created	4/26/2026 1:45:57 AM		
1 st Unit Dispatch	4/26/2026 1:46:26 AM	At or in Front	At Location
1 st Unit Enroute	4/26/2026 1:46:34 AM	Beat	MPD52_1
1 st Unit Arrival	4/26/2026 1:50:43 AM		
Incident Closed	4/26/2026 2:15:39 AM	Coordinate X	-86.18947910
		Coordinate Y	41.68134955
Call Creator	ycardenas		
Device ID	PSAP-PW-DIS21		

Subject Information

Disposition(s)

Disposition	DISREGARD
Unit ID	MPD/M259
Primary Unit?	N - No
Comments	DR

Disposition	NO REPORT
Unit ID	MPD/M206
Primary Unit?	N - No
Comments	C1

Comments

User ID	ycardenas	Device ID	PSAP-PW-DIS21
Comment Date/Time	4/26/2026 1:45:57 AM		
Comment Text	SOMEONE ASSAULTED FRIEND		
	SB OFFICER IS OS COMP STATED SB OFFICER IS NOT DOING ANYTHING		
	CC TEXT: ASSAULT / SEXUAL ASSAULT / SHOOTING / STABBING		
	PROBLEM: ASSAULT		
	3. NO KNOWN WPNS INVL.		
	1. ASSAULT		
	2. TIME LAPSE (MINS): 1 MIN		
	4. NO MEDICAL NEEDED.		
	5. 2 SUSP'S INVL.		
	6. SUSP ON SCENE.		

User ID	ycardenas	Device ID	PSAP-PW-DIS21
Comment Date/Time	4/26/2026 1:46:19 AM		
Comment Text	SUS ARE IN THE CLUB		

User ID	ycardenas	Device ID	PSAP-PW-DIS21
Comment Date/Time	4/26/2026 1:46:36 AM		
Comment Text	PERSON 1 INFO		
	-- DESCRIPTION: SUSPECT		
	-- CLOTHING: BLK NIKE 2 PEICE		

User ID	ycardenas	Device ID	PSAP-PW-DIS21
Comment Date/Time	4/26/2026 1:46:47 AM		
Comment Text	PERSON 2 INFO		
	-- DESCRIPTION: SUSPECT		
	-- CLOTHING: BLUE JEAN JACKET BLK CROP TOP		

User ID	ycardenas	Device ID	PSAP-PW-DIS21
Comment Date/Time	4/26/2026 1:47:17 AM		
Comment Text	CALLED IN ON 911 ONLY PHONE BUT GAVE (574) 352-3659		

User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	4/26/2026 1:48:36 AM		
Comment Text	SB 2391 ADV THEY GOT KICKED OUT AND THERE IS 5 FEMALES TRYING TO FIGHT SOMEONE JUST ARGUING AT THIS TIME		
User ID	SYSTEM	Device ID	SystemDevice
Comment Date/Time	4/26/2026 1:48:38 AM		
Comment Text	<UNIT: MPD/M259 SELF-DISPATCHED ONTO INCIDENT>		
User ID	ycardenas	Device ID	PSAP-PW-DIS21
Comment Date/Time	4/26/2026 1:48:41 AM		
Comment Text	CALLER IS REALLY UP SET WITH THE OFF DUTY SB OFFICER		
User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	4/26/2026 1:49:09 AM		
Comment Text	SB OFFICER IS CLEAR ON CALL AND SPEAKING WITH MPD UNITS		
User ID	ycardenas	Device ID	PSAP-PW-DIS21
Comment Date/Time	4/26/2026 1:49:41 AM		
Comment Text	SB PLATE IS 20646 71 INDIANA PLATE		
User ID	ycardenas	Device ID	PSAP-PW-DIS21
Comment Date/Time	4/26/2026 1:50:54 AM		
Comment Text	7. SUSP DESC: 8. UNK HOW SUSP ARRIVED. 9. CALLER ON SCENE. 10. 2ND PTY CALLER ON SCENE.		
User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	4/26/2026 1:57:55 AM		
Comment Text	SIG 4		

Unit Assignment

Unit ID	MPD/M206MPD	Primary Unit?	N - No
Officer	MPD20337 - Vanderzwaag, Brent	Temporary Unit?	
Dispatched	4/26/2026 1:47:39 AM		
Enroute	4/26/2026 1:47:44 AM		
Arrived	4/26/2026 1:50:47 AM		
Cleared	4/26/2026 2:12:17 AM		
Unit ID	MPD/M252MPD	Primary Unit?	Y - Yes
Officer	MPD20445 - LaFluer, Wesley	Temporary Unit?	
Dispatched	4/26/2026 1:46:26 AM		
Enroute	4/26/2026 1:47:51 AM		
Arrived			
Cleared	4/26/2026 2:15:20 AM		
Unit ID	MPD/M254MPD	Primary Unit?	N - No
Officer	MPD20422 - Spaid, Nicholas	Temporary Unit?	
Dispatched	4/26/2026 1:47:35 AM		
Enroute			
Arrived	4/26/2026 1:55:08 AM		
Cleared	4/26/2026 2:09:40 AM		
Unit ID	MPD/M256MPD	Primary Unit?	N - No
Officer	MPD20434 - Coney, Jeremy	Temporary Unit?	
Dispatched	4/26/2026 1:47:42 AM		
Enroute	4/26/2026 1:50:38 AM		
Arrived	4/26/2026 1:50:43 AM		
Cleared	4/26/2026 2:09:21 AM		
Unit ID	MPD/M258MPD	Primary Unit?	N - No
Officer	MPD20442 - Bradberry, James	Temporary Unit?	
Dispatched	4/26/2026 1:46:26 AM		
Enroute	4/26/2026 1:46:34 AM		
Arrived	4/26/2026 1:52:05 AM		
Cleared	4/26/2026 2:09:39 AM		
Unit ID	MPD/M259MPD	Primary Unit?	N - No
Officer	MPD20449 - Nowacki, Ethan	Temporary Unit?	
Dispatched			
Enroute	4/26/2026 1:48:37 AM		
Arrived	4/26/2026 1:51:56 AM		
Cleared	4/26/2026 2:08:37 AM		
Unit ID	MPD/M261MPD	Primary Unit?	N - No
Officer	MPD20385 - Ryan, Austin	Temporary Unit?	
Dispatched	4/26/2026 1:47:46 AM		

Enroute	4/26/2026 1:47:59 AM		
Arrived	4/26/2026 1:52:47 AM		
Cleared	4/26/2026 2:09:07 AM		
Unit ID	MPD/M265MPD	Primary Unit?	N - No
Officer	MPD20109 - Bogart, Jonathan	Temporary Unit?	
Dispatched	4/26/2026 1:47:28 AM		
Enroute	4/26/2026 1:47:41 AM		
Arrived	4/26/2026 1:51:13 AM		
Cleared	4/26/2026 2:15:39 AM		

Call For Service Information

Case Folder #	2605090086	Incident	FIGHT
CFS #	MPD-2026-00014067		
Agency	MISHAWAKA PD	Location Name	LEVL5 EVENT CENTER
Call Source	OFFICER INITIATED	Location	526 W Mc Kinley Ave
		Apt.	
		CSZ	MISHAWAKAIN46545
Call Created	5/9/2026 11:58:27 PM		
1 st Unit Dispatch		At or in Front	At Location
1 st Unit Enroute		Beat	MPD52_1
1 st Unit Arrival	5/9/2026 11:58:27 PM		
Incident Closed	5/10/2026 1:01:17 AM	Coordinate X	-86.18947910
		Coordinate Y	41.68134955
Call Creator	eparmley		
Device ID	PSAP-PW-DIS34		

Subject Information

Disposition(s)

Disposition	NO REPORT
Unit ID	MPD/M206
Primary Unit?	N - No
Comments	C1
Disposition	NO REPORT
Unit ID	MPD/M262
Primary Unit?	N - No
Comments	NR

Comments

User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/9/2026 11:58:27 PM		
Comment Text	MALES ATTEMPTING TO FIGHT		
User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/10/2026 12:01:32 AM		
Comment Text	52 ADV NO ONE FIGHTING BUT APROX 50 PEOPLE IN PARKING LOT		
User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/10/2026 12:04:43 AM		
Comment Text	54 SPOKE TO OWNER AND THEY WANT EVERYONE TO LEAVE		
	50 PEOPLE JUST VERBAL FOR NOW		
User ID	SYSTEM	Device ID	SystemDevice
Comment Date/Time	5/10/2026 12:04:51 AM		
Comment Text	<UNIT: MPD/M207 SELF-DISPATCHED ONTO INCIDENT>		
User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/10/2026 12:05:09 AM		
Comment Text	HOLDING		
User ID	sszuba	Device ID	PSAP-PW-DIS30
Comment Date/Time	5/10/2026 12:06:01 AM		
Comment Text	93 10 50 11 27 WITH PEPPERBALL		
User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/10/2026 12:06:20 AM		
Comment Text	MPD ADVISED		
User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/10/2026 12:07:14 AM		
Comment Text	61 HAS PEPPERBALL		
	SBPD NON SIG 10		
User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/10/2026 12:07:24 AM		
Comment Text	NO ONE FIGHTING AT THIS TIME		

User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/10/2026 12:07:26 AM		
Comment Text	OPEN		
User ID	sszuba	Device ID	PSAP-PW-DIS30
Comment Date/Time	5/10/2026 12:09:20 AM		
Comment Text	NO ADD SB UNITS NEEDED		
User ID	SYSTEM	Device ID	SystemDevice
Comment Date/Time	5/10/2026 12:10:28 AM		
Comment Text	<UNIT: MPD/M258 SELF-DISPATCHED ONTO INCIDENT>		
User ID	eparmley	Device ID	PSAP-PW-DIS34
Comment Date/Time	5/10/2026 12:14:49 AM		
Comment Text	NO ONE INSIDE VENUE		

