



AGENDA

May 08, 2023

**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:1-408-418-9388
Meeting Number (access code): 2339 570 4871
Meeting password: Wvq8RHTjm84**

**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: 23395704871@mishawaka.webex.com

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of April 24, 2023 &
Special meeting May 03, 2023

5. Petitions, Communications, Remonstrance and Memorial

Petition No. 2023-09 Annex & Establish Zoning as C-1 General
Commercial District - 15793 E. University
Dr.

Petition No. 2023-10 Rezone from I-2 Heavy Light Industrial to R-1 Single Family Residential to match existing use - 2027 E. Lasalle

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2023-09	Wellness Pet Deduction of Real Property Tax Abatement
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9. Ordinances on Second Reading

P.O. NO. 2023-13	Annexing and Establishing Zoning as C-1 General Commercial District - 17018 State Rd. 23 (West of 5996 State Rd. 23) Public Hearing- No Vote
P.O. NO. 2023-14	Annex and Rezone portions to I-1 Light Industrial - Property East of 2014 E. McKinley Public Hearing- No Vote
P.O. No. 2023-15	Rezone from C-1 General Commercial to R-1 Single Family Residential - 2009 W. Sixth St. (Assigned to Land Use Planning Committee)

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An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook page, 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

If technology is needed to present, please advise the Clerk's Office by 4:00pm the Friday before the meeting by emailing: dblock@mishawaka.in.gov or calling 574-258-1616.

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

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

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

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 24, 2023

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Monday, April 17, 2023 at 7:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

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.

Clerk Block called the roll.

Roll Call.

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

Others Present: Clerk Block, Mike Trippel, Council Attorney

Minutes for the Regular Meetings of April 17, 2023 were approved as received from the Clerk's Office.

Clerk Block read the following appeal and petitions by title from the Board of Zoning Appeals and City Plan Commission meetings on April 11th, 2023.

Appeal No. 2023-07	An appeal submitted by Sonic Automotive requesting a Use Variance for 4325 Grape Road, Mishawaka, Indiana, to allow give (5) temporary sales trailers through the end of 2023.
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The Board, with a vote of 5-0, recommended approval.

Petition No. 2023-05	A petition by All Secure Storage-County Road 17 requesting to annex and rezone property at 17018 State Road 23 to C-1 General Commercial District.
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The Commission, with a vote of 9-0, recommended approval.

Petition No. 2023-07	A petition by Zolman Tire, Inc requesting to annex and rezone property east of an adjacent to 2014 E McKinley as I-1 Light Industrial.
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The Commission, with a vote of 9-0, recommended approval.

Petition No. 2023-08 A petition by Jessica Bucher requesting to rezone property at 2009 W. Sixth Street from C-1 General Commercial District to R-1 Single Residential District.

The Commission, with a vote of 9-0, sends the petition to the Council without a recommendation.

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

PROPOSED ORDINANCE NO. 2023-13

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

**Annexing and Establishing Zoning as C-1 General Commercial District – 17018 State Rd.
23 (West of 5996 State Rd. 23)
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-14

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF
MISHAWAKA, INDIANA AND PROVIDING ZONING CLASSIFICATION
THEREFORE AND AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE
CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED,
COMMONLY KNOWN AS THE ZONING ORDINANCE OF 1966 OF THE CITY OF
MISHAWAKA, INDIANA**

**Annex and Rezone portions of I-1 Light Industrial – Property East of 2014 E. McKinley
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2023-14

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

**Rezone from C-1 General Commercial to R-1 Single Family Residential – 2009 W. Sixth St.
(Assigned to Land Use Planning Committee)**

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

RESOLUTION R2023-07

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT: 4325 GRAPE ROAD, MISHAWAKA INDIANA

Use Variance to allow Five Temporary Sales Trailers through October 2023 – 4326 Grape Rd.

Bennett Ratliff, representative with Sonic Automotive, spoke in favor of **RESOLUTION R2023-07**. Mr. Hixenbaugh asked if Mr. Ratliff could give them a thumbnail sketch of the proposal and how he planned to make use of the Use Variance. Mr. Ratliff stated they were in the process of remodeling the Jordan Lexus store to bring it up to current image program standards and they were moving the sales staff out into the trailer so they could continue to provide service to their customers and potential customers out there in the trailer as they remodeled the facility. Mr. Ratliff stated they should be complete in October and at that point, the trailers would be removed from the site.

Mr. Hixenbaugh asked if he had already started to make use of the trailers or if he was waiting for the approval that he hoped to obtain that evening. Mr. Ratliff stated they had at that point already started to use them and they did not start to use them until after the Board of Adjustments hearing two weeks ago and had not planned on moving in until after the hearing in the prior week, but yes they had moved in and were certainly hoping for approval. Mr. Hixenbaugh stated they made sense but it was always their preference to wait until after this stage in the process, but sometimes life did not work that neatly. Mr. Hixenbaugh appreciated the clarification.

Mr. Hixenbaugh thanked Jordan Lexus for the work they had done and he had been on the Council long enough to remember when they first came to them with the original rezoning and it was a matter of some controversy on the part of the Council and at that time it was Jordan Lexus of South Bend and their good friend and former colleague John Gleissner advocated for it to be in Mishawaka and he always smiled when he drove by that sign. Mr. Hixenbaugh thanked all involved for making it happen.

Question was called for at 7:09PM for **RESOLUTION R2023-07 Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

RESOLUTION R2023-08

A Resolution of the Common Council, City Clerk, and Mayor of the City of Mishawaka Commemorating the Fiftieth School Year Anniversary of Walt Disney Elementary School

Clerk Block continued to read the Resolution in full.

WHEREAS, Walt Disney Elementary School (“Walt Disney”) is located within the City of Mishawaka at 4015 Filbert Road, as part of the Penn Harris Madison School Corporation (“PHM”) ; and

WHEREAS, Walt Disney opened for the 1972-1973 school year on August 31, 1972, with the capacity to serve the educational needs of as many as six hundred fifty (650) students; and

WHEREAS, Walt Disney was constructed as an open concept building that would prioritize individualized learning for all students, and be a source of professional learning for all educators; and

WHEREAS, under the leadership of PHM Superintendent Dr. Jerry Thacker and Principal Ryan Towner, Walt Disney, while holding to rigorous state standards for achievement, continues to individualize student instruction and promote academic excellence, as evidenced by: (a) ranking in the top seven percent (7%) in terms of academic achievement when compared to similar schools throughout the State of Indiana, (b) earning an “A” rating with respect to English as a New Language (“ENL”) instruction that is provided to approximately thirty (30) different native language speaking groups represented among its ENL student population, (c) hosting an annual Culture Night that has received national acclaim, and (d) surpassing state averages for all students on the IREAD-3 mandatory state reading assessment, as well as surpassing minority student achievement scores by a great variance; and

WHEREAS, Walt Disney continues to serve an important role in the development of educators by: (a) maintaining robust partnerships with local universities and hosting pre-service teachers for field service or student teaching opportunities, (b) permitting faculty to provide countless seminars to pre-service teachers and serve on committees at local Schools of Education, and (c) implementing a research-based tiered instructional framework that serves as a best practices model for other schools at the state and local level.

NOW, THEREFORE, BE IT RESOLVED by the Common Council, the City Clerk, and the Mayor of the City of Mishawaka that the tireless efforts on the part of countless Walt Disney administrators, faculty, staff, students, and families (both past and present) to achieve academic excellence are deserving of recognition and commendation, and as such we hereby declare April 27, 2023, to be:

WALT DISNEY ELEMENTARY SCHOOL DAY

in the City of Mishawaka, and we call upon all citizens to join us in congratulating, saluting, and thanking all of those who are or have been a part of this school community for their commitment to their school and the City of Mishawaka.

Ryan Towner, 28858 Redfield Street Niles, Michigan and Walt Disney Elementary School Principal, spoke in favor of **RESOLUTION R2023-08**.

Mr. Hixenbaugh thanked Mr. Towner for being there that evening and thanked him for the work he and his staff and faculty do every day on behalf of students in Mishawaka. Mr. Hixenbaugh stated he knew, since he had the privilege of speaking with him the other day that they had an event coming up to commemorate their 50th anniversary and believed it would be that Thursday. Mr. Towner stated that was correct and shared more about that. Mr. Towner stated they were thrilled that year with Disney opening in 1972-1973 and to be in their 50th year of operation. Mr. Towner stated throughout the year, they had done a lot of themed events around the 50 years trying to build excitement amongst their students and staff members. Mr. Towner stated it was simple things like doing school spirit wear with updated 50th year logos, building some of that energy in the marketing within their community for their students who did a really fun event called the Dance of the Decades. Mr. Towner stated students picked the decade of interest to them and studied about some of the different decades and applied what they

learned to the dance where they were dressed up in that way. Mr. Towner stated what was particularly important to them was occurring that Thursday where they would be doing a recognition dinner and it was kind of the idea that a school community built on so many people over so many years recognize those individuals and get as many staff, current staff and faculty along with past staff and faculty, as possible to join them in an event where they could celebrate what the school was, what it had become as well as all of the people who had contributed to that. Mr. Towner stated it was looking like they would have about 115 attendees, with about 40 former teachers coming back to join them Thursday. Mr. Towner stated they received sponsorship for the event from May Oberfell Lorber and they were having it catered by Mission BBQ, a local business that was operated by a family whose child attended Walt Disney Elementary School. Mr. Towner stated part of the evening, included reflections from current leadership from Superintendent Thacker and himself and then they had the dinner and then they would have some games and there also would be a Disney alum who was a nationally traveling magician who would reflect on his experience at Disney, which was his favorite school he ever attended as well as putting on a magic show. Mr. Towner stated more than anything, the goal was just to recognize the collective impact of all of the people who had made the school what it was. Mr. Towner stated it was a highlight for their school community and he thanked all of the Council for their consideration with the resolution and it certainly affirmed the important work that their educators did. Mr. Towner stated they knew a significant number of their students remained within Mishawka and stayed residents of the area and they just wanted them to have an incredible time at their school and to learn skills that would serve them for life so they could continue and be major contributors and make a positive impact in the community. Mr. Towner expressed his gratitude for their consideration of the resolution and he understood they would all be busy Thursday night around 6PM with Mayor Wood giving his State of the City Address, but with the passing of the resolution their intent would be to have their School Board President, Chris Riley, read and share it with the faculty who were present on that evening. Mr. Towner stated he was happy to answer any questions they had.

Mr. Compton congratulated Mr. Towner and stated he remembered when the school was built, but really his memory of the school was that was where his oldest grandchild went to school and he remembered taking her over there as a kindergartener and watching her enthusiastically run into school. Mr. Compton stated it seemed like it was the next day when there was this young lady walking out as a 6th grader and it was quite a place and it would be quite a memory for himself, her and her family. Mr. Compton thanked Mr. Towner for what he did there and congratulated him once again.

Mr. Mammolenti thanked Mr. Towner for being there that evening and for all that he did for the students and staff. Mr. Mammolenti stated it was of no surprise knowing his father and they both came from a great bloodline and had a tremendous gift to lead staff and children. Mr. Mammolenti stated they were both held in the highest regard from his standpoint as educators and he wanted to thank them. Mr. Mammolenti stated they truly had a gift and thanked them for genuinely giving that gift to other students and staff and to keep up the great work and they were proud of him.

Mr. Banicki thanked Mr. Towner and everyone else who had taught at Walt Disney as both of his children graduated from there. Mr. Banicki stated his son started there in about 1993 and both of his children learned a lot and they had both done very well coming through there. Mr. Banicki stated he drove by there and just to see all of the cars and buses and happy people was a beautiful thing. Mr. Banicki stated they were doing great things over there and it was great when you did not hear a lot of negative things in the news. Mr. Banicki thanked Mr. Towner once again.

Mr. Hixenbaugh thanked Mr. Towner and wished him good luck with the event on Thursday and the Council had a prior commitment with the Mayor's State of the City Address, but he was sure they would have a great event and asked if he could pass along his regards to his father, Dan, his former colleague at School City of Mishawaka. Mr. Towner thanked President Hixenbaugh and stated he gladly would.

