



AGENDA

March 18, 2024

Meetings of Standing Committees
Council Conference Room
5:45PM

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
6:00PM

WebEx Telephone Number: 1-408-418-9388
Meeting Number (access code): 2345 803 1946
Meeting password: sqTWPqzE333

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: 23458031946@mishawaka.webex.com

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes of the Regular Meeting of March 04, 2024
5. Petitions, Communications, Remonstrance and Memorial

A letter from the City Plan Commission regarding their recommendations from their March 12, 2024, meeting.

6. Report of Special Committee

7. Ordinances on First Reading

- P.O. No. 2024-04 PUD amendment for reduced building & parking setbacks for interior lot lines – Lot 1& 2 of the Enclave at Grandview Minor Subdivision
- P.O. No. 2024-05 Annex 1.5 Acres (crosshatch) & Establish Zoning as S-2 PUD & Amend existing Douglas Common PUD to allow for storage units – 16963 Douglas Rd & Adjacent property
- P.O. No. 2024-06 Annex 30.64 Acres & Establish Zoning as S-2 PUD – NW corner Capital Ave. & Cleveland Rd.
- P.O. No. 2024-07 Annex & Zone to S-2 PUD for Residential Subdivision – SE corner of Bremen Hwy & Dragoon Tr.

8. Resolutions

9. Ordinances on Second Reading

10. Privilege of the Floor – Non-Agenda Items

11. Unfinished Business

Revised Council Committee Assignments

12. New Business

- R2024-02 Honoring Anthony “Tony” Hazen for his years of service

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An archived version of the livestream video can be viewed on the city of Mishawaka’s Facebook page, 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.

Download Council Packet Link:

<https://mishawaka.in.gov/government/elected-appointed-./officials/common-council/council-agendas-minutes/>

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

March 4, 2024

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, March 4, 2024 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.

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

Minutes for the Regular Meeting on February 5, 2024 were approved as received from the Clerk's Office.

Clerk Block read the following petitions by title.

- | | |
|-----------------------------|--|
| Petition No. 2024-01 | Annex 1.5 Acres (crosshatch) & Establish Zoning as S-2 PUD & Amend existing Douglas Common PUD to allow for storage units – 16963 Douglas Rd & Adjacent property |
| Petition No. 2024-02 | Annex 30.64 Acres & Establish Zoning as S-2 PUD – NW corner Capital Ave. & Cleveland Rd. |
| Petition No. 2024-03 | Annex & Zone to S-2 PUD for Residential Subdivision – SE corner of Bremen Hwy & Dragoon Tr. |
| Petition No. 2024-04 | PUD Amendment for reduced building & parking setbacks for interior lot lines – Lot 1 & 2 of the Enclave at Grandview Minor Subdivision |

PRESENTATION OF VOIDED CHECKS

Mr. Hixenbaugh stated the record would reflect that they had received info from the Controller's Office with regard to two-year-old checks.

PRIVILEGE OF THE FLOOR

Chelsea Modlin, 511 Forest Avenue, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Modlin stated she was requesting for consideration a change in the ordinance or code where they currently had a 300-foot radius for public notice, and she wanted it extended to something more inclusive with the DNR where they required about a quarter mile radius for public notice of projects and things of that nature.

Mr. Hixenbaugh thanked Mrs. Modlin for sharing that with them and stated that with that type of request, he would consult with their Council and the Administration as well, but that distance component was driven by state statute, and it was not as much of a function of local government as it was state law, and they would have to look at it in that context. Mr. Hixenbaugh promised her that he would follow up with those entities and they would be getting back to her with an answer on what their options were.

Kay Green, 1807 E Jefferson Boulevard, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Green provided an update on her and her husband's situation and stated that semis down her street got better for a short period of time and now they were worse. Mrs. Green wanted to know if anyone from the city had contacted ENDOT to try to get the sign back up in the median on Capital Avenue so the trucks would not turn onto their road. Mrs. Green stated she had not heard from anyone, so she was wondering if that had been addressed.

Mr. Hixenbaugh stated it was good to see her again and thanked her for being there that evening. Mr. Hixenbaugh stated they would certainly follow up with the Administration but as they discussed prior when she came to see them in the past, in his opinion this still fell within the jurisdiction of a combination of their Police Chief, their Legal Department and their Engineering Department. Mr. Hixenbaugh stated one way or another, they would try to pin down what kind of conversations had taken place, not taken place and could take place in the future. Mrs. Green began discussing another issue and stated she went into the Walgreens on McKinley and Main Street a few days ago and she noticed part of the shelves were empty and asked one of the clerks if they did not have enough people to stock their shelves and the clerk responded saying there were shoplifters walking off with their inventory and they were not allowed to stop them, because they could lose their jobs if they did. Mrs. Green stated she then asked how they were addressing it and the clerk stated they ordered more lock boxes to put the merchandise. Mrs. Green stated if a line was not drawn, it would not stop and could get much worse. Mrs. Green asked if there was any kind of plan at all that Mishawaka had planned to do, if that be hiring off duty policemen to be at the store or something similar to that. Mrs. Green stated the stores she talked to, Dollar Tree, Kohl's and Walgreens, had this occur frequently and were having the same problems. Mrs. Green stated unless something was done, it would continue to get bigger and bigger and bigger, and she did not want that to happen in this town. Mrs. Green stated she believed there needed to be some kind of a plan with a deterrent, so this did not keep going on and on. Mr. Hixenbaugh stated he agreed with her, but this sounded like a series of decisions made at the corporate level that they both would find troubling and he was confident in telling her that he believed that they had made historic investments in public safety and their police department in particular within the recent year and they had more police officers ready to serve