Unit Assignment

Unit ID	MPD/M206MPD	Primary Unit?	N - No
Officer	MPD20337 - Vanderzwaag, Brent	Temporary Unit?	
Dispatched	5/9/2026 11:59:43 PM		
Enroute	5/9/2026 11:59:49 PM		
Arrived	5/10/2026 12:01:38 AM		
Cleared	5/10/2026 12:28:11 AM		
Unit ID	MPD/M207MPD	Primary Unit?	N - No
Officer	MPD20432 - Shipp, Brandon	Temporary Unit?	
Dispatched			
Enroute	5/10/2026 12:04:51 AM		
Arrived	5/10/2026 12:10:18 AM		
Cleared	5/10/2026 12:28:19 AM		
Unit ID	MPD/M252MPD	Primary Unit?	Y - Yes
Officer	MPD20458 - Khonwai, Joseph	Temporary Unit?	
Dispatched			
Enroute			
Arrived	5/9/2026 11:58:27 PM		
Cleared	5/10/2026 12:28:35 AM		
Unit ID	MPD/M254MPD	Primary Unit?	N - No
Officer	MPD20405 - Singh, Sunpreet	Temporary Unit?	
Dispatched	5/9/2026 11:58:53 PM		
Enroute			
Arrived	5/10/2026 12:07:06 AM		
Cleared	5/10/2026 12:27:46 AM		
Unit ID	MPD/M256MPD	Primary Unit?	N - No
Officer	MPD20445 - LaFluer, Wesley	Temporary Unit?	
Dispatched	5/10/2026 12:04:49 AM		
Enroute			
Arrived	5/10/2026 12:05:14 AM		
Cleared	5/10/2026 12:30:41 AM		
Unit ID	MPD/M258MPD	Primary Unit?	N - No
Officer	MPD20397 - Parsons, Hunter	Temporary Unit?	
Dispatched			
Enroute	5/10/2026 12:10:27 AM		
Arrived	5/10/2026 12:12:53 AM		
Cleared	5/10/2026 12:31:05 AM		
Unit ID	MPD/M261MPD	Primary Unit?	N - No
Officer	MPD20385 - Ryan, Austin	Temporary Unit?	
Dispatched	5/10/2026 12:07:36 AM		
Enroute			
Arrived	5/10/2026 12:07:40 AM		
Cleared	5/10/2026 12:30:15 AM		
Unit ID	MPD/M262MPD	Primary Unit?	N - No
Officer	MPD20426 - Smith, Noah	Temporary Unit?	
Dispatched	5/9/2026 11:59:11 PM		
Enroute			
Arrived	5/9/2026 11:59:15 PM		
Cleared	5/10/2026 12:30:09 AM		
Unit ID	MPD/M265MPD	Primary Unit?	N - No
Officer	MPD20422 - Spald, Nicholas	Temporary Unit?	
Dispatched	5/10/2026 12:05:00 AM		
Enroute			
Arrived	5/10/2026 12:05:46 AM		

Cleared	5/10/2026 12:28:40 AM		
Unit ID	MPD/M302MPD	Primary Unit?	N - No
Officer	MPD20142 - Smith, Matthew	Temporary Unit?	
Dispatched	5/10/2026 12:01:12 AM		
Enroute			
Arrived	5/10/2026 12:01:18 AM		
Cleared	5/10/2026 1:01:17 AM		
Unit ID	MPD/M304MPD	Primary Unit?	N - No
Officer	MPD20402 - Norby, Michael	Temporary Unit?	
Dispatched	5/10/2026 12:07:32 AM		
Enroute	5/10/2026 12:07:51 AM		
Arrived	5/10/2026 12:07:53 AM		
Cleared	5/10/2026 12:28:06 AM		

Call For Service Information

Case Folder #	2605240002	Incident	ORDINANCE VIOLATION
CFS #	MPD-2026-00015745		
Agency	MISHAWAKA PD	Location Name	LEVLS EVENT CENTER
Call Source	OFFICER INITIATED	Location	526 W Mc Kinley Ave
		Apt.	
		CSZ	MISHAWAKAIN46545
Call Created	5/24/2026 12:38:46 AM		
1 st Unit Dispatch		At or in Front	At Location
1 st Unit Enroute		Beat	MPD52_1
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Incident Closed	5/24/2026 3:38:13 AM	Coordinate X	-86.18947910
		Coordinate Y	41.68134955
Call Creator	eparmley		
Device ID	PSAP-PW-DIS33		

Subject Information

Disposition(s)

Disposition	NO REPORT
Unit ID	MPD/M256
Primary Unit?	N - No
Comments	PARTIES CLEARED NO INCIDENT

Disposition	NO REPORT
Unit ID	MPD/M304
Primary Unit?	Y - Yes
Comments	BUSINESS WAS ADVISED THEY NEEDED TO CLOSE AT MIDNIGHT, THEY DID NOT LEAVE UNTIL 0330 HOURS

Comments

User ID	SYSTEM	Device ID	SystemDevice
Comment Date/Time	5/24/2026 12:39:27 AM		
Comment Text	<UNIT: MPD/M262 SELF-DISPACHED ONTO INCIDENT>		

User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/24/2026 12:39:37 AM		
Comment Text	PER 304 NORTH UNITS MAKE THIS HOLD BACK THEY'RE ATTEMPTING CLEAR LOT BUT NO ONE IS LISTENING		

User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/24/2026 12:42:21 AM		
Comment Text	PER 304 HANG AROUND PERIMETER MAKE SURE CAMERAS ARE ON		

User ID	SYSTEM	Device ID	SystemDevice
Comment Date/Time	5/24/2026 12:42:38 AM		
Comment Text	<UNIT: MPD/M254 SELF-DISPACHED ONTO INCIDENT>		

User ID	SYSTEM	Device ID	SystemDevice
Comment Date/Time	5/24/2026 2:27:41 AM		
Comment Text	<UNIT: MPD/M258 SELF-DISPACHED ONTO INCIDENT>		

User ID	SYSTEM	Device ID	SystemDevice
Comment Date/Time	5/24/2026 2:27:48 AM		
Comment Text	<UNIT: MPD/M254 SELF-DISPACHED ONTO INCIDENT>		

User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/24/2026 2:37:25 AM		
Comment Text	JUST PASSED JEFF/ MAIN		

User ID	eparmley	Device ID	PSAP-PW-DIS33
Comment Date/Time	5/24/2026 2:37:34 AM		
Comment Text	COUNTY CAR STILL WITH IT		

Unit Assignment

Unit ID	MPD/M252MPD	Primary Unit?	N - No
Officer	MPD20445 - LaFluer, Wesley	Temporary Unit?	
Dispatched	5/24/2026 12:39:17 AM		

Enroute	5/24/2026 12:39:22 AM		
Arrived	5/24/2026 12:41:44 AM		
Cleared	5/24/2026 2:19:21 AM		
Unit ID	MPD/M252MPD	Primary Unit?	N - No
Officer	MPD20445 - LaFluer, Wesley	Temporary Unit?	
Dispatched	5/24/2026 2:27:22 AM		
Enroute	5/24/2026 2:27:27 AM		
Arrived	5/24/2026 2:42:27 AM		
Cleared	5/24/2026 3:34:45 AM		
Unit ID	MPD/M254MPD	Primary Unit?	N - No
Officer	MPD20144 - Roeder, Steven	Temporary Unit?	
Dispatched			
Enroute	5/24/2026 12:42:38 AM		
Arrived	5/24/2026 12:45:08 AM		
Cleared	5/24/2026 2:20:56 AM		
Unit ID	MPD/M254MPD	Primary Unit?	N - No
Officer	MPD20144 - Roeder, Steven	Temporary Unit?	
Dispatched			
Enroute	5/24/2026 2:27:48 AM		
Arrived	5/24/2026 2:30:29 AM		
Cleared	5/24/2026 3:23:33 AM		
Unit ID	MPD/M256MPD	Primary Unit?	N - No
Officer	MPD20447 - Spaid, Cole	Temporary Unit?	
Dispatched			
Enroute			
Arrived	5/24/2026 12:38:46 AM		
Cleared	5/24/2026 2:23:14 AM		
Unit ID	MPD/M256MPD	Primary Unit?	N - No
Officer	MPD20447 - Spaid, Cole	Temporary Unit?	
Dispatched	5/24/2026 2:27:19 AM		
Enroute	5/24/2026 2:27:33 AM		
Arrived	5/24/2026 2:39:25 AM		
Cleared	5/24/2026 3:35:58 AM		
Unit ID	MPD/M258MPD	Primary Unit?	N - No
Officer	MPD20397 - Parsons, Hunter	Temporary Unit?	
Dispatched			
Enroute			
Arrived	5/24/2026 12:38:46 AM		
Cleared	5/24/2026 2:18:29 AM		
Unit ID	MPD/M258MPD	Primary Unit?	N - No
Officer	MPD20397 - Parsons, Hunter	Temporary Unit?	
Dispatched			
Enroute	5/24/2026 2:27:41 AM		
Arrived	5/24/2026 2:30:05 AM		
Cleared	5/24/2026 3:26:44 AM		
Unit ID	MPD/M262MPD	Primary Unit?	N - No
Officer	MPD20458 - Khonwai, Joseph	Temporary Unit?	
Dispatched			
Enroute	5/24/2026 12:39:27 AM		
Arrived	5/24/2026 12:42:52 AM		
Cleared	5/24/2026 2:19:42 AM		
Unit ID	MPD/M262MPD	Primary Unit?	N - No
Officer	MPD20458 - Khonwai, Joseph	Temporary Unit?	
Dispatched	5/24/2026 2:27:07 AM		
Enroute			
Arrived			
Cleared	5/24/2026 2:48:17 AM		
Unit ID	MPD/M304MPD	Primary Unit?	Y - Yes
Officer	MPD20402 - Norby, Michael	Temporary Unit?	
Dispatched			
Enroute			
Arrived	5/24/2026 12:38:46 AM		
Cleared	5/24/2026 3:35:29 AM		
Unit ID	MPD/M304MPD	Primary Unit?	Y - Yes
Officer	MPD20402 - Norby, Michael	Temporary Unit?	
Dispatched	5/24/2026 3:36:56 AM		
Enroute			
Arrived			

Cleared 5/24/2026 3:38:13 AM



Gemini Birthday Bash

Saturday, May 23rd

Time: 10pm-3am

Location Levels Even Center

**526 W Mckinley Ave,
Mishawaka, IN**

LAW ENFORCEMENT SENSITIVE

CINCO DE MAYO

TACOS TEQUILA

GAME NIGHT

CHESS



POKER



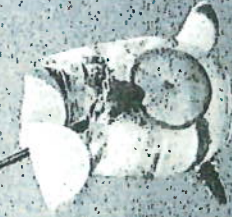
SPADES
CUT THROAT
TONK



UNO



Wesdays



FREE ENTRY | DRINK SPECIALS | LINE DANCING | SECURITY ON SITE |

DOORS OPEN AT 7PM

LEVELS

\$4 SHOTS

\$5 MIXED DRINKS

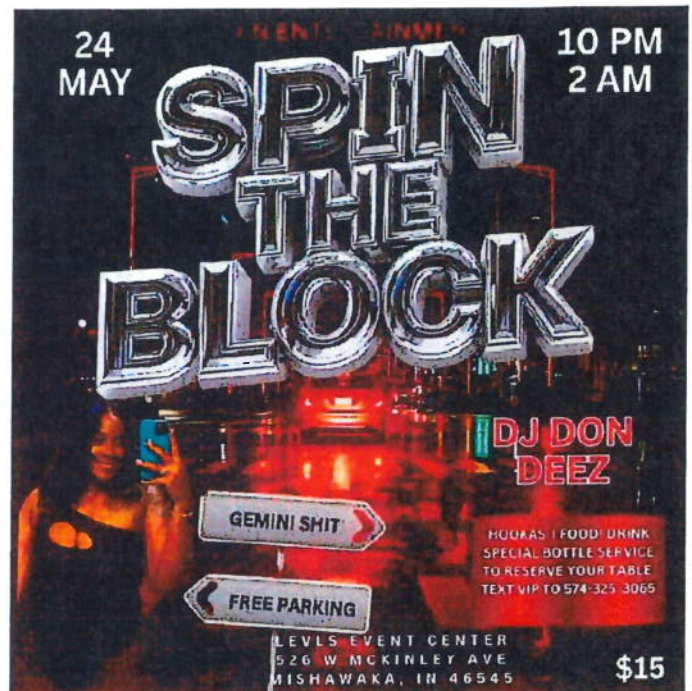
\$4 SHOTS

\$5 MIXED DRINKS

526 W MCKINLEY AVENUE

MISHAWAKA, IN 46545

Spin The Block
Sunday, May 24th
Time: 10pm-2am
Levls Event Center
526 Mckinley Ave,
Mishawaka, IN



LAW ENFORCEMENT SENSITIVE

CITATION
ORDINANCE VIOLATION 16061

100 LINCOLNWAY WEST
MISHAWAKA, INDIANA

The undersigned, being duly sworn upon his Oath, says that he has probable cause to believe that:

Name: M&A Property LLC
Address: 51287 Windy Willow Court
South Bend IN 46628

Did violate the following ordinance of the City of Mishawaka:

Chapter _____, Section _____ by _____
Resolution 2025-06 by
operating events after
12am midnight
MPD 2512070011

Said violation took place at 526 W McKinley
Mishawaka, IN 46545

Date 12/7/2025

at approximately 1:50 - 3:19 (a.m./p.m.)