Shelli Treely, 429 Calhoun Street, spoke in favor of **RESOLUTION R2023-08**. Mrs. Treely stated in 1986, the year that Mr. Towner was born, there was Shelli Johnson who got her first teaching job in Penn-Harris Madison with Herb Sloan who brought her up from Purdue University and she started in Walt Disney Elementary as a kindergarten teacher and back in the day, kindergarten was part time. Mrs. Treely stated she was at Walt Disney in the morning and she went to Moran Elementary in the afternoon and over the years, she was there when it was open concept and they saw the walls being built and they talked through many fads in education and now, with Mr. Towner's leadership, they were teaching with the science of reading and she could not be more proud of him as they may be aware of his accolades. Mrs. Treely stated Mr. Towner was a Milkin Award winner and that was equivalent in education to the Oscars. Mrs. Treely stated that was a very proud day for Penn-Harris Madison and they were so excited about 50 years. Mrs. Treely stated she went back to Walt Disney and spent all of her career in Title One schools and she had been in and out of that building a couple of times and now she was back at Moran and she could tell them that without question that the resolution was in the best interest of their city and the school. Mrs. Treely thanked the Council.

Question was called for at 7:22PM for **RESOLUTION R2023-08 Motion carried by unanimous roll call vote (summary: Yes = 9).**

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

NEW BUSINESS

Mr. Hixenbaugh made a reminder to the public that the Mayor's State of the City Address would be delivered to the Council Thursday, April 27th at 6PM in the Council Chambers.

Mr. Hixenbaugh announced for those who viewed or were present for the last Council meeting, the Council had set a public hearing on the Wellness Pet tax abatement that would take place during the course of their regularly scheduled Council meeting on Monday, May 8th at 7PM also in the Council Chambers.

ADJOURNMENT 7:24PM

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

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

SPECIAL MEETING OF THE MISHAWAKA COMMON COUNCIL

May 3, 2023

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the New Mishawaka City Hall and via telephone on Wednesday, May 3, 2023 at 6:00PM. The meeting was called to order by Council President Gregg Hixenbaugh. All were asked to stand for the Pledge of Allegiance.

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.

Clerk Block called the roll.

Roll Call.

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

Others Present: Clerk Block, Mike Trippel, Council Attorney

Clerk Block read the proof of certification of service.

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

PROPOSED ORDINANCE NO. 2023-16

AN ORDINANCE REESTABLISHING A CUMULATIVE CAPITAL DEVELOPMENT FUND

(Assigned to Budget & Finance Committee)

ADJOURNMENT 7:01PM

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

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

3/28/23

PET 23-09
Received

APR 11 2023

Planning and
Community Development

Deborah S. Block, MMC, MMC

MAY 04 2023

City Clerk
Mishawaka, IN

TO THE:

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

Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: Petition for Annexation and Zoning Classification

The undersigned as agent for Cass Road, 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:

APN/Parcel ID(s): 71-04-27-103-007.000-011

THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 27,
TOWNSHIP 38 NORTH,

RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS
DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE
NORTHWEST QUARTER

OF SAID SECTION WHICH IS SOUTH 00 DEGREES 19 MINUTES 07 SECONDS EAST,
662.17 FEET, MORE OR

LESS, AND NORTH 89 DEGREES 23 MINUTES 52 SECONDS EAST, 1328.17 FEET, MORE
OR LESS, FROM A

BRASS PLUG MARKING THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH
00 DEGREES 19

MINUTES 07 SECONDS EAST ALONG SAID EAST LINE, 660.00 FEET, MORE OR LESS, TO
THE SOUTH LINE OF

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION AND
THE CENTERLINE OF

CASS ROAD; THENCE SOUTH 89 DEGREES 26 MINUTES 49 SECONDS WEST ALONG
SAID SOUTH LINE AND

CENTERLINE, 333.00 FEET, MORE OR LESS; THENCE NORTH 00 DEGREES 19 MINUTES
07 SECONDS WEST,

660.00 FEET, MORE OR LESS; THENCE NORTH 89 DEGREES 26 MINUTES 49 SECONDS
EAST, 333.00 FEET,

MORE OR LESS, TO THE POINT OF BEGINNING.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located in Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a Commercial C1 District. Petitioners further state they

intend to utilize said land for a retail development consisting of one building to accommodate two retail tenants.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and also the location of the proposed building structure(s). Petitioners further show this proposed annexation to be in the best interest of the City of Mishawaka, Indiana, and of the territory sought to be annexed which is urban in character and is an economic and social part of the City of Mishawaka.

Wherefore, Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted annexing the above described parcel of real estate to the City of Mishawaka with a Commercial C2 Zoning Classification.

Signed:  _____

Cass Road, LLC

Thomas G. Horka, Managing Member

131 South Taylor Street

South Bend, IN 46601

TELEPHONE NUMBER

thomashorka@smail.com

Copy To:

Dave Holzem

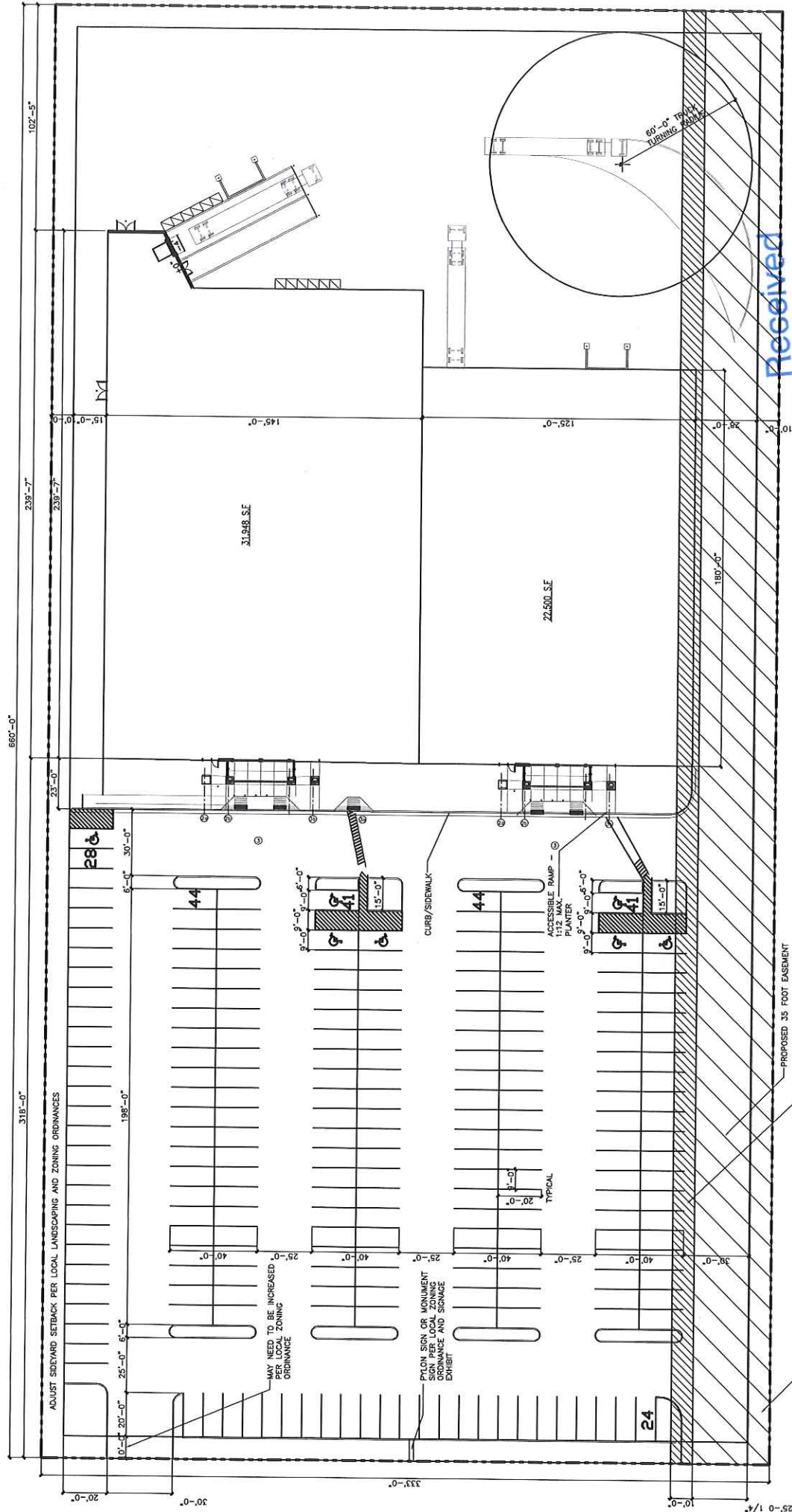
Nifong Realty

895 Lombardi Ave.

Green Bay, WI 54304

djh@nifongrealty.com

920-432-7300



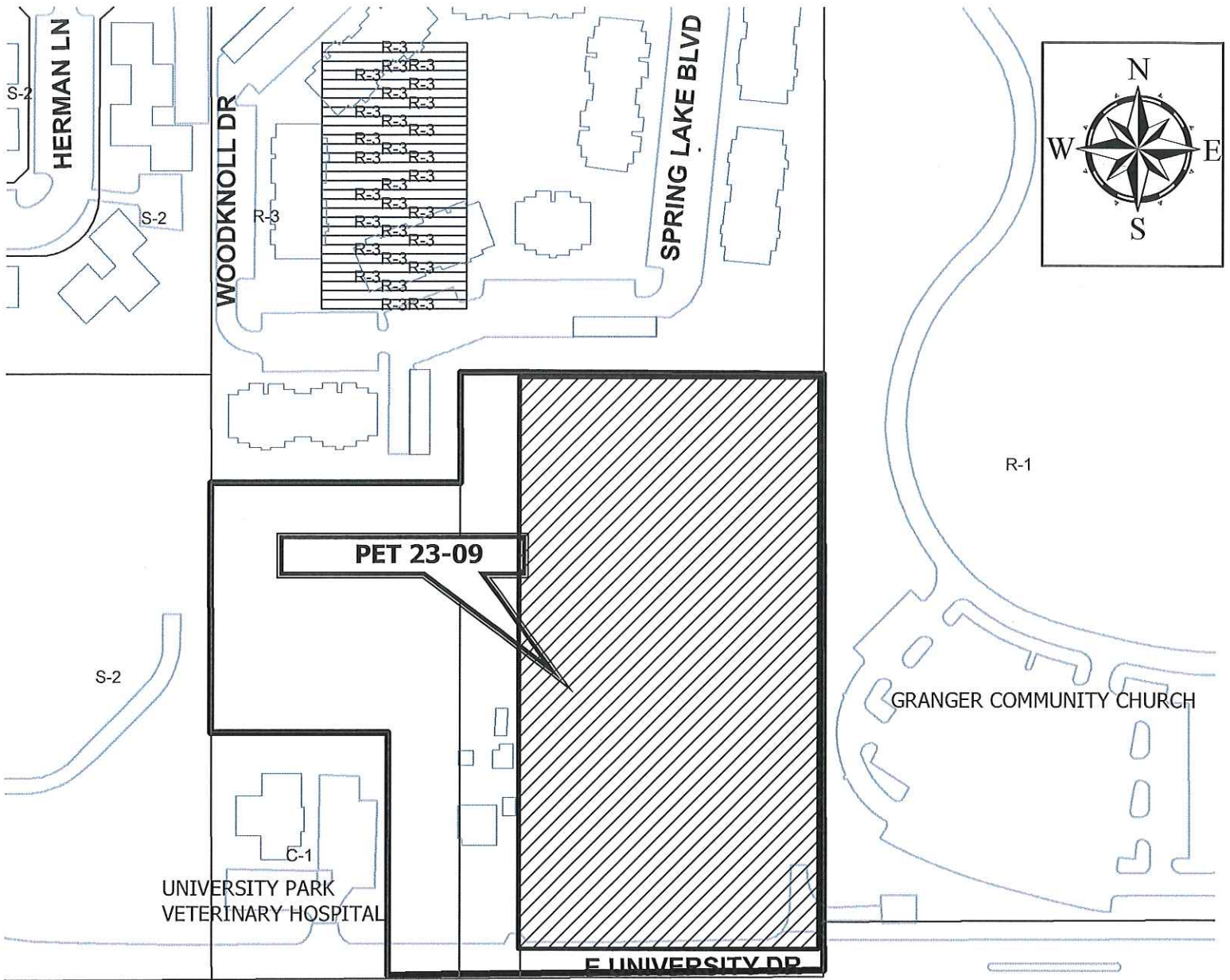
TOTAL MINIMUM SITE AREA: 5.05 ACRES
 ACCESSIBLE PARKING STALLS: 7
 REGULAR PARKING STALLS: 215
 TOTAL PARKING STALLS: 222
 TOTAL PARKING AT 4/1000SF: 216

Received

APR 11 2023

Planning and
Community Development

PEI 23-09



Location Map

PET 23-09

OWNER: CASS ROAD LLC

ADDRESS: 15793 E UNIVERSITY DR

ANNEX PROPERTY INTO
THE CITY OF MISHAWAKA
AND ESTABLISH ZONING AS
C-1 GENERAL COMMERCIAL DISTRICT

COSTCO

DATE: 04/06/2023

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

Deborah S. Block, IAMC, MMC

MAY 04 2023

City Clerk
Mishawaka, IN

PET 23-10
Received
APR 11 2023
Planning and
Community Development

RE: PETITION TO REZONE

The undersigned Michael A Reaves respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Lot 108 Citizens Home Co Mckinley Hy Plat
2027 East Lasalle Ave Mishawaka Indiana 46545

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of I-2 Heavy Industrial District. Said property is (*State the existing use of the real estate*).