the needs of the citizens of Mishawaka on a daily basis on their streets than they ever had in the history of Mishawaka before. Mr. Hixenbaugh stated if there was a breakdown between what the corporate entities were doing to take advantage of those services and what they were able to provide, he would agree with her that that was a problem. Mr. Hixenbaugh stated he appreciated her bringing up the point and he was sure all of the Council appreciated it, but he believed they were ready to address each one of those situations that occurred in those retail stores, but they just had to be asked by the stores to enforce the laws. Mrs. Green stated maybe there could just be letters of encouragement sent to the corporations or to the managers of the stores so they could be notified of the resources available, and they would like to help them keep it under control. Mr. Hixenbaugh stated he agreed, and they would certainly pass the issue along to the police department and the legal department so they could look at whatever remedies they had to address this.

Mr. Mammolenti thanked Mrs. Green for coming that evening and stated he fondly remembered the conversation they had at the first meeting when this topic was brought up. Mr. Mammolenti stated he noticed an email was sent out to them when going through his files by Matt Lentsch who was the Executive Director of Development and Governmental Affairs and maybe he could resend that to them. Mr. Mammolenti stated it explained some of the purpose behind the traffic flow. Mrs. Green stated she did get a map letting her know what the traffic flow was supposed to be and so on and they had been fighting this ever since they closed the intersection of McKinley for a while, and they were sending them all down Jefferson and now they had more car carriers coming down delivering cars and it was a very unsafe situation. Mr. Mammolenti stated he agreed, and he just wanted to clarify that and address her first comments.

Larry Green, 1807 E Jefferson Boulevard, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Green stated he counted 11 trucks in one day in front of his house and turning onto Clover and on average, it was 3 to 4 a day. Mr. Green stated he straightened his mailbox again because when those trucks came out and made their turn, they would continuously hit the mailbox. Mr. Green stated this was an issue and it was important to the people on Jefferson. Mr. Green concluded by asking Mrs. Hazen how Tony Hazen was doing. Mrs. Hazen stated he was doing very well and thanked Mr. Green.

Krista Neighbour, 2002 Miniature Rows Lane, Mishawaka, IN and Assistant Adult Coordinator for the Mayor's Youth Council, spoke under **PRIVILEGE OF THE FLOOR**. Mrs. Neighbour stated she wanted to make an introduction of themselves and as many of them were familiar, they would be doing their Mock Council Meeting that year as their leadership project that year. Mrs. Neighbour stated they just wanted to introduce themselves and were there to observe the Council and all of the wonderful things they were doing. Mrs. Neighbour thanked them for what they did and for being role models for their students. Mr. Hixenbaugh stated they appreciated the work she and the youth council did and that evening was not really reflective of what typically went on during council meetings, as it was about the shortest agenda that they possibly could've seen work through but they looked forward to seeing how they would do the meeting and thanked her again for everything they were doing.

Acceptance of Conflict-of-Interest form - Lou Ann Hazen, 3rd District Council

The chair entertained a motion to approve the receipt of Conflict-of-Interest form from Mrs. Hazen. Mr. Banicki made the motion and with a second from Mr. Mammolenti, a voice vote was held. The motion passed unanimously.

ADJOURNMENT 6:17PM

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

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Deborah S. Block, IAC, MMC

March 13, 2024

MAR 13 2024

City Clerk
Mishawaka, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
March 12, 2024, Public Hearing

Honorable Members:

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

PETITION #24-01 A petition submitted by Charles Rupley requesting to annex and establish zoning as S-2 Planned Unit Development District for property located at 16963 Douglas Road and a request submitted by John A and Jayne Piraccini, Julie Heneghan & Jeff Steely to amend a part of Douglas Commons Planned Unit Development.

The Commission, with a vote of 6-1, recommended approval.

PETITION #24-02 A petition submitted by Mish RE LLC requesting to annex and establish zoning as S-2 Planned Unit Development District for property located at the Northwest Corner of Capital Avenue and Cleveland Road.

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

PETITION #24-03 A petition submitted by CZG LLC, CZG II LLC and CZG II requesting to annex and establish zoning as S-2 Planned Unit Development District for property located at the Southeast Corner of Bremen Highway & Dragoon Trail.

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

PETITION #24-04 A petition submitted by Gumwood Acquisitions requesting a Planned Unit Development Amendment for Lots 1 and 2 of The Enclave at Grandview Minor Subdivision located at the northwest corner of Gumwood Road and West Cleveland Road (SR 23).

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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Respectfully,

Donna m Burkart

Donna Burkart, Administrative Planner
Secretary, Plan Commission

STAFF REPORT

Location: 16963 W Douglas Road (002-2018-037701) and adjacent property to the north (029-2018-037704) and west (029-2019-0426) Date: March 12, 2024

Petition: 24 01

Prepared By: CH

GENERAL INFORMATION

Applicant: Charles Rupley, John & Jayne Piraccini, Julie Heneghan, and Jeff Steely / American Real Estate Company (Uhaul)

Status: Property Owners / Contingent purchaser and developer

Request: To annex and establish zoning, amend an existing PUD, and approve a preliminary planned unit development site plan for an indoor and mini-storage use.