Issued by: C Hill

Mishawaka Department of Planning

For said violation, you are ordered to pay a fine of: \$250.00

If you deny this violation and would like to schedule a trial, you must either appear before the Violations Clerk and deny the violation or enter a written denial with the Clerk within one week of this citation.

Otherwise, you must pay the assessed fine within one week at the **Mishawaka City Hall, 100 Lincolnway West, Mishawaka, Indiana, 574-258-1616**. You may pay by certified check, money order or cash. If you fail to pay the assessed fine the City of Mishawaka Legal Department will commence legal proceedings against you to collect the fine and court costs.

APPEARANCE, ADMISSION OF VIOLATION WAIVER

I, the undersigned, do hereby enter my appearance and admit the ordinance violation alleged on this Citation. I am aware of my right to a trial before a court, but I hereby voluntarily waive said right and agree to pay the prescribed fine.

Respondent's Signature

Date

ORDINANCE VIOLATION 16062

100 LINCOLNWAY WEST
MISHAWAKA, INDIANA

The undersigned, being duly sworn upon his Oath, says that he has probable cause to believe that:

Name: M&A Property LLC
Address: 51287 Windy Willow Court
South Bend IN 46628

Did violate the following ordinance of the City of Mishawaka:

Chapter _____, Section _____ by _____
Resolution 2025-06 by
operating events after
12am midnight
MPD 2604260509

Said violation took place at 526 W McKinley
Mishawaka IN 46545

Date 4/26/26

at approximately 145 - 215 (a.m./p.m.)

Issued by: C Hill

Mishawaka Department of Planning

For said violation, you are ordered to pay a fine of: \$250.00

If you deny this violation and would like to schedule a trial, you must either appear before the Violations Clerk and deny the violation or enter a written denial with the Clerk within one week of this citation.

Otherwise, you must pay the assessed fine within one week at the **Mishawaka City Hall, 100 Lincolnway West, Mishawaka, Indiana, 574-258-1616**. You may pay by certified check, money order or cash. If you fail to pay the assessed fine the City of Mishawaka Legal Department will commence legal proceedings against you to collect the fine and court costs.

APPEARANCE, ADMISSION OF VIOLATION WAIVER

I, the undersigned, do hereby enter my appearance and admit the ordinance violation alleged on this Citation. I am aware of my right to a trial before a court, but I hereby voluntarily waive said right and agree to pay the prescribed fine.

Respondent's Signature

Date

CITATION
ORDINANCE VIOLATION 16063

100 LINCOLNWAY WEST
MISHAWAKA, INDIANA

The undersigned, being duly sworn upon his Oath, says that he has probable cause to believe that:

Name: M&A Property LLC

Address: 51287 Windy Willow Ct
South Bend IN 46628

Did violate the following ordinance of the City of Mishawaka:

Chapter _____, Section _____ by _____

Resolution 2025-06 by
operating events after
12 AM midnight
MPD 2605090086

Said violation took place at 526 W McKinley
Mishawaka IN 46545

Date 5/9 - 5/10/2026

at approximately 11:58 pm - 1:01 am a.m./p.m.

Issued by: CHill

Mishawaka Department of Planning

For said violation, you are ordered to pay a fine of: \$250.00

If you deny this violation and would like to schedule a trial, you must either appear before the Violations Clerk and deny the violation or enter a written denial with the Clerk within one week of this citation.

Otherwise, you must pay the assessed fine within one week at the **Mishawaka City Hall, 100 Lincolnway West, Mishawaka, Indiana, 574-258-1616**. You may pay by certified check, money order or cash. If you fail to pay the assessed fine the City of Mishawaka Legal Department will commence legal proceedings against you to collect the fine and court costs.

APPEARANCE, ADMISSION OF VIOLATION WAIVER

I, the undersigned, do hereby enter my appearance and admit the ordinance violation alleged on this Citation. I am aware of my right to a trial before a court, but I hereby voluntarily waive said right and agree to pay the prescribed fine.

Respondent's Signature

Date

CITATION
ORDINANCE VIOLATION 16064

100 LINCOLNWAY WEST
MISHAWAKA, INDIANA

The undersigned, being duly sworn upon his Oath, says that he has probable cause to believe that:

Name: M&A Property LLC

Address: 51287 Windy Willow Court
South Bend IN 46628

Did violate the following ordinance of the City of Mishawaka:

Chapter _____, Section _____ by _____

Resolution 2025-06 by
operating events after
12 AM midnight
MPD 2605240002

Said violation took place at 526 W McKinley
Mishawaka IN 46545

Date 5/24/26

at approximately 12:38 - 3:38 a.m./p.m.

Issued by: CHill

Mishawaka Department of Planning

For said violation, you are ordered to pay a fine of: 250.00

If you deny this violation and would like to schedule a trial, you must either appear before the Violations Clerk and deny the violation or enter a written denial with the Clerk within one week of this citation.

Otherwise, you must pay the assessed fine within one week at the **Mishawaka City Hall, 100 Lincolnway West, Mishawaka, Indiana, 574-258-1616**. You may pay by certified check, money order or cash. If you fail to pay the assessed fine the City of Mishawaka Legal Department will commence legal proceedings against you to collect the fine and court costs.

APPEARANCE, ADMISSION OF VIOLATION WAIVER

I, the undersigned, do hereby enter my appearance and admit the ordinance violation alleged on this Citation. I am aware of my right to a trial before a court, but I hereby voluntarily waive said right and agree to pay the prescribed fine.

Respondent's Signature

Date

RE: Notice of Violations and hearing request to revoke approved use variance 526 W. McKinley Ave. Mishawaka

From Ken Prince <kprince@mishawaka.in.gov>

Date Wed 6/10/2026 10:58 AM

To Deb Block <dblock@mishawaka.in.gov>; Raven S. Boston <rboston@mishawaka.in.gov>; Michael Hixenbaugh <mhixenbaugh@mishawaka.in.gov>

Cc DL-Council <DL-Council@mishawaka.in.gov>; John Roggeman <jroggeman@mishawaka.in.gov>; Christa Hill <chill2@mishawaka.in.gov>; Alex Arendt <aarendt@mishawaka.in.gov>; Craig Nowacki <cnowacki@mishawaka.in.gov>; 'mtrippel@tglaw.us' <mtrippel@tglaw.us>; levislounge23@gmail.com <levislounge23@gmail.com>; afarhan483@sbcglobal.net <afarhan483@sbcglobal.net>

 2 attachments (15 MB)

Council Resolution - 2026-22.doc; 526 West McKinley Notice of Vilatio Letter dated 5 29 2026.pdf;

Good morning Clerk Block,

Attached is proposed Resolution 2026-22, revoking the use variance previously granted for 526 West McKinley for the Council's consideration at their June 15th meeting.

Please note that the attached PDF letter/documentation will need to be attached to the resolution as referenced therein.

I have copied the appellants/property owner with this e-mail. Please also send them an agenda by e-mail when it is distributed to all.

Thank you.

Ken

Kenneth B. Prince, FASLA
Executive Director

City of Mishawaka
Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544
Phone- (574) 258-1625
Email- kprince@mishawaka.in.gov
Website- www.mishawaka.in.gov



From: Ken Prince

Sent: Friday, May 29, 2026 4:39 PM

To: afarhan483@sbcglobal.net; levislounge23@gmail.com

Cc: DL-Council <DL-Council@mishawaka.in.gov>; John Roggeman <jroggeman@mishawaka.in.gov>; Christa Hill <chill2@mishawaka.in.gov>; Alex Arendt <aarendt@mishawaka.in.gov>; Craig Nowacki <cnowacki@mishawaka.in.gov>; 'mtrippel@tglaw.us' <mtrippel@tglaw.us>

Subject: Notice of Violations and hearing request to revoke approved use variance 526 W. McKinley Ave. Mishawaka

Good afternoon Mr. Farhan and Ms. Anderson,

Please see the attached notice letter and materials. These are being sent out by certified mail as well and should arrive next week.

Kenneth B. Prince, FASLA
Executive Director

City of Mishawaka
Planning and Community Development
100 Lincolnway West
Mishawaka, IN 46544
Phone- (574) 258-1625
Email- kprince@mishawaka.in.gov
Website- www.mishawaka.in.gov



JUN 10 2026

City Clerk
Mishawaka, IN

**RESOLUTION NO. 2026-23
Miscellaneous Property Acquisitions
1212 South Union Street**

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

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

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

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

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

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

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

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

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

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

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

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

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

1212 South Union Street

Lot 3 & 3.5' No Side Lot 4 Towles 2nd

Parcel ID- 016-1132-5163

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

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

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on June 15th, 2026.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

Gregg Hixenbaugh, President

ATTEST:

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

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the _____
day of 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

BUY AND SELL AGREEMENT

THIS AGREEMENT made and entered into as of the 18th day of May, 2026 by and between **Jasmine Holt**, hereinafter referred to as “Seller”, and **CITY OF MISHAWAKA**, acting by and through its Redevelopment Commission, hereinafter referred to as “Buyer”, All of St. Joseph County, State of Indiana,

WITNESSETH THAT:

The Seller promises and agrees to sell and convey to the Buyer, and the Buyer promises and agrees to purchase of and from the Seller, for the sum of **One Hundred and Seventy Thousand Dollars (\$170,000)**, the property’s located at **1212 South Union Street.** City of Mishawaka, 46544 St. Joseph County, Indiana, more particularly described as follows:

1212 South Union Street

Lot 3 & 3.5' No Side Lot 4 Towles 2nd

Parcel ID- 016-1132-5163

This purchase is contingent on the following:

1. Upon the Seller’s approval of his agreement, the Buyer will order two appraisals of the properties. If the average of the two property appraisals is equal to or greater than \$170,000, the purchase price shall be \$170,000. If the average of the two appraisals is below \$170,000, the purchase price may be the average of the two property appraisals if approved by the Seller, or other price as negotiated and agreed to by both the Buyer and Seller.
2. As a public entity, the Buyer is subject to specific purchasing laws identified by the Indiana Code. This includes adding this property to an official acquisition list that requires the approval of the Common Council of the City of Mishawaka.
3. Unless mutually agreed to prior to closing, Seller shall remove any items, personal items, furniture, material, or debris stored within the buildings and properly dispose of any chemicals or materials in accordance with applicable laws and restrictions.