Petitioner(s) desire said real estate to be rezoned to R-1 Single Family District. Michael A Reaves Petitioner(s) further state that they intend to utilize said land for Residential single-family dwelling on a platted lot with outbuilding(s) for storage of personal family assets. We would like to add-on to our existing outbuilding to store classic cars.

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


Michael A Reaves

CONTACT PERSON:

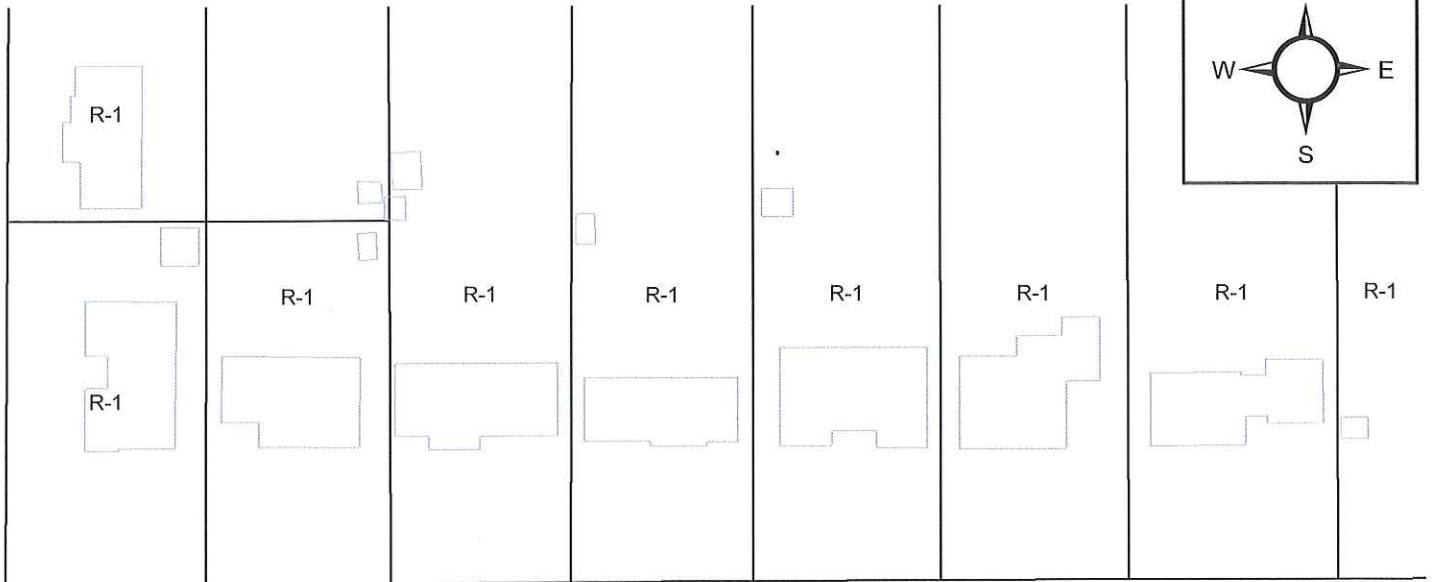
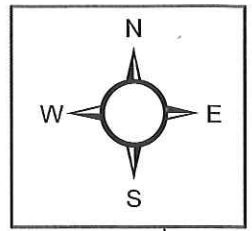
NAME MICHAEL A REAVES

ADDRESS 2027 EAST LASALLE AVE MISHAWAKA INDIANA 46545

PHONE NUMBER 574-250-0590

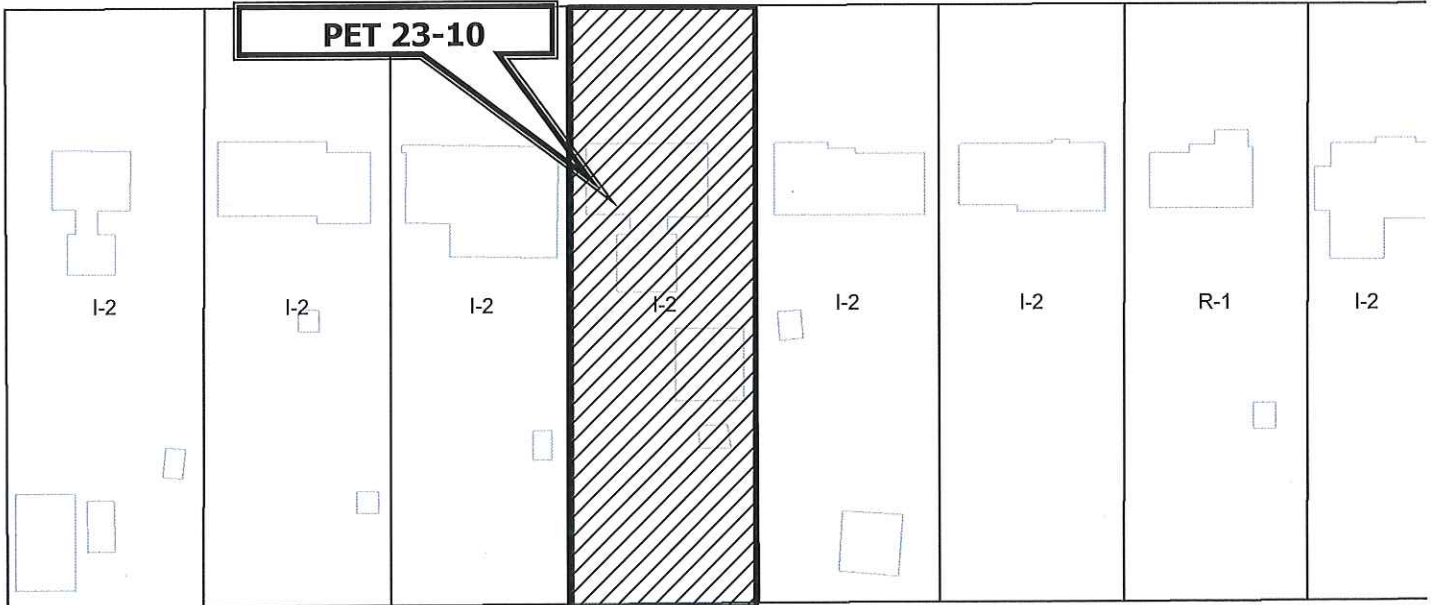
EMAIL CORRENIA.HOUGHTON@KGPCO.COM





E LASALLE AVE

N HOME ST



Location Map

PET 23-10

OWNER: MICHAEL A REAVES

LOCATION: 2027 E LASALLE

REZONE PROPERTY FROM
I-2 HEAVY INDUSTRIAL TO
R-1 SINGLE FAMILY RESIDENTIAL
TO MATCH EXISTING USE

I-2

RESOLUTION NO. 2023 - 09

A Resolution of the Common Council of the City of Mishawaka Rescinding the Deduction for Rehabilitation or Redevelopment of Real Property in Economic Revitalization Areas (Ind. Code § 6-1.1-12.1 *et seq.*) for Wellness Pet With Consent of the Same

WHEREAS, in R 2021 - 08 and R 2021-09 of the Common Council (the “Council”) of the City of Mishawaka, deductions pursuant to Ind. Code § 6-1.1-12.1 *et seq.* were granted to Wellness Pet for new manufacturing equipment, for real property, and taxes related thereto; and

WHEREAS, on April 18, 2023, the Council found after reviewing the Forms CF-1 Compliance with Statement of Benefits for Real Estate Improvements and Personal Property submitted by Wellness Pet, that Wellness Pet was not in compliance with the statement of benefits approved for the granting of the deduction for new manufacturing equipment, for real property, and taxes related thereto under Ind. Code § 6-1.1-12.1 *et seq.*; and

WHEREAS, Wellness Pet was informed of the Council’s finding; and

WHEREAS, Wellness Pet agrees with the Council’s finding and consents to the rescission of the deductions for new manufacturing equipment, for real property, and taxes related thereto; and

WHEREAS, the deductions granted in R 2021- 08 and R 2021 - 09 to Wellness Pet for new manufacturing equipment, real property, and taxes related thereto under Ind. Code § 6-1.1-12.1 *et seq.* are to be rescinded hereunder.

NOW, THEREFORE, BE IT RESOLVED BY THE MISHAWAKA COMMON COUNCIL THAT:

Section 1. The Common Council of Mishawaka, Indiana hereby adopts and approves this Resolution.

Section 2. This Resolution shall be in full force and effect from the day of its passage.

PASSED AND ADOPTED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana on this 8th day of May, 2023.

Gregg Hixenbaugh, President

Matt Mammolenti, Vice President

Dale “Woody” Emmons, Member

Ron Banicki, Member

Kate Voelker, Member

Mike Bellovich, Member

Mike Compton, Member

Anthony “Tony” Hazen, Member

Maggie DeMaegd, Member

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____ 2023,
at _____ o'clock ____m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2023, at
_____ o'clock ____m.

David A. Wood, Mayor

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

APR 19 2023

City Clerk
Mishawaka, IN

PETITION #23-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. **2023-13**

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:

WARRANTY DEED 2021-33034

A LOT OR PARCEL OF LAND IN THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION NUMBER 29, TOWNSHIP NUMBER 38 NORTH, RANGE NUMBER 3 EAST, DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT 350.8 FEET NORTH OF THE SOUTH EAST CORNER OF THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION NO. 29; THENCE NORTH 50 DEGREES WEST 354 FEET TO THE CENTER LINE OF SOUTH BEND AVENUE (STATE ROAD #23); THENCE NORTHEASTERLY ALONG THE CENTER LINE OF SAID AVENUE TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION NUMBER 29; THENCE SOUTH TO THE PLACE OF BEGINNING, EXCEPTING THAT PART TAKEN FOR SOUTH BEND AVENUE, CONTAINING 1.4 ACRES, MORE OR LESS.

S.R. 23 RIGHT-OF-WAY FOR PURPOSES OF ANNEXATION ONLY (NOT DESCRIBED IN WARRANTY DEED 2021-33034)

INCLUDING THE ADJACENT SOUTH BEND AVENUE (STATE ROAD #23) RIGHT-OF-WAY BETWEEN THE SOUTHWEST PROPERTY LINE OF THE ABOVE DESCRIBED PARCEL PROJECTED NORTHWESTERLY TO THE EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 23 AND THE STATE ROAD 23 RIGHT-OF-WAY AS DESCRIBED IN THE CITY OF MISHAWAKA ORD. #5751 RECORDED IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER UNDER INSTRUMENT #2021-30147.

COMMON ADDRESS: 17018 State Road 23, South Bend

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

Proposed Ordinance No. _____

Ordinance No. _____

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 is vacant/wooded, is adjacent to a mini self-storage under construction on the north and east; single-family houses within unincorporated St. Joseph County across S.R. 23 on the west; and an office within unincorporated St. Joseph County on the south.
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. Even the nearby residential properties across S.R. 23 to the 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. When the property is ready to be developed, a detailed final site plan for the development must be submitted to address all the applicable regulations, which would require screening of any residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, a 1.5 acre commercial site 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 _____, 2023, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No. _____

Ordinance No. _____

APPROVED by me this _____ day of _____, 2023, at _____ o'clock
_____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 17018 S.R. 23 – East side of S.R. 23 &
South of the Indiana Toll Road

Date: April 11, 2023

Petition: 23- 05

Prepared By: CH

GENERAL INFORMATION

Applicant: All Secure Storage – County Road 17, LLC/McCollough Scholten Construction

Status: Property Owner / Contractor

Request: To annex property and establish zoning as C-1 General Commercial District

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

Proposed Zoning: C-1 General Commercial District

Lot Size: Approximately 1.29 acres (excluding the S.R. 23 right-of-way)

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial 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: I-1 Light Industrial (mini storage under construction)
South: Unincorporated St. Joseph County – O Office (office)
East: I-1 Light Industrial (mini storage under construction)
West: Unincorporated St. Joseph County – R Single Family (houses)

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 and establish C-1 General Commercial District zoning for an undeveloped property adjacent to their mini self-storage facility.