Existing Zoning: 16963 W Douglas Road: Unincorporated St. Joseph County (R Single Family District)
029-2018-037704 and 029-2019-0426: S-2 Planned Unit Development

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 12.83 acres (excluding Douglas Road ROW)

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District
Section 137-41 / Amendments to Zoning Map
Indiana Code 36-4-3-2.1, 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development-Douglas Commons & Unincorporated St. Joseph County – R Single Family
South: R-4 Manufactured Home Residential (Lakeshore Estates) & Unincorporated St. Joseph County – R Single Family
East: S-2 Planned Unit Development-Douglas Commons (gas station, mini-warehouse and condos)
West: Unincorporated St. Joseph County – R Single Family & City of South Bend – C Commercial

Thoroughfare: Douglas Road

Council District: To Be Determined (contiguous to 6)

School District: South Bend Community

Township: Clay

Public Utilities: All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Comprehensive Plan: General Commercial

ANALYSIS

Proposal:

The applicants, Charles Rupley, John & Jayne Piraccini, Julie Heneghan, and Jeff Steely, represented by American Real Estate Company and Uhaul, the contingent purchaser and developer, are proposing to annex and establish zoning, amend a portion of the existing Douglas Commons Planned Unit Development, and approve a preliminary planned unit development site plan to allow warehousing/storage.

The 12.83 acres, consists of 16963 W Douglas Road (002-2018-037701) which is 1.51 acres, the 1.31 acres directly north (029-2018-037704) and 10.01 acres to the west (029-2019-0426). Located on the north side of Douglas Road, just west of Shaughn Street, there is a homestead right at the corner, with the rest being vacant land. The current PUD regulations and conditions, which were approved in 1990 (Ord. 3668), limited permitted uses to C-1 General Commercial.

As indicated on the preliminary site plan, the commercial development will include a 3-story, 94,764 sf building containing the showroom/office and inside storage; a one story, 16,828 sf building with no specific use; and three mini storage buildings.

Access will be provided from Douglas Road and Shaughn Street. Final locations and all required roadway improvements, including but not limited to additional right of way, sidewalks and deceleration/acceleration lanes, shall be subject to review and approval by the Engineering Department as a part of the planned unit development site plan review for each specific development parcel.

Currently, both water and sewer infrastructure required to serve the proposed development are located in Douglas Road. All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Green areas are shown with no specific trees. Landscaping along Douglas Road and Shaughn Dr shall be provided as required per the C-1 General Commercial District. A 15' wide landscape buffer shall be provided along the western property line and on the north and east abutting residential uses. A seven-foot-high opaque fence shall be mandatory along any developed industrial property line that is contiguous to any residentially zoned property.

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

Annexation:

As previously mentioned, the annexation only includes 16963 W Douglas Road, since the remaining parcels are already within the City Limits.

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 as outlined above, approximately 834.2 feet, or 82%, of the total 1,017.2 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 at the northwest corner of Douglas Road and Shaughn Street. It is bordered to the north by single family homes in unincorporated St. Joseph County and townhomes zoned S-2 Planned Unit Development; to the west by vacant commercial in South Bend and single family homes in unincorporated St. Joseph County; to the east by a gas station zoned S-2 Planned Unit Development; and to the south by single-family residential houses in unincorporated St. Joseph County and a mobile home park in the City of Mishawaka. The Douglas Road corridor between State Road 23 and Grape Road includes a variety of single and multi-family residential, medical, office, and commercial land uses.

Zoning Change:

Staff believes that the proposed annexing and zoning of the northwest corner of Douglas Road and Shaughn Street to the S-2 Planned Unit Development District and amending the existing Planned Unit Development for property to the north and west for warehousing/storage is appropriate. There is already a mini-storage use in this Planned Unit Development. Douglas Road is a commercial corridor between Mishawaka and South Bend.

Transportation/Roads:

According to the latest available traffic counts, there were 21,607 annual average daily trips (AADT) (February 2021) along Douglas Road east of State Road 23 and 16,233 AADT (May 2023) along Douglas Road west of Grape Road. The counts at these locations have increased over the last 15 years ranging from just under 10,500 AADT to their current peaks. It is anticipated that traffic volumes will remain relatively consistent and/or continue to increase in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department includes an intersection improvement at Grape and Douglas. The construction date for this project is estimated for 2030.

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

Planning Comments:

1. Please see attached development standards based on C-1 Standards, site plan, and previous comments.
2. Parking, for example, is at the rate of 4 per 1,000 sf. Using only the showroom and D&R area, 16 parking spaces are required.
3. Are there interior designs for the eastern building? What is that use?
4. If elevations are available, we would like to review for materials. This will be a requirement of the site plan.
5. A subdivision will be required to combine all lots and dedicate any easements/right-of-way.
6. Connection to the west.

Engineering Comments:

1. What is proposed use of eastern building?
2. Only one drive approach will be allowed on Douglas Road and shall be minimum 370' west of Shaughn St. A decel lane will be required for this approach per Engineering standard for 40MPH roadway.
3. An 8' concrete pathway will be required along frontage (Douglas Rd. and Shaughn St.). Additional ROW will be required for improvements (plat).
4. Stormwater management for proposed runoff shall be sized for 100 year – 24 hours storm.
5. Sanitary sewer stub (18") is available on north side of Douglas for connection to site.