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

1. Buyer shall obtain, at Buyer's expense, a commitment for the purchase price Owner's Policy of Title Insurance in which the title insurance company shall agree to insure merchantable title in the name of the Buyer after delivery of a Deed to Buyer from Seller. Any defects in title which tend to render the same un-merchantable shall be submitted by the Buyer to the Seller in writing and the Seller shall be given reasonable time to correct the same. If the Seller shall fail or refuse to cause such defects to be corrected, Buyer shall have the option of accepting title subject to defects, or of terminating this Agreement.
2. After the title to the described real estate has been approved by the Buyer, and upon payment of the balance of the purchase price by the Buyer to the Seller, the Seller shall execute and deliver a Warranty Deed conveying the real estate above described to the Buyer, free and clear of all liens and encumbrances, except as provided herein, and subject to all covenants, restrictions, easements, and zoning ordinances of record.
3. It is understood and agreed by the parties hereto that Buyer is purchasing the real estate covered by this agreement in an "as is" condition and that Seller has made no guarantees or warranties, expressed or implied, concerning said personal property, real estate, or any improvements thereon.
4. Pending the timely delivery of the aforementioned appraisals, this Transaction shall be closed on or about the 31st day of July 2026 as may be agreed by both the Buyer and Seller subject to Title Company availability. This time may be moved up or back by mutual agreement of both the Buyer and the Seller.
5. Seller shall deliver possession of the real estate above described to the Buyer at the time of closing. The Seller has identified that no tenants are currently residing on the

property. Furthermore, the Seller agrees to deliver possession to the buyer with no tenants occupying the premises nor with any tenants holding any lease hold interest in the property. The Buyer shall be permitted to inspect the premises on the day of closing to insure the building is not occupied.

6. Seller, at her option, shall have the right to limited salvage rights in the real estate. All such salvage rights are to be approved by the Buyer prior to Seller exercising his salvage rights. Salvage shall specifically not include anything that would structurally modify or impact the structure. As part of any salvage, the Seller shall be responsible for maintaining a secure structure not creating any openings that would freely allow birds, animals, or people to enter the building. The Seller shall have the time up to the closing of the transaction to complete any salvage work.
7. Risk of loss or damage to any improvements located upon the real estate above described shall remain with the Seller until the time of delivery of the Warranty Deed conveying title from Seller to Buyer and possession of the premises by Buyer.
8. Seller acknowledges that because Federal Funds may be used by the Buyer in the purchase of the subject property that the sale on behalf of the Seller is voluntary. Seller further acknowledges that the Buyer will not use the power of eminent domain to acquire the property. Seller acknowledges that the estimate of the fair market value of the property is \$170,000. Seller further acknowledges that since the purchase is a voluntary, arm's length transaction, Seller would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation.
9. Seller shall pay any unpaid taxes and assessments for prior years. Taxes for the year 2026, payable in 2027, shall be prorated to the date of closing based upon the last official tax rate.

10. The covenants, agreements, and conditions herein contained shall be binding upon the parties hereto and shall also extend to and be binding upon their respective heirs, legal representatives, and assigns.
11. The Seller shall assist with and provide any documentation relative to known environmental conditions on the property including but not limited to underground tanks and other existing conditions on the property of an environmental nature. This shall include providing the buyer with any existing environmental reports such as a Phase 1 or Phase 2 environmental studies, if they exist.
12. Vendor's Affidavit. Seller shall provide Buyer with an executed Vendor's Affidavit at the Closing in form acceptable to the Title Company.
13. In addition to any other obligations assumed by Seller hereunder, Seller shall pay, for deed preparation, and one-half (1/2) of Metropolitan Title Company closing fees. Buyer shall pay the other one-half (1/2) of closing fees, plus the costs associated with recording the deed.
14. Seller shall be responsible for maintaining the property until Closing and for paying for all necessary maintenance and repairs. Seller shall also maintain a proper insurance on the property until Closing, fully insuring it against loss.
15. In the event that the Seller or Buyer breaches any of the terms of this Agreement and the party not in default employs attorneys to protect or to enforce its rights hereunder and prevails, then the party in default agrees to pay all reasonable costs, attorney fees, and expenses incurred by the party not in default in enforcing the covenants and agreements contained herein.
16. No modification to this Agreement shall be valid unless in writing and signed by all parties.

17. If any provision of this Agreement is deemed void or unenforceable, the same shall in no way impair the validity or enforceability of any other provisions of this Agreement, which shall remain in full force and effect.

18. It is expressly agreed and understood that this Agreement contains all of the agreements of the parties and that no verbal agreements of any kind shall be binding upon the parties.

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

BUYER

SELLER

CITY OF MISHAWAKA, acting by and
Through its Redevelopment Commission
By:

Janet Whitfield-Hyduk, President

 *Jasmine Crawford*

Jasmine Holt

Kris Ermeti, Secretary



Location Map:



1212 Union Street

JUN 10 2026

City Clerk
Mishawaka, IN

APPEAL #26-25

RESOLUTION NO. 2026-24

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:

Northeast corner of E. McKinley Avenue and Division 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 **Northeast corner of E. McKinley Avenue and Division Street, Mishawaka, Indiana**, more particularly known and described as follows:

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.

The Use Variance is to permit a volunteer training and operations facility in the R-1 Single Family residential District and C-1 General Commercial District subject to the following conditions:

1. Outdoor storage of any building materials shall not be permitted.
2. All construction related vehicles, trailers, and equipment shall be stored inside the building.
3. Architectural building materials and colors per Section 137-380 (15) Design Review / Development Plan Restrictions shall apply to the southern building façade facing E. McKinley Avenue and western building façade facing Division Street. Fiber cement board shall be considered an appropriate material.
4. A minimum of 25 parking spaces shall be provided for the new building within the subject property and property to the east. These parking spaces are in addition to the number of spaces required for the adjacent building (524 E. McKinley Avenue) which shall be provided at a ratio of four (4) spaces per 1,000 sq. ft. of gross floor area.
5. A 0' parking/pavement setback is permitted along the east property line.
6. A minimum landscape buffer 20' in width shall be required along the north property line. Credit shall be given for the existing deciduous trees within the landscape buffer, if preserved, and shall be supplemented with new deciduous trees to meet maximum spacing requirements per the C-1 landscaping standards. Twenty-three (23) evergreen trees shall also be planted within landscape buffer between the deciduous trees to the 25' setback line from Division Street. Evergreens shall be a minimum of 6' in height at the time of planting. The C-1 landscaping standards shall be followed for all other areas.
7. A 6' high opaque fence shall be required along the north property line and installed to the 25' setback line from Division Street. The fence shall be located within the 20' minimum landscape buffer as determined by the developer.
8. A subdivision plat shall be required to dedicate additional right-of-way, ingress/egress easements, and any other required easements. The plat shall also include ingress/egress easements within the adjacent property to the east.
9. The subject property shall conform with all other C-1 General Commercial District height, area, and development regulations unless otherwise noted above.

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. *The approval will not be injurious to the public health, safety, morals and general welfare of the community.* Subject to the required conditions, the proposed use is consistent and compatible with the adjacent commercial and residential uses. All volunteer and training activities will take place within the building to minimize noise transmission. Indoor parking will allow vehicles and trailers to be stored in the building out of sight of the neighboring homes. The proposed use will not create a significant amount of additional vehicular traffic.
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.* The proposed facility will be constructed adjacent to and within property partially zoned for commercial use and is consistent with the commercial development that has occurred along the E. McKinley Avenue corridor. Adjacent properties are currently developed with a mix of single-family residential, bank, personal service, daycare, and restaurant uses. The building will be constructed of quality materials to create an appealing appearance. The low intensity of the use being requested is not a high traffic generator. Landscaping and fencing will be provided to buffer adjacent residential uses.
3. *The need for the variance arises from some condition peculiar to the property involved.* The C-1 General Commercial District and R-1 Single Family Residential District do not permit the use as a volunteer training and operations facility. Rezoning to an industrial district is not preferred as it would permit other undesirable uses of the property that would not be appropriate at this location or compatible with the existing adjacent uses.
4. *The strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought.* The current zoning does not allow the proposed low intensity use of the property. The preferred means by which to permit the proposed use is through the use variance process.
5. *The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan.* The Plan, created in 1990, guided general commercial and low density development within this property. The proposed low intensity use is reasonably consistent with the goals and objectives of the plan and existing adjacent land uses.

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: Northeast Corner of E. McKinley Avenue & Division Street

Date: June 9, 2026

Appeal: 26 - 25

Prepared By: DJS

GENERAL INFORMATION

Applicant: Habitat for Humanity of St. Joseph County, Inc.

Status: Property Owner

Request: Use variance to allow a volunteer training and operations facility

Zoning Classification: C-1 General Commercial District & R-1 Single Family Residential District

Lot Size: 2.34 acres

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance; Section 137-300 to 137-303 / C-1 General Commercial District; Section 137-164 to 137-166 / R-1 Single Family Residential District; Indiana Code 36-7-4-918.4

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential (Residential / Wildflower Cove Subdivision)
South: C-1 General Commercial (Bank / 1st Source; Multi-Tenant Building include an Office / Kenmark Home Care, Hair Salon / Luxe Hair Studio, and Daycare / Building Brighter Minds; and Restaurant / Monterrey Mexican Bar & Grill)
East: C-1 General Commercial (Office / Habitat for Humanity)
West: R-1 Single Family Residential (Residential / Wildflower Cove Subdivision & Normain Heights)

Thoroughfare: E. McKinley Avenue & Division Street

Council District: 5

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available and will be connected to/throughout the site at the owner's expense

Comprehensive Plan: General Commercial & Low Density Residential

ANALYSIS

The Appellant, Habitat for Humanity of St. Joseph County, Inc., is requesting a use variance to allow a volunteer training and operations facility adjacent to their corporate offices at 524 E. McKinley Avenue.

The 2.34 acre site, which includes two parcels (Tax ID #016-2093-3031.01 and #016-1019-0254.01), is located at the northeast corner of E. McKinley Avenue and Division Street. The site is vacant with the narrow, 60' wide, south parcel being zoned C-1 General Commercial and the north parcel being zoned R-1 Single Family Residential. The property is west of Habitat's corporate office. Other adjacent land uses include single-family residential houses to the north and west, and single and multi-tenant commercial buildings to the south currently occupied by a bank, home care office, hair salon, daycare, and restaurant.

A volunteer training and operations facility, which includes fabricating building walls and other building elements, is not specifically identified as a permitted use within any of the city's zoning classifications, including the C-1 General Commercial District or R-1 Single-Family Residential District. Since the use does not fit into a specific zoning classification, Planning Staff recommended that a use variance be filed. Similar uses identified in the zoning ordinance include contractors with no outside storage and warehousing which are permitted uses in both the I-1 Light Industrial District and I-2 Heavy Industrial District. Rezoning to either of these districts would result in potential uses that would not be compatible with the adjacent commercial and residential uses.