The 1.4 acre site, currently known at 17028 State Road 23 (Parcel ID 71-04-29-429-001.000-003) is located on the east side of State Road 23 just south of the Indiana Toll Road, and west of the applicant's

self-storage business, currently under construction. The triangular shaped parcel has approximately 368' of frontage on S.R. 23 and is vacant wooded property. All buildings were demolished in 2010.

In 2021, the property to the east was annexed and rezoned to I-1 Light Industrial for construction of a mini self-storage facility (Petition 21-10 / Ord. 5751).

The property was acquired by the current owner shortly after the storage project was approved. There are no immediate plans to develop it, but gives them control over what happens next to their self-storage units. By annexing and rezoning this property to C-1, it eliminates the landscaping and screening requirements for the self-storage along the common property line.

The applicant is requesting a zoning classification of C-1 General Commercial District which allows a variety of retail, office, and service uses.

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

Annexation:

The property directly to the west was annexed in 2021 (Petition 21-10 / Ord. 5751), and is currently under construction.

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 401 feet, or 28%, of the total 1,424 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 320' south of the Indiana Toll Road, and is bordered to the north by mini storage under construction; to the west by single-family houses located within unincorporated St. Joseph County; to the south by an office within unincorporated St. Joseph County; and to the east by mini storage under construction. 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 C-1 General Commercial 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. 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 intensify 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. There is currently no sanitary sewer service readily available to this parcel. If developed for C-1 use, owner/developer would be required to extend sewer at their expense should service be needed.
2. The drive approach shall be approved by INDOT.

These comments shall be addressed with the Final Site Plan.

RECOMMENDATION

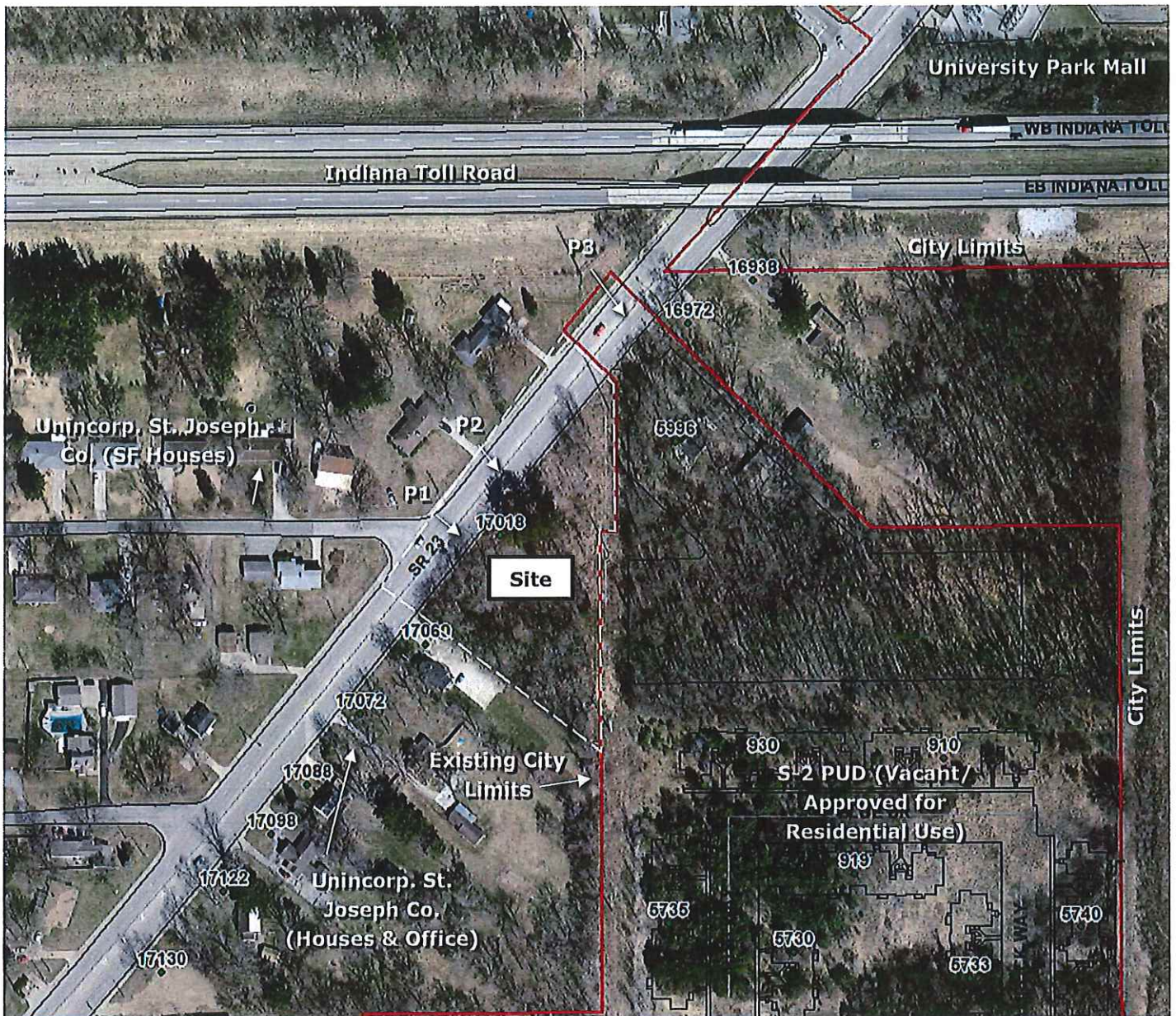
Staff recommends in **favor** of Petition 23-05 to annex and establish zoning as C-1 General Commercial District for property located on the east side of S.R. 23 south of the Indiana Toll Road (17018 S.R. 23).

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 is vacant/wooded, is adjacent to a mini self-storage under construction on the north and east; single-family houses within unincorporated St. Joseph County across S.R. 23 on the west; and an office within unincorporated St. Joseph County on the south.
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. Even the nearby residential properties across S.R. 23 to the 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. When the property is ready to be developed, a detailed final site plan for the development must be submitted to address all the applicable regulations, which would require screening of any residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, a 1.5 acre commercial site is reasonably consistent with adjacent and changing land uses along the S.R. 23 corridor.

ATTACHMENTS

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



Aerial Photograph
17018 S.R. 23



P1. Wooded lot along S.R. 23



P2. Former Driveway



P3. Storage units to the north under construction.

March 16, 2023

Pet 23-05
Received

MAR 13 2023

Planning and
Community Development

TO THE:

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

RE: Petition for Annexation and Zoning Classification

The undersigned ALL SECURE STORAGE – COUNTY ROAD 17, 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:

For APN/Parcel ID(s): 71-04-29-429-001.000-003

WARRANTY DEED 2021-33034

A LOT OR PARCEL OF LAND IN THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION NUMBER 29, TOWNSHIP NUMBER 38 NORTH, RANGE NUMBER 3 EAST, DESCRIBED AS FOLLOWS, VIZ: BEGINNING AT A POINT 350.8 FEET NORTH OF THE SOUTH EAST CORNER OF THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION NO. 29; THENCE NORTH 50 DEGREES WEST 354 FEET TO THE CENTER LINE OF SOUTH BEND AVENUE (STATE ROAD #23); THENCE NORTHEASTERLY ALONG THE CENTER LINE OF SAID AVENUE TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION NUMBER 29; THENCE SOUTH TO THE PLACE OF BEGINNING, EXCEPTING THAT PART TAKEN FOR SOUTH BEND AVENUE, CONTAINING 1.4 ACRES, MORE OR LESS.

S.R. 23 Right-of-Way for Purposes of Annexation Only
(Not Described in Warranty Deed 2021-33034)

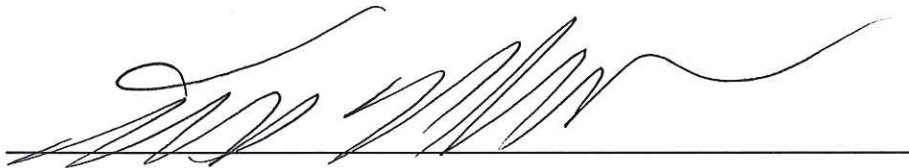
Including the adjacent South Bend Avenue (State Road #23) right-of-way between the southwest property line of the above described parcel projected northwesterly to the existing right-of-way line of State Road 23 and the State Road 23 right-of-way as described in the City of Mishawaka Ord. #5751 recorded in the Office of the St. Joseph County Recorder under Instrument #2021-30147.

Petitioners own One Hundred (100%) percent of the above-described parcel of land which is located at 17018 State Road 23, South Bend, Indiana and that Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with a C-1 District. Petitioners further state they intend to utilize said land for future commercial development.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate. No information is currently available for the future development plan. Future development on the property will be submitted for the City of Mishawaka review process as required.

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

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

A handwritten signature in black ink, appearing to read 'Todd Veldman', is written over a horizontal line.

Signature

All Secure Storage-County Road 17, LLC
5222 W Western Ave.
South Bend IN 46619

Todd Veldman, Member
5222 W Western Ave.
South Bend IN 46619
574-287-7236

Email: tveldman@veldmans.net

Additional Contact:

Tim McCollough, President

2112 Aeroplex Dr. Elkhart, IN 46516

574-294-2227

Email: McColloughTim@msn.com

PET 23-05
Received

MAR 22 2023

Planning and
Community Development

State Road 23 Sign

SECTION LINE

State Road 23 (RW Varies)

N40°04'26"E 368.25'

All Secure Storage-County Road 17, LLC
Inst. No. 2021-33034

N50°26'08"W 312.27'

N0°26'08"W 180.52'

State Road 23 R/W

N0°26'08"W 207.74'

N9°31'11"E 25.00'

N0°26'08"W 239.40'

N0°26'08"W 60.78'

N

0 60' 120'

GRAPHIC SCALE

ALL SECURE STORAGE-COUNTY ROAD 17 LLC
17018 STATE ROAD 23
SOUTH BEND IN 46635

SCALE: 1"=60'

ENGINEER: DSH

TECHNICIAN: DSH

DRAWING: 76031_DESIGN.DWG



3220 Southview Drive
Elkhart, IN 46514
Phone: 574-266-1010
Email: info@sam.biz

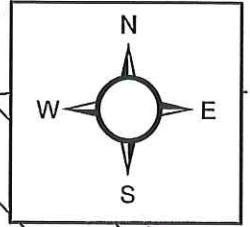
EXHIBIT A

SHEET 1
OF 1

JOB NUMBER: 1023076031

PATH: \\S:\B\BIA\PROJECTS\1023076031\100 SURVEY\11DESIGN\DWG\76031_DESIGN.DWG
PRINTED: Monday, February 13, 2023 3:50:11 PM

EB INDIANA TOLL RD (I-80/90)



PET 23-05

SR 23

I-1

BLUE DR

GOLD DR

IRISH WAY

Location Map

PET 23-05

OWNER: ALL SECURE STORAGE -
COUNTY ROAD 17

WEST OF 5996 STATE ROAD 23
(CURRENTLY 17018 STATE ROAD 23)

ANNEX INTO THE CITY OF MISHAWAKA
AND ESTABLISH ZONING AS
C-1 GENERAL COMMERCIAL

S-2

S-2

S-2

March 16, 2023

Pet 23-05
Received

MAR 13 2023

Planning and
Community Development

TO THE:

Honorable Members of the Common Council

City of Mishawaka, Indiana and

Mishawaka City Plan Commission

City of Mishawaka, Indiana

Deborah S. Block, MMC, MMC

MAR 23 2023

City Clerk
Mishawaka, IN

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S.R. 23 Right-of-Way for Purposes of Annexation Only
(Not Described in Warranty Deed 2021-33034)

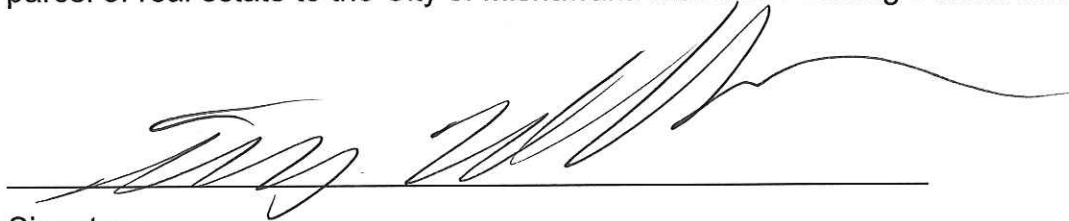
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Signature

All Secure Storage-County Road 17, LLC
5222 W Western Ave.
South Bend IN 46619

Todd Veldman, Member
5222 W Western Ave.
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574-287-7236
Email: tveldman@veldmans.net