Electric Comments:

1. Will need 30' easement around property. Will need to discuss electric need prior to construction.

RECOMMENDATION

Staff recommends **approval** of Petition 24-01 to annex and establish zoning (16963 W Douglas Road), and to amend the Douglas Commons Planned Unit Development (Lot B) for warehousing/storage subject to the following development regulations/conditions:

Conditions of Approval

Uses:

1. C-1 General Commercial Uses
2. Mini-warehousing (self-storage)
 - a. No business shall be operated out a storage unit.
 - b. No storage of chemicals, flammables, and paints.
3. Truck and Trailer Sharing
4. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 4 parking spaces shall be provided per 1,000 square feet of office or retail area.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

1. Landscaping along Douglas Road and Shaughn Dr shall be provided as required per the C-1 General Commercial District.
2. A 15' wide landscape buffer shall be provided along the western property line and on the north and east abutting residential uses.
3. The landscape buffer shall be planted with a continuous evergreen screen combined with required plantings as identified in minimum landscaping and screening regulations (Section 137-815). Minimum size of the evergreen plantings at the time of planting shall be 6 foot in height.
4. No additional landscaping shall be required where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.
5. A seven-foot-high opaque fence shall be mandatory along any developed industrial property line that is contiguous to any residentially zoned property. Fencing shall meet the minimum front yard setback requirements of the district in which it is located.
6. Electrified fencing, barbed wire and razor wire are prohibited.

Signage:

1. All signage shall comply with the height and display area requirements for the C-1 General Commercial District, including but not limited to, all freestanding and directional signs.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide pathway within the public right-of-way along Douglas Road and along Shaughn Street. Connections from the site to the sidewalk shall be provided along Douglas Road and along Shaughn Street. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission. Lighting shall not exceed one-half footcandles as measured along property lines abutting residentially zoned property.

Building Limitations & Architecture:

1. The maximum building height shall be 48'.
2. Architectural building materials and colors per Section 137-380 (15) Design Review / Development Plan Restrictions shall only apply to the western and southern building facades of the western building, and the eastern and southern building facades of the eastern building. Fiber cement board shall be considered an appropriate material.

Stormwater Management Infrastructure & Utilities:

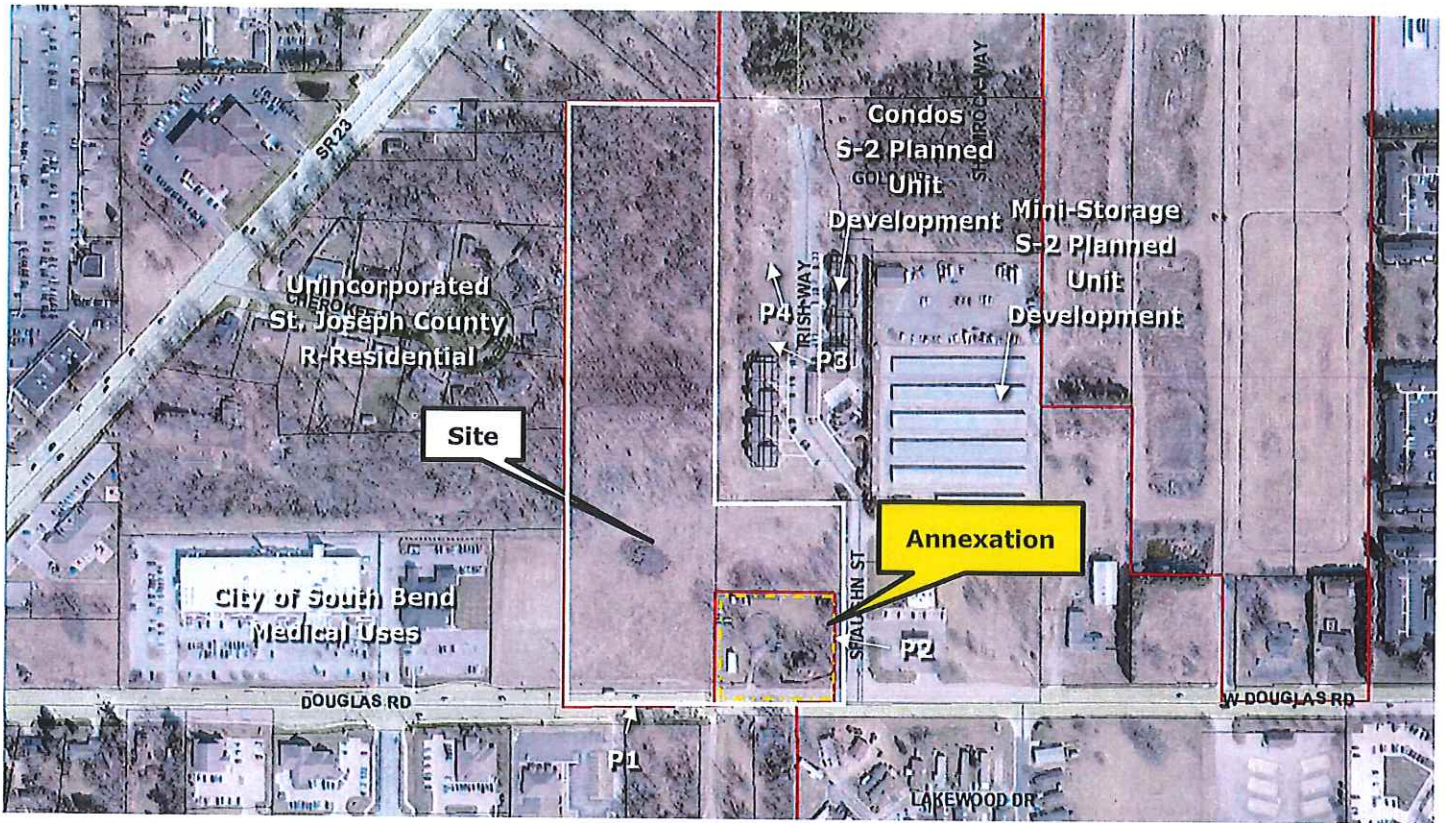
1. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Douglas Road corridor. Adjacent land uses include a gas station, mini-storage and condos in the Douglas Commons Planned Unit Development and single-family residential houses in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Douglas Road corridor between State Road 23 and Grape Road vary greatly and include single and multi-family residential, commercial and medical 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 adjacent land uses
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 commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided general commercial development along Douglas Road between State Road 23 and Grape Road.