As shown on the preliminary site plan, the proposed improvements include an "L" shaped approximate 25,000 sq. ft. building, an expanded and shared parking area with the adjacent corporate office providing approximately 72 parking spaces, a new access drive from Division Street, a stormwater retention basin, and landscaping and buffering areas.

Although not specifically requested in this appeal, a 0' pavement setback will be permitted along the east property line of the subject property to allow for the construction of the shared parking lot. However, a future developmental variance is required for the property to the east (524 E. McKinley Avenue) to allow for a 0' pavement setback along the west property line if the parking lot is constructed as shown on the preliminary site plan. A 5' pavement/parking lot setback is required from the common side lot line between the parcels. If the parking area is modified on the property to the east to meet the required setback, a developmental variance will not be required.

The new and existing access drives will provide cross access between parking areas on the subject property and parcel to the east. Although both parcels are currently owned by the appellant, ingress/egress easements on both parcels shall be dedicated via a subdivision plat to allow for continued shared access should the parcels no longer be under common ownership.

With this appeal, the property owner is only seeking a variance 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 access, storm drainage, grading, utilities, soil erosion control, landscaping, and all other required improvements pertinent to the proposed development. A subdivision plat will also be required to dedicate additional right-of-way, ingress/egress easements for the shared parking areas and drives, and any other required easements. If additional variances or a design review waiver for the proposed building materials or colors are required, the Board of Zoning Appeals and/or the Plan Commission shall be petitioned when the final site plan is submitted.

As recommended by Planning Staff, Habitat hosted a community outreach and information meeting on April 30th to share an overview of the proposal and answer any questions from nearby property owners and businesses.

Given the existing site conditions and adjacent residential uses, Planning Staff is recommending conditions be placed on the property as part of the approval of the use variance.

The Engineering Department commented that additional right-of-way will need to be dedicated along E. McKinley Avenue via a subdivision plat for a future road widening project.

All other pertinent City departments have reviewed and approved the request.

RECOMMENDATION

The Staff recommends **approval** of Appeal 26-25 to allow a Use Variance for a volunteer training and operations facility, which includes fabricating building walls and other building elements, in the C-1 General Commercial District and R-1 Single Family Residential District subject to the following conditions:

1. Outdoor storage of any building materials shall not be permitted.
2. All construction related vehicles, trailers, and equipment shall be stored inside the building.
3. Architectural building materials and colors per Section 137-380 (15) Design Review / Development Plan Restrictions shall apply to the southern building façade facing E. McKinley Avenue and western building façade facing Division Street. Fiber cement board shall be considered an appropriate material.
4. A minimum of 25 parking spaces shall be provided for the new building within the subject property and property to the east. These parking spaces are in addition to the number of spaces required for the adjacent building (524 E. McKinley Avenue) which shall be provided at a ratio of four (4) spaces per 1,000 sq. ft. of gross floor area.
5. A 0' parking/pavement setback is permitted along the east property line.
6. A minimum landscape buffer 20' in width shall be required along the north property line. Credit shall be given for the existing deciduous trees within the landscape buffer, if preserved, and shall be supplemented with new deciduous trees to meet maximum spacing requirements per the C-1 landscaping standards. Twenty-three (23) evergreen trees shall also be planted within landscape buffer between the deciduous trees to the 25' setback line from Division Street. Evergreens shall be a minimum of 6' in height at the time of planting. The C-1 landscaping standards shall be followed for all other areas.
7. A 6' high opaque fence shall be required along the north property line and installed to the 25' setback line from Division Street. The fence shall be located within the 20' minimum landscape buffer as determined by the developer.
8. A subdivision plat shall be required to dedicate additional right-of-way, ingress/egress easements, and any other required easements. The plat shall also include ingress/egress easements within the adjacent property to the east.
9. The subject property shall conform with all other C-1 General Commercial District height, area, and development regulations unless otherwise noted above.

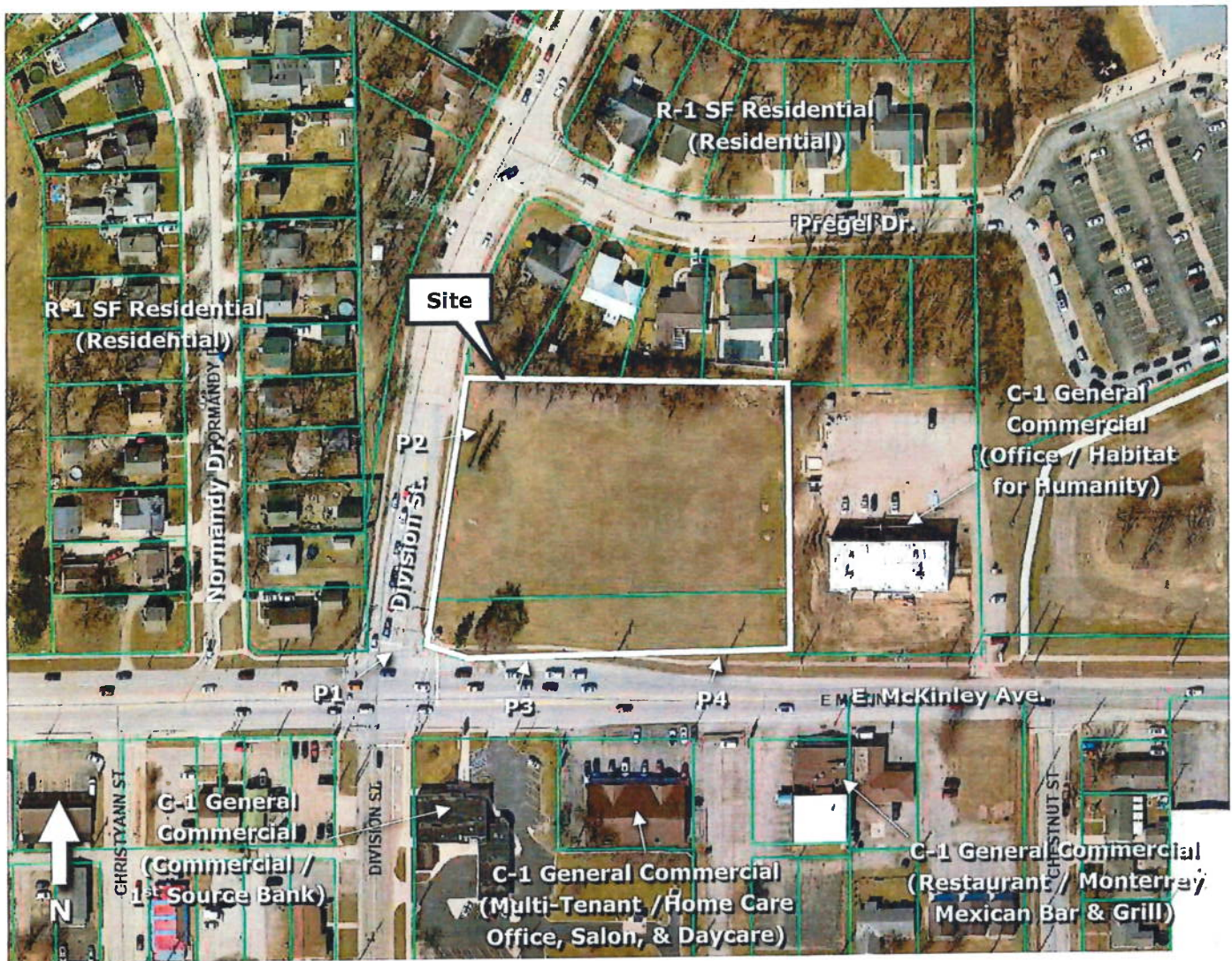
This recommendation is based on the following findings of fact *per Indiana Code 36-7-4-918.4*:

1. *The approval will not be injurious to the public health, safety, morals and general welfare of the community.* Subject to the required conditions, the proposed use is consistent and compatible with the adjacent commercial and residential uses. All volunteer and training activities will take place within the building to minimize noise transmission. Indoor parking will allow vehicles and trailers to be stored in the building out of sight of the neighboring homes. The proposed use will not create a significant amount of additional vehicular traffic.
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.* The proposed facility will be constructed adjacent to and within property partially zoned for commercial use and is consistent with the commercial development that has occurred along the E. McKinley Avenue corridor. Adjacent properties are currently developed with a mix of single-family residential, bank, personal service, daycare, and restaurant uses. The building will be constructed of quality materials to create an appealing appearance. The low intensity of the use being requested is not a high traffic generator. Landscaping and fencing will be provided to buffer adjacent residential uses.
3. *The need for the variance arises from some condition peculiar to the property involved.* The C-1 General Commercial District and R-1 Single Family Residential District do not permit the use as a volunteer training and operations facility. Rezoning to an industrial district is not preferred as it would permit other undesirable uses of the property that would not be appropriate at this location or compatible with the existing adjacent uses.

4. *The strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought. The current zoning does not allow the proposed low intensity use of the property. The preferred means by which to permit the proposed use is through the use variance process.*
5. *The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan. The Plan, created in 1990, guided general commercial and low density development within this property. The proposed low intensity use is reasonably consistent with the goals and objectives of the plan and existing adjacent land uses.*

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, Preliminary Site Plan, and Conceptual Building Renderings



Aerial Photograph

Vacant Property – NE Corner of E. McKinley Avenue & Division Street
West of Habitat for Humanity of St. Joseph County Corporate Office (524 E. McKinley Avenue)



P1. Looking northeasterly toward the property from E. McKinley Ave. & Division St. intersection.



P2. Looking easterly toward the north part of the property from Division Street.



P3. Looking northerly toward southwest corner of the property from E. McKinley Avenue.



P4. Looking northerly toward southeast corner of the property from E. McKinley Avenue.