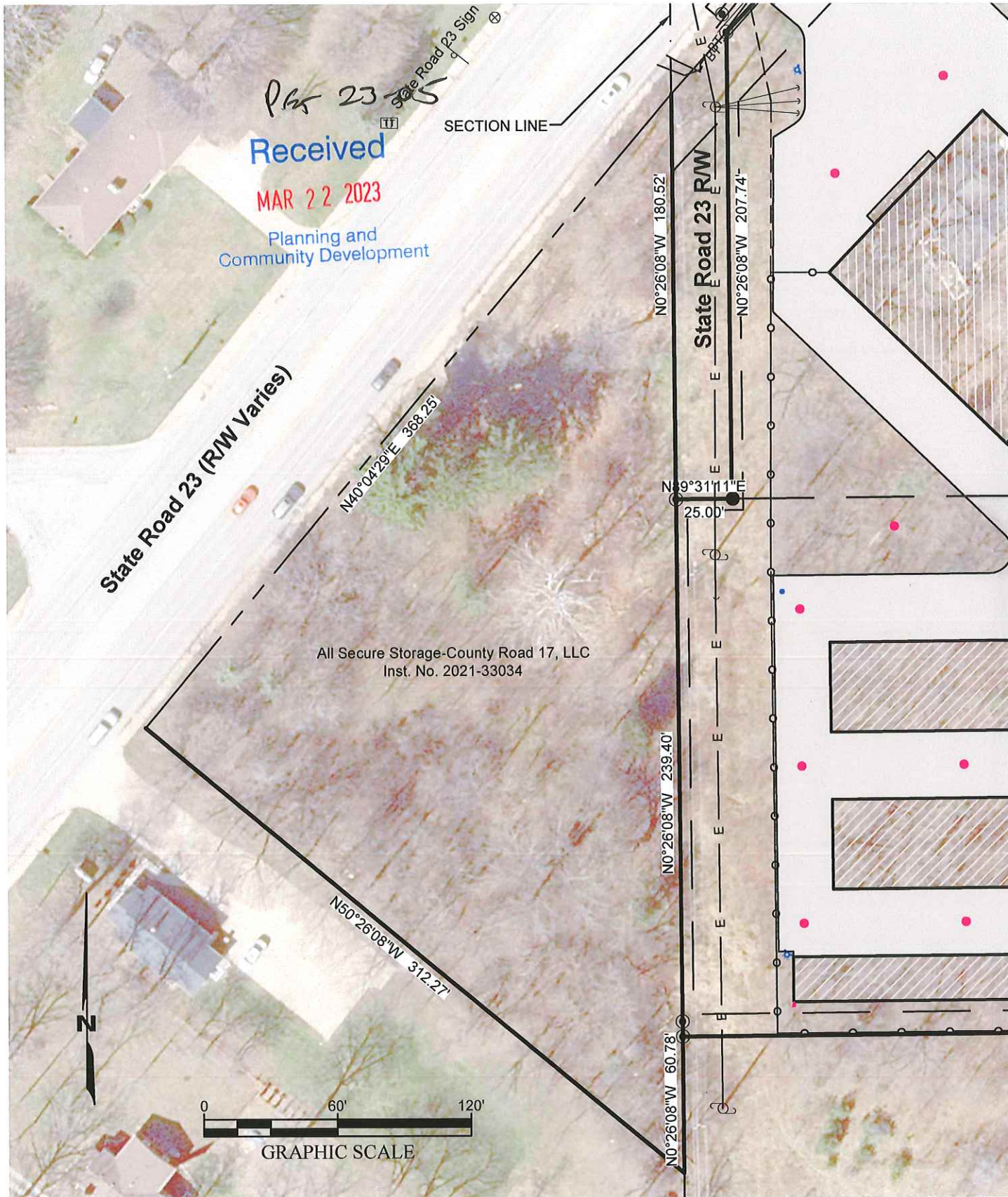
Additional Contact:

Tim McCollough, President

2112 Aeroplex Dr. Elkhart, IN 46516

574-294-2227

Email: McColloughTim@msn.com



ALL SECURE STORAGE-COUNTY ROAD 17 LLC
17018 STATE ROAD 23
SOUTH BEND IN 46635



3220 Southview Drive
Elkhart, IN 46514
Phone: 574-266-1010
Email: info@sam.biz

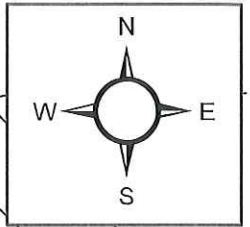
EXHIBIT A

SHEET 1
OF 1

JOB NUMBER: 1023076031

SCALE: 1"=60'
ENGINEER: DSH
TECHNICIAN: DSH
DRAWING: 76031_DESIGN.DWG

EB INDIANA TOLL RD (I-80/90)



PET 23-05

SR 23

I-1

BLUE DR

GOLD DR

S-2

S-2

S-2

IRISH WAY

Location Map PET 23-05

OWNER: ALL SECURE STORAGE -
COUNTY ROAD 17

WEST OF 5996 STATE ROAD 23
(CURRENTLY 17018 STATE ROAD 23)

ANNEX INTO THE CITY OF MISHAWAKA
AND ESTABLISH ZONING AS
C-1 GENERAL COMMERCIAL

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

APR 19 2023

City Clerk
Mishawaka, IN

PETITION #23-07

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-14

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA, AND PROVIDING ZONING CLASSIFICATION THEREFORE AND AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

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

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

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

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

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING PART OF A TRACT OF LAND CONVEYED TO ZOLMAN TIRE, INC. AS DESCRIBED IN INSTRUMENT NUMBER 1432198, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS IN THIS DESCRIPTION ARE BASED ON INDIANA STATE PLANE COORDINATES-EAST ZONE, GPS DERIVED)

COMMENCING AT A 1" PIN IN CONCRETE MARKING THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89° 59' 57" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 1,993.97 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO STATE OF INDIANA AS DESCRIBED IN INSTRUMENT NUMBER 0527134, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 89° 59' 57" WEST, ALONG SAID SOUTH LINE, 285.94 FEET TO THE SOUTHWEST CORNER OF SAID STATE OF INDIANA LAND; THENCE NORTH 00° 14' 51" WEST, ALONG THE WEST LINE OF SAID STATE OF INDIANA LAND, 49.21 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF SAID ZOLMAN TIRE, INC. LAND; THENCE CONTINUING NORTH 00° 14' 51" WEST, ALONG THE EAST LINE OF A TRACT OF LAND CONVEYED TO BEPA, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1808927, ST JOSEPH COUNTY RECORDER, 100.79 FEET TO A NORTHERLY LINE OF THE CITY OF MISHAWAKA BOUNDARY AS DESCRIBED IN CITY OF MISHAWAKA ORDINANCE NUMBER 1342, CAUSE NUMBER 9715286, DATED SEPTEMBER 27, 1965, AND BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 14' 51"

Ordinance No. _____

WEST, ALONG THE EAST LINE OF SAID BEPA, LLC LAND, AND SAID LINE EXTENDED, 277.30 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE NORTHWEST CORNER OF SAID ZOLMAN TIRE, INC. LAND; THENCE SOUTH 89° 59' 57" EAST, ALONG THE NORTH LINE OF SAID ZOLMAN TIRE, INC. LAND, 285.94 FEET TO A 3/4 INCH IRON PIPE MARKING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO MICHIANA MANAGEMENT LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1800769, PARCEL III; THENCE SOUTH 00° 14' 51" EAST, ALONG THE WEST LINE OF SAID MICHIANA MANAGEMENT LLC LAND, 277.30 FEET TO THE NORTHERLY LINE OF SAID CITY OF MISHAWAKA BOUNDARY; THENCE NORTH 89° 59' 57" WEST, ALONG SAID NORTHERLY LINE, 285.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.82 ACRES, MORE OR LESS, AND SUBJECT TO ALL COVENANTS, RIGHTS OF WAY, AND EASEMENTS OF RECORD. (DESCRIPTION PREPARED BY HANS P. MUSSER, INDIANA PROFESSIONAL SURVEYOR NO. LS29700002 BASED UPON AN ALTA SURVEY CERTIFIED MARCH 15, 2023; ABONMARCHE PROJECT NUMBER 23-0101).

Property located east of 2014 E McKinley Avenue

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 I-1 Light Industrial District.

Section 2. WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

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

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

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING PART OF A TRACT OF LAND CONVEYED TO ZOLMAN TIRE, INC. AS DESCRIBED IN INSTRUMENT NUMBER 1432198, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS IN THIS DESCRIPTION ARE BASED ON INDIANA STATE PLANE COORDINATES-EAST ZONE, GPS DERIVED)

COMMENCING AT A 1" PIN IN CONCRETE MARKING THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89° 59' 57" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 1,993.97 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO STATE OF INDIANA AS DESCRIBED IN INSTRUMENT NUMBER 0527134, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 89° 59' 57" WEST, ALONG SAID SOUTH LINE, 285.94 FEET TO THE SOUTHWEST CORNER OF SAID STATE OF INDIANA LAND; THENCE NORTH 00° 14' 51" WEST, ALONG THE WEST LINE OF SAID STATE OF INDIANA LAND, 49.21 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF SAID ZOLMAN TIRE, INC. LAND AND BEING THE POINT OF

Ordinance No. _____

BEGINNING; THENCE CONTINUING NORTH 00° 14' 51" WEST, ALONG THE EAST LINE OF A TRACT OF LAND CONVEYED TO BEPA, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1808927, ST. JOSEPH COUNTY RECORDER, 100.79 FEET TO A NORTHERLY LINE OF THE CITY OF MISHAWAKA BOUNDARY AS DESCRIBED IN CITY OF MISHAWAKA ORDINANCE NUMBER 1342, CAUSE NUMBER 9715286, DATED SEPTEMBER 27, 1965; THENCE SOUTH 89° 59' 57" EAST, ALONG SAID NORTHERLY LINE, 285.94 FEET TO THE WEST LINE OF A TRACT OF LAND CONVEYED TO MICHIANA MANAGEMENT LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1800769, PARCEL III, ST. JOSEPH COUNTY RECORDER; THENCE SOUTH 00° 14' 51" EAST, ALONG THE WEST LINE OF SAID MICHIANA MANAGEMENT LLC LAND, 94.233 FEET TO A CAPPED IRON ("LANG FEENEY AND ASSOCIATES") MARKING THE NORTHEAST CORNER OF SAID STATE OF INDIANA LAND; THENCE NORTH 89° 59' 57" WEST, ALONG THE NORTH LINE OF SAID STATE OF INDIANA LAND, 21.54 FEET TO A CONCRETE RIGHT OF WAY MARKER; THENCE SOUTH 00° 14' 51" EAST, ALONG THE NORTHERLY LINE OF SAID STATE OF INDIANA LAND, 6.56 FEET TO A CONCRETE RIGHT OF WAY MARKER; THENCE NORTH 89° 59' 57" WEST, ALONG THE NORTH LINE OF SAID STATE OF INDIANA LAND, 264.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.65 ACRES, MORE OR LESS, AND SUBJECT TO ALL COVENANTS, RIGHTS OF WAY, AND EASEMENTS OF RECORD. (DESCRIPTION PREPARED BY HANS P. MUSSER, INDIANA PROFESSIONAL SURVEYOR NO. LS29700002 AND BASED UPON AN ALTA SURVEY CERTIFIED MARCH 15, 2023; ABONMARCHE PROJECT NUMBER 23-0101).

Property located east of 2014 E McKinley Avenue approximately 100' +/- immediately north of the right-of-way which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as I-1 Light Industrial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The subject property is located along the heavily travelled E. McKinley Avenue corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent or increase in future years due to added travel lane projects. The property was recently cleared and is currently being used as a large unpaved parking area for semi-trucks and trailers. Adjacent land uses include a wooded residential property to the north; an automobile service and repair business, and commercial vehicle/semi-truck service facility to the west; and single-family residential properties to the south and east.
2. Character of Buildings in the Area – The character of buildings and land uses located along E. McKinley Avenue corridor vary greatly and include commercial, industrial, and residential land uses.
3. The most desirable/highest and best use – Because of the property's location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or light industrial use consistent with the current land use.
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 – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided commercial and industrial development along E. McKinley Avenue between Elder Road and Fir Road/N. Byrkit Avenue.

Proposed Ordinance No. 2023-14

Ordinance No. _____

Section 4. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2023, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2023, at _____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: North of E. McKinley Avenue & East of N. Home Street

Date: April 11, 2023

Petition: 23- 07

Prepared By: DJS

GENERAL INFORMATION

Applicant: Zolman Tire Inc. / Abonmarche Consultants, Inc.