ATTACHMENTS

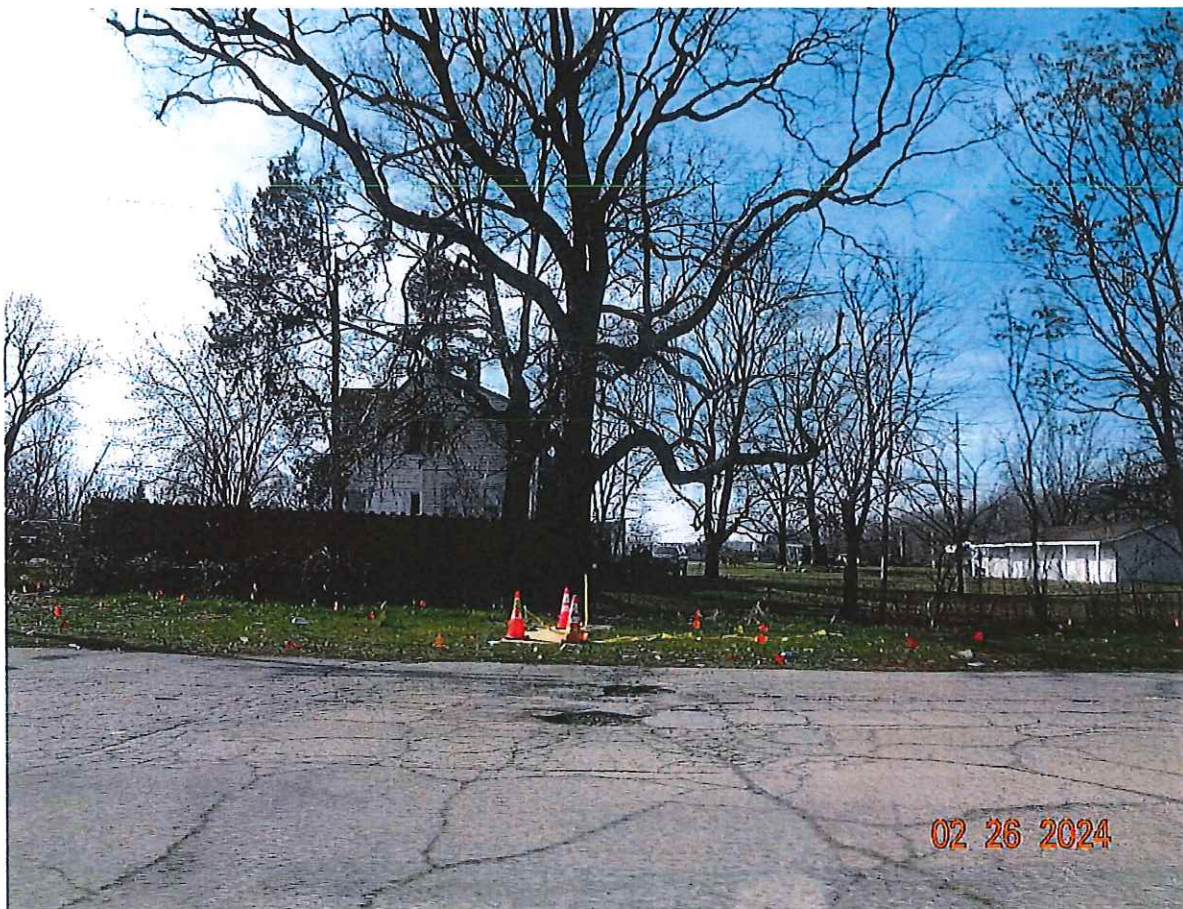
Aerial Map, Photographs, Rezoning & Annexation Petition, Preliminary Site Plan, and Location Map