AP 26-25

May 14, 2026

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

Received

MAY 19 2026

Planning and
Community Development

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

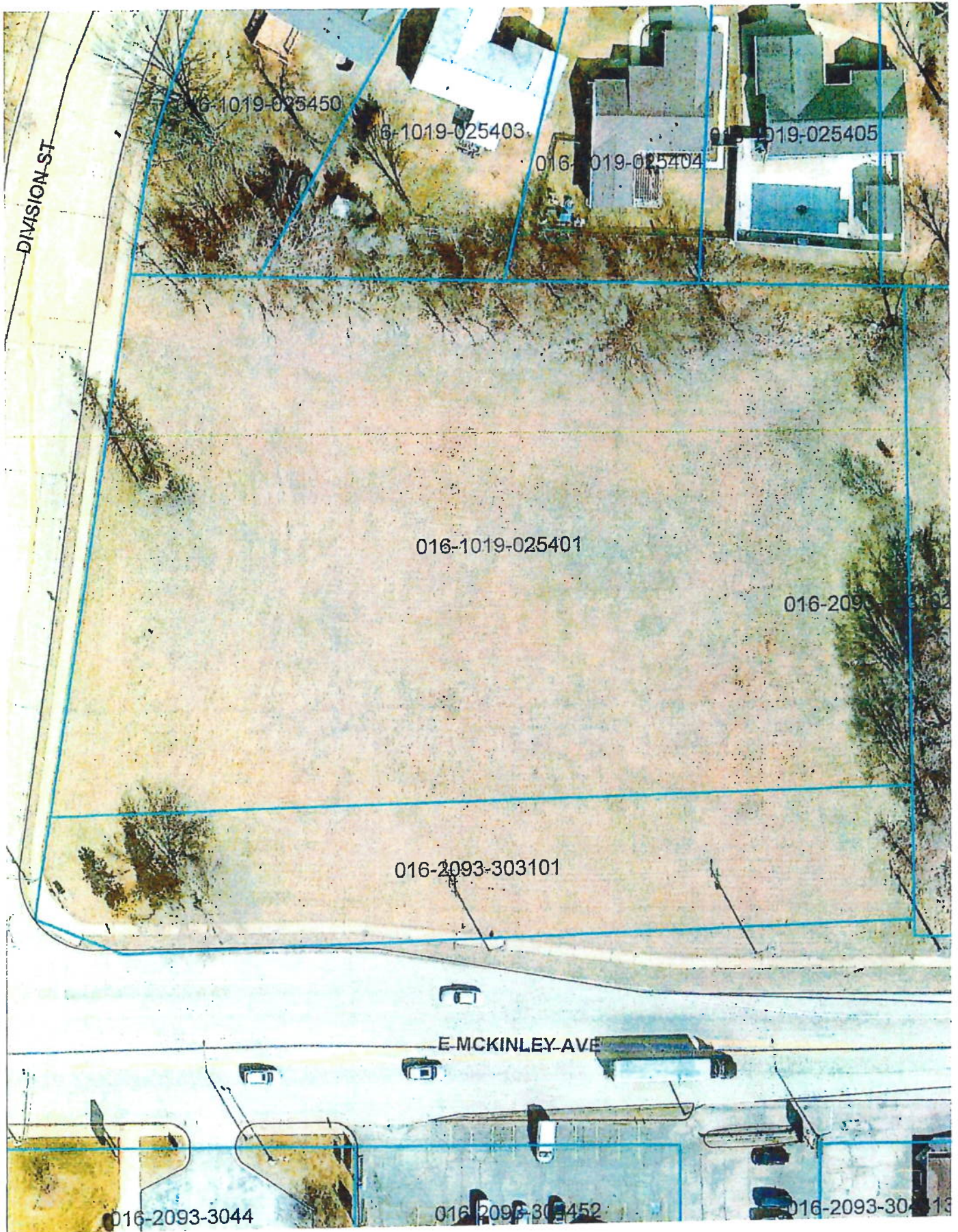
Email: jwilliams@habitat-for-humanity.org

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

1111 W. INDIAN AVE.
COLUMBIA, IN 46032-1000
TEL: 317.244.1111
FAX: 317.244.1112

NOT FOR CONSTRUCTION DRAWINGS

MASTER SITE PLAN

FEASIBILITY SITE PLAN

HABITAT FOR HUMANITY

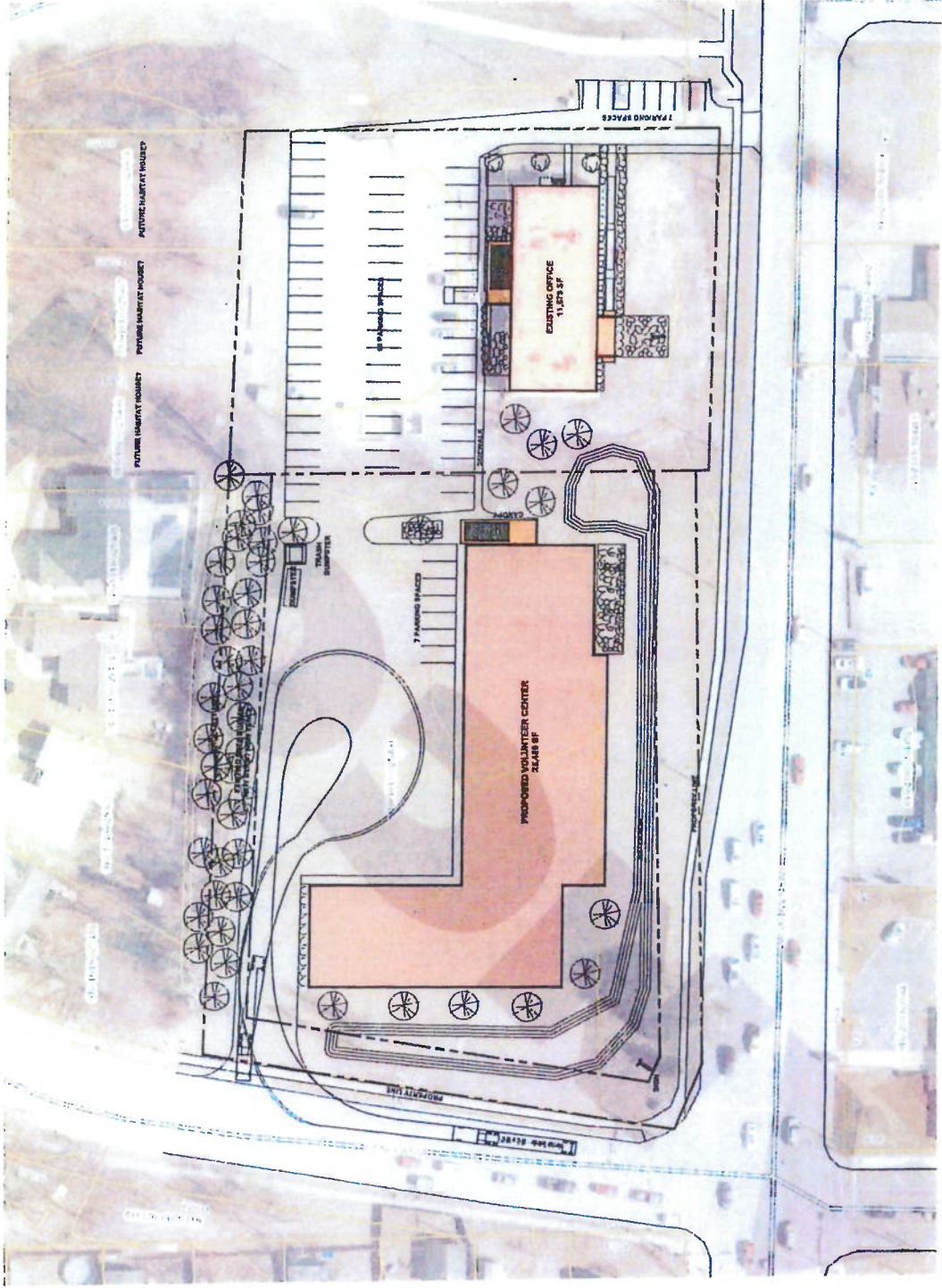
1111 W. INDIAN AVE.
COLUMBIA, IN 46032-1000