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

Request: To annex and establish zoning, rezone, and approve a preliminary site plan for the expansion of an adjacent automobile repair business, and a fleet and commercial vehicle/truck service facility

Existing Zoning: Unincorporated St. Joseph County (R Single Family District) & R-1 Single-Family Residential

Proposed Zoning: I-1 Light Industrial

Lot Size: Property to be annexed and zoned is approximately 1.82 acres, and the property to be rezoned is approximately 0.65

Applicable Regulations: Section 137-585 to 137-587 / I-1 Light Industrial District & Section 137-41 / Amendment to Zoning Ordinance & 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 District (Residential)
South: R-1 Single-Family Residential (Residential)
East: Unincorporated St. Joseph County – R Single Family District (Residential) & R-1 Single-Family Residential (Residential)
West: I-1 Light Industrial (Auto Service & Repair / Zolman Tire & Auto Care, and Commercial Vehicle & Semi-Truck Repair / Best One Fleet Services owned and operated by Zolman's)

Thoroughfare: E. McKinley Avenue & N. Home Street

School District: Penn-Harris-Madison

Township: Penn

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

Comprehensive Plan: Industrial

ANALYSIS

Proposal:

The petitioner, Zolman Tire Inc., is proposing to annex and establish zoning, rezone, and approve a preliminary site plan to allow for the expansion of an adjacent automobile service and repair business, and a commercial vehicle/semi-truck service facility.

The 2.47 acre site, which includes two separate parcels (Tax Parcels 014-1018-0219.01 and 027-1001-0536), is located on the north side of E. McKinley Avenue approximately 300' east of N. Home Street. The adjacent properties to the west are also owned by the petitioner and occupied by Zolman Tire & Auto Care (2014 E. McKinley Avenue), and Best One Fleet Services (2356 N. Home Street).

Late last year, a majority of the 1.82 acre annexation area and a 0.65 acre parcel to the south fronting E. McKinley Avenue were cleared of vegetation and backfilled. The south parcel is already within the city limits and zoned R-1 Single-Family Residential. Both parcels are currently being used as a large unpaved parking area for semi-trucks and trailers. The zoning ordinance does not allow commercial vehicle parking on any unpaved or gravel surfaces or within the R-1 District. Once Planning Staff became aware of the non-conforming use of the property and that the northern parcel was still in unincorporated St. Joseph County, a letter was sent to the owner requesting that an annexation and zoning/rezoning petition be filed to bring the northern parcel into the city, and use variance appeal be filed to allow the expansion of the uses from the adjacent properties.

The purpose of the proposed annexation and zoning to the I-1 Light Industrial District is to allow for the expansion of the adjacent petitioners' businesses as shown on the preliminary site plan. The first phase of the development will include permanent hard surfaced access drives and parking areas, stormwater drainage improvements and retention basins, temporary asphalt and gravel parking areas, and landscaping and fencing. The petitioner anticipates that a second phase will include the construction of a new building shown as the hatched area on the preliminary site plan. Planning Staff is recommending that the use of the temporary asphalt and gravel parking areas for semi-trucks and trailers be limited to not more than 5 years. The building must be constructed within the 5 year period or the temporary parking areas reverted back to green space. Once the building is constructed, no parking on unpaved surfaces shall be permitted within the northern part of the property. If parking is desired in this area, it must be on a paved concrete or asphalt surface.

A Use and Developmental Variance appeal (AP 23-08) was submitted concurrent with the annexation and zoning petition. Automobile service and repair, which is a C-4 Automobile Oriented Commercial use, and heavy commercial vehicle/semi-truck service, which is an I-2 Heavy Industrial use, are not permitted uses in the I-1 District. Rezoning to either of these zoning classifications is not desired as it would allow for several permitted uses that would not be appropriate for the property. Planning Staff instructed that the I-1 Light Industrial zoning and use variance be requested to mirror the existing zoning and previous approved use variances for the two adjacent petitioner-owned properties. Use variances for the Zolman Tire & Auto Care, and Best One Fleet Services facilities were approved in 2007 (AP 07-11) and 2012 (AP 12-14), respectively.

The Developmental Variances are to allow for temporary parking on an unpaved gravel surface on the northern part of the site and a 6' high opaque fence instead of the 7' height requirement along the north and east property lines adjacent to residentially zoned properties. Other than parking of semi-trucks and trailers, no other outside storage, including but not limited to automobile parts or vehicles in various states of disrepair, or storage containers, shall be permitted on the property.

If the proposed annexation and zoning 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 1965, the adjacent parcel to the south was annexed into the city along with a 145 acre area generally located north of E. McKinley Avenue, west of Elder Road, north of E. Jefferson Boulevard, and east of

Byrkit Road. This parcel was excess residential land with two homes to the north within the unincorporated area to be annexed. The homes were demolished in 2015 shortly after the property was acquired by the petitioner. In 1966, the adjacent properties to the west were annexed and zoned I-1 Light Industrial as a part of the Home Street Industrial Park. This annexation included a 186 acre area along the Home Street corridor between E. McKinley Avenue and Day Road. The petitioner has owned and operated businesses within these parcels since 2007 and 2012 following approval of the use variances.

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 annexations outlined above, a total of 563.24 feet, or 50%, of the entire 1126.48 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 north of E. McKinley Avenue approximately 300’ east of N. Home Street, and is bordered to the north by a wooded area within unincorporated St. Joseph County being excess residential land for property fronting Elder Road; to the west by single tenant buildings occupied by the petitioner’s automobile service and repair business, and commercial vehicle/semi-truck service facility; to the south by several single-family residential homes; and to the east by a single-family residential home within unincorporated St. Joseph County. The E. McKinley Avenue corridor includes a variety of commercial, industrial, and residential land uses.

Zoning Change:

Staff believes the proposed zoning of the property to the I-1 Light Industrial District with a use variance is appropriate given the adjacent parcels to the west were previously approved for the same uses. Expansion of the existing automobile service and repair business, and commercial vehicle/semi-truck service facility is compatible with and conforms to the existing and recommended commercial and industrial land uses along the E. McKinley Avenue corridor. The required fencing and landscaping along the northern and eastern property lines will provide additional screening for the adjacent residentially zoned properties.

Transportation/Roads:

According to the latest available traffic counts along E. McKinley Avenue, there were 14,250 annual average daily trips (AADT) (June 2022) immediately west of Capital Road and 15,817 AADT (May 2022) immediately east of Fir Road/N. Byrkit Avenue. The counts at these location have been relatively constant over the last 10 years with peak counts between 20,000-22,000 AADT from 2006 to 2008. With E. McKinley Avenue serving as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart, traffic volumes are anticipated to remain constant or increase in future years due to added travel lane projects as outlined below.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff, the County Engineering Department, and INDOT, includes added travel lanes along a 1.74 mile section of E. McKinley Avenue within the city limits between Elder Road and Division Street. The projected completion year for part of this project is 2029 with the entire project to be completed by 2035. The plan also includes added travel lanes along a 1.25 mile stretch of E. McKinley Avenue within unincorporated St. Joseph County between Ash Road (Elkhart County line) and Birch Road. The projected completion year for this added travel lane project is 2025.

All pertinent City Departments have reviewed and approved the proposed annexation, zoning/rezoning, and preliminary site plan.

RECOMMENDATION

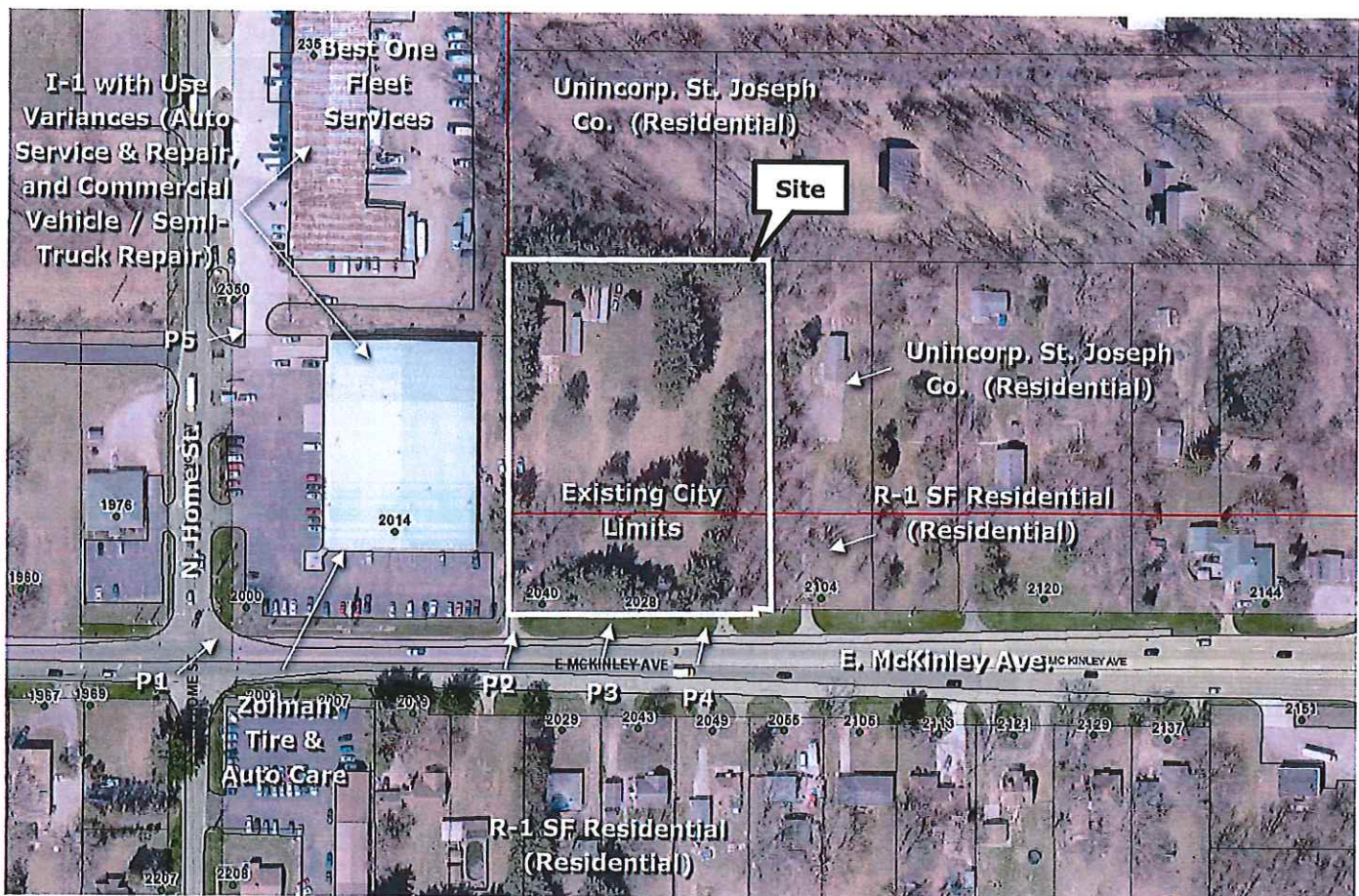
Staff recommends approval of Petition 23-07 to annex and establish zoning, rezone, and approve a preliminary site plan for property located east of 2014 E. McKinley Avenue and 2356 N. Home Street. The approval will zone the property to the I-1 Light Industrial District. A separate use variance (AP 23-08) is required to allow for the expansion of an adjacent automobile service and repair business, and a commercial vehicle/semi-truck service facility.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled E. McKinley Avenue corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent or increase in future years due to added travel lane projects. The property was recently cleared and is currently being used as a large unpaved parking area for semi-trucks and trailers. Adjacent land uses include a wooded residential property to the north; an automobile service and repair business, and commercial vehicle/semi-truck service facility to the west; and single-family residential properties to the south and east.
2. Character of Buildings in the Area – The character of buildings and land uses located along E. McKinley Avenue corridor vary greatly and include commercial, industrial, and residential land uses.
3. The most desirable/highest and best use – Because of the property's location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or light industrial use consistent with the current land use.
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 – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided commercial and industrial development along E. McKinley Avenue between Elder Road and Fir Road/N. Byrkit Avenue.

ATTACHMENTS

Aerial Map, Photographs, Annexation and Zoning Petition, Preliminary Site Plan, and Location Map



Aerial Photograph

Vacant Land - East of 2014 E. McKinley Ave. & 2356 N. Home St.
Recently Cleared and Occupied as an Unpaved Parking Area for Semi-Trucks & Trailers



P1. Looking northeasterly from the E. McKinley Ave. & N. Home Street intersection toward Zolman Tire and Auto Care west of annexation/rezoning area.



P2. Looking northerly from E. McKinley Avenue toward the adjacent Zolman property and expanded parking area. Trailers can be seen on the cleared/unpaved annexation area.