Aerial Photograph
16963 W Douglas Road
Red= City Limits



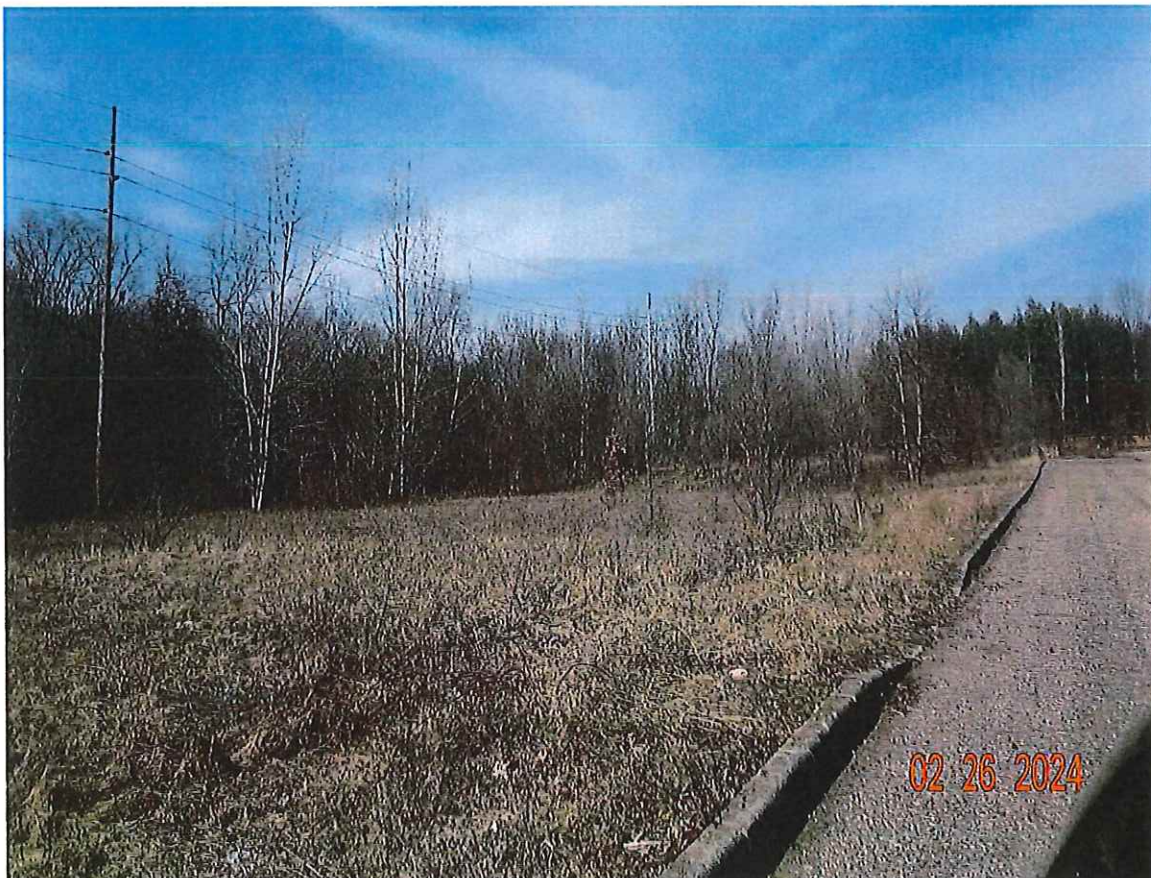
P1. Looking north from Douglas Road towards site



P2. Looking west from Shaughn St towards existing house



P3. Looking west from Shaughn St at the between site and condos



P4. Looking north from Shaughn St towards rear of site

DATE: 02.13.2024

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 Charles Rupley
respectfully show they are the owners of the following described real estate located in the
County of St. Joseph, State of Indiana, to-wit:

Address: 16963 DOUGLAS RD., MISHAWAKA, IN 46545

For APN/Parcel ID(s): 002-2018-037701

PARCELSTAT: 71-04-28-351-003.000-003

Legal Description: A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION: THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION 265.00 FEET: THENCE NORTH 243.60 FEET: THENCE WEST 265.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION: THENCE SOUTH ALONG SAID WEST LINE 243.60 FEET TO THE PLACE OF BEGINNING. CONTAINING 1.482 ACRES, MORE OR LESS, INCLUDING ALL ADJACENT DOUGLAS ROAD RIGHT-OF-WAY TO THE EXISTING SOUTH RIGHT-OF-WAY LINE.

Petitioner, **Amerco Real Estate Company (AREC), the wholly owned real estate subsidiary of U-Haul**; is the Buyer of the said property and upon purchase will own one Hundred (100%) percent of the above-described parcel of land which is located in Indiana and that Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a S-2 (Planned Unit Development) District. The Petitioner further states they intend to utilize said land for U-Haul self-storage, U-Haul truck and trailer sharing, and related retail sales. The above-mentioned Owners of this property have authorized AREC to apply for this annexation and zoning classification application.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate, showing the size of the proposed building and 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 S-2 (Planned Unit Development) zoning district.