MASTER SITE PLAN

28.1017

28.1017

A100



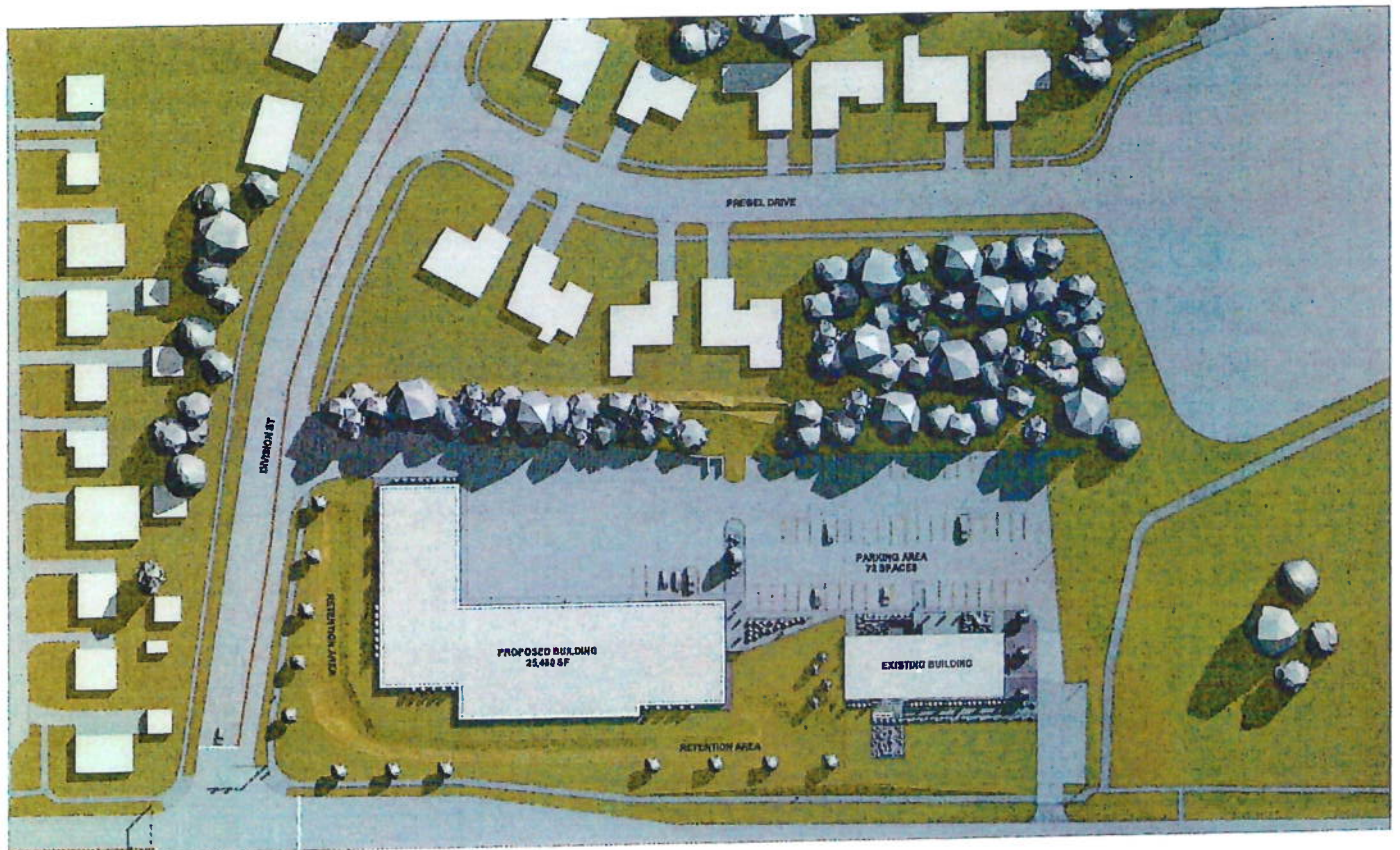
1 FEASIBILITY SITE PLAN - 25,480 SF

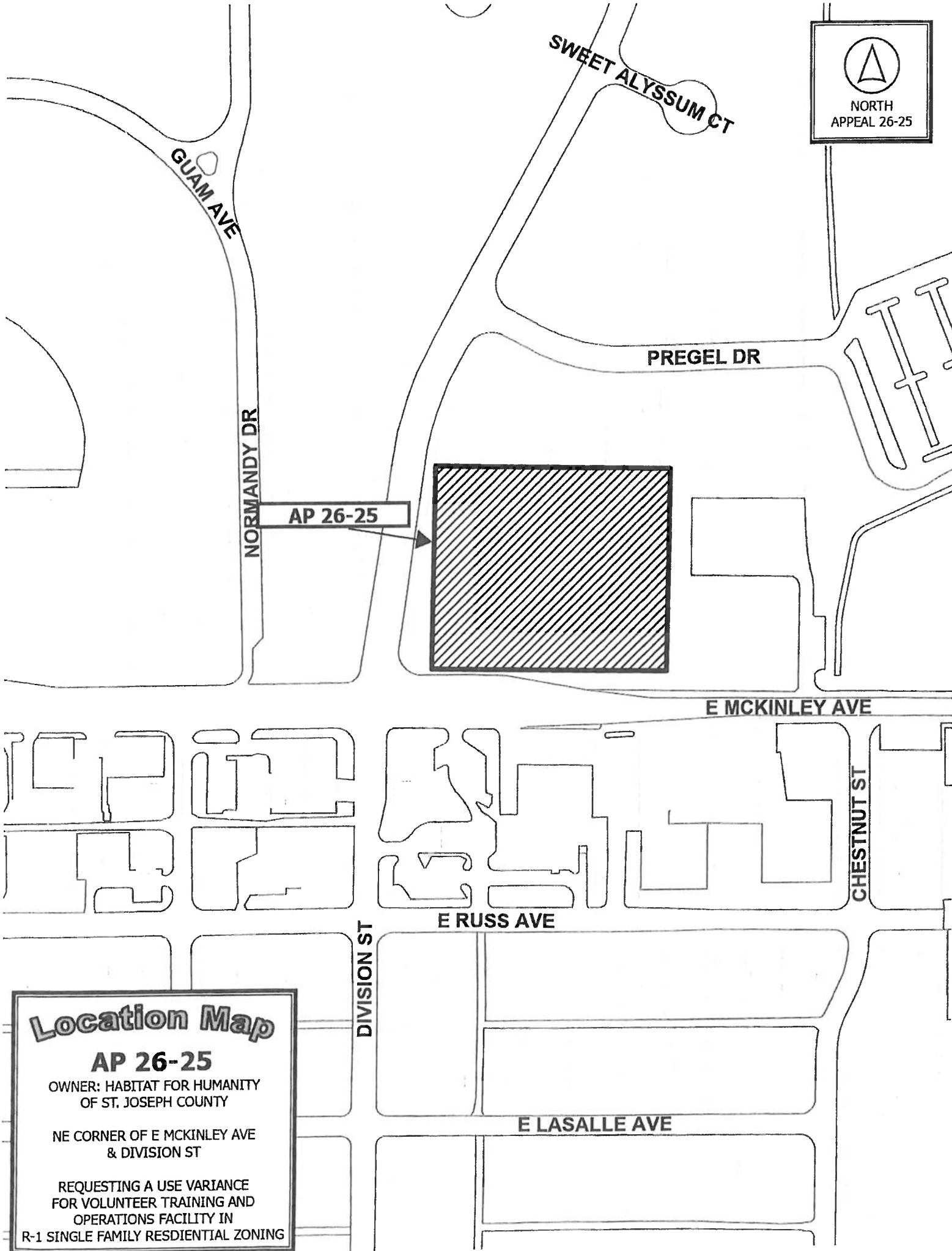
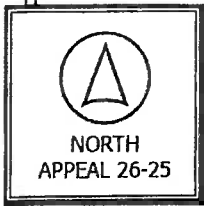
PROJECT STATISTICS	
LAND AREA	2.4 ACRES
EXISTING ZONING CLASS	R-1
ASSUMED ZONING RE-CLASS	7
PROPOSED BUILDING	25,480 SF
NEW PARKING SPACES	27
EXISTING PARKING SPACES	45
TOTAL PARKING SPACES	72
FRONT YD SETBACK	25'
SIDE YD SETBACK	25'
REAR YD SETBACK	25'

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

JUN 10 2026

City Clerk
Mishawaka, IN

APPEAL #26-26

RESOLUTION NO. 2026-25

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

1217 E McKinley Avenue, 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 **1217 E McKinley Avenue, Mishawaka, Indiana**, more particularly known and described as follows:

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 37 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 1°13'55" 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.

The Use Variance is to allow for an existing building to be used for a liquor store and/or retail sales for property located at 1217 E McKinley Avenue subject to the following conditions:

1. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located in an area approved by Plan Staff.
2. Landscaping and screening along the north property line shall be provided to comply with attached Sheet 3.1 from approved Site Plan 05-N.
3. Outside display/storage of inventory and pallets shall be prohibited.

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. *The approval will not be injurious to the public health, safety, morals and general welfare of the community.* The building, although zoned Industrial, has had retail sales for the past 20 years.
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.* The existing building is adjacent to and within property currently zoned for commercial use.
3. *The need for the variance arises from some condition peculiar to the property involved.* The previous Use Variance was written narrowly to only include furniture sales. Adding uses but keeping the same conditions provides for the orderly development of the property.
4. *The strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought.* The zoning of the property allows industrial uses and the retail sales of furniture. The preferred means by which to allow the proposed use is to continue with use variance process.

5. *The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan.* The Plan, created in 1990, guided general commercial development within this property and the adjacent area. The proposed use is consistent with the Comprehensive Plan.

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: 1217 E McKinley (former American Freight)

Date: June 9, 2026

Appeal: 26 -26

Prepared By: CH

GENERAL INFORMATION

Applicant: Kamboj Inc

Status: Property Owner

Request: Use Variance to allow liquor stores and retail sales in I-1 Light Industrial and Developmental Variance for reduction in parking spaces

Zoning Classification: I-1 Light Industrial

Lot Size: 1.47 acres

Applicable Regulations: Section 137-42 / (4) Board of Zoning Appeals – Use Variance; Indiana Code 36-7-4-918.4
Section 137.42 (5) BZA Developmental Variance/Indiana Code 36-7-4-918.5 (a.)
Section 137-585 to 137-587 / I-1 Light Industrial District

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial (vacant) & I-1 Light Industrial (Martin's Central Bakery)
South: R-1 Single Family Residential
East: C-4 Automobile Oriented Commercial (Auto Image) & R-1 Single Family Residential
West: C-4 Automobile Oriented Commercial (Dollar General) & I-1 Light Industrial (vacant)

Thoroughfare: East McKinley Avenue and North Cedar Street

Council District: 5

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities exist and currently serve the property.

Comprehensive Plan: General Commercial

ANALYSIS

The Appellant, Kamboj Inc, is requesting a use variance to allow a liquor store and retail sales. In 2005, a Use Variance approved furniture sales in the I-1 District (AP 05-19/RES. 2005-07) for American Freight.

The property currently contains a 27,140 sq. ft. building with loading docks and 24 parking spaces. This proposal increases the area of retail sales from 5,000 sq. ft. to 8,250 sq. ft. The parking requirement for retail sales is 4 per 1,000 gross square feet of area, resulting in 33 parking spaces. There are currently 24 parking spaces existing, with no room to add more.

The remainder of the building will be used for personal storage without the need for additional parking spaces.

The Engineering Department commented angled parking along access drive is not appropriate and shall be modified.

The Building Department commented permit(s) are required.

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

The Water Department commented that they should be contacted with questions on water service, metering, or back flow needs. It is in the 5 year time of travel for Division. Contact St. Joseph County about Wellhead protection permit.

The Fire Department commented that a construction design release is needed.

RECOMMENDATION

The Staff recommends **approval** of Appeal 26-26 to allow a liquor store and retail sales at 1217 E McKinley with the following conditions (copied from Resolution 2005-07):

1. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located in an area approved by Plan Staff.
2. Landscaping and screening along the north property line shall be provided to comply with attached Sheet 3.1 from approved Site Plan 05-N.
3. Outside display/storage of inventory and pallets shall be prohibited.

This recommendation is based on the following findings of fact *per Indiana Code 36-7-4-918.4*:

1. *The approval will not be injurious to the public health, safety, morals and general welfare of the community.* The building, although zoned Industrial, has had retail sales for the past 20 years.
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.* The existing building is adjacent to and within property currently zoned for commercial use.
3. *The need for the variance arises from some condition peculiar to the property involved.* The previous Use Variance was written narrowly to only include furniture sales. Adding uses but keeping the same conditions provides for the orderly development of the property.
4. *The strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought.* The zoning of the property allows industrial uses and the retail sales of furniture. The preferred means by which to allow the proposed use is to continue with use variance process.
5. *The approval will not substantially interfere with the Mishawaka 2000 Comprehensive Plan.* The Plan, created in 1990, guided general commercial development within this property and the adjacent area. The proposed use is consistent with the Comprehensive Plan.

ATTACHMENTS

Aerial Photograph, Site Photographs, Appeal, Location Map



Aerial photography



Google Street View September 2011 showing trees to be replaced.



P1. A view looking east along McKinley



P2. A view from the corner of E. McKinley and N. Cedar



P3. Looking west from N. Cedar at the Loading Dock area



P4. A view north from N. Cedar

DATE: 5/19/2026

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

AP 26-26
Received

MAY 20 2026

Planning and
Community Development

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:

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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:

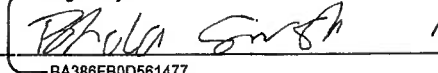
Name: Bhola Singh

Address: 7106 Grape Rd, Granger, IN 46530

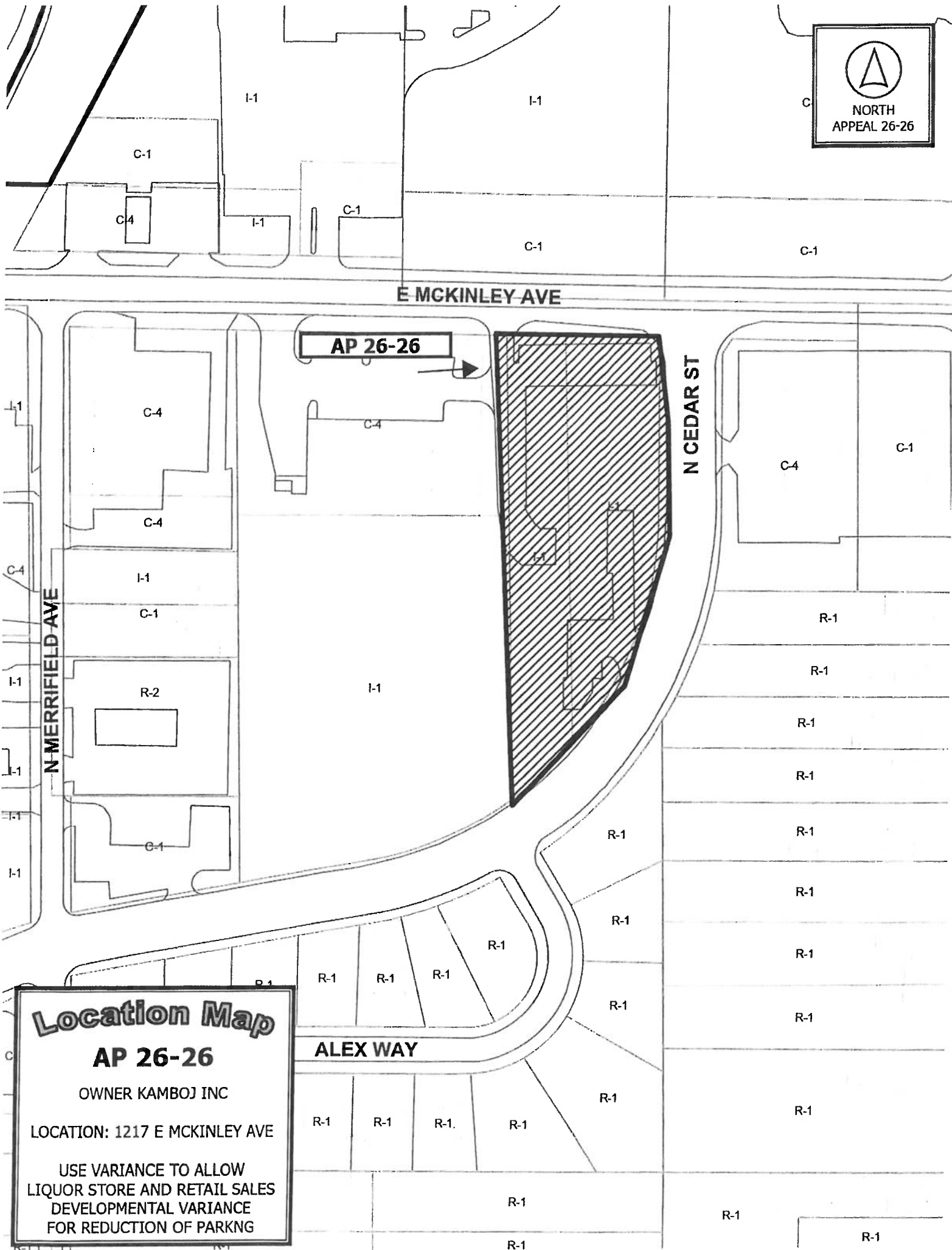
Day Phone Number: 269-506-3085

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

PROPOSED ORINANCE NO. 2025-45
ORDINANCE NO. _____

AS AMENDED

**AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF MISHAWAKA
ESTABLISHING RESPONSIBLE BIDDING PRACTICES AND SUBMISSION
REQUIREMENTS FOR PUBLIC WORKS PROJECTS**

WHEREAS, the City of Mishawaka, Indiana (“City”) is subject to the requirements of I.C. 36-1-12 (*Public Work Projects*) with respect to all public work performed or contracted for, as defined by this statute; and

WHEREAS, I.C. 36-1-12-2 (*Definitions*) specifically defines the term “public work” to include: (a) the construction, reconstruction, alteration, or renovation of a public building, airport facility, or other structure that is paid for out of a public fund or special assessment; (b) the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or special assessment; and (c) any public work leased by the City under a lease containing an option to purchase; and

WHEREAS, I.C. 36-1-12-4 (*Bidding Procedures for Projects Costing More Than a Certain Amount*) requires the City to award a contract for public works projects or improvements to the lowest responsible and responsive bidder as a general matter. However, this same statute also authorizes the City to instead award the contract to a bidder other than the lowest bidder following consideration of whether a low bidder is responsible based upon the following factors: (a) the ability and capacity of the bidder to perform the work; (b) the integrity, character, and reputation of the bidder; and (c) the competence and experience of the bidder; and

WHEREAS, it is in the best interests of the community to further define the term “responsible bidder” in the context of a public works project; and

WHEREAS, the adoption of an ordinance that further defines a responsible bidder will help to preserve administrative resources and better ensure that only qualified contractors and subcontractors are awarded contracts on public works projects; and

WHEREAS the adoption of an ordinance that further defines a responsible bidder will better ensure the efficient use of taxpayer dollars and promote quality workmanship, efficiency, safety, and the timely completion of said public works projects.

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

Section 1. This Ordinance shall apply when:

- A. The City intends to enter into a contract for a public works project, consistent with the definition of a public works project set out in I.C. 36-1-12;
- B. The estimated cost of the project will be at least Five Hundred Thousand and 00/100 Dollars (\$500,000.00); and

- C. The project is not exempt from public bidding under Indiana law.
- D. Notwithstanding the provisions set forth above, in no instance shall this Ordinance apply to:
 - 1. Emergency work exempt from public bidding requirements;
 - 2. Projects that are bid through a third-party governmental or quasi-governmental procurement program such as a program offered by the Indiana Department of Transportation (INDOT);
 - 3. Projects awarded as part of a cooperative purchasing relationship or interlocal agreement under I.C. 36-1-7; or
 - 4. Contracts with material suppliers who do not perform on-site labor.
- E. The Board of Public Works and Safety may, by written determination included in the bid packet, apply the submission requirements of this Ordinance to projects below the threshold in subsection (B) when warranted by project complexity, schedule risk, public safety considerations, or criticality.

Section 2. Bid Submission Requirements. Contractors proposing to submit bids on any City public works project when the estimated cost of the project will be at least Five Hundred Thousand and 00/100 Dollars (\$500,000.00) shall, prior to the opening of bids, submit a statement made under oath which meets the requirements of this Ordinance and is subject to perjury, on a form designated by the City and must include as part of the bid the following:

- A. A copy of a print-out of the Indiana Secretary of State's on-line records for the bidder dated within sixty (60) days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply.
- B. A list identifying all former business names used within the past five (5) years.
- C. Disclosure of any determinations by a court or governmental agency finding violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts.
- D. A statement on staffing capabilities, including labor sources.
- E. Evidence of participation in apprenticeship training programs applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization; and evidence that any applicable apprenticeship program has graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprentice-able crafts dedicated exclusively to the transportation of material and equipment to and from the public works project. The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the public works project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the bidder will perform on the project. In the alternative, the contractor may submit evidence indicating that the contractor otherwise complies with

the requirements of I.C. 5-16-13-12, if applicable to the bidder. The City, at its discretion, may request additional evidence of participation and graduation requirements.

- F. A copy of a written plan for employee drug testing that: (1) covers all employees of the bidder who will perform work on the public works project; and (2) meets, or exceeds, the requirements set forth in I.C. 4-13-18 (*Drug Testing of Employees of Public Works Contractors*).
- G. The name and description of the management experience of each of the bidder's project managers and superintendents that the bidder intends to assign to work on the project.
- H. Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and disclosure of any suspension or revocation within the previous five years of any professional or trade license held by the company, or of any director, office or manager employed by the bidder.
- I. Evidence that the bidder is utilizing a surety company on the United States Department of Treasury's Listing of Approved Sureties.
- J. Disclosure of any federal, state, or local tax liens or tax delinquencies owed to any federal, state, or local taxing body in the last five years.
- K. A statement that individuals who will perform work on the public works project on behalf of the bidder will be properly classified as either (1) an employee or (2) an independent contractor, consistent with the requirements of all applicable state and federal laws and local ordinances.
- L. A list of projects of comparable size and scope of work that the bidder has performed within three (3) years prior to the date on which the bid is due.
- M. Certification that the bidder and all subcontractors are qualified under the terms of I.C. 4-13.6-4 (*Qualification for State Public Works Projects*) or I.C. 8-23-10 (*Qualifications of Bidders for Contracts*).
- N. A written list that discloses the name, address, and type of work for each subcontractor the bidder intends to employ on any part of the public works project, including individuals performing work as independent contractors.
- O. The bidder will comply with all applicable federal and state labor and employment laws. However, nothing in this Ordinance requires employees or subcontractors to be members of any particular union or subject to any particular collective bargaining agreement.

The City reserves the right to request supplemental information from the bidder, additional verification of any of the information provided by the bidder and may conduct reasonable inquiries of the bidder's current and prior customers.

Section 3. Post-Bid Submissions from Subcontractors.

- A. Each subcontractor of any tier shall be required to adhere to the requirements of Section 2 of this Ordinance, but subcontractors shall submit the required information to the successful bidder, who shall then submit said information to the City prior to the subcontractor's first day of work on the public works project. A subcontractor with fewer than twenty (20) employees or a subcontractor who will perform work on the project that is equivalent to less than twenty-five percent (25%) of the total contract may provide alternative documentation of experience instead of the documentation required by the terms of Section 2 (E) above. However, this alternative documentation shall be permitted only to the extent permissible under the terms of I.C. 5-16-13-12 and applicable law.
- B. Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute contractual default or breach on the part of the successful bidder. However, payment shall be withheld from any subcontractor who fails to timely submit said information until such information is submitted and approved by the City. Additionally, the City may require the successful bidder and/or relevant subcontractor to remove a subcontractor from the project and replace it with a responsive and responsible subcontractor.
- C. The disclosure of a subcontractor by a bidder or a subcontractor shall not create any rights in the disclosed subcontractor. Thus, a bidder and/or a subcontractor may substitute another subcontractor for a disclosed subcontractor by giving the City written notice of the name, address, and type of work the substitute subcontractor will perform. The substitute subcontractor is subject to all the obligations of a subcontractor under this Ordinance.

Section 4. Incomplete Submissions by Bidders. It is the sole responsibility of the bidder to comply with all submission requirements herein by no later than the public bid opening. Submissions deemed inadequate, incomplete, or untimely by the City shall result in the automatic disqualification of the bid. The City may, in its discretion, permit the correction of minor deficiencies prior to award, provided such correction does not compromise competitive integrity or responsiveness.

Section 5. Responsible Bidder Determination. After its review of complete and timely submissions and after considering all of the information submitted by each bidder, with no single factor being deemed to be controlling or outcome determinative, the City shall, in its sole discretion, determine whether a bidder or subcontractor is responsible. The City reserves the right to utilize all information provided in the bidder or subcontractor's submission or any information obtained by the City through its own independent verification of the information provided.

Section 6. Public Records. All information submitted by a bidder or a subcontractor pursuant to this Ordinance is a public record subject to review pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3).

Section 7. Penalties for False, Deceptive, or Fraudulent Statements/Information. Any bidder or subcontractor that willfully makes, or willfully causes to be made, a false, deceptive or fraudulent statement, or willfully submits false, deceptive or fraudulent information in connection with any submission made to the City shall be disqualified from bidding or working on all City projects for a period of three (3) years.

Section 8. Conflicting Ordinances. All ordinances and parts of ordinances in conflict

herewith are hereby repealed.

Section 9. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination; such provisions shall remain in full force and effect.

Section 10. This Ordinance shall be in full force and effect from and after its passage, attestation, and any required 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, IAMCA, CMO, MMC, City Clerk

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

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

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

David A. Wood, Mayor