P3. Looking northerly from E. McKinley Avenue toward the expanded unpaved parking area.



P4. Looking northerly from E. McKinley Avenue toward the eastern part of the expanded unpaved parking area.



P5. Looking easterly from N. Home Street toward Zolman Tire & Auto Care to the south and Best Fleet One Services to the north.

DATE: March 22, 2023

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

FROM: Steve Ruby
AbonmarCHE Consultants
315 W. Jefferson Blvd.
South Bend, Indiana 46601
(574) 360-9804
sruby@abonmarCHE.com

Per 23-07
Received
MAR 22 2023
Planning and
Community Development

RE: Petition for Annexation & Re-Zoning Classification – 2014 E. McKinley Ave. Mishawaka, IN

The undersigned **Nate Zolman, Zolman Tire, Inc.** respectfully show they are the owners of the following described real estate located in the County of St. Joseph, State of Indiana, to-wit:

PROVIDED LEGAL DESCRIPTION: (Parcel: 71-09-02-477-008.000-031, 71-09-02-477-009.000-022)

(See Attached Legal)

Petitioners own one hundred (100%) percent of the above-described parcel of land which is located in the State of Indiana. The petitioners desire to have Parcel 71-09-02-477-008.000-031 Annexed into the City of Mishawaka as well have this parcel Rezoned to the I-1 Light Industrial zoning designation as a part of the annexation process.

The petition also desires to have the south parcel 71-09-02-477-009.000-022 rezoned respectively from the current R-1 Single Family Residential District to the I-1 Light Industrial Zoning district as currently defined for the existing Zolman Tire, Inc. Facility located at 2014 E. McKinley Avenue, Mishawaka, Indiana.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing an approximate size of the future building and the location of the proposed parking and drainage for the site.

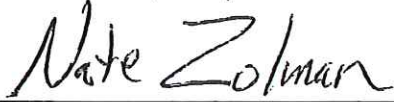
Petitioners further show this proposed annexation and re-zoning to be in the best interest of the St. Joseph County and for the City of Mishawaka, Indiana.

Wherefore, Petitioners respectfully request that the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted for the annexation and rezoning the above-described parcels of real estate to the City of Mishawaka with a I-1 Light Industrial rezoning.



Nate Zolman

Zolman Tire, Inc. (Parcel: 71-09-02-477-008.000-031, 71-09-02-477-009.000-022)

 3-16-2023

Printed

Date:



EXHIBIT A

ST. JOSEPH COUNTY ANNEXATION AND REZONE DESCRIPTION

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING PART OF A TRACT OF LAND CONVEYED TO ZOLMAN TIRE, INC. AS DESCRIBED IN INSTRUMENT NUMBER 1432198, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS IN THIS DESCRIPTION ARE BASED ON INDIANA STATE PLANE COORDINATES-EAST ZONE, GPS DERIVED)

COMMENCING AT A 1" PIN IN CONCRETE MARKING THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89° 59' 57" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 1,993.97 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO STATE OF INDIANA AS DESCRIBED IN INSTRUMENT NUMBER 0527134, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 89° 59' 57" WEST, ALONG SAID SOUTH LINE, 285.94 FEET TO THE SOUTHWEST CORNER OF SAID STATE OF INDIANA LAND; THENCE NORTH 00° 14' 51" WEST, ALONG THE WEST LINE OF SAID STATE OF INDIANA LAND, 49.21 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF SAID ZOLMAN TIRE, INC. LAND; THENCE CONTINUING NORTH 00° 14' 51" WEST, ALONG THE EAST LINE OF A TRACT OF LAND CONVEYED TO BEPA, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1808927, ST JOSEPH COUNTY RECORDER, 100.79 FEET TO A NORTHERLY LINE OF THE CITY OF MISHAWAKA BOUNDARY AS DESCRIBED IN CITY OF MISHAWAKA ORDINANCE NUMBER 1342, CAUSE NUMBER 9715286, DATED SEPTEMBER 27, 1965, AND BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 14' 51" WEST, ALONG THE EAST LINE OF SAID BEPA, LLC LAND, AND SAID LINE EXTENDED, 277.30 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE NORTHWEST CORNER OF SAID ZOLMAN TIRE, INC. LAND; THENCE SOUTH 89° 59' 57" EAST, ALONG THE NORTH LINE OF SAID ZOLMAN TIRE, INC. LAND, 285.94 FEET TO A 3/4 INCH IRON PIPE MARKING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO MICHIANA MANAGEMENT LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1800769, PARCEL III; THENCE SOUTH 00° 14' 51" EAST, ALONG THE WEST LINE OF SAID MICHIANA MANAGEMENT LLC LAND, 277.30 FEET TO THE NORTHERLY LINE OF SAID CITY OF MISHAWAKA BOUNDARY; THENCE NORTH 89° 59' 57" WEST, ALONG SAID NORTHERLY LINE, 285.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.82 ACRES, MORE OR LESS, AND SUBJECT TO ALL COVENANTS, RIGHTS OF WAY, AND EASEMENTS OF RECORD. (DESCRIPTION PREPARED BY HANS P. MUSSER, INDIANA PROFESSIONAL SURVEYOR NO. LS29700002 BASED UPON AN ALTA SURVEY CERTIFIED MARCH 15, 2023; ABONMARCHE PROJECT NUMBER 23-0101).



HANS P. MUSSER, PS

03/15/2023

DATE

JOB NO.: 23-0101



EXHIBIT A

CITY OF MISHAWAKA RE-ZONE DESCRIPTION

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING PART OF A TRACT OF LAND CONVEYED TO ZOLMAN TIRE, INC. AS DESCRIBED IN INSTRUMENT NUMBER 1432198, ST. JOSEPH COUNTY RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS IN THIS DESCRIPTION ARE BASED ON INDIANA STATE PLANE COORDINATES-EAST ZONE, GPS DERIVED)

COMMENCING AT A 1" PIN IN CONCRETE MARKING THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89° 59' 57" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 1,993.97 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO STATE OF INDIANA AS DESCRIBED IN INSTRUMENT NUMBER 0527134, ST. JOSEPH COUNTY RECORDER; THENCE CONTINUING NORTH 89° 59' 57" WEST, ALONG SAID SOUTH LINE, 285.94 FEET TO THE SOUTHWEST CORNER OF SAID STATE OF INDIANA LAND; THENCE NORTH 00° 14' 51" WEST, ALONG THE WEST LINE OF SAID STATE OF INDIANA LAND, 49.21 FEET TO A 5/8" REBAR WITH CAP ("ABONMARCHE FIRM 0050") MARKING THE SOUTHWEST CORNER OF SAID ZOLMAN TIRE, INC. LAND AND BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 14' 51" WEST, ALONG THE EAST LINE OF A TRACT OF LAND CONVEYED TO BEPA, LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1808927, ST. JOSEPH COUNTY RECORDER, 100.79 FEET TO A NORTHERLY LINE OF THE CITY OF MISHAWAKA BOUNDARY AS DESCRIBED IN CITY OF MISHAWAKA ORDINANCE NUMBER 1342, CAUSE NUMBER 9715286, DATED SEPTEMBER 27, 1965; THENCE SOUTH 89° 59' 57" EAST, ALONG SAID NORTHERLY LINE, 285.94 FEET TO THE WEST LINE OF A TRACT OF LAND CONVEYED TO MICHIANA MANAGEMENT LLC, AS DESCRIBED IN INSTRUMENT NUMBER 1800769, PARCEL III, ST. JOSEPH COUNTY RECORDER; THENCE SOUTH 00° 14' 51" EAST, ALONG THE WEST LINE OF SAID MICHIANA MANAGEMENT LLC LAND, 94.233 FEET TO A CAPPED IRON ("LANG FEENEY AND ASSOCIATES") MARKING THE NORTHEAST CORNER OF SAID STATE OF INDIANA LAND; THENCE NORTH 89° 59' 57" WEST, ALONG THE NORTH LINE OF SAID STATE OF INDIANA LAND, 21.54 FEET TO A CONCRETE RIGHT OF WAY MARKER; THENCE SOUTH 00° 14' 51" EAST, ALONG THE NORTHERLY LINE OF SAID STATE OF INDIANA LAND, 6.56 FEET TO A CONCRETE RIGHT OF WAY MARKER; THENCE NORTH 89° 59' 57" WEST, ALONG THE NORTH LINE OF SAID STATE OF INDIANA LAND, 264.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.65 ACRES, MORE OR LESS, AND SUBJECT TO ALL COVENANTS, RIGHTS OF WAY, AND EASEMENTS OF RECORD. (DESCRIPTION PREPARED BY HANS P. MUSSER, INDIANA PROFESSIONAL SURVEYOR NO. LS29700002 AND BASED UPON AN ALTA SURVEY CERTIFIED MARCH 15, 2023; ABONMARCHE PROJECT NUMBER 23-0101).



HANS P. MUSSER, PS

03/15/2023

DATE

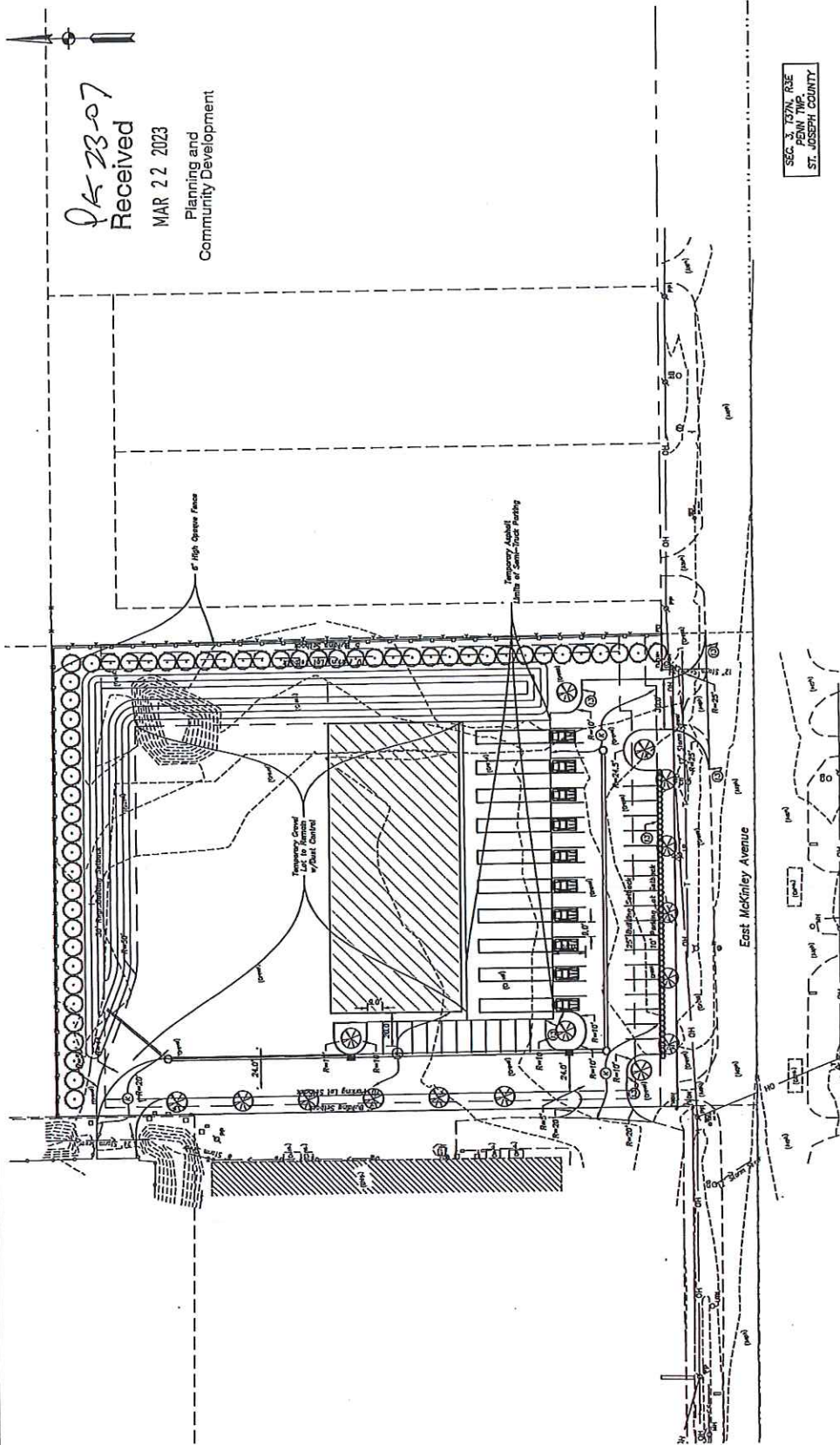
JOB NO.: 23-0101



11100 Highway 100
 Suite 100
 St. Joseph, MO 64506
 Tel: 816.234.1100
 Fax: 816.234.1101
 Email: info@abonmarche.com
 Website: www.abonmarche.com