<i>Charles Rupley</i>	dotloop verified 02/14/24 6:41 PM TAHT UMIJ-BGK0-Z7Y3-RGQK
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Property Owner Signature

Charles Rupley

Print Property Owner Name



Petitioner (Property Buyer) Signature

Matthew F. Braccia, President, AREC

**Petitioner (Property Buyer)
Name**

AREC Contact Person:

Name: Gurnoor Kaur Tschudy

Address: 2727 N Central Ave., Phoenix, AZ 85044

Telephone number: 602-263-6649

Email: gurnoor_tschudy@uhaul.com

DATE: 02.06.2024

TO THE:

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

RE: PETITION FOR PUD AMENDMENT

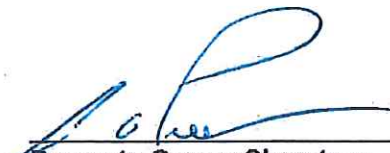
The undersigned John A. and Jayne L. Piraccini, Julie Heneghan and Jeff Steely respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Please see the pages attached at the end of this application for property addresses, parcel IDs, parcel stat and legal description.

Petitioner, Amerco Real Estate Company (AREC), the wholly owned real estate subsidiary of U-Haul; is the Buyer of the said property and upon purchase will own one Hundred (100%) percent of the above-described parcel(s) of land which are located in Indiana. This land, which carries a zoning classification of S-2 Planned Unit Development is currently vacant and not developed. Petitioner desires that the said real estate to be amended to allow for the U-Haul Moving and Storage Facility which will consist of U-Haul uses of self-storage, U-Haul truck and trailer sharing, and related retail sales. For further details, please refer to the submitted project narrative, site plan and accompanying documents.

The above-mentioned owners of this property have authorized AREC to apply for this PUD Amendment application.

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 amending the PUD of the above-described parcel of land located in the City of Mishawaka.



Property Owner Signature



Print Property Owner Name



Jayne L. Piraccini

Jayne L Piraccini

DATE: 02.06.2024

TO THE:

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

RE: PETITION FOR PUD AMENDMENT

The undersigned John A. and Jayne L. Placchini, Julie Heneghan and Jeff Steely 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:

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Property Owner Signature


Print Property Owner Name

DATE: 02.06.2024

TO THE:

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

RE: PETITION FOR PUD AMENDMENT

The undersigned John A. and Jayne L. Piraccini, Julie Heneghan and Jeff Steely 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:

Please see the pages attached at the end of this application for property addresses, parcel IDs, parcel stat and legal description.

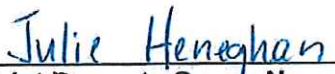
Petitioner, **Amerco Real Estate Company (AREC)**, the wholly owned real estate subsidiary of **U-Haul**; is the Buyer of the said property and upon purchase will own one Hundred (100%) percent of the above-described parcel(s) of land which are located in Indiana. This land, which carries a zoning classification of S-2 Planned Unit Development is currently vacant and not developed. Petitioner desires that the said real estate to be amended to allow for the U-Haul Moving and Storage Facility which will consist of U-Haul uses of self-storage, U-Haul truck and trailer sharing, and related retail sales. For further details, please refer to the submitted project narrative, site plan and accompanying documents.

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Property Owner Signature



Print Property Owner Name



Petitioner (Property Buyer) Signature

Matthew F. Braccia, President, AREC

Petitioner (Property Buyer)
Name

AREC Contact Person:

Name: Gurnoor Kaur Tschudy

Address: 2727 N Central Ave., Phoenix, AZ 85044

Telephone number: 602-263-6649

Email: gurnoor_tschudy@uhaul.com

Legal Description:

Address: 16964 DOUGLAS RD., MISHAWAKA, IN 46545 (V/L DOUGLAS RD., MISHAWAKA, IN 46545)

For APN/Parcel ID(s): 029-2019-0426 and 029-2018-037704

PARCELSTAT: 71-04-29-477-022.000.005, 71-04-28-351-001.000-005 and 71-04-28-351-002.000-005

PARCEL 1:

THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA. LESS AND EXCEPTING THEREFROM THE FOLLOWING: A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE ROAD AND DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 52 MINUTES 06 SECONDS WEST, 2648.16 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION TO THE SOUTHWEST CORNER OF SAID SECTION 28 AND THE SOUTHEAST CORNER OF SAID SECTION 29 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 40 MINUTES 04 SECONDS WEST, 331.93 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 00 DEGREES 03 MINUTES 49 SECONDS EAST, 40.00 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 04 SECONDS EAST, 331.89 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST, 40.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING, AND CONTAINING 0.304 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY WHICH CONTAINS 0.152 ACRES, MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 0.152 ACRES, MORE OR LESS.

PARCEL 2:

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, AND A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE ROAD AND DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 2382.78 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 243.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 265.00 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, 243.60 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 331.20 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 1324.81 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 35 SECONDS EAST, 611.20 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, 1079.70 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 18.67 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM, THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1920.28 FEET TO THE SOUTHEAST CORNER OF TWO TRACTS OF LAND CONVEYED TO JOHN PIRACCINI AND WEBB STEELY BY A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER [9020431](#) AND ALSO A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER [9713420](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00 DEGREES 43 MINUTES 28 SECONDS WEST ALONG THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 989.01 FEET TO THE PLACE OF BEGINNING FOR THIS

DESCRIPTION; THENCE SOUTH 89 DEGREES 35 MINUTES 44 SECONDS WEST, A DISTANCE OF 384.77 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 05 SECONDS EAST, A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS WEST, A DISTANCE OF 44.50 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 296.22 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH 00 DEGREES 41 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 1294.62 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOHN PIRACCINI BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 0433126 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID PIRACCINI TRACT, A DISTANCE OF 726.69 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 28 SECONDS EAST, ALONG THE EAST LINE OF SAID PIRACCINI TRACT AND THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 753.20 FEET TO THE PLACE OF BEGINNING.

PARCEL 3:

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE AND DOUGLAS ROADS; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, 1920.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 462.50 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 243.60 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 10 SECONDS EAST, 18.67 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 26 SECONDS WEST, 1079.70 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 35 SECONDS EAST, 443.00 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, 1322.21 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1920.28 FEET TO THE SOUTHEAST CORNER OF TWO TRACTS OF LAND CONVEYED TO JOHN PIRACCINI AND WEBB STEELY BY A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9020431 AND ALSO A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9713420 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00 DEGREES 43 MINUTES 28 SECONDS WEST ALONG THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 989.01 FEET TO THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 35 MINUTES 44 SECONDS WEST, A DISTANCE OF 384.77 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 05 SECONDS EAST, A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS WEST, A DISTANCE OF 44.50 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 296.22 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH 00 DEGREES 41 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 1294.62 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOHN PIRACCINI BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 0433126 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID PIRACCINI TRACT, A DISTANCE OF 726.69 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 28 SECONDS EAST, ALONG THE EAST LINE OF SAID PIRACCINI TRACT AND THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 753.20 FEET TO THE PLACE OF BEGINNING. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SAID SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST (BEARING ASSUMED) ON THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1920.28 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 26 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 402.36 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, A DISTANCE OF 310.00 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 10 SECONDS EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 401.31 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, A DISTANCE OF 309.99 FEET TO THE PLACE OF BEGINNING. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2360.40 FEET TO A POINT; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AS DEDICATED TO THE CITY OF MISHAWAKA BY INSTRUMENT NUMBER [9024928](#) AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, SAID POINT BEING THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 406.35 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 44.50 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 05 SECONDS WEST, A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 44 SECONDS EAST, A DISTANCE OF 384.77 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND CONVEYED TO YOUNG'S LANDSCAPE NURSERY CORP BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER [7800165](#) IN SAID RECORDER'S OFFICE; THENCE SOUTH 00 DEGREES 43 MINUTES 27 SECONDS EAST, ALONG SAID WEST LINE A DISTANCE OF 639.02 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO MDK NO. 3, LLC BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER [9834156](#) IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID MDK TRACT AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 401.33 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF SAID MDK TRACT, A DISTANCE OF 310.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 36.94 FEET TO THE PLACE OF BEGINNING.

PARCEL 4:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 4, AS RESERVED IN WARRANTY DEED FROM WEBB J. STEELY AND JOHN A. PIRACCINI TO J2MD, L.L.C., DATED JULY 1, 2004 AND RECORDED JULY 7, 2004 AS INSTRUMENT NUMBER [0433048](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, OVER THE FOLLOWING LAND: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2360.40 FEET TO A POINT; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AS DEDICATED TO THE CITY OF MISHAWAKA BY INSTRUMENT NUMBER [9024928](#) AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, SAID POINT BEING THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 406.35 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 89.50 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 06 SECONDS WEST, A DISTANCE OF 95.03 FEET TO A POINT ON THE NORTH LINE OF SAID MDK NO. 3, LLC PARCEL OF LAND; THENCE SOUTH 89

DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID MDK TRACT AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 57.70 FEET TO THE NORTHWEST CORNER THEREOF; HENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF SAID MDK TRACT, A DISTANCE OF 310.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 36.94 FEET TO THE PLACE OF BEGINNING.

Legal Description:

Address: 16963 DOUGLAS RD., MISHAWAKA, IN 46545

For APN/Parcel ID(s): 002-2018-037701

PARCELSTAT: 71-04-28-351-003.000-003

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION 265.00 FEET; THENCE NORTH 243.60 FEET; THENCE WEST 265.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH ALONG SAID WEST LINE 243.60 FEET TO THE PLACE OF BEGINNING. CONTAINING 1.482 ACRES, MORE OR LESS.

AMERCO[®]

REAL ESTATE COMPANY

2727 North Central Avenue, 5-N • Phoenix, Arizona 85004
Phone: 602.263.6555

Project Narrative

AMERCO Real Estate Company (AREC) has prepared and is submitting the Annexation and PUD Amendment application packages for the opportunity to receive the City of Mishawaka's participation and counseling regarding the proposed development, at the properties located at 16963 & 16964 Douglas Rd., Mishawaka, IN 46545. AREC is the wholly owned real estate subsidiary of the U-Haul System.

U-Haul is requesting the annexation of the property at 16963 Douglas Rd. and for the said property to be zoned the same as the second property at 16964 Douglas Rd., which is S-2 (Planned Unit Development). U-Haul is further requesting an amendment to the current PUD to allow U-Haul use of self-storage at the said locations.

U-Haul is proposing a U-Haul Moving and Storage Facility at the above-mentioned properties. Please refer to the submitted site plan for further details. The proposed development will consist of the U-Haul uses of self-storage, U-Haul truck and trailer sharing, and related retail sales. This infill development will allow U-Haul to better serve the storage needs of the community and activate a property that is currently vacant and under-utilized. Custom site design for every U-Haul store assures that the facility complements the community it serves. Adherence to community objectives is