

AGENDA

July 06, 2021

Meetings of Standing Committees
Council Conference Room
6:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00PM

WebEx Telephone Number: 408-418-9388
Meeting Number (access code): 173 100 3675
Meeting Password: igJmp3dJP74

Livestream #1:
<https://www.facebook.com/cityofmishawaka/>
Livestream #2: @MichianaAccessTV on Facebook
Livestream #3: Michiana Access TV
(Comcast and AT&T U-Verse Channel 99)

To connect on-line join using Microsoft Lync or Microsoft Skype for Business

Dial: 1731003675@mishawaka.webex.com

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of June 21, 2021
5. Petitions, Communications, Remonstrance and Memorial

Appeal No. 2021-20 Renewal of Use Variance to allow Automobile
 Repair in I-1 Light Industrial- 1035 E.
 McKinley
6. Report of Special Committee
7. Ordinances on First Reading
8. Resolutions
9. Ordinances on Second Reading

- P.O. No. 2021-20AA University Marketplace PUD Amendment to allow an Electric Automobile Dealership and Service Center - 7207 Grape Road (former JCPenny Home Store) **(Assigned to Land Use Planning)**
- P.O. No. 2021-21 Rezone from C-1 District to C-7 District to allow Restaurant with Drive-Thru - Part of 2754 Lincoln Way East - existing parking area for Mishawaka INN **(Assigned to Land Use Planning)**
- P.O. No. 2021-22 Annexation & Zoning of 19.02 Acre to R-1 for a proposed Single Family Residential Subdivision - Autumn Ridge Phase 4 **Public Hearing - No Vote**
- P.O. No. 2021-23 Annexation & Zoning of 5.24 Acres to I-1 for a proposed Self Storage Facility - 16996 S.R. 23 **Public Hearing - No Vote**

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

12. New Business

13. Adjournment -

This meeting will be aired via Live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, <https://www.facebook.com/cityofmishawaka/> and also on the Michiana Access TV Facebook page, <https://www.facebook.com/MichianaAccessTV>

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

Deborah S. Block, IAMC, 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.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 21, 2021

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall and via telephone on Monday, June 21, 2021 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

Roll Call.

Present: Mrs. DeMaegd (P), Mr. Banicki (P), Mr. Hazen (P), Mr. Mammolenti (E), Mr. Emmons (P), Mr. Bellovich (P), Mr. Compton (P), Mrs. Voelker (P), Mr. Hixenbaugh (P)
P: Present E: Electronically Participating A: Absent

Others Present: Clerk Block

Members attending virtually do so by WebEx. Public that attend can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Minutes for the Regular Meeting of June 7, 2021 were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their June 8, 2021 meeting.

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

PROPOSED ORDINANCE NO. 2021-20

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.

**University Marketplace PUD Amendment to allow an Automobile Dealership and Service Center – 7207 Grape Road (former JCPenney Home Store)
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2021-21

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 District to C-7 District to allow Restaurant with Drive-Thru – Part of 2754 Lincoln Way East – existing parking area for Mishawaka INN
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2021-22

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

Annexation & Zoning of 19.02 Acres to R-1 for a proposed Single Family Residential Subdivision – Autumn Ridge Phase 4

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2021-23

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.

Annexation & Zoning of 5.24 Acres to I-1 for a proposed Self Storage Facility – 16996 S.R. 23

(Assigned to Land Use Planning Committee)

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

RESOLUTION R2021-13

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.

Ken Prince, City Planner, spoke in favor of **RESOLUTION R2021-13**. Mr. Prince began stating he would give a deeper explanation of the resolution with the youth council present that evening. Mr. Prince began stated tax increment financing was underdeveloped property created in an area around that property and once that property was improved, the additional tax increment collected would be put in a special fund called tax increment funding. Mr. Prince continued stating it would then be used to fund capital improvements in that area. Mr. Prince stated the tax increment financing district in the city was last amended in 2014, it included thousands of properties that

had been developed in the 1980s. Mr. Prince stated as part of the last amendment in 2014, the city amended the district, because at that point per state law it was allowed to follow roadways and to do things in areas where they knew needed capital improvements but didn't necessarily have the funding to match. Mr. Prince stated one of the areas was Union Street south, their long terms goals as a city were to make from Bremen Highway, Union, Church, Main and Gumwood all five lanes from one end of the city to the other end and systematically they had taken their shot in getting project after project done to make it happen. Mr. Prince stated in 2014, they knew they wanted to do the project, but did not know what properties they needed. He said they would come back before the council when they had a better idea of what properties they needed. Mr. Prince stated in this case, they were working on the engineering, but did not have the engineering completed for the expansion of Union Street as you went down Ninth Street all the way past Dragoon Trail, which was the city limits in that portion. Mr. Prince stated there were many properties needed to be acquired as part of that improvement, and as part of it, they knew they had to improve the intersection where Twelfth and Thirteenth met at Union and right on the corner was a former Ray Buck construction office. Mr. Prince stated it was located immediately north of where Papa Joe's was located. He said they had approached the owner at the time about selling but they had some personal issues and would not sell at that time. Mr. Prince stated they had recently come back to them in the last month asking if they had interest and they did, which was why they were before the council that evening to acquire the property. Mr. Prince stated they knew without doing any detailed engineering, they needed to acquire the property. He said they knew there would be other properties they may bring to the council as they came available to ask the council to put them on the acquisition list. Mr. Prince stated there had been properties that had become for sale and they were not at the point to purchase them at that time even after being contacted by the owners, because they did not have a definitive answer yet. Mr. Prince stated they were prudent in terms of where they would take the properties to the council for their approval and he was happy to answer any questions.

Mr. Bellovich asked if Mr. Prince to give a couple of examples of projects that had been funded by TIF money across the city of Mishawaka. Mr. Prince stated everything from the Main Street underpass, Battell Center, Edison Lakes, virtually all of the improvements as they widened Main Street, the bridge across the Toll Road, Beacon Parkway and the demolition of Uniroyal downtown were all funded by TIF money.

Question was called for at 7:15 PM for **RESOLUTION R2021-13** **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The resolution passed 9-0.

PRIVILEGE OF THE FLOOR

Mayor Wood made comments about the youth council being present that evening and stated their previously scheduled night at the electric lineman training facility got cancelled, because of their guys working 16 hour shifts the previous night and doing an exceptional job of keeping the power on for Mishawaka citizens after the storms. Mayor Wood stated they were in for a treat getting educated on TIF and something they could take with them off to college and hopefully back to the princess city once they were done with college. Mayor Wood stated they had over

150 youth council members over his 11 years with kids doing amazing things, going off to college and service academies, living all over the country, athletes who were achieving at the highest of levels and impressive all around. Mayor Wood stated he loved them all and as much as he was impressed with all of his youth council groups, he could not be more impressed than with the group present at the meeting. Mayor Wood stated they had to meet and continue to function through and unprecedented time throughout the pandemic and continued to serve their city. Mayor Wood stated of all of the projects they did on a big scale, he could not think of any he was more proud of than the kids designing Heroes Park and taking it from concept to completion and it being a very popular park for Mishawaka families for a great southeast neighborhood. Mayor Wood stated they learned an awful lot about how local government worked. Mayor Wood stated they made an important improvement in their community and this was the one where in decades from that point, they could come back to it knowing they had a hand in it and it would still be productive and a neat place to be. Mayor Wood stated their youth council was the best practice around the state, because of the kid's willingness to step up and make their community better. Mayor Wood stated they were seeing them do amazing things and were even hiring from alumni groups in the past, which was also a great thing for the city. Mayor Wood stated he could not be more proud of them and their community was so much better because of their hard work and service. Mayor Wood stated he knew the council would be very impressed as he was with them.

Mr. Hixenbaugh welcomed the youth council and thanked them for the work they did on behalf of the community. Mr. Hixenbaugh stated they made a tangible difference in their community, which was all any of them could ask as citizens at the end of the day.

Mr. Hixenbaugh allowed for all of the members of the youth council to come to the podium and give their name, the high school they attended, their grade and where the graduated seniors would be attending college along with their major.

Mr. Hixenbaugh thanked all of the members for attending the meeting after introducing themselves and also thanked Mrs. Hazen and Mrs. Wood who did it because of their passion for it and appreciated the work they did to make it all come together.

Mrs. Voelker complimented the Mayor's youth council along with the Mayor Assistant, Mrs. Hazen and Mrs. Wood and stated she was impressed with the park and also the way they laid out their program at the ribbon cutting. Mrs. Voelker stated it was very impressive how each of them had a role to play and they did a great job in telling the audience what the important parts were, it was very meaningful. Mrs. Voelker stated she found the way they described the various parts of the park, why they put them there, how they named them and who they involved in the process was very moving and interesting. Mrs. Voelker stated they did a tremendous job and it was the best ribbon cutting she had ever been to.

Mr. Hixenbaugh thanked them all again for being present that evening.

Mayor Wood stated there would be another groundbreaking on Thursday, June 24 at 1PM at the Ironworks Plaza for the Plaza, Café, Rink project. Mayor Wood stated this was another project that in part was conceived by a past Mayor youth council and they would be there with shovels

and dirt ready for them to turn if they could be present. Mayor Wood stated it was a significant project for them and construction crews would be at the gates waiting for them to turn the dirt so they could get in and make it happen.

NEW BUSINESS

Clerk Block announced a request to change the meeting dates. Clerk Block stated the request was to move the July 19th meeting to July 26th, October 4th meeting to October 11th and October 18th meeting to October 25th. Mr. Compton made a motion and Mr. Banicki seconded the motion to change the regularly scheduled council meeting dates as read by the Clerk prior to the motion.

Question was called for at 7:28PM for the motion **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh. The meeting date changes were approved 9-0.

ADJOURNMENT 7:29PM

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

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

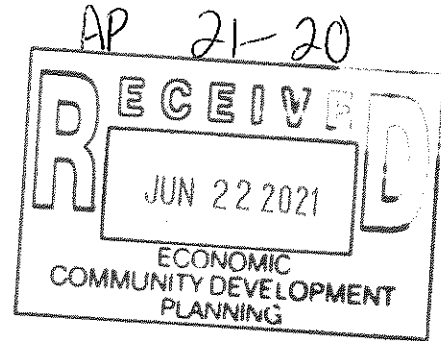
Deborah S. Block, IAMC, MMC

JUN 28 2021

City Clerk
Mishawaka, IN

June 22, 2021

Board of Zoning Appeals
City of Mishawaka, Indiana



The undersigned appellant respectfully shows the Board:

1. JADET LLC is the owner of the following described real estate located within the City of Mishawaka, Mish Penn Township, St. Joseph County, State of Indiana, to wit:

Lots 9 & 10 Tohulka & Reynolds Add
1035 E. McKinley Hwy, Mishawaka, IN 46545
71-09-10-129-001.000-023
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. On August 11, 2020 the Mishawaka Planning Staff approved Appeal 20-35 to allow a use variance for automobile repair and sale and installation of tires and wheels in a I-1 Light Industrial District at the 1035 E. McKinley address. The business has been operational since September of 2020 with no issues whatsoever. I would respectfully that this use variance now be consider as a permanent approval by the Planning staff.
3. Appellant occupies the above described property in the following manner: sales of wheels and tires and automotive mechanical work.
4. Appellant desires to continue to perform automotive mechanical work and sale and installation of wheels and tires.
5. The Zoning Ordinance for Classification I-1 of the City of Mishawaka does not allow any uses for any automotive mechanical work and sales and installation of wheels and tires. (Sec 137-586).
6. The automotive mechanical service work and sales/installation of wheels and tires is necessary to operate this successful business enterprise. The present Zoning Classification does not allow such and impedes an opportunity for a merchant to create a profitable and successful business.
7. Use variance questions:
 - (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?
No, The property will remain in compliance with any rules and regulations set forth by the City of Mishawaka.
 - (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?

No, The only adjacent property is a warehouse to the South that is separated by a fence. A RR is to the West, McKinley Hwy to the North, and Merrifield Ave----- to the East.

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

No, The property and buildings will not be changed.

(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, The wheel and tire business cannot be successful without a variance.

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

No, the approval will enhance the Plan by allowing and creating a new business for the community.

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

JADET LLC

Jerry DeTurk

JADET LLC by Jerry DeTurk, authorized member

Contact Person: Jerry DeTurk

294 E 350 N, Warsaw, IN 46582-7707

(574) 267-7642

Mrzipp6@gmail.com

SITE PLAN APPROVAL

June 22, 2021

I am respectfully requesting permanent approval of Commercial use in an Industrial-1 Zoned parcel.

The Commercial use is necessary to continue the sales and service of wheels and tires on the property.

Twelve parking spaces are provided. Five are on the North side of the structure off McKinley Highway. Seven are on the East side of the fence and West of N. Merrifield Ave. Each is nine feet wide and twenty feet long.

Two entrances to the parking are provided; one off McKinley Highway and the other off Merrifield Avenue.

The parcels adjacent to this location are zoned for Commercial use and this approval would not make any change to any of the character associated with the neighborhood area.

The current structures will be used for the Commercial business without any additions or modifications made to them.

All removed tires will be stored inside a 16 x 20 ft. enclosed building prior to scheduled offsite removal.

The business has been in operation on a conditional variance approval since August of 2020. No known issues have developed since that date. The permanent approval of Commercial use would be beneficial for the future success of the business.