ZOLMAN TIRE PARKING
 2028 E. MCKINLEY AVENUE
 MISHAWAKA, IN 46545

SITE PLAN



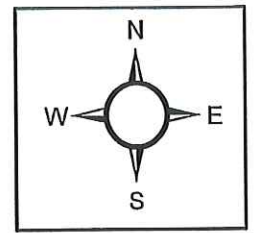
SEC. 3, 137N, R3E
 PENN. TWP.
 ST. JOSEPH COUNTY

Legend:
 (X) HMA Pavement, Full Depth
 (O) Standard Concrete Curb
 (Z) Future Building



Received
 MAR 22 2023
 Planning and
 Community Development

DATE: 03/27/2023
 DRAWN BY: JLD
 CHECKED BY: JLD
 PROJECT: 23-0101
 SHEET NO. 1 of 1



PET 23-07

N HOME ST

E MCKINLEY AVE

Location Map

PET 23-07

OWNER:
NATE ZOLMAN/ZOLMAN TIRE, INC

LOCATION:
PROPERTY EAST OF 2014 E MCKINLEY

**ANNEX SHADED PORTION INTO THE CITY
REZONE HATCHED PORTION TO
I-1 LIGHT INDUSTRIAL DISTRICT**

R-1

R-1

R-1

R-1

R-1

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah St. Block, AMC, MMC

APR 19 2023

City Clerk
Mishawaka, IN

PETITION 23-08

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2023-15

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

Lot 12 St. Joseph Park

COMMON ADDRESS: 2009 W Sixth Street

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

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

1. Existing Conditions - There are a few commercial uses south of West Sixth Street, but the neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-1 would be compatible to the area;
2. Character of Buildings - Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is a single-family use;
3. The Most Desirable/Highest and Best Use - Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;

Proposed Ordinance No: 2023-15

Ordinance No: _____

4. Conservation of Property Values - As opposed to the range of limited commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. Comprehensive Plan - The City's Comprehensive Plan calls for General Commercial but its use as residential would be compatible and consistent with the history of residential uses in the area.

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

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2023, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2023, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2023, at _____ o'clock ____M.

David A. Wood, Mayor

STAFF REPORT

Location: 2009 West Sixth Street

Date: April 11, 2023

Petition: 23 08

Prepared By: SA

GENERAL INFORMATION

Applicant: Jessica Bucher

Status: Property Owner

Request: Rezone from C-1 General Commercial District to R-1 Single Family Residential

Zoning Classification: C-1 General Commercial District

Lot Size: 0.12 acres

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: I-1 Light Industrial
South: R-1 Single Family Residential
East: C-1 General Commercial (residential use)
West: C-1 General Commercial (RBI's Unlimited)

Thoroughfare: West Sixth Street

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: General Commercial

ANALYSIS

The Petitioner is requesting to rezone 2009 West Sixth Street from C-1 General Commercial District to R-1 Single Family Residential District. The property is located on West Sixth Street between Dale Avenue & Carlton Street and the neighborhood is mainly residential in nature.

The home which was built in 1928 has always been a single family residence. The Petitioner needs to be rezoned to R-1 to allow refinancing.

Prior to the 1980's residential uses were permitted in commercial zoned districts. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain districts.

Pertinent City Departments have reviewed and approved the request.

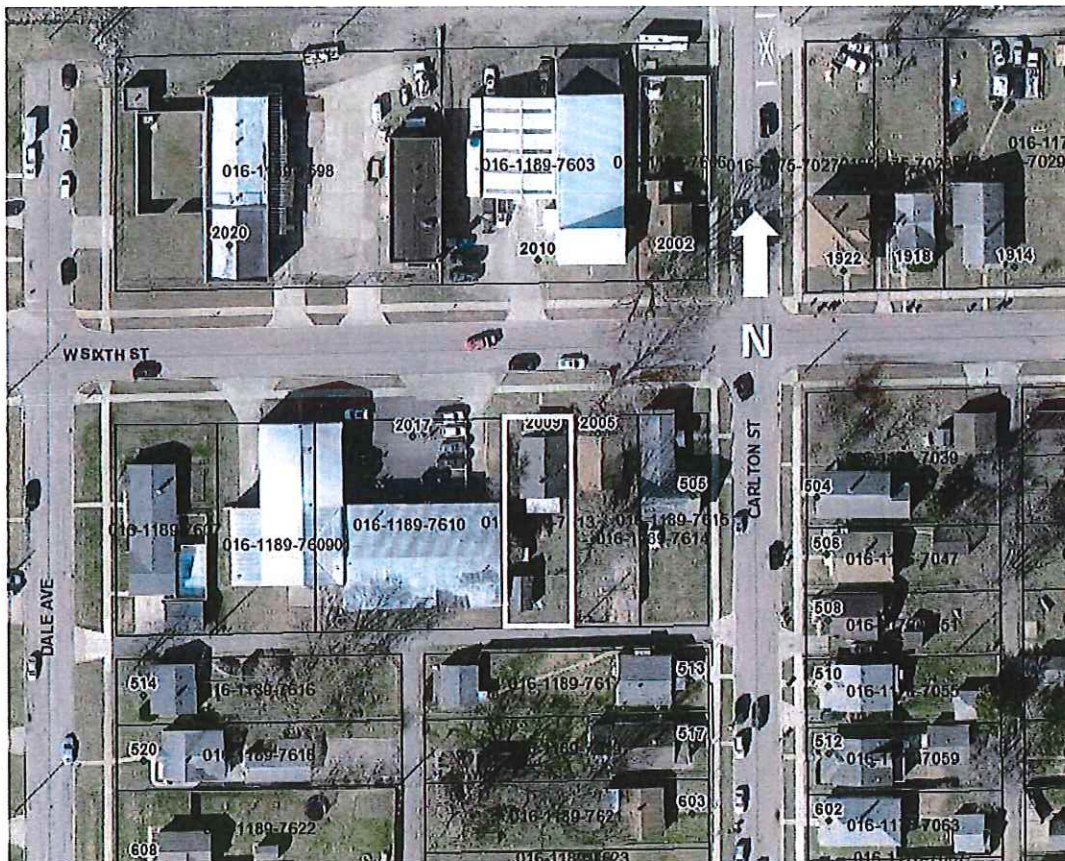
RECOMMENDATION

The Planning Department recommends **approval** of Petition 23-08 to rezone 2009 West Sixth Street from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. There are a few commercial uses south of West Sixth Street, but the neighborhood surrounding the property is primarily residential in nature, and rezoning the property to R-1 would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is a single-family use;
3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of limited commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City's Comprehensive Plan calls for General Commercial but its use as residential would be compatible and consistent with the history of residential uses in the area.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, PETITION, LOCATION MAP



Aerial



South facing from W Sixth St



Southeast facing from W Sixth St



Southwest facing from W Sixth St



North facing from W Sixth St

Deborah S. Block, IAMC, MMC

DATE:

MAR 23 2023

City Clerk
Mishawaka, IN

PET 23-08
Received

MAR 22 2023

Planning and
Community Development

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

RE: PETITION TO REZONE

The undersigned, Jessica Bucher, respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

*Lot 12 St. Joseph Park
Commonly known as 2009 W Sixth Street*

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of C-1 General Commercial District. Said property is *a single family home, built in 1928.*

Petitioner(s) desire said real estate to be rezoned to R-1 Single Family District. Petitioner(s) further state that they intend to utilize said land for single family home being refinanced.

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

Signature(s) of Property Owner(s):

Jessica Bucher
Jessica Bucher

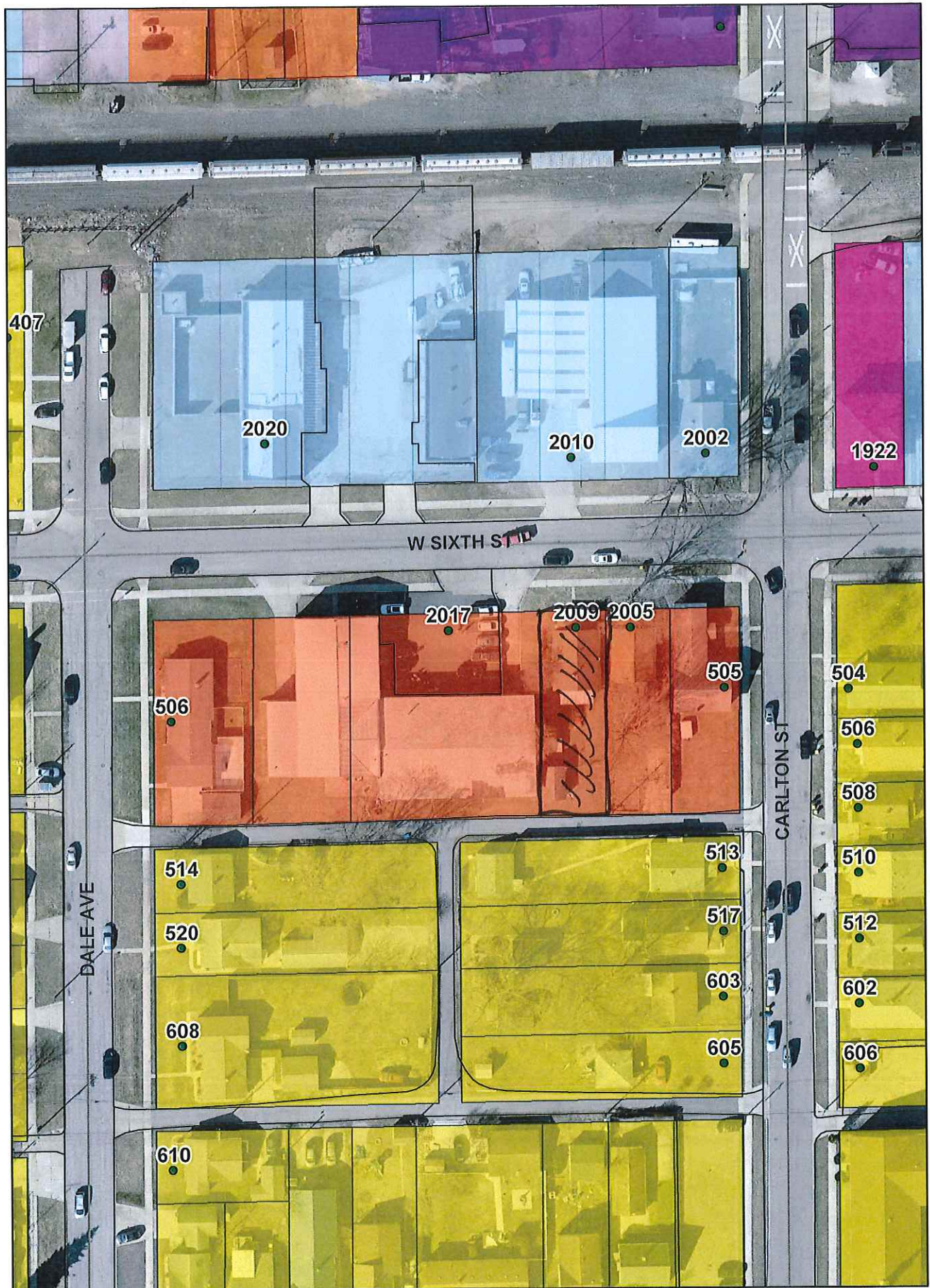
CONTACT PERSON:

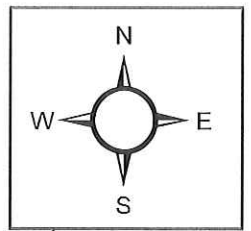
NAME: JESSICA BUCHER

ADDRESS: 2009 W SIXTH ST., MISHAWAKA, IN 46544

PHONE NUMBER: 574-347-0907

EMAIL: JTB.72 Bucher@gmail.com





I-1

I-1

I-1

I-1

I-1

I-1

I-1

I-1

I-1

R-3

W SIXTH ST

PET 23-08

C-1

C-1

C-1

C-1

C-1

C-1

CARLTON ST

R-1

R-1

R-1

R-1

R-1

R-1

R-1

Location Map

PET 23-08

JESSICA BUCHER

2009 W SIXTH STREET

REZONE FROM
C-1 GENERAL COMMERCIAL TO
R-1 SINGLE FAMILY RESIDENTIAL

R-1

R-1

R-1

R-1