Parcel Number 71-09-10-129-001.000-023

Lots 9 & 10 Tohulka & Reynolds Addition Penn Township

1035 E. McKinley Ave., Mishawaka, IN 46545

Owner: JADET LLC

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

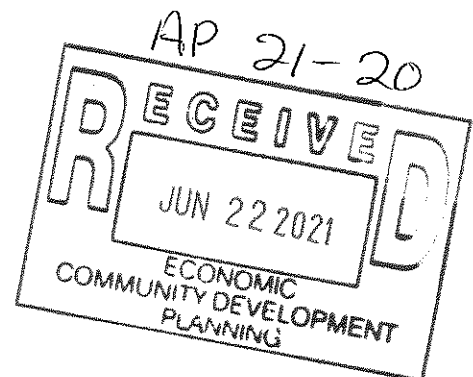
JADET LLC
Jerry DeTurk

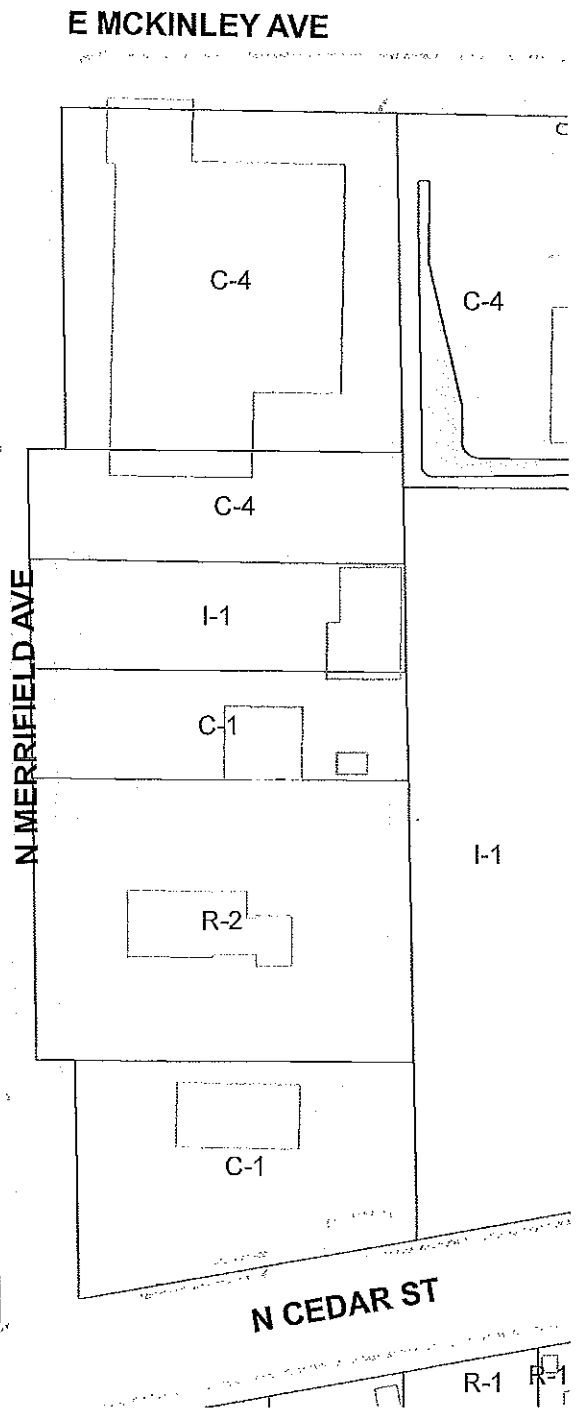
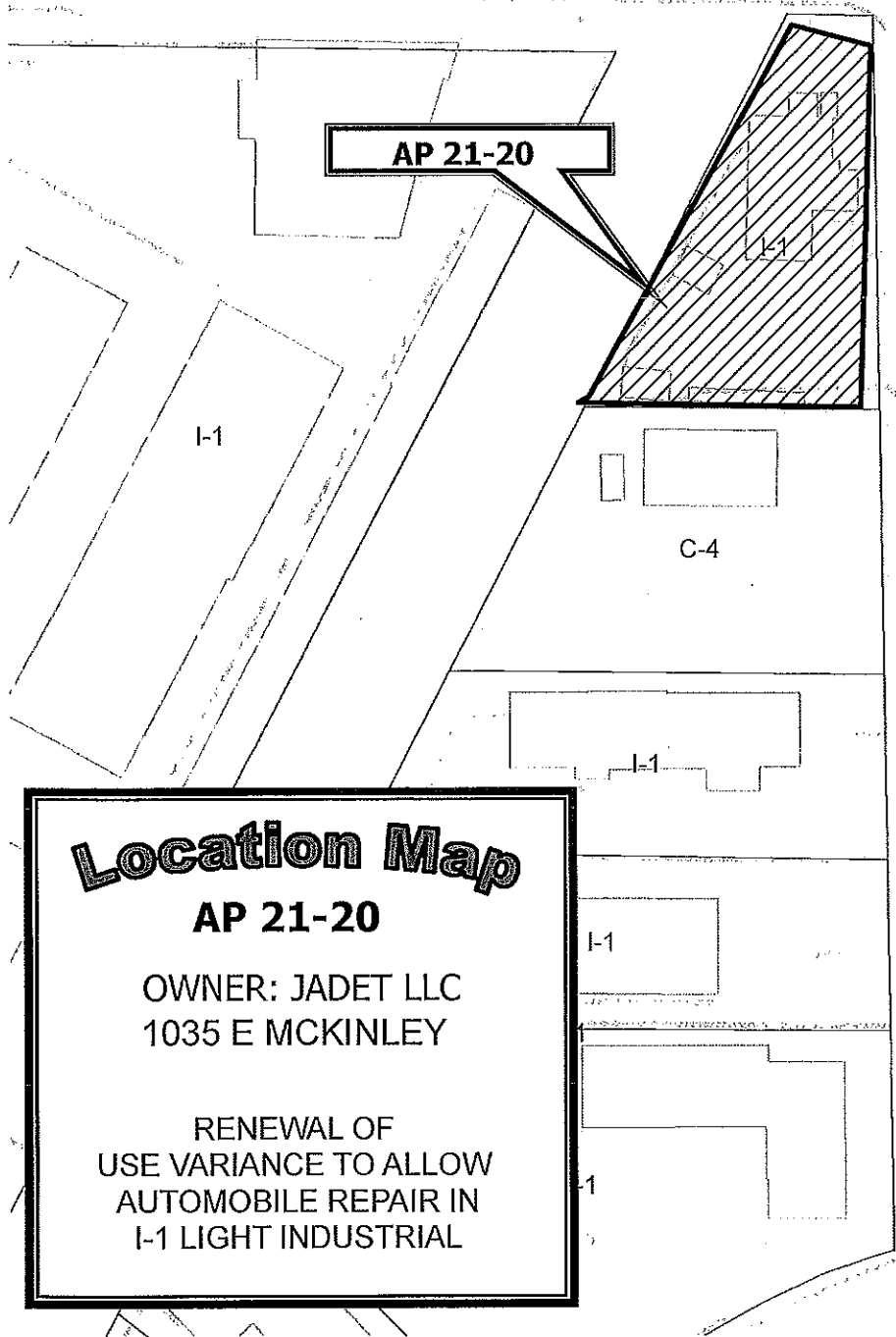
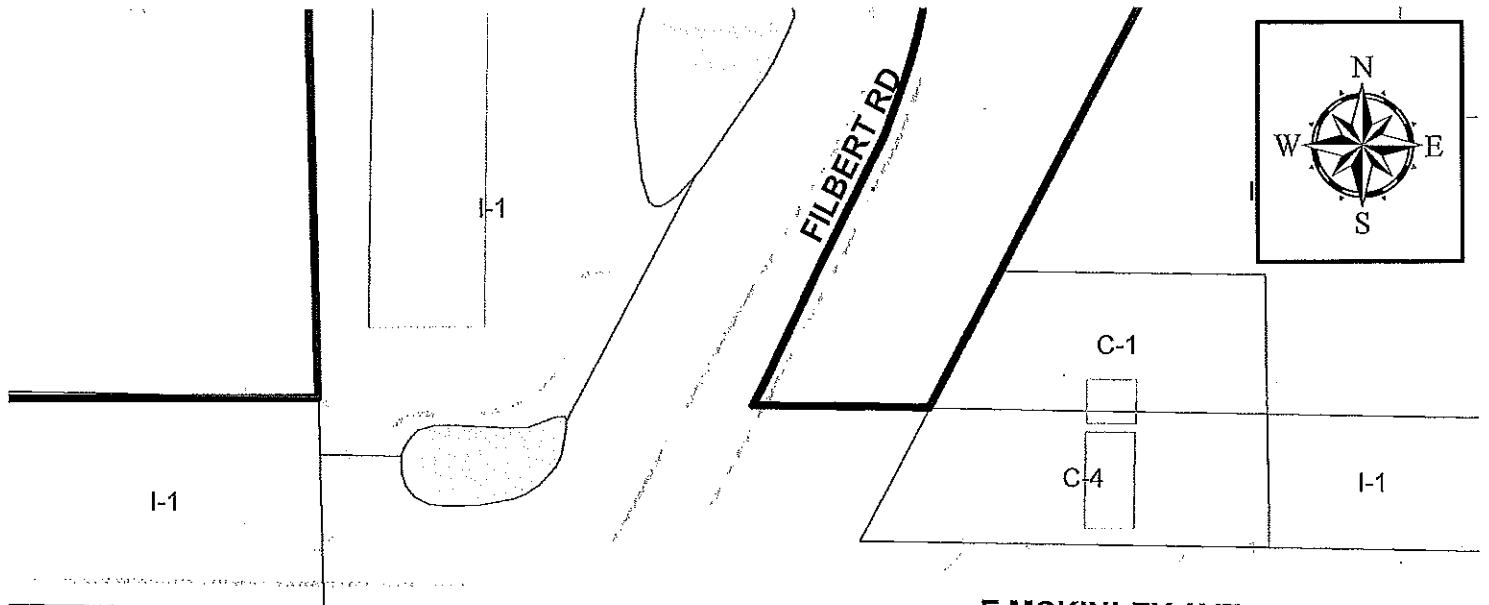
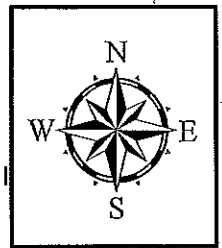
Jerry DeTurk, Authorized member

294 E 350 N

Warsaw, IN 46582-7707

(574)267-7642





Location Map

AP 21-20

OWNER: JADET LLC
1035 E MCKINLEY

RENEWAL OF
USE VARIANCE TO ALLOW
AUTOMOBILE REPAIR IN
I-1 LIGHT INDUSTRIAL

PETITION 21-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2021-20 As Amended

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 made no recommendation as to the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

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

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

A parcel of land in the Southwest Quarter of Section 21, Township 38 North, Range 3 East of the Second Principal Meridian, Clay Township, City of Mishawaka, St. Joseph County, Indiana, and described as follows, viz: Commencing from a brass plug at the Southeast corner of the Southwest quarter of said Section 21; thence N. 89 degrees 44 minutes 40 seconds W. (bearing assumed) along the South line of the Southwest Quarter of said Section 21 (being along the centerline of Cleveland Road), 662.66 feet; thence N. 00 degrees 10 minutes 31 seconds E., 40.00 feet to the point of beginning; thence continuing N. 00 degrees 10 minutes 31 seconds E., 487.00 feet; thence S. 89 degrees 44 minutes 40 seconds E., 225.00 feet; thence N. 00 degrees 10 minutes 31 seconds E., 248.00 feet; thence S. 89 degrees 44 minutes 40 seconds E., 28.00 feet; thence N. 00 degrees 10 minutes 31 seconds E., 222.31 feet; thence S. 89 degrees 34 minutes 43 seconds E., 366.52 feet; thence S. 00 degrees 00 minutes 00 seconds We, 656.26 feet; thence No. 89 degrees 44 minutes 40 seconds W., 287.00 feet; thence N. 00 degrees 00 minutes 00 seconds E., 49.00 feet; thence N. 89 degrees 44 minutes 40 seconds W., 280.06 feet; thence S. 00 degrees 10 minutes 32 seconds W., 349.00 feet; thence N. 89 degrees 44 minutes 40 seconds We, 54.31 feet to the point of beginning.

COMMON ADDRESS: 7207 Grape Road

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow an automobile dealership and service center and subject to the following conditions if approved:

Proposed Ordinance No: _____

Ordinance No: _____

1. Permitted uses shall be amended to include an electric automobile dealership and service center.
2. A 5' minimum pavement setback shall be maintained along all interior property lines where the existing pavement is 5' or greater from the property line.
3. A 0' pavement setback shall be permitted along all interior property lines to match existing conditions where pavement is 5' or less from the property line. The existing pavement can be replaced but shall not extend nearer to any adjacent interior property line.
4. Additional overstory or understory trees shall be provided along all property lines and within the interior parking lot landscape islands at rate compliant with commercial landscaping and screening regulations. New trees will not be required along property lines where the existing pavement prevents additional plantings.
5. Existing tree rows and opaque fence shall be maintained along the north property line north of the building and along the west side of the access drive from W. Cleveland Road. If sections of the fence are in disrepair, they shall be replaced or a new 7' high fence installed along the entire property line, if deemed appropriate.
6. A solid evergreen tree row shall be provided along the east property line extending south to Thrush Street.
7. One new freestanding sign shall be provided within the southeast corner of the property along Grape Road. Directional signage shall be permitted at the both the Grape Road and W. Cleveland Road access drives. All signage shall conform to the height and display area requirements for the C-4 Automobile Oriented Commercial District.
8. Freestanding off-premise signs shall not be permitted.
9. Public address systems shall not be permitted within the parking lot.
10. The extension of all utilities to the site shall be at the developer's cost and expense.
11. All site lighting shall be limited to 25' in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
12. A photometric lighting plan shall be submitted as part of the final site plan. Lighting shall not exceed three-footcandles as measured along property lines abutting residentially zoned property or at the residential property lines on the east side of Grape Road.
13. Building materials and colors shall comply with the C-4 Automobile Oriented Commercial District
14. Roll-up / vehicle access doors shall not be permitted on the east side of the building.
15. All other development regulations not specified shall adhere to the C-4 Automobile Oriented Commercial District.

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

1. Existing Conditions – The property is currently developed with a two-tenant commercial building, large parking area, and access drives to Grape Road and W. Cleveland Road. Adjacent uses include vacant property zoned for multi-family residential use and a single-family residence to the north; a building contractor's office and single-family residential houses to the west; a vacant restaurant and multi-tenant commercial building to the south; and a liquor

Proposed Ordinance No: _____

Ordinance No: _____

and tobacco retailer, vacant land, and single-family houses to the east. The property is located at the northern edge of the Grape Road commercial corridor.

2. Character of Buildings in Area – The buildings along the Grape Road and W. Cleveland Road corridors are primarily single and multi-tenant commercial/retail buildings including University Park Mall, a large regional shopping center. Low density single-family residential properties are located to the west, north, and east.
3. The Most Desirable/Highest and Best Use – Due to the property's location at the northern edge of a highly travelled commercial corridor, the most desirable use of the property is for continued commercial use. The proposed use is similar to those currently permitted on the property which include offices, retail shopping, churches, and a children's indoor/recreational activity center. With the existing and proposed landscaping, screening, and lighting requirements, the proposed use will be compatible with the existing adjacent land uses.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area based upon the conditions included in this amendment and the C-4 Automobile Oriented Commercial District development regulations. Currently, commercial land uses, including similarly intensive uses than those proposed, are permitted within the portion of the PUD being amended.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for general commercial development (retail sales and shopping centers) as currently exists to the south and east.

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 _____, 2021, at _____ o'clock ____ M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____,
2021, at _____ o'clock _____.M.

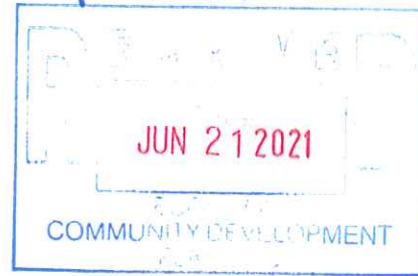
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at
_____ o'clock _____.M.

David A. Wood, Mayor

As Amended by
Petitioner 6/21/2021

PET 21-07



DATE: June 18, 2021

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

RE: PETITION FOR PUD AMENDMENT

The undersigned Triple "J" LLC Jeffery Joers respectfully show they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

A parcel of land in the Southwest Quarter of Section 21, Township 38 North, Range 3 East of the Second Principal Meridian, Clay Township, City of Mishawaka, St. Joseph County, Indiana, and described as follows, viz:
Commencing from a brass plug at the Southeast corner of the Southwest quarter of said Section 21; thence N. 89 degrees 44 minutes 40 seconds W. (bearing assumed) along the South line of the Southwest Quarter of said Section 21 (being along the centerline of Cleveland Road), 662.66 feet; thence N. 00 degrees 10 minutes 31 seconds E., 40.00 feet to the point of beginning; thence continuing N. 00 degrees 10 minutes 31 seconds E., 487.00 feet; thence S. 89 degrees 44 minutes 40 seconds E., 225.00 feet; thence N. 00 degrees 10 minutes 31 seconds E., 248.00 feet; thence S. 89 degrees 44 minutes 40 seconds E., 28.00 feet; thence N. 00 degrees 10 minutes 31 seconds E., 222.31 feet; thence S. 89 degrees 34 minutes 43 seconds E., 366.52 feet; thence S. 00 degrees 00 minutes 00 seconds W., 656.26 feet; thence N. 89 degrees 44 minutes 40 seconds W., 287.00 feet; thence N. 00 degrees 00 minutes 00 seconds E., 49.00 feet; thence N. 89 degrees 44 minutes 40 seconds W., 280.06 feet; thence S. 00 degrees 10 minutes 32 seconds W., 349.00 feet; thence N. 89 degrees 44 minutes 40 seconds W., 54.31 feet to the point of beginning.

The property has a common address of 7207 Grape Road, Granger, Indiana and designated as Tax ID 029-1003-020002, subject to taxes, covenants, restrictions, easements and zoning ordinances, the Carriage Square Planned Unit Development established by an ordinance of the Common Council of the

City of Mishawaka, Indiana under date of October 2, 1979, as Ordinance No. 2321, non-exclusive easements over common area for parking and unobstructed pedestrian and vehicular use for passage over the Property and to and from adjacent public rights-of-way and to and from adjacent properties located on the "Planned Unit Development" (sometimes referred to as "Carriage Square Planned Unit Development").

Petitioner own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for offices and retail shopping.

Petitioner desire said real estate to be amended to allow for an electric vehicle automobile dealership and service center.

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


Jeffery Joers

CONTACT PERSON:

Steven J. Panko
Key Development Partners
515 N. State #2660
Chicago, IL. 60654
312 865 1100
spanko@kdp-llc.com

ADDENDUM

Landscaping: Sec. 137-815. - Landscaping and screening regulations

Per the cities "landscaping requirements for interior of parking lots" we propose to eliminate the interior island from the parking stall runs. We will however take the required tree quantities and plant them in other locations on the site. Tree quantities will comply with the ordinance.

Signage: Chapter 129 - ON-PREMISES SIGN STANDARDS

We are not asking for any sign variances at this time. We will follow the C-4 standards for signage. Only one freestanding sign with a maximum 35' height, 162.5 sq. ft. copy area and 270.8 sq. ft. of display area per each side of the sign.

PETITION 21-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. _____

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 made no recommendation as to the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

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

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

A parcel of land in the Southwest Quarter of Section 21, Township 38 North, Range 3 East of the Second Principal Meridian, Clay Township, City of Mishawaka, St. Joseph County, Indiana, and described as follows, viz: Commencing from a brass plug at the Southeast corner of the Southwest quarter of said Section 21; thence N. 89 degrees 44 minutes 40 seconds W. (bearing assumed) along the South line of the Southwest Quarter of said Section 21 (being along the centerline of Cleveland Road), 662.66 feet; thence N. 00 degrees 10 minutes 31 seconds E., 40.00 feet to the point of beginning; thence continuing N. 00 degrees 10 minutes 31 seconds E., 487.00 feet; thence S. 89 degrees 44 minutes 40 seconds E., 225.00 feet; thence N. 00 degrees 10 minutes 31 seconds E., 248.00 feet; thence S. 89 degrees 44 minutes 40 seconds E., 28.00 feet; thence N. 00 degrees 10 minutes 31 seconds E., 222.31 feet; thence S. 89 degrees 34 minutes 43 seconds E., 366.52 feet; thence S. 00 degrees 00 minutes 00 seconds W., 656.26 feet; thence N. 89 degrees 44 minutes 40 seconds W., 287.00 feet; thence N. 00 degrees 00 minutes 00 seconds E., 49.00 feet; thence N. 89 degrees 44 minutes 40 seconds W., 280.06 feet; thence S. 00 degrees 10 minutes 32 seconds W., 349.00 feet; thence N. 89 degrees 44 minutes 40 seconds W., 54.31 feet to the point of beginning.

COMMON ADDRESS: 7207 Grape Road

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow an automobile dealership and service center and subject to the following conditions if approved:

Proposed Ordinance No: _____

Ordinance No: _____

1. Permitted uses shall be amended to include an electric automobile dealership and service center.
2. A 5' minimum pavement setback shall be maintained along all interior property lines where the existing pavement is 5' or greater from the property line.
3. A 0' pavement setback shall be permitted along all interior property lines to match existing conditions where pavement is 5' or less from the property line. The existing pavement can be replaced but shall not extend nearer to any adjacent interior property line.
4. Additional overstory or understory trees shall be provided along all property lines and within the interior parking lot landscape islands at rate compliant with commercial landscaping and screening regulations. New trees will not be required along property lines where the existing pavement prevents additional plantings.
5. Existing tree rows and opaque fence shall be maintained along the north property line north of the building and along the west side of the access drive from W. Cleveland Road. If sections of the fence are in disrepair, they shall be replaced or a new 7' high fence installed along the entire property line, if deemed appropriate.
6. A solid evergreen tree row shall be provided along the east property line extending south to Thrush Street.
7. One new freestanding sign shall be provided within the southeast corner of the property along Grape Road. Directional signage shall be permitted at the both the Grape Road and W. Cleveland Road access drives. All signage shall conform to the height and display area requirements for the C-4 Automobile Oriented Commercial District.
8. Freestanding off-premise signs shall not be permitted.
9. Public address systems shall not be permitted within the parking lot.
10. The extension of all utilities to the site shall be at the developer's cost and expense.
11. All site lighting shall be limited to 25' in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
12. A photometric lighting plan shall be submitted as part of the final site plan. Lighting shall not exceed three-footcandles as measured along property lines abutting residentially zoned property or at the residential property lines on the east side of Grape Road.
13. Building materials and colors shall comply with the C-4 Automobile Oriented Commercial District
14. Roll-up / vehicle access doors shall not be permitted on the east side of the building.
15. All other development regulations not specified shall adhere to the C-4 Automobile Oriented Commercial District.

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

1. Existing Conditions – The property is currently developed with a two-tenant commercial building, large parking area, and access drives to Grape Road and W. Cleveland Road. Adjacent uses include vacant property zoned for multi-family residential use and a single-family residence to the north; a building contractor's office and single-family residential houses to the west; a vacant restaurant and multi-tenant commercial building to the south; and a liquor

Proposed Ordinance No: _____

Ordinance No: _____

and tobacco retailer, vacant land, and single-family houses to the east. The property is located at the northern edge of the Grape Road commercial corridor.

2. Character of Buildings in Area – The buildings along the Grape Road and W. Cleveland Road corridors are primarily single and multi-tenant commercial/retail buildings including University Park Mall, a large regional shopping center. Low density single-family residential properties are located to the west, north, and east.
3. The Most Desirable/Highest and Best Use – Due to the property's location at the northern edge of a highly travelled commercial corridor, the most desirable use of the property is for continued commercial use. The proposed use is similar to those currently permitted on the property which include offices, retail shopping, churches, and a children's indoor/recreational activity center. With the existing and proposed landscaping, screening, and lighting requirements, the proposed use will be compatible with the existing adjacent land uses.
4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area based upon the conditions included in this amendment and the C-4 Automobile Oriented Commercial District development regulations. Currently, commercial land uses, including similarly intensive uses than those proposed, are permitted within the portion of the PUD being amended.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for general commercial development (retail sales and shopping centers) as currently exists to the south and east.

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 _____, 2021, at _____ o'clock ____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

PRESENTED by me to the Mayor this _____ day of _____,
2021, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 7207 Grape Road – West of Grape Road Approximately
300' North of W. Cleveland Road (S.R. 23)

Date: June 8, 2021

Petition: 21- 07

Prepared By: DJS

GENERAL INFORMATION

Applicant: Triple J LLC / Key Development Partners & Ridgeland Associates, Inc.

Status: Property Owner / Developer & Site Design Consultant

Request: Amend part of the University Marketplace Planned Unit Development (PUD) to allow an automobile dealership and service center

Zoning Classification: S-2 Planned Unit Development (Permitted Uses on the portion of the PUD to be amended include offices, retail shopping, churches, and a children's indoor/recreational activity center)

Lot Size: 6.85 acres

Applicable Regulations: Section 137-671 to 137-679 / S-2 Planned Unit Development District & Section 137-41 / Amendment to Zoning Ordinance & Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: R-3 Multi-Family Residential (Vacant) & Unincorporated St. Joseph County – R Single Family (Residential)

South: S-2 Planned Unit Development (Vacant Restaurant / Formerly Tequilas Jalisco) & C-1 General Commercial (Multi-Tenant Commercial / Vacant Bar & Restaurant formerly The Pub, Fyzical Therapy, and The Tribe Salon)

East: C-5 Neighborhood Commercial (Liquor & Tobacco Store / Mega Liquor & Smoke) & Unincorporated St. Joseph County – R Single Family (Vacant & Residential)

West: S-2 Planned Unit Development (Part of University Marketplace PUD / Anchor Construction – Design-Build Contractor) & Unincorporated St. Joseph County – R Residential (Residential)

Thoroughfare: Grape Road & W. Cleveland Road (S.R. 23)

School District: South Bend Community School Corporation

Township: Clay

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

Comprehensive Plan: General Commercial (Retail Sales & Shopping Centers)

ANALYSIS

The petitioner, Triple J LLC, is requesting to amend a part of the University Marketplace Planned Unit Development (PUD) to allow an existing two-tenant commercial building to be redeveloped for a proposed automobile dealership and service center. The proposed uses are permitted in the C-4 Automobile Oriented Commercial District thus the height, area, and developmental regulations for this district will be applicable to the property unless otherwise noted. The petition and preliminary site plan, as provided, includes several development regulations primarily relating to the proposed landscaping and signage. After review of the preliminary site plan, Staff is requesting that other development conditions be placed on the property. These conditions have been included in the staff recommendation.

The Planned Unit Development is generally located at the northwest corner of Grape Road and W. Cleveland Road (S.R. 23). The part of the PUD being amended is bound by vacant property zoned for multi-family residential use and a single-family residence in unincorporated St. Joseph County to the north; a building contractor's office and single-family residential houses in unincorporated St. Joseph County to the west; a vacant restaurant and multi-tenant commercial building to the south; and a liquor and tobacco retailer, and vacant land and single-family houses in unincorporated St. Joseph County to the east.

The current PUD regulations applicable to the property, which were approved in 1984 (Petition 84-2/Ord. 2663) and further amended (Petition 88-4/Ord. 3145 & Petition 94-14/Ord. 3826), permit offices, churches, retail shopping, and a children's indoor recreational activity center. The PUD amendment will allow the proposed automobile dealership and service center in addition to the previously approved uses.

The property is developed with a two-tenant vacant commercial building, large parking area, and access drives to Grape Road and W. Cleveland Road. The eastern main part of the building, which includes approximately 36,500 sq. ft., will remain on the property. This portion of the building was most recently occupied by the J.C. Penney Home Store until closing in 2018. The western part of the building, which includes approximately 4,800 sq. ft., will be razed.

Per the preliminary site plan, the existing improvements on the property will remain largely unchanged except for façade improvements to the building, the addition of numerous landscape islands and trees within the parking/vehicle display sales area, additional trees and a hedgerow along Grape Road, and signage. The proposed improvements will greatly improve the existing conditions of the property.

Access to the site will be maintained as is with one access from Grape Road to the east and one access to W. Cleveland Road (S.R. 23) to the south. Both access points will allow unrestricted turning movements to and from the property. The southern access is located at the W. Cleveland Road and S.R. 23 signalized intersection.

Based on 5.5 parking spaces per 1,000 sq. ft. of gross floor area, which is the applicable ratio for the C-4 District, a total of two-hundred and one (201) parking spaces are required for the 36,500 sq. ft. building. A total of three hundred sixty-four (364) parking spaces, including eight (8) ADA accessible spaces, will be provided. A majority of the parking area will be utilized for the display of sales vehicles with limited customer parking near the building. An employee parking area will be located south of the adjacent building to the west.

The C-4 development regulations require a 10' minimum parking setback from the public right-of-way and 5' minimum parking setback from any adjacent property line. The parking area will remain unchanged with the setbacks met along Grape Road and north property line behind the building. A minimum 0' pavement setback will be permitted along portions of all other property lines to match the existing conditions. The existing pavement can be replaced but shall not extend nearer to any adjacent property line.

The preliminary landscape plan shows the developer's intent to comply with the commercial landscaping and screening requirements. An additional eleven (11) overstory trees planted 40' on-center and solid hedgerow are proposed to be provided along Grape Road. Planning Staff is requesting that the proposed plantings along Grape Road be modified to include a solid evergreen row extending from the existing

evergreens within the northeast corner of the property southerly to Thrush Street. New landscape islands will be installed along both sides of the access drive from Grape Road to break up the large of expanse of existing pavement. A total of ninety (19) overstory trees will be planted within the new and existing landscape islands. A total of eight (8) overstory trees will be planted within the existing and new landscape areas along the west property line contiguous to the adjacent office building (7121 Grape Road). Although not shown on the preliminary landscape plan, a total of five (5) overstory trees shall be planted along the south property line adjacent to the multi-tenant commercial building (408-420 W. Cleveland Road). No trees are required along the south property line adjacent to the vacant restaurant (512 W. Cleveland) since adequate trees are provided on the adjacent parcel. Existing trees rows and opaque fence shall be maintained along the north property line behind the building and along the west side of the access drive from W. Cleveland Road to screen the adjacent residential areas. If sections of the fence are in disrepair, they shall be replaced or a new 7' fence installed along the entire property line, if deemed appropriate.

The existing freestanding sign located at the Grape Road access will be removed. A new freestanding sign compliant with the C-4 standards is proposed to be installed within the southeast corner of the property. Planning Staff recommended this location in order to maximize the distance between the new sign and the adjacent residential properties to the east. New directional signage will also be installed the Grape Road and W. Cleveland Road entrances.

The architectural materials and colors for the proposed façade improvement shall comply with the C-4 district commercial design regulations. The building elevations show the existing beige split faced concrete masonry unit block wall will be painted deep gray on a majority of building and white near the building entrance. A new storefront system and doors, and two (2) new roll up / vehicle access doors will be installed.

Similar to when the prior Planned Unit Development amendment was approved, the petitioner is only proposing to establish, or in this case, amend the permitted uses and basic development requirements of the planned unit development. If approved, a detailed final site plan must be submitted to address all the applicable zoning (height, area, and development regulations), utility (sanitary sewer, water, storm drainage, electric, gas, etc.), landscaping/screening, grading, erosion control, and any other required improvements.

All pertinent City Departments have reviewed and approved the PUD amendment request.

The Engineering Department provided the following comments that shall be addressed with the final site plan:

1. With the proposed use, an oil/sediment and water separator shall be installed prior to the sanitary sewer connection for floor drains, etc.
2. With the anticipated impervious surface decreasing, no additional stormwater drainage storage will be required. However, the existing drainage structures shall be replaced or maintained to improve current conditions. There appears to be several locations of standing water in the parking lot.
3. With the addition of interior landscape islands, the grading/drainage plan should investigate if current drainage flow paths will be disrupted and corrected if needed. An attempt should be made to manage/improve stormwater management

The Electric Department commented that the property is not within the city's electric service territory.

RECOMMENDATION

Staff recommends **approval** of Petition 21-07 to amend part of the University Marketplace Planned Unit Development (PUD) to allow an automobile dealership and service center subject to the following conditions:

1. Permitted uses shall be amended to include an automobile dealership and service center.
2. A 5' minimum pavement setback shall be maintained along all interior property lines where the existing pavement is 5' or greater from the property line.

3. A 0' pavement setback shall be permitted along all interior property lines to match existing conditions where pavement is 5' or less from the property line. The existing pavement can be replaced but shall not extend nearer to any adjacent interior property line.
4. Additional overstory or understory trees shall be provided along all property lines and within the interior parking lot landscape islands at rate compliant with commercial landscaping and screening regulations. New trees will not be required along property lines where the existing pavement prevents additional plantings.
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8. Freestanding off-premise signs shall not be permitted.
9. Public address systems shall not be permitted within the parking lot.
10. The extension of all utilities to the site shall be at the developer's cost and expense.
11. All site lighting shall be limited to 25' in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
12. A photometric lighting plan shall be submitted as part of the final site plan. Lighting shall not exceed three-footcandles as measured along property lines abutting residentially zoned property or at the residential property lines on the east side of Grape Road.
13. Building materials and colors shall comply with the C-4 Automobile Oriented Commercial District
14. Roll-up / vehicle access doors shall not be permitted on the east side of the building.
15. All other development regulations not specified shall adhere to the C-4 Automobile Oriented Commercial District.

The recommendation is based on the following findings of fact:

1. Existing Conditions – The property is currently developed with a two-tenant commercial building, large parking area, and access drives to Grape Road and W. Cleveland Road. Adjacent uses include vacant property zoned for multi-family residential use and a single-family residence to the north; a building contractor's office and single-family residential houses to the west; a vacant restaurant and multi-tenant commercial building to the south; and a liquor and tobacco retailer, vacant land, and single-family houses to the east. The property is located at the northern edge of the Grape Road commercial corridor.
2. Character of Buildings in Area – The buildings along the Grape Road and W. Cleveland Road corridors are primarily single and multi-tenant commercial/retail buildings including University Park Mall, a large regional shopping center. Low density single-family residential properties are located to the west, north, and east.
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4. Conservation of Property Values – The proposed zoning should not be injurious to property values in the surrounding area based upon the conditions included in this amendment and the C-4 Automobile Oriented Commercial District development regulations. Currently, commercial land uses, including similarly intensive uses than those proposed, are permitted within the portion of the PUD being amended.

5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for general commercial development (retail sales and shopping centers) as currently exists to the south and east.

ATTACHMENTS

Photographs, Petition, Preliminary Survey, PUD Site Plan, Preliminary Landscape Plan, Proposed Building Elevations, Location Map



Aerial Photograph
Existing Two-Tenant Commercial Building – 7207 Grape Road
Part of the University Marketplace PUD



P1. Looking northwesterly toward the existing building from the Grape Road access.



P2. Looking northerly along Grape Road from the existing access. The existing sign is to be removed and additional landscaping is to be planted along the frontage.



P3. Looking easterly from the Grape Road access. New landscape islands to be installed on each side of drive to define drive and provide additional trees.



P4. Looking northeasterly toward the existing building from south of the only existing landscape island.

Deborah S. Block, IAMC, MMC

MAY 26 2021

City Clerk
Mishawaka, IN



DATE: May 10, 2021

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

RE: PETITION FOR PUD AMENDMENT

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Commencing from a brass plug at the Southeast corner of the Southwest quarter of said Section 21; thence N. 89 degrees 44 minutes 40 seconds W. (bearing assumed) along the South line of the Southwest Quarter of said Section 21 (being along the centerline of Cleveland Road), 662.66 feet; thence N. 00 degrees 10 minutes 31 seconds E., 40.00 feet to the point of beginning; thence continuing N. 00 degrees 10 minutes 31 seconds E., 487.00 feet; thence S. 89 degrees 44 minutes 40 seconds E., 225.00 feet; thence N. 00 degrees 10 minutes 31 seconds E., 248.00 feet; thence S. 89 degrees 44 minutes 40 seconds E., 28.00 feet; thence N. 00 degrees 10 minutes 31 seconds E., 222.31 feet; thence S. 89 degrees 34 minutes 43 seconds E., 366.52 feet; thence S. 00 degrees 00 minutes 00 seconds W., 656.26 feet; thence N. 89 degrees 44 minutes 40 seconds W., 287.00 feet; thence N. 00 degrees 00 minutes 00 seconds E., 49.00 feet; thence N. 89 degrees 44 minutes 40 seconds W., 280.06 feet; thence S. 00 degrees 10 minutes 32 seconds W., 349.00 feet; thence N. 89 degrees 44 minutes 40 seconds W., 54.31 feet to the point of beginning.

The property has a common address of 7207 Grape Road, Granger, Indiana and designated as Tax ID 029-1003-020002, subject to taxes, covenants, restrictions, easements and zoning ordinances, the Carriage Square Planned Unit Development established by an ordinance of the Common Council of the City of Mishawaka, Indiana under date of October 2, 1979, as Ordinance No.

C:\Users\End User\Desktop\PUD Amendment Info.doc

2321, non-exclusive easements over common area for parking and unobstructed pedestrian and vehicular use for passage over the Property and to and from adjacent public rights-of-way and to and from adjacent properties located on the "Planned Unit Development" (sometimes referred to as "Carriage Square Planned Unit Development").

Petitioner own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for offices and retail shopping.

Petitioner desire said real estate to be amended to allow for an automobile dealership and service center.

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


Jeffery Joers

CONTACT PERSON:

Steven J. Panko
Key Development Partners
515 N. State #2660
Chicago, IL. 60654
312 865 1100
spanko@kdp-llc.com

ADDENDUM

Landscaping: Sec. 137-815. - Landscaping and screening regulations

Per the cities "landscaping requirements for interior of parking lots" we propose to eliminate the interior island from the parking stall runs. We will however take the required tree quantities and plant them in other locations on the site. Tree quantities will comply with the ordinance.

Signage: Chapter 129 - ON-PREMISES SIGN STANDARDS

We are not asking for any sign variances at this time. We will follow the C-9 standards for signage. Only one freestanding sign with a maximum 35' height, 162.5 sq. ft. copy area and 270.8 sq. ft. of display area per each side of the sign.



C100

SHEET NO.

**KEY DEVELOPMENT PARTNERS
MISHAWAKA AUTO SERVICE CENTER**
 GRAPE RD & CLEVELAND RD
 MISHAWAKA, IN

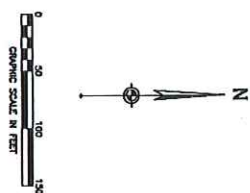
PRELIMINARY SURVEY EXHIBIT



1815 South Meyers Road
 Suite 850
 Oakbrook Terrace, IL 60181
 630.424.9080
 FAX: 630.495.3731

PROJECT No:
 82085
 DATE MAY 2021
 DES. CP
 DR. ST
 CKD. CP

No.	DATE	REVISION



SITE DATA TABLE	
SITE ADDRESS	7207 CHASE ST HIGHTSTOWN, NJ 08520
ACRYLATE	-SAB
PANEL #	020-1001-000002
DOCKING ZONING	5-2 RUD
DOCKING USE	CORRIDORIAL
BUILDING FOOTPRINT	550.00 SQ
BUILDING RECEIVED	14/100 SQ
TOTAL PARKING	346 SPACES (INCLUDING 4 ADJ)
UNITS/STORAGE REQUIRED	5,465 SQ (14 ST/PARKING SPACES)
INJECTION WORKSPACE PROVIDED	17,023 SQ

LEGEND

INTERIOR LANDSCAPE AREA

STRIPED ISLAND

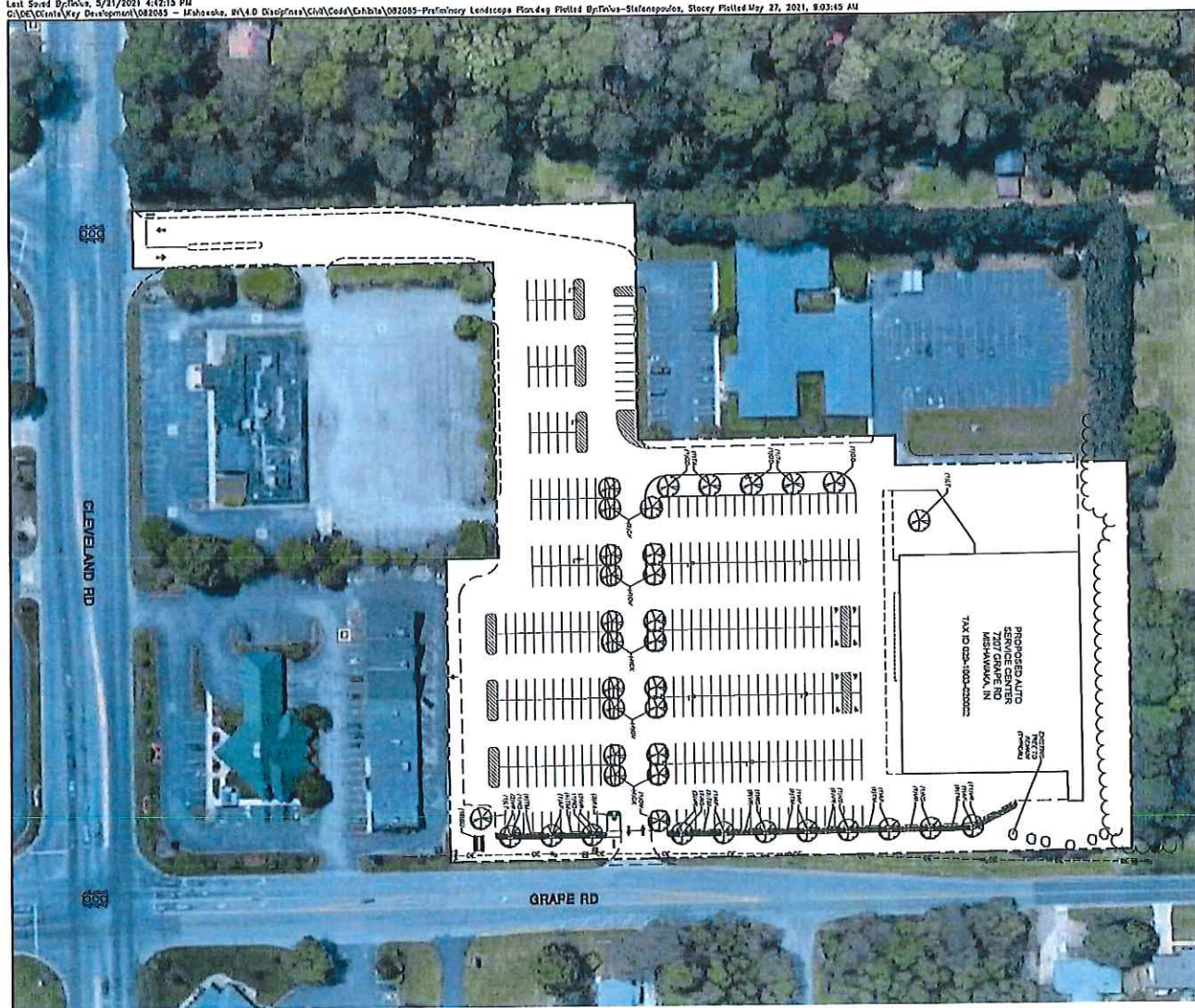
GRAPE RD & CLEVELAND
MISHAWAKA, ILL

C200



**1815 South Meyers Road
Suite 550
Oakbrook Terrace, IL 60181
630.424.9080
FAX: 630.495.3731**

PROJECT No:	No.	DATE	REVISION
82085			
DATE MAY 2021			
DES. CP			
DR. ST			
CKD. CP			



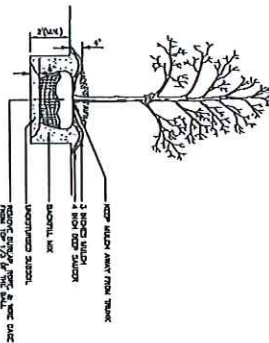
SHRUB PLANTING
N.T.S.



NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH TO BE USED.

TREE PLANTING

N.T.S.

[illegible][illegible]

PERMANENT SEED BLEND

PERMANENT SEED BLEND

LBS PER 1000 ♂
80% PINE LOAF MIMIC (MORICA, AMERICAN)
20% PINO LEAF MIMIC (AMERICAN) SAME ON EXCEL
16% KENTUCKY BLUEGRASS (POA PRATENSIS)
14% MONARDELLA, RICHIE & SENECA WHEATED OR EXCEL
WGT PURITY AND EXC COMBINATION
SEE THIS PAGE FOR INFO
LBS PER 1000 ♀
1 1/2 BALS OF STRAW PER 1000 ♂

LANDSCAPE CODE SUMMARY

- [illegible]

LANDSCAPE NOTES

[illegible]

**KEY DEVELOPMENT PARTNERS
MISHAWAKA AUTO SERVICE CENTER
GRAPE RD & CLEVELAND RD
MISHAWAKA, MI
PRELIMINARY LANDSCAPE PLAN**



WOOLPERT
ADVISING | BUILDING | GROWING

1815 South Meyers Road
Suite 950
Oakbrook Terrace, IL 60181
630.424.9080
FAX: 630.495.3131

30

SHEET NO.

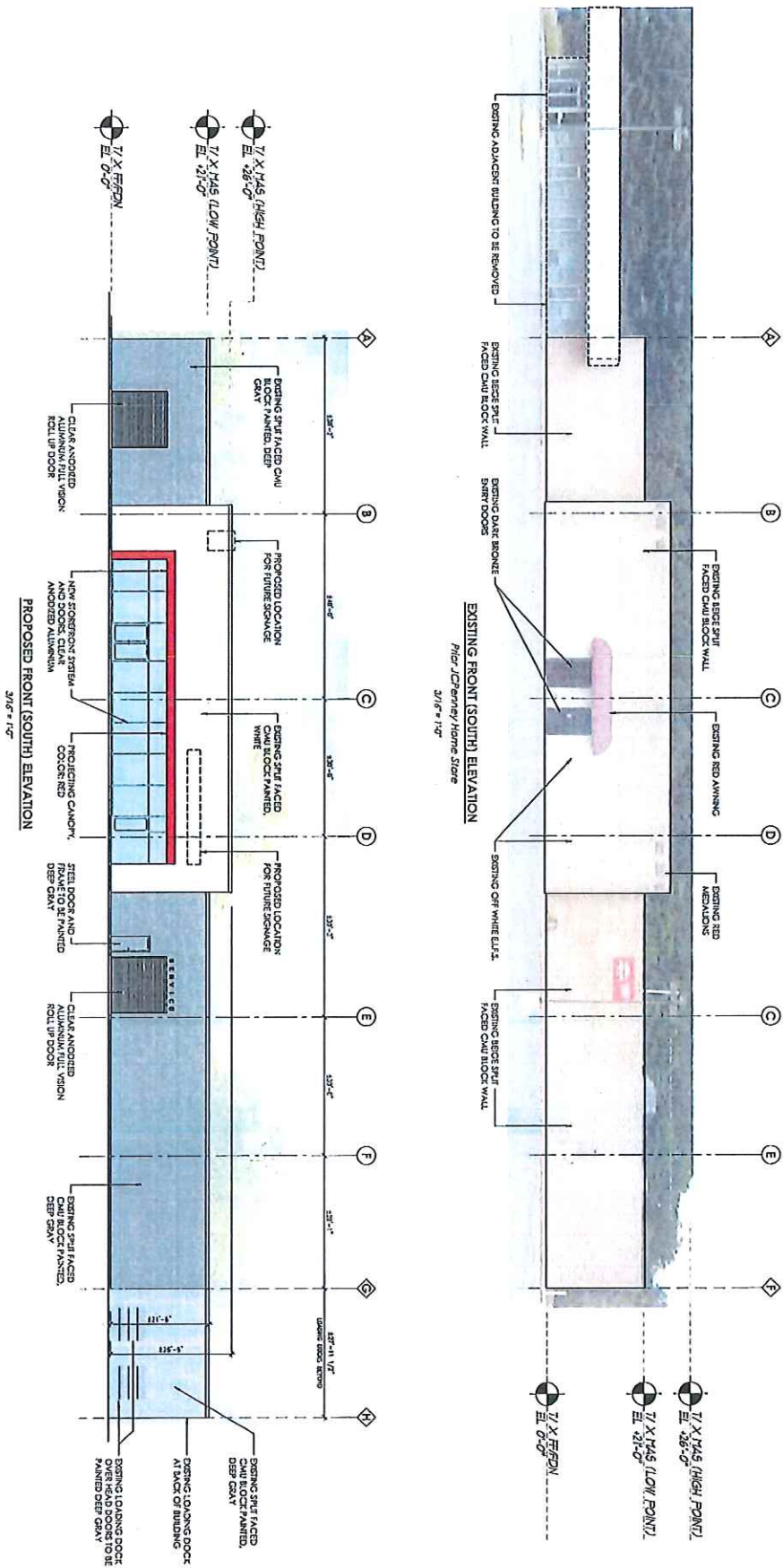
PROPOSED FACADE IMPROVEMENTS

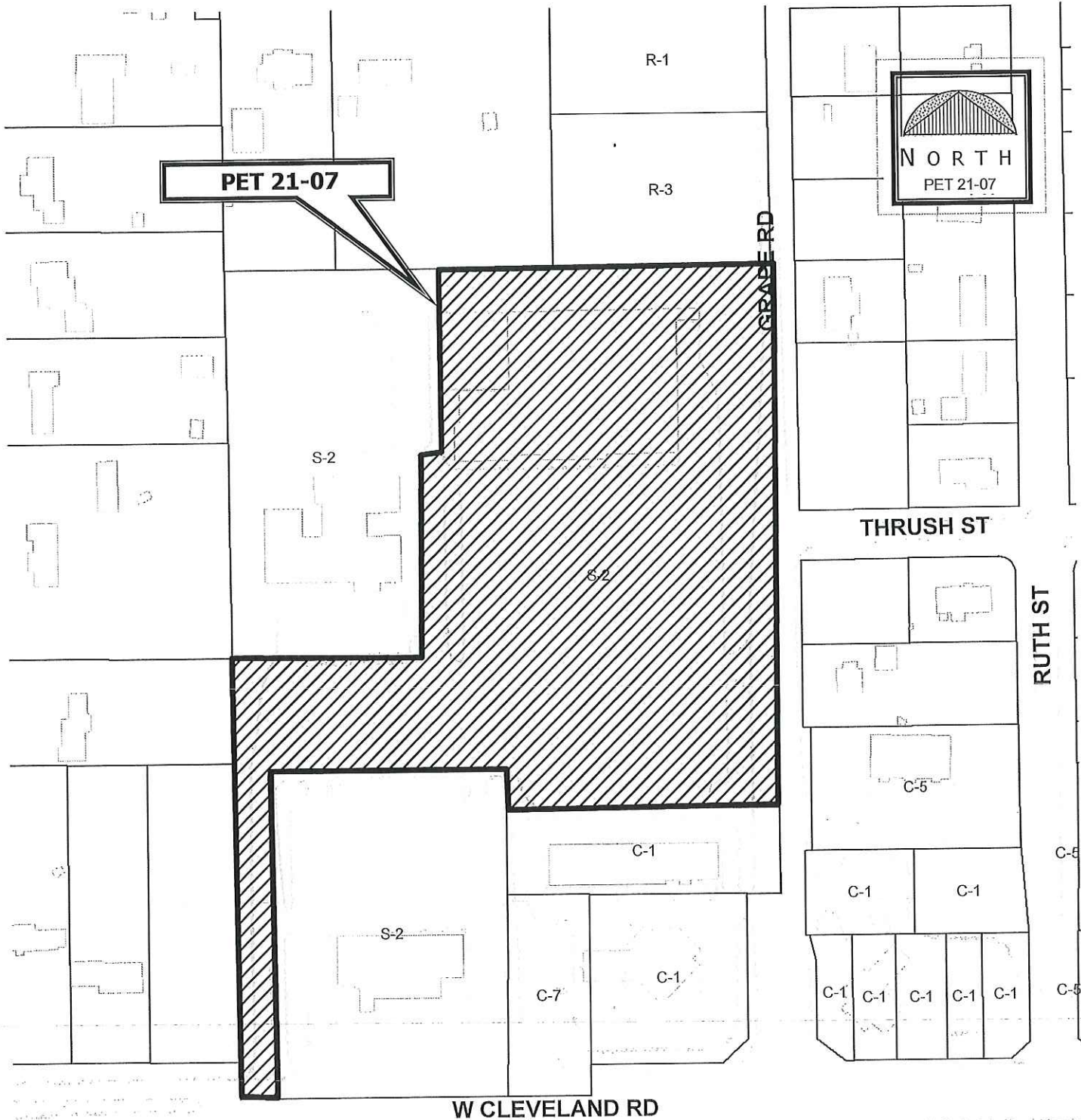
7207 Grape Road Mishawaka, IN 46545

KEY DEVELOPMENT PARTNERS

MISHAWAKA AUTO SERVICE CENTER

2/19/2021



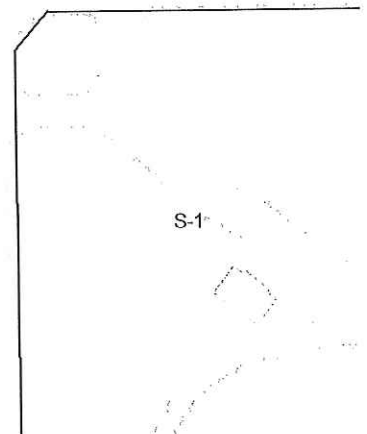
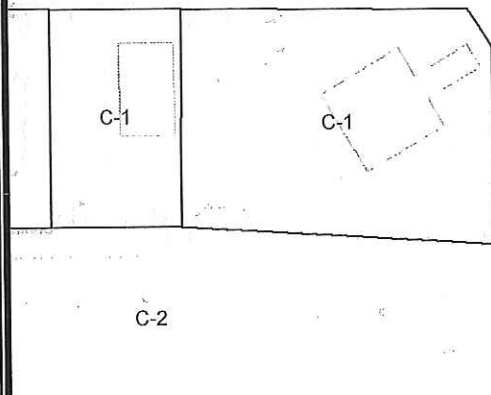


Location Map PET 21-07

TRIPLE J LLC (OWNER)

7207 GRAPE ROAD
(FORMER J.C. PENNEY HOME STORE)

UNIVERSITY MARKETPLACE PUD
AMENDMENT TO ALLOW AN
AUTOMOBILE DEALERSHIP AND
SERVICE CENTER



JUN 10 2021

City Clerk
Mishawaka, IN

PETITION 21-08

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2021-21

ORDINANCE NO. _____

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

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

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

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

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

A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING A PORTION OF PARCEL II OF LAND CONVEYED TO SMITA V. PATEL, AS DESCRIBED IN INSTRUMENT NUMBER 1533882, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTER LINE OF LINCOLN HIGHWAY EAST IN THE CITY OF MISHAWKA AS FORMERLY LOCATED, PRIOR TO THE WIDENING OF SAID HIGHWAY BY RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF MISHAWAKA, PASSED APRIL 1, 1935, WHICH IS RECORDED IN MISCELLANEOUS RECORD 55 AT PAGE 327 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS 725.7 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND IS THE SOUTHEAST CORNER OF A PARCEL OF LAND WHICH WAS CONVEYED BY GEORGE F. LAING TO HARRY A. SIPLE AND OLLO D. SIPLE, HUSBAND AND WIFE, BY A WARRANTY DEED DATED FEBRUARY 20, 1937, WHICH IS RECORDED IN DEED RECORD 290 AT PAGES 446-447 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; THENCE EASTERLY, FOLLOWING SAID CENTER LINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 41.75 TO THE POINT OF BEGINNING; THENCE CONTINUING APPROXIMATELY 308 FEET TO A POINT WHICH IS 306.14 FEET DUE WEST OF THE SOUTHWEST CORNER OF A PARCEL OF LAND, WHICH WAS CONVEYED BY GEORGE F. LAING AND CARRIE M. LAING, HIS WIFE, TO ST. JOSEPH AND ELKHART POWER COMPANY BY WARRANTY DEED DATED JULY 26, 1902, WHICH IS RECORDED IN DEED RECORD 122 AT PAGE 482 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, AND

Proposed Ordinance No: 2021-21

Ordinance No: _____

WHICH IS NOW OWNED BY INDIANA AND MICHIGAN ELECTRIC COMPANY; THENCE RUNNING IN A NORTHERLY DIRECTION ON A LINE PARALLEL WITH AND 306.14 FEET WEST OF THE WEST LINE OF SAID LAND OWNED BY SAID INDIANA AND MICHIGAN ELECTRIC COMPANY 560 FEET; THENCE DUE WEST, 157 FEET, MORE OR LESS TO A POINT LYING 506 FEET, NORTH 16 DEGREES 4 MINUTES EAST OF THE POINT OF BEGINNING; THENCE SOUTH 16 DEGREES 4 MINUTES WEST TO THE POINT OF BEGINNING.

SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD. SUBJECT TO ADDITIONAL RIGHT OF WAY FOR LINCOLN HIGHWAY (LINCOLNWAY / STATE ROUTE 933) AS SHOWN ON INDOT PLANS PROJECT NO. STP -517110151, CONTRACT "IR 31091", DATED NOVEMBER 24, 2009. PARCEL SUBJECT TO SURVEY.

COMMON ADDRESS: 1.09 Acres East of 2754 Lincolnway East

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-7 Automobile Oriented Restaurant Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

Staff recommends in favor of rezoning Petition 21-08 to rezone approximately 1.09 acres located east of 2754 Lincoln Way East from C-1 General Commercial to C-7 Automobile Oriented Restaurant Commercial to allow for the construction of a drive-thru restaurant. This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property, which includes a large underutilized parking area for an adjacent hotel, is located along the highly travelled Lincoln Way corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include a hotel to the west; a park, fast-food restaurants, and a vacant commercial building to the south; and a multi-tenant strip center to the east.
2. Character of Buildings – The adjacent properties include several multi and single-tenant commercial buildings ranging in size from 2,300 sq. ft. to 43,500 sq. ft. The proposed drive-thru restaurant will be of similar character to these existing buildings.
3. The most desirable/highest and best use – Due to the property's location adjacent to various commercial uses and being along one of the most heavily travelled corridors in the City, the most desirable use of the property is similar higher intensity commercial, retail, or restaurant use.
4. Conservation of property values – The rezoning should not be injurious to property values in the surrounding area. The proposed drive-thru restaurant is compatible with the adjacent existing and permitted land uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.

Proposed Ordinance No: _____

Ordinance No: _____

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 _____, 2021, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2021, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at _____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: Part of 2754 Lincoln Way East -
Existing Parking Area East of the Mishawaka Inn

Date: June 8, 2021

Petition: 21- 08

Prepared By: CH

GENERAL INFORMATION

Applicant: Smita V. Patel / Abonmarche Consultants, Inc.

Status: Property Owner / Site Design Consultant

Request: To rezone from C-1 General Commercial District to C-7 Automobile Oriented Restaurant Commercial to allow for the construction of drive-thru restaurant

Zoning Classification: C-1 General Commercial District

Lot Size: Approximately 1.02 acres

Applicable Regulations: Section 137-455 thru 137-457 / C-7 Automobile Oriented Restaurant Commercial
Section 137-41 / Amendments to the Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: St. Joseph River & Unincorporated St. Joseph County north of River – I Industrial (Power Generation Facility / I&M Hydroelectric Plant)

South: S-1 Extensive Open Space (Laing Park), C-7 Auto Oriented Restaurant Commercial (Restaurants with Drive-Thru / McDonald's & Burger King) & C-1 General Commercial (Vacant / Former Pizza-Hut Restaurant)

East: C-2 Shopping Center Commercial (Multi-Tenant Commercial / Twin Branch Retail Center)

West: C-1 General Commercial (Hotel / Mishawaka Inn)

Thoroughfare: Lincoln Way East

School District: School City of Mishawaka

Township: Penn

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

Comprehensive Plan: General Commercial (Downtown Retail Sales & Shopping Centers)

ANALYSIS

The Petitioner, Smita V. Patel, is requesting to rezone an approximate 1.02 acre area being a part of 2754 Lincoln Way East from C-1 General Commercial to the C-7 Automobile Oriented Commercial District to allow for the construction of a drive-thru restaurant.

The portion of the property to be rezoned is within a larger unplatted parcel (Tax Parcel 16-1082-3252.03) located on the north side of Lincoln Way East approximately 500' east of Capital Avenue (S.R. 933). The proposed rezoning area is void of structures and includes a large underutilized parking lot for the adjacent Mishawaka Inn. Excluding the removal of the southern part of the parking lot and construction of an access/frontage drive completed in conjunction with the Capital Avenue realignment, the use of the property has remained relatively unchanged since the late 1960s when developed as a Holiday Inn.

With this petition, the contingent developer is only seeking to establish the proper zoning required for the proposed use. The preliminary site plan shows the developer's intent to comply with the required height, area and developmental regulations for the C-7 Automobile Oriented Commercial District.

Per the preliminary site plan submitted with the rezoning petition, the contingent developer is proposing to construct a one-story drive-thru restaurant with twenty-nine (29) parking spaces, and other required infrastructure (access drives, stormwater drainage system, landscaping, etc.). If approved, a detailed final site plan shall be submitted for Staff review and Plan Commission approval prior to construction. The final site plan shall address storm drainage, grading, utilities, landscaping, soil erosion control, and all other required improvements pertinent to the proposed development.

If any variances from these regulations are required, the Board of Zoning Appeals shall be petitioned when the final site plan is submitted. A variance may also be required for a reduction in the number of parking spaces for the adjacent Mishawaka Inn due the redevelopment of a large portion of the existing parking area.

Per the FEMA Flood Insurance Rate Map (FIRM) Panel No. 18141C0217 (effective date of December 15, 2015), a portion of the overall parcel is located within Zone AE – Special Flood Hazard Areas subject to inundation by the 1% annual chance flood. Zone AE areas have determined base flood elevations. The Flood Insurance Study (FIS) for St. Joseph County, Indiana and incorporated areas – FIS Number 18141CV00B (revised date December 16, 2015) established a base flood elevation of 703.5' for the site. This elevation is shown in the FIS – Floodway Data for Eller Ditch cross section A (Table 10, Page 27). Any structures built below the flood protection grade, which is the base flood elevation plus 2', must be designed and constructed to be watertight and be capable of resisting the effects of the regulatory flood. This appears to not affect or apply to the site as the 2' generalized contours show an approximate elevation of greater than 708' where the building is proposed. The proposed finished floor elevation is 711'. A financial lender may still require flood insurance on the property since a portion of the overall parcel is located within Zone AE.

An Elevation Certificate, as required per the City's Flood Control regulations, must be prepared for the building following completion of construction and submitted prior to obtaining a Certificate of Occupancy. The Elevation Certificate must show that the "as-built" elevation of the top of the lowest floor, as defined per FEMA, is at or above the flood protection grade.

Since the property is currently zoned for commercial use and located along the heavily travelled Lincoln Way East corridor, the Staff supports the request for rezoning. The proposed drive-thru restaurant is not out of character and is compatible with the existing adjacent land uses. In November of 2020, the Plan Commission heard a request to rezone an approximate 2 acre portion of this property from C-1 to C-10 Filling Station/Car Wash. It was withdrawn before the Common Council.

The Building, Fire, Electric, and Water Departments have reviewed and approved the rezoning request providing no additional comments. The Engineering Department provided the comments to be addressed with the final site plan which were shared with the owner's surveyor. No comments were given specifically related to the proposed rezoning and use of the property.

RECOMMENDATION

Staff recommends in **favor** of rezoning Petition 21-08 to rezone approximately 1.09 acres located east of 2754 Lincoln Way East from C-1 General Commercial to C-7 Automobile Oriented Restaurant Commercial to allow for the construction of a drive-thru restaurant. This recommendation is based on the following findings of fact:

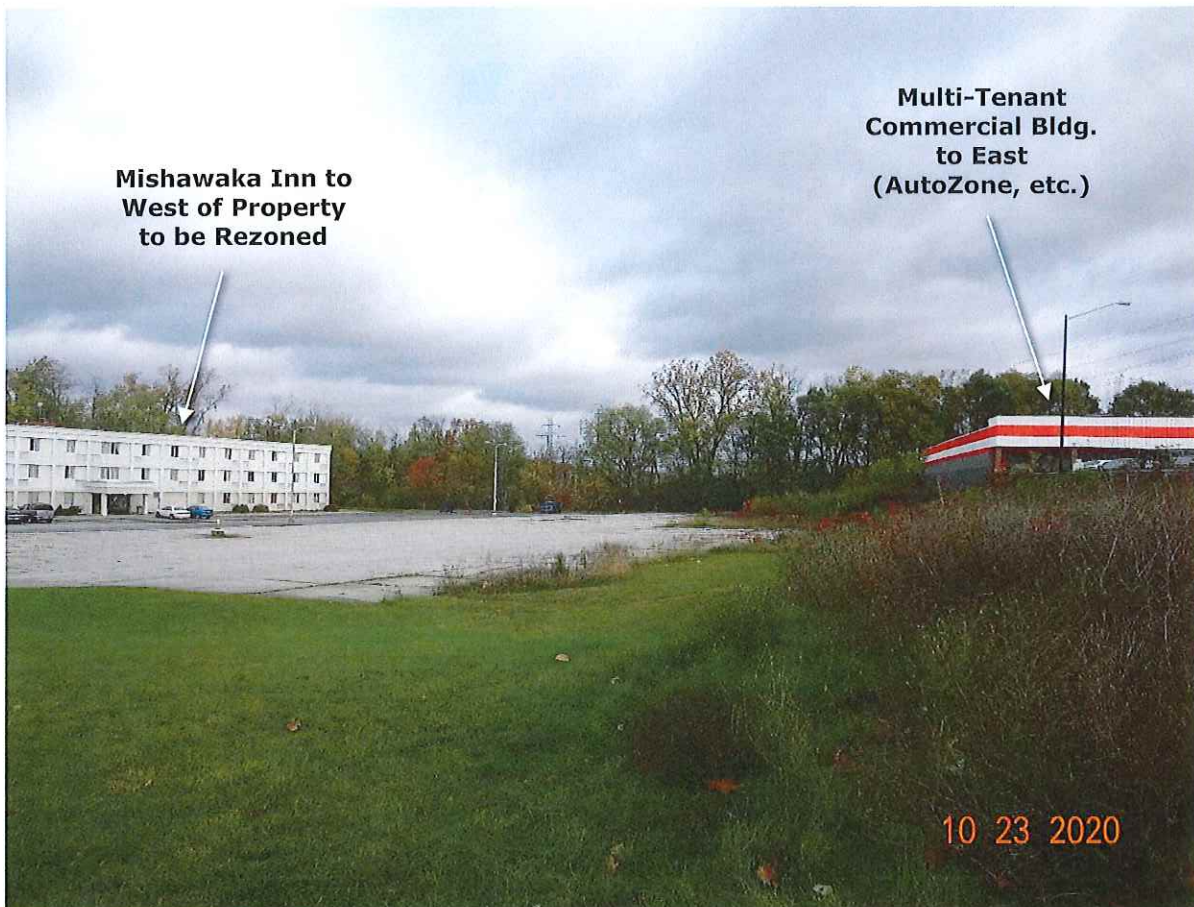
1. Existing Conditions – The subject property, which includes a large underutilized parking area for an adjacent hotel, is located along the highly travelled Lincoln Way corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include a hotel to the west; a park, fast-food restaurants, and a vacant commercial building to the south; and a multi-tenant strip center to the east.
2. Character of Buildings – The adjacent properties include several multi and single-tenant commercial buildings ranging in size from 2,300 sq. ft. to 43,500 sq. ft. The proposed drive-thru restaurant will be of similar character to these existing buildings.
3. The most desirable/highest and best use – Due to the property's location adjacent to various commercial uses and being along one of the most heavily travelled corridors in the City, the most desirable use of the property is similar higher intensity commercial, retail, or restaurant use.
4. Conservation of property values – The rezoning should not be injurious to property values in the surrounding area. The proposed drive-thru restaurant is compatible with the adjacent existing and permitted land uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.

ATTACHMENTS

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



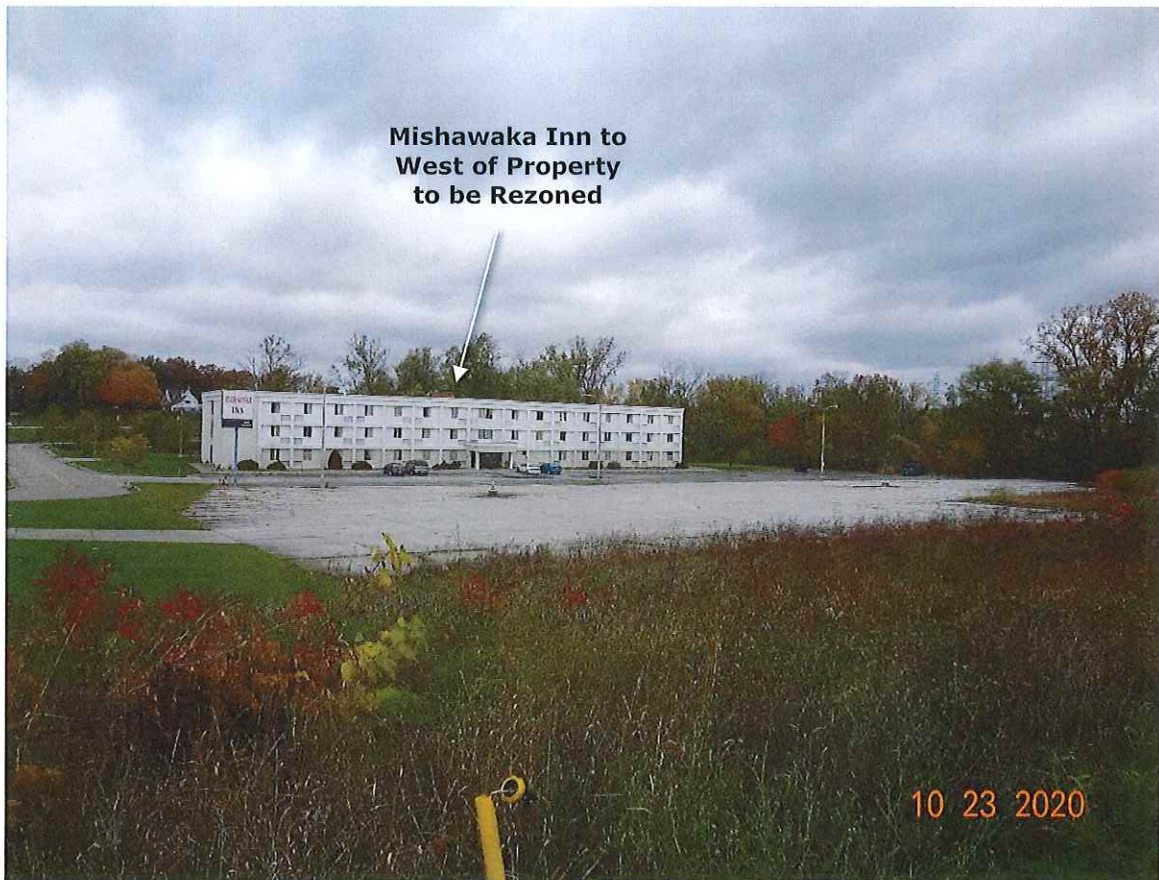
Aerial Photograph
Existing Parking Area East of the Mishawaka Inn
Part of 2754 Lincoln Way East



P1. Looking northerly from the southeast corner to the property.



P2. Looking northeasterly from the existing access/frontage drive toward the property.



P3. Looking westerly from the southeast corner of the property.



P4. Looking northerly toward the site from the former Pizza Hut property.

MAY 26 2021

City Clerk
Mishawaka, IN



Engineering • Architecture • Land Surveying

May 19, 2021

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

RE: **PETITION TO REZONE PROPERTY**
2754 Lincoln Way East



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

Legal Description Attached

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 Commercial District. The subject property is currently a vacant parcel adjacent to the existing hotel.

Petitioner is requesting that subject property be rezoned to C-7 Commercial District.

The proposed future use of the subject property is a new drive-thru restaurant, which is not permitted in the current C-1 zoning district. The subject property is located directly across the street from 3 existing drive thru restaurants, with a 4th site under consideration for rezoning to C-7 use as well. The proposed use is consistent with the existing land use patterns for the area.

The petitioner 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.

A handwritten signature in blue ink, appearing to be 'Smita Patel', written over a horizontal line.

Signature(s) of Property Owner(s)

A handwritten signature in blue ink, appearing to be 'Smita Patel', written over a horizontal line.

Signature(s) of Property Owner(s)

A handwritten name in blue ink, appearing to be 'Smita Patel', written over a horizontal line.

Printed Name

A handwritten name in blue ink, appearing to be 'Smita Patel', written over a horizontal line.

Printed Name

CONTACT PERSON:

Abonmarche Consultants, Michael Huber
315 W. Jefferson Blvd, South Bend, IN 46601
574.347.4610
mhuber@abonmarche.com

EXHIBIT A

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING A PORTION OF PARCEL II OF LAND CONVEYED TO SMITA V. PATEL, AS DESCRIBED IN INSTRUMENT NUMBER 1533882, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTER LINE OF LINCOLN HIGHWAY EAST IN THE CITY OF MISHAWKA AS FORMERLY LOCATED, PRIOR TO THE WIDENING OF SAID HIGHWAY BY RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF MISHAWAKA, PASSED APRIL 1, 1935, WHICH IS RECORDED IN MISCELLANEOUS RECORD 55 AT PAGE 327 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, WHICH POINT IS 725.7 FEET EASTERLY FROM THE INTERSECTION OF SAID CENTER LINE OF LINCOLN HIGHWAY WITH THE WEST LINE OF SAID SECTION 13, AND IS THE SOUTHEAST CORNER OF A PARCEL OF LAND WHICH WAS CONVEYED BY GEORGE F. LAING TO HARRY A. SIPLE AND OLLO D. SIPLE, HUSBAND AND WIFE, BY A WARRANTY DEED DATED FEBRUARY 20, 1937, WHICH IS RECORDED IN DEED RECORD 290 AT PAGES 446-447 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY; THENCE EASTERLY, FOLLOWING SAID CENTER LINE OF LINCOLN HIGHWAY, AS FORMERLY LOCATED, A DISTANCE OF 41.75 TO THE POINT OF BEGINNING; THENCE CONTINUING APPROXIMATELY 308 FEET TO A POINT WHICH IS 306.14 FEET DUE WEST OF THE SOUTHWEST CORNER OF A PARCEL OF LAND, WHICH WAS CONVEYED BY GEORGE F. LAING AND CARRIE M. LAING, HIS WIFE, TO ST. JOSEPH AND ELKHART POWER COMPANY BY WARRANTY DEED DATED JULY 26, 1902, WHICH IS RECORDED IN DEED RECORD 122 AT PAGE 482 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, AND WHICH IS NOW OWNED BY INDIANA AND MICHIGAN ELECTRIC COMPANY; THENCE RUNNING IN A NORTHERLY DIRECTION ON A LINE PARALLEL WITH AND 306.14 FEET WEST OF THE WEST LINE OF SAID LAND OWNED BY SAID INDIANA AND MICHIGAN ELECTRIC COMPANY 560 FEET; THENCE DUE WEST, 157 FEET, MORE OR LESS TO A POINT LYING 506 FEET, NORTH 16 DEGREES 4 MINUTES EAST OF THE POINT OF BEGINNING; THENCE SOUTH 16 DEGREES 4 MINUTES WEST TO THE POINT OF BEGINNING.

SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS OF RECORD. SUBJECT TO ADDITIONAL RIGHT OF WAY FOR LINCOLN HIGHWAY (LINCOLNWAY / STATE ROUTE 933) AS SHOWN ON INDOT PLANS PROJECT NO. STP -517110151, CONTRACT "IR 31091", DATED NOVEMBER 24, 2009. PARCEL SUBJECT TO SURVEY.

THIS DOCUMENT WAS PREPARED BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002.

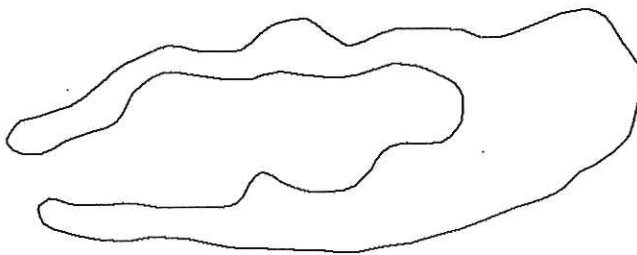


HANS P. MUSSER, PS

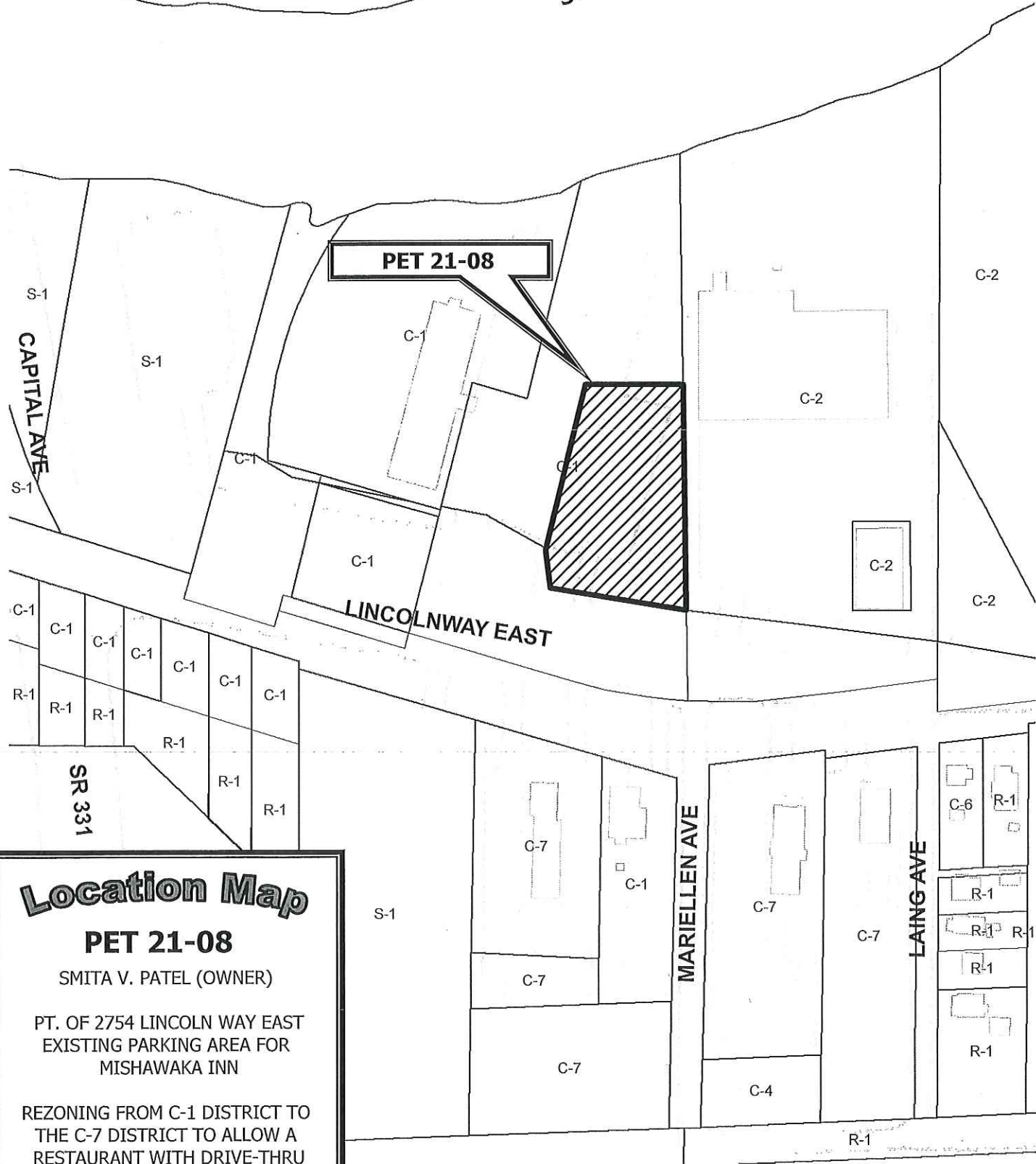
5/18/2021

DATE





ST. JOSEPH RIVER



Location Map

PET 21-08

SMITA V. PATEL (OWNER)

PT. OF 2754 LINCOLN WAY EAST
EXISTING PARKING AREA FOR
MISHAWAKA INN

REZONING FROM C-1 DISTRICT TO
THE C-7 DISTRICT TO ALLOW A
RESTAURANT WITH DRIVE-THRU

JUN 1 11 2021

City Clerk
Mishawaka, IN

PETITION #21-09

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2021-22

ORDINANCE NO. _____

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

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

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

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

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

PART OF THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 27 TOWNSHIP 37 NORTH, RANGE 3 EAST SITUATE IN PENN TOWNSHIP, ST. JOSEPH COUNTY, STATE OF INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MASONRY NAIL MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27; THENCE SOUTH 89 DEGREES 59 MINUTES 52 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27 A DISTANCE OF 1320.97 FEET TO A CAPPED ONE INCH IRON PIPE MARKING THE SOUTHWEST CORNER OF THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27; THENCE NORTH 00 DEGREES 19 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27 A DISTANCE OF 1974.64 FEET TO A CAPPED ONE INCH IRON PIPE MARKING THE SOUTHWEST CORNER OF THE NORTH HALF (N ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27 AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 00 DEGREES 19 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27 A DISTANCE OF 628.21 FEET TO A CAPPED ONE INCH IRON PIPE SAID PIPE BEING SOUTH 00 DEGREES 19 MINUTES 37 SECONDS EAST A DISTANCE OF 30.00 FEET FROM AN IRON PIPE MARKING THE NORTHWEST CORNER OF THE EAST HALF (E ½) NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27; THENCE SOUTH 89 DEGREES 56 MINUTES 51 SECONDS EAST PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27 A DISTANCE OF 1319.60 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27 SAID POINT BEING SOUTH 00 DEGREES 13 MINUTES 23 SECONDS EAST A DISTANCE OF 30.00 FEET FROM AN IRON PIPE MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27; THENCE SOUTH 00 DEGREES 13 MINUTES 23 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27 A DISTANCE OF 627.92

Proposed Ordinance No. 2021-22

Ordinance No. _____

FEET TO A CAPPED ONE INCH IRON PIPE MARKING THE SOUTHEAST CORNER OF THE NORTH HALF (N ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27; THENCE NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF (N ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 27; A DISTANCE OF 1318.46 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 19.01 ACRES OF LAND

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

ALSO:

A PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP IN ST. JOSEPH COUNTY, MISHAWAKA, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH THIRTY (30) FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST JOSPEH COUNTY, MISHAWAKA, INDIANA.

CONTAINING 0.909 ACRES MORE OR LESS.

COMMON ADDRESS: 19.2 acres north of Autumn Ridge Subdivision

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

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

1. Existing Conditions – The subject property is vacant land in Unincorporated St. Joseph County, owned by the same developer at Autumn Ridge Phase 3.
2. Character of Buildings in the Area – The character of buildings and land uses located west of Bremen Highway between Dragoon and Fulmer are primarily residential, with a few commercial land uses south of Fulmer.
3. The most desirable/highest and best use – Because of the property's location adjacent existing residential developments, the most desirable use for the property is residential.
4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area. The expansion of the subdivision is compatible with the existing surrounding residential uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified this area as low density residential, which is how it has developed.

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

Proposed Ordinance No. _____

Ordinance No. _____

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2021, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2021, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at _____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: Property north of Autumn Ridge subdivision

Date: June 8, 2021

Petition: 21- 09

Prepared By: CH

GENERAL INFORMATION

Applicant: MOE AN, LLC

Status: Property Owner

Request: To annex additional property for the expansion of an adjacent subdivision

Existing Zoning: Unincorporated St. Joseph County (R Residential District)

Proposed Zoning: R-1 Single Family Residential District

Lot Size: 19 acres

Applicable Regulations: Section 137-164 to 137-166 / R-1 Single Family District &
Section 137-41 / Amendments to Zoning Map &
Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family District (Blair Hills subdivision)
South: R-1 Single Family District (Autumn Ridge subdivision)
East: R-1 Single Family District (Blair Hills subdivision)
West: Unincorporated St. Joseph County – R Residential District

Thoroughfare: Wild Cherry Ridge West

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identifies a preferred or planned use for this property as Low Density Residential.

ANALYSIS**Proposal:**

The applicants are proposing to annex an approximately 19 acre vacant parcel of land (Tax Parcel 014-1032-052815), located north of Autumn Ridge Subdivision and south and west of Blair Hills subdivision.

The purpose of the proposed annexation is to allow for Phase 4 of Autumn Ridge Subdivision. A preliminary lot layout has been included, but if the proposed annexation is approved, a subdivision will need to be filed separately to officially create the lots, dedicate right-of-way, and provide easements.

Annexation:

The original Autumn Ridge subdivision was annexed in 1990 as part of the Meijer store to the south. The adjacent portion of Blair Hills was annexed in 1973.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. Based on the existing city boundary, Parcel 1 has 1946.38 feet, or 50%, of the total 3894.19 feet of the perimeter of the property will be contiguous with the exiting city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located on the south side of east of Bremen Highway, north of Fulmer and south of Dragoon Trail. It is bordered to the north and east by the exiting Blair Hills subdivision; to the west by a vacant land owned by the City; and to the south by the existing Autumn Ridge subdivision; and to the east an industrial business and the existing Adorn business both within the City. This area is primarily residential.

History:

In 1998, an annexation and rezoning petition was filed, including this property, for multi-family. The Plan Commission recommendation denial and it was withdrawn before the final vote from the Council. In 2006, an annexation petition with zoning to R-1 Single Family District was submitted, but withdrawn before any public hearing was held.

Zoning:

Staff believes that the proposed zoning of this property upon annexation to the R-1 Single Family District is appropriate given that the property will be developed as Phase 4 of Autumn Ridge Subdivision.

Transportation/Roads:

According to the latest available traffic counts, taken in April of 2021 at the intersection of Bremen Highway and Fulmer Road were 6,854 annual average daily trips (AADT).

The counts at these locations have been relatively constant over the past 10 years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, does not recommend any improvements to the intersection at Bremen Highway and Fulmer.

All pertinent City Departments have reviewed and approved the request for annexation and zoning. The Engineering and Electric Departments had comments pertaining to the subdivision which were forwarded to the owner's surveyor.

RECOMMENDATION

Staff recommends approval of Petition 21-06 to annex and establish zoning as R-1 Single Family District for the 19 acres property north of Autumn Ridge Subdivision.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is vacant land in Unincorporated St. Joseph County, owned by the same developer at Autumn Ridge Phase 3.
2. Character of Buildings in the Area – The character of buildings and land uses located west of Bremen Highway between Dragoon and Fulmer are primarily residential, with a few commercial land uses south of Fulmer.
3. The most desirable/highest and best use – Because of the property's location adjacent existing residential developments, the most desirable use for the property is residential.
4. Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area. The expansion of the subdivision is compatible with the existing surrounding residential uses.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified this area as low density residential, which is how it has developed.

ATTACHMENTS

Aerial Map, Photographs of the Annexation Area, Rezoning & Annexation Petition, and Location Maps



PHOTOGRAPHS OF PROPERTY TO BE ANNEXED



Due north



Due east



For reference, a view southeast of the site towards the water tower

MAY 26 2021

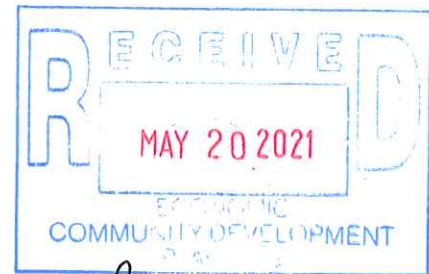
City Clerk
Mishawaka, IN



Engineering • Architecture • Land Surveying

DATE: May 19, 2021

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



RE: Petition for Annexation and Zoning Classification

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

LEGAL DESCRIPTION ATTACHED

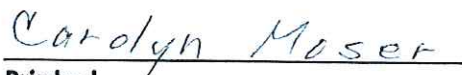
Petitioners own one-hundred (100%) percent of the above-described parcel of land which is located in the State of Indiana and that petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a R-1 Residential District. Petitioners further state they intend to utilize said land for a single-family residential subdivision development.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed lots, roads and drainage infrastructure.

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

Wherefore, Petitioners respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a R-1 Residential District zoning classification.


MOE AN, LLC


Printed

5-20-21


ART MOSER

5-20-21

Contact:

Mike Huber
Abonmarhce Consultants
315 W. Jefferson Blvd.
South Bend, Indiana 46601
(574) 347-4610
mhuber@abonmarhce.com

LAND DESCRIPTION

PART OF THE EAST HALF (E $\frac{1}{2}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION 27 TOWNSHIP 37 NORTH, RANGE 3 EAST SITUATE IN PENN TOWNSHIP, ST. JOSEPH COUNTY, STATE OF INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MASONRY NAIL MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27; THENCE SOUTH 89 DEGREES 59 MINUTES 52 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27 A DISTANCE OF 1320.97 FEET TO A CAPPED ONE INCH IRON PIPE MARKING THE SOUTHWEST CORNER OF THE EAST HALF (E $\frac{1}{2}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27; THENCE NORTH 00 DEGREES 19 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF THE EAST HALF (E $\frac{1}{2}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27 A DISTANCE OF 1974.64 FEET TO A CAPPED ONE INCH IRON PIPE MARKING THE SOUTHWEST CORNER OF THE NORTH HALF (N $\frac{1}{2}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27 AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 00 DEGREES 19 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF THE EAST HALF (E $\frac{1}{2}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27 A DISTANCE OF 628.21 FEET TO A CAPPED ONE INCH IRON PIPE SAID PIPE BEING SOUTH 00 DEGREES 19 MINUTES 37 SECONDS EAST A DISTANCE OF 30.00 FEET FROM AN IRON PIPE MARKING THE NORTHWEST CORNER OF THE EAST HALF (E $\frac{1}{2}$) NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27; THENCE SOUTH 89 DEGREES 56 MINUTES 51 SECONDS EAST PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27 A DISTANCE OF 1319.60 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27 SAID POINT BEING SOUTH 00 DEGREES 13 MINUTES 23 SECONDS EAST A DISTANCE OF 30.00 FEET FROM AN IRON PIPE MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27; THENCE SOUTH 00 DEGREES 13 MINUTES 23 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27 A DISTANCE OF 627.92 FEET TO A CAPPED ONE INCH IRON PIPE MARKING THE SOUTHEAST CORNER OF THE NORTH HALF (N $\frac{1}{2}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27; THENCE NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF (N $\frac{1}{2}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SAID SECTION 27; A DISTANCE OF 1318.46 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 19.018 ACRES OF LAND

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.



Blair Hills

908 Blair Hills Ave, Mishawaka, IN 46544

June 7, 2021

Mr. Ken Prince
City Planner
City of Mishawaka Planning and Economic Development
600 East Third Street
Mishawaka, IN 46544

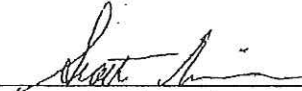
RE: Annexation Petition #21- 09

Mr. Prince:

Blair Hills Community Association, Inc. through its Board of Directors, supports the proposed annexation of property currently before the Mishawaka Plan Commission as Petition #21-09 and authorize the City of Mishawaka to include a vacant property owned by Blair Hills Community Association, Inc. known as parcel #71-09-27-126-001.000-031 in that petition for annexation.

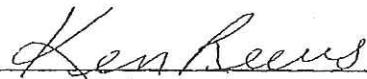
Thank you for your consideration.

Blair Hills Community Association, Inc.



Scott Grimm/ President

6/7/2021
Date



Ken Reeves/ Vice-President

6/7/2021
Date

BLAIR HILLS

PROPOSED
PHASE 4

PHASE 2

PHASE 3
SECTION 2

PHASE 3
SECTION 1

PHASE 1

AUTUMN RIDGE

SCALE: 1"=100'
DATE: APRIL 19, 2021

ABONMARCHÉ

213 W. Jefferson Blvd.
Suite 100
Vancouver, BC V6P 1A1
TEL: 604-271-1110

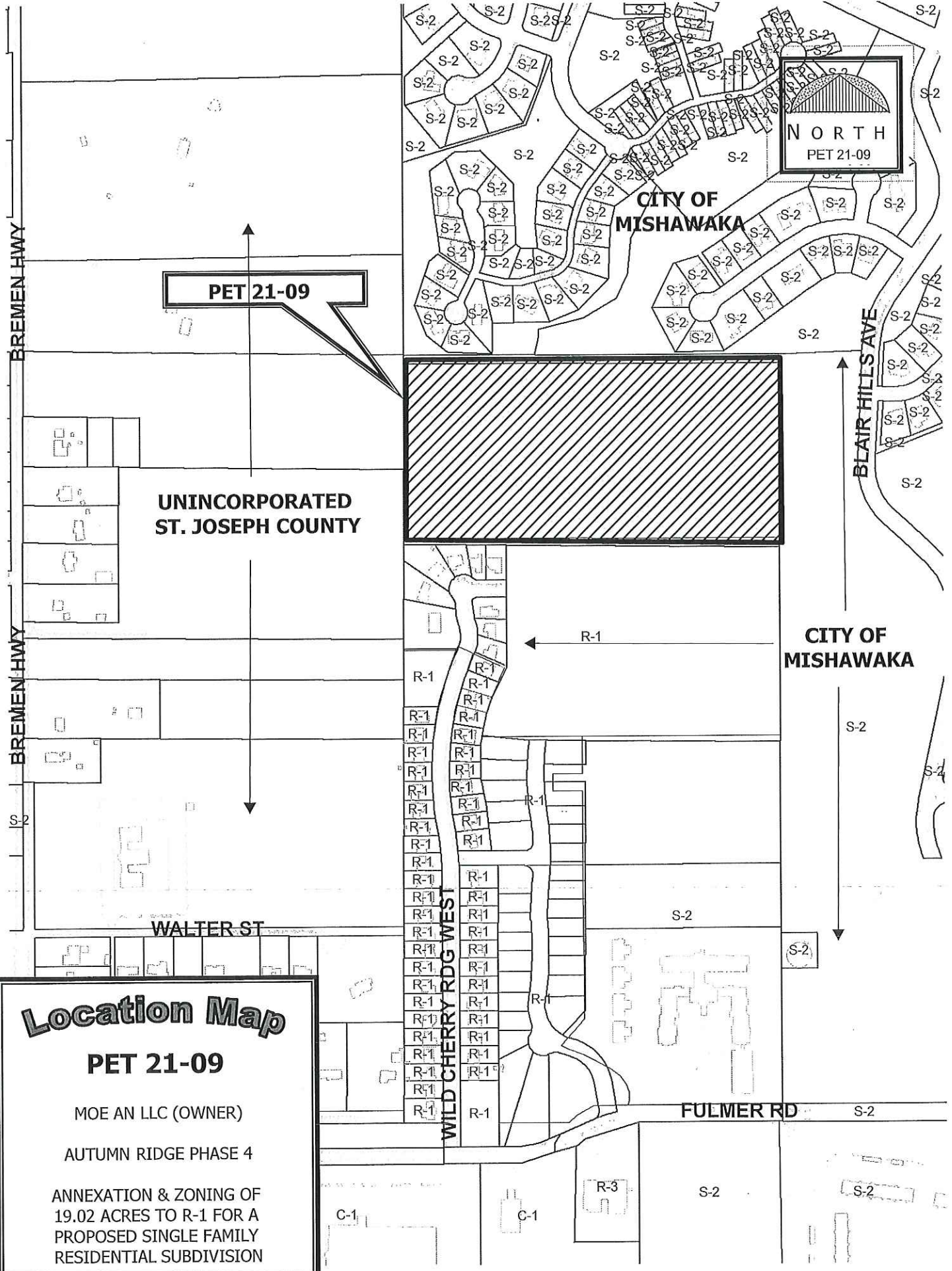
Architect, Engineer
Landscape Architect
Interior Designer

ARCHITECTURE / LANDSCAPE ARCHITECTURE / PLANNING / CONSTRUCTION SERVICES

RECEIVED
MAY 19 2021
ECONOMIC DEVELOPMENT

965
21-09





Location Map

PET 21-09

MOE AN LLC (OWNER)

AUTUMN RIDGE PHASE 4

ANNEXATION & ZONING OF
19.02 ACRES TO R-1 FOR A
PROPOSED SINGLE FAMILY
RESIDENTIAL SUBDIVISION

JUN 1 2021

City Clerk
Mishawaka, IN

PETITION #21-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2021-23

ORDINANCE NO. _____

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

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

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

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

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

PARCEL I

A tract of land situate in South West Quarter (1/4) of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Three (3) East, commencing Six Hundred Sixty-seven (667) feet South of the Northwest corner of the South West Quarter (1/4) of said Section 28; thence East Seven Hundred Twenty-seven and Five Tenths (727.5) feet; thence South Two Hundred Thirty-nine and Fifty-two Hundredths (239.52) feet; thence West Seven Hundred Twenty-seven and Five Tenths (727.5) feet; thence North Two Hundred Thirty-nine and Fifty-two Hundredths (239.52) feet to the place of beginning, containing Four (4) acres, more or less, and being known as Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) of Clara Murray's Proposed Plat.

PARCEL II

A parcel of land situate in the North West Quarter (NW 1/4) of the South West Quarter (SW 1/4) of Section Number Twenty-eight (28), Township Number Thirty-eight (38) North, Range Number Three (3) East, bounded by a line running as follows: Beginning at the Northwest corner of said North West Quarter of the South West Quarter of said Section 28; thence South along the West line thereof a distance of 427 feet to the center line of State Road Number 23 (Edwardsburg Road); thence North 44 degrees 10 minutes East along the center line of said road a distance of 94.15 feet; thence South 45 degrees 50 minutes East a distance of 40 feet for the beginning point of the herein considered; running thence South 45 degrees 50 minutes East 411.85 feet; thence West 358.15 feet to a point 25 feet East of the West line of said North West Quarter of the South West Quarter of said Section; thence North on a line parallel with said West line, a distance of 221.85 feet to the South line of said State Road No. 23; thence North 44 degrees 10 minutes East along the South line of said State Road No. 23, a distance of 90.15 feet to the place of beginning, and being known as Lot Numbered Ten (10) on a survey of a part of Lots 3 and 4 in the Partition of lands of Chauncey Johnson, deceased.

Ordinance No. _____

S.R. 23 RIGHT-OF-WAY

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, AND PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, BOTH SECTIONS LYING IN TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 427 FEET TO THE CENTERLINE OF STATE ROAD 23 (EDWARDSBURG ROAD); THENCE NORTH 44 DEGREES 10 MINUTES EAST, ALONG THE CENTERLINE OF SAID ROAD, 94.15 FEET; THENCE SOUTH 45 DEGREES 50 MINUTES EAST 40 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO KENNETH F. BECHTOLD, AS DESCRIBED IN INSTRUMENT NUMBER 1004730, ST. JOSEPH COUNTY RECORDER, AND BEING THE POINT OF BEGINNING; THENCE NORTH 45 DEGREES 50 MINUTES WEST, ALONG THE NORTHERLY LINE EXTENDED OF SAID BECHTOLD LAND TO THE NORTHWESTERLY RIGHT OF WAY OF SAID STATE ROAD 23; THENCE SOUTHWESTERLY, ALONG SAID RIGHT OF WAY, TO A POINT LYING NORTH 45 DEGREES 50 MINUTES WEST OF THE NORTHWEST CORNER OF SAID BECHTOLD LAND; THENCE SOUTH 45 DEGREES 50 MINUTES EAST, PARALLEL WITH SAID NORTHERLY LINE EXTENDED, TO SAID NORTHWEST CORNER, ALSO BEING ON THE SOUTHEASTERLY RIGHT OF WAY OF SAID STATE ROAD 23; THENCE NORTH 44 DEGREES 10 MINUTES EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY, 90.15 FEET TO THE POINT OF BEGINNING.

COMMON ADDRESS: 16996 State Road 23

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

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

1. Existing Conditions – The subject property is located along a heavily travelled section of S.R. 23 serving as the major gateway into Mishawaka and South Bend from the northeast part of St. Joseph County. Traffic volumes in the immediate vicinity are expected to remain consistent due to the existing commercial and residential development in northern Mishawaka and St. Joseph County. The property, which currently includes a vacant single-family house and large wooded area, is adjacent to a single family residence to the north; vacant land, single-family residences, and a real estate office to the west; vacant land to the south approved for residential use; and vacant land to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along the S.R. 23 corridor between Douglas Road and Cleveland Road vary greatly and include commercial, medical, office, and single-family residential land uses. Over the last several years, single-family houses have been razed to accommodate commercial growth.
3. The most desirable/highest and best use – Because of the property's location along a heavily travelled mixed use corridor, the most desirable use for the property is commercial, office, or other non-single family residential use. Although adjacent residential properties are present to the north and west, residential use is not the highest and best use for an existing and transitioning commercial corridor.

Proposed Ordinance No. _____

Ordinance No. _____

4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the light industrial regulations is required to adequately screen the adjacent residentially occupied or zoned properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed self-storage facility is reasonably consistent with adjacent and changing land uses along the S.R. 23 corridor.

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 _____, 2021, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2021, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2021, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 16996 S.R. 23 – East side of S.R. 23 &
South of the Indiana Toll Road

Date: June 8, 2021

Petition: 21- 10

Prepared By: DJS

GENERAL INFORMATION

Applicant: Kenneth F. Bechtold / Abonmarche Consultants Inc.

Status: Property Owner / Surveyor, Engineer & Site Design Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a self-storage facility development

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

Proposed Zoning: I-1 Light Industrial District

Lot Size: Approximately 5.24 acres excluding the S.R. 23 right-of-way

Applicable Regulations: Section 137-585 to 137-587 / I-1 Industrial District &
Section 137-41 / Amendments to Zoning Map &
Indiana Code 36-4-3-2.1 and 36-4-3-3.1

SPECIAL INFORMATION

Area Development Pattern: North: Unincorporated St. Joseph County – R Single Family (Residential) & Indiana Toll Road

South: S-2 Planned Unit Development (Vacant / Property within the Douglas Commons PUD permitted for a residential individually owned & occupied condominium complex)

East: Unincorporated St. Joseph County – A Agricultural (Vacant / Douglas Road-Uniroyal, Inc., Landfill Superfund Site – Partially Removed from National Priorities List on 9/30/20)

West: Unincorporated St. Joseph County – R Single Family (Vacant & Residential) & O Office (Real Estate Office)

Thoroughfare: State Road 23

School District: South Bend Community School Corporation

Township: Clay

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

Comprehensive Plan: This area was not included in the extents of the Mishawaka 2000 Comprehensive Plan.

ANALYSIS

Proposal:

The applicant is proposing to annex, establish zoning, and approve a preliminary site plan to allow for the construction of a mini-self storage facility.

The 5.24 acre site, which includes two separate parcels (16996 S.R. 23/tax parcels #002-2018-0378.10 and #002-2018-0378.11), is located on the east side of State Road 23 just south of the Indiana Toll Road. The northern triangular shaped parcel has approximately 90' of frontage on S.R. 23 and is currently occupied with a vacant single-family house and two accessory structures. The southern rectangular shaped parcel is vacant wooded property with no public frontage. All structures proposed to be demolished.

In 2004, a seven (7) acre parcel immediately adjacent to the south was annexed into the City of Mishawaka with an S-2 Planned Unit Development zoning classification to allow a multi-family residential apartment complex (Petition 04-23/Ord. 4862 & Petition 04-51/Ord. 4918). The apartment complex was to also include an additional ten (10) acres (Petition 04-17 / Ord. 4850) that was already within city limits. The PUD was subsequently amended in 2006 (Petition 06-23/Ord. 5028) for a proposed owner-occupied condominium complex to be located on both parcels. The project, known as the North Douglas Road Condominiums, was only partially developed with the northern seven acre parcel remaining vacant.

As indicated on the preliminary site plan, the development will include 13 mini-storage unit buildings, a parking area, access drives, and storm water retention basin. The property is to be developed in two phases. The first phase will consist of eight (8) buildings within the western part of the site and the associated access drives, storm water retention basin, and infrastructure. The second phase will consist of the remaining five (5) buildings. Tabulated data provided on the plan indicates that buildings will occupy 27.3% (62,291 sq. ft.) of the site, while parking, drives and sidewalks, and open spaces will total 48.3% (110,206 sq. ft.) and 24.4% (55,757 sq. ft.), respectively. One parking space is required for the facility based on the maximum number of employees per shift. A total of seven (7) parking spaces are conceptually shown on the plan.

The applicant is requesting a zoning classification of I-1 Light Industrial District to permit the proposed mini-self storage facility. The preliminary site plan indicates that a majority of the required height, area, and development regulations for the I-1 District (building and parking setbacks, off-street parking requirements, landscaping and screening, etc.) will be met.

A developmental variance will be required for the minimum 250' separation from any residential zoned property. Although the property to the south is undeveloped, it is currently zoned S-2 Planned Unit Development for residential use. Unincorporated property to the west and north is also residentially zoned. The developmental variance for the separation requirement shall be filed in conjunction with the final site plan.

One access off of S.R. 23 is proposed to serve the development. The Engineering Department commented that the drive approach shall be approved by INDOT. All drives and parking lots interior to the site will be privately owned and maintained.

Landscaping and screening, including a 7' high opaque fence and solid evergreen screen, is required along all property lines contiguous to residentially occupied or zoned property. This requirement is applicable to all property lines except for the east line.

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

Annexation:

In 2004, adjacent property to the south was annexed into the City and zoned S-2 Planned Unit Development for residential use (Petitions 04-23 & 05-51). The property remains undeveloped.

Per the State of Indiana's annexation laws, a parcel is required to share one-eighth, or 12.5%, of its boundary with the existing City boundary in order to be annexed. With the previous annexation as outlined above, approximately 727.5 feet, or 29.1%, of the total 2,500 feet of the perimeter of the property will be contiguous with the existing city limits. This exceeds the required 12.5% contiguity.

Location/Context:

The site is located to the east of S.R. 23 approximately 170' south of the Indiana Toll Road, and is bordered to the north by a single-family house and detached garage located within unincorporated St. Joseph County; to the west by vacant land, two (2) single-family houses, and a real estate office located within unincorporated St. Joseph County; to the south by vacant land approved for the expansion of an residential individually owned & occupied condominium complex; and to the east by vacant land within a Superfund site in unincorporated St. Joseph County. The S.R. 23 corridor between Douglas Road and Cleveland Road includes a variety of commercial, medical, and office uses with a limited area of single-family residential houses.

Zoning Change:

Staff believes that the proposed zoning of this property to the I-1 Light Industrial District is appropriate given the primarily commercial, medical, and office uses and non-residential growth that has occurred along the S.R. 23 corridor. Within the last several years, two (2) single-family houses were demolished on S.R. 23 near Douglas Road for the development of a children's day care facility. Additionally, the annexation area is isolated and buffered from any adjacent existing residential use by wooded areas to the west, north, and south. The required fencing and landscaping will provide additional screening. The S.R. 23 corridor serves as a major gateway into the City from the northeast part of St. Joseph County. Development pressures along the corridor will only intensity in the future.

Transportation/Roads:

According to the latest available traffic counts, there were 19,033 annual average daily trips (AADT) (February 2021) along S.R. 23 north of Douglas Road. The counts at this location have been relatively stable over the last 17 years ranging from a low of 18,692 AADT (September 2011) to a high of 22,482 AADT (March 2018). With the existing commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent in future years.

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

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

Engineering Department:

1. The nearest potential sanitary sewer connection is on S.R. 23 north of the Indiana Toll Road by the electric substation. Since it is within 300' of the property, a connection would be required and would need to be pumped with a private lift station and force main. Due to the anticipated connection costs, it is recommended that the office within the storage unit buildings be removed so no sanitary sewer connection is required.
2. The proposed stormwater runoff shall be stored on site for the 100 year – 24 hour storm event.
3. The drive approach shall be approved by INDOT.

These comments shall be addressed with the Final Site Plan.

Electric Department:

1. A 15' utility easement is required along the property frontage on S.R. 23.

RECOMMENDATION

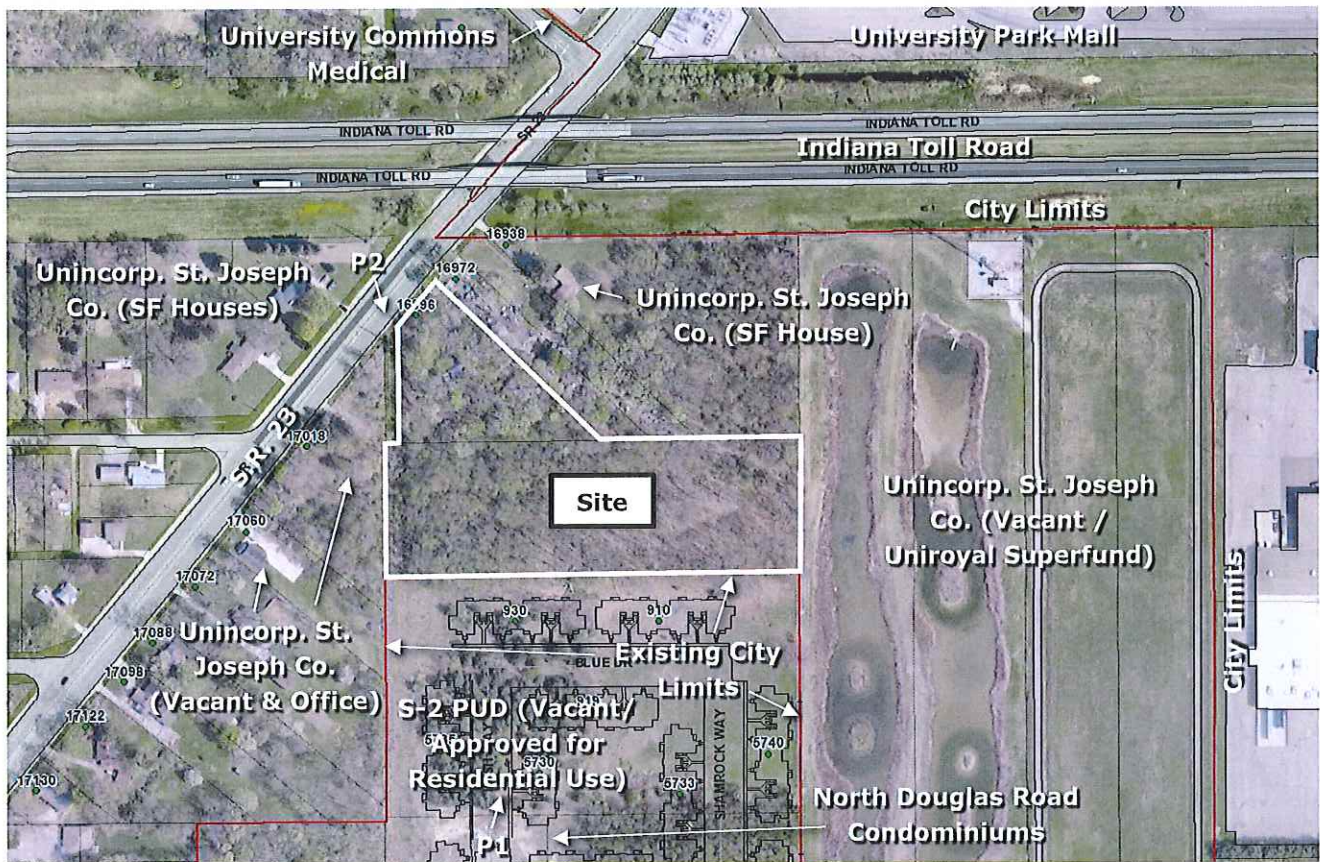
Staff recommends in **favor** of Petition 21-10 to annex, establish zoning, and approved a preliminary site plan for property located on the east side of S.R. 23 south of the Indiana Toll Road (16996 S.R. 23 and adjacent vacant parcel). The property is proposed to be zoned I-1 Light Industrial District for a self-storage facility.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along a heavily travelled section of S.R. 23 serving as the major gateway into Mishawaka and South Bend from the northeast part of St. Joseph County. Traffic volumes in the immediate vicinity are expected to remain consistent due to the existing commercial and residential development in northern Mishawaka and St. Joseph County. The property, which currently includes a vacant single-family house and large wooded area, is adjacent to a single family residence to the north; vacant land, single-family residences, and a real estate office to the west; vacant land to the south approved for residential use; and vacant land to the east.
2. Character of Buildings in the Area – The character of buildings and land uses located along the S.R. 23 corridor between Douglas Road and Cleveland Road vary greatly and include commercial, medical, office, and single-family residential land uses. Over the last several years, single-family houses have been razed to accommodate commercial growth.
3. The most desirable/highest and best use – Because of the property's location along a heavily travelled mixed use corridor, the most desirable use for the property is commercial, office, or other non-single family residential use. Although adjacent residential properties are present to the north and west, residential use is not the highest and best use for an existing and transitioning commercial corridor.
4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the light industrial regulations is required to adequately screen the adjacent residentially occupied or zoned properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed self-storage facility is reasonably consistent with adjacent and changing land uses along the S.R. 23 corridor.

ATTACHMENTS

Aerial Map, Photographs, Rezoning & Annexation Petition, Preliminary Site Plan, and Location Map



Aerial Photograph
16996 S.R. 23 & Vacant Land to South
Proposed Self-Storage Facility



P1. Looking northerly into a 7 acre vacant/wooded parcel south of the annexation area. The parcel is zoned S-2 PUD and approved for residential condominium development.



P2. Looking southerly toward the site from S.R. 23.

MAY 26 2021

City Clerk
Mishawaka, IN

Engineering • Architecture • Land Surveying

DATE: May 19, 2021**TO:** Honorable Members of the Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

PE 21-10

RE: Petition for Annexation and Zoning Classification

The undersigned, **Kenneth Bechtold**, respectfully show they are the owner of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

LEGAL DESCRIPTION ATTACHED

Petitioners own one-hundred (100%) percent of the above-described parcel of land which is located in the State of Indiana and that petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a I-1 Industrial District. Petitioners further state they intend to utilize said land for a self-storage facility development.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed layout of the development.

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

Wherefore, Petitioners respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with an I-1 Industrial District zoning classification.

DocuSigned by:

A handwritten signature in black ink that reads 'Ken Bechtold'.

A777A02280884A9

Kenneth Bechtold

Ken Bechtold

Printed

Contact: Mike Huber
Abonmarhce Consultants
315 W. Jefferson Blvd.
South Bend, Indiana 46601
(574) 347-4610
mhuber@abonmarhce.com

PARCEL I

A tract of land situate in South West Quarter (1/4) of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Three (3) East, commencing Six Hundred Sixty-seven (667) feet South of the Northwest corner of the South West Quarter (1/4) of said Section 28; thence East Seven Hundred Twenty-seven and Five Tenths (727.5) feet; thence South Two Hundred Thirty-nine and Fifty-two Hundredths (239.52) feet; thence West Seven Hundred Twenty-seven and Five Tenths (727.5) feet; thence North Two Hundred Thirty-nine and Fifty-two Hundredths (239.52) feet to the place of beginning, containing Four (4) acres, more or less, and being known as Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) of Clara Murray's Proposed Plat.

PARCEL II

A parcel of land situate in the North West Quarter (NW 1/4) of the South West Quarter (SW 1/4) of Section Number Twenty-eight (28), Township Number Thirty-eight (38) North, Range Number Three (3) East, bounded by a line running as follows: Beginning at the Northwest corner of said North West Quarter of the South West Quarter of said Section 28; thence South along the West line thereof a distance of 427 feet to the center line of State Road Number 23 (Edwardsburg Road); thence North 44 degrees 10 minutes East along the center line of said road a distance of 94.15 feet; thence South 45 degrees 50 minutes East a distance of 40 feet for the beginning point of the herein considered; running thence South 45 degrees 50 minutes East 411.85 feet; thence West 358.15 feet to a point 25 feet East of the West line of said North West Quarter of the South West Quarter of said Section; thence North on a line parallel with said West line, a distance of 221.85 feet to the South line of said State Road No. 23; thence North 44 degrees 10 minutes East along the South line of said State Road No. 23, a distance of 90.15 feet to the place of beginning, and being known as Lot Numbered Ten (10) on a survey of a part of Lots 3 and 4 in the Partition of lands of Chauncey Johnson, deceased.

S.R. 23 RIGHT-OF-WAY

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, AND PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, BOTH SECTIONS LYING IN TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 427 FEET TO THE CENTERLINE OF STATE ROAD 23 (EDWARDSBURG ROAD); THENCE NORTH 44 DEGREES 10 MINUTES EAST, ALONG THE CENTERLINE OF SAID ROAD, 94.15 FEET; THENCE SOUTH 45 DEGREES 50 MINUTES EAST 40 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO KENNETH F. BECHTOLD, AS DESCRIBED IN INSTRUMENT NUMBER 1004730, ST. JOSEPH COUNTY

RECORDER, AND BEING THE POINT OF BEGINNING; THENCE NORTH 45 DEGREES 50 MINUTES WEST, ALONG THE NORTHERLY LINE EXTENDED OF SAID BECHTOLD LAND TO THE NORTHWESTERLY RIGHT OF WAY OF SAID STATE ROAD 23; THENCE SOUTHWESTERLY, ALONG SAID RIGHT OF WAY, TO A POINT LYING NORTH 45 DEGREES 50 MINUTES WEST OF THE NORTHWEST CORNER OF SAID BECHTOLD LAND; THENCE SOUTH 45 DEGREES 50 MINUTES EAST, PARALLEL WITH SAID NORTHERLY LINE EXTENDED, TO SAID NORTHWEST CORNER, ALSO BEING ON THE SOUTHEASTERLY RIGHT OF WAY OF SAID STATE ROAD 23; THENCE NORTH 44 DEGREES 10 MINUTES EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY, 90.15 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES

1. Current zoning: S-1, Jackson Woods 1-1 Single Family Residential
- Proposed zoning: City of Mahanowa 1-1 Industrial
2. Existing Land Use: Residential
- Proposed Land Use: Self Storage Facility
3. The site will be serviced by City of Mahanowa sewer and water.
4. Building setbacks follow the Industrial 1-1 District Zoning ordinance.
5. Driveway will be collected on-site and managed by the Owner.
6. Parking areas will be paved and privately owned.
7. Landscaping, lighting, and signage will be in accordance with the

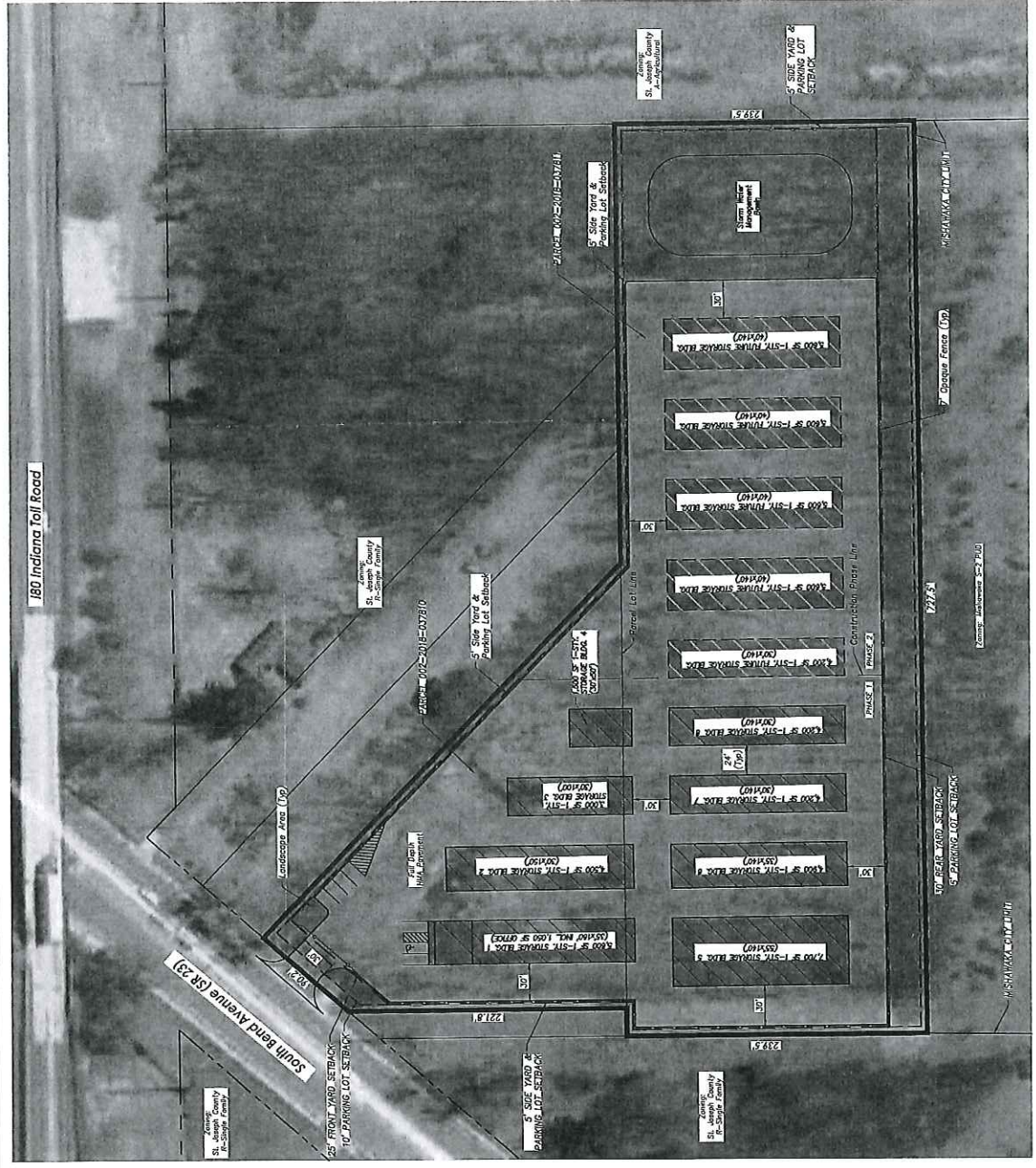
TABULATED SITE DATA

Parcel 002-2018-03781C: 1.13 Acres	AREA (Acres)	27.3%
Parcel 002-2018-13781I: 3.91 Acres	1.43	48.3%
TOTAL: 5.24 Acres	2.53	24.4%
	1.28	100.0%
	5.24	

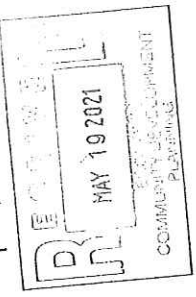
PARKING SUMMARY

PARKING REQUIRED:
1 Space/Employee (Max Shift)
= (1 Space) x (1 On-Site Employee)
= 1 Space

PARKING PROVIDED:
7 Spaces (incl 1 ADA Accessible)



let 21-10



GRAPHIC SCALE

(IN FEET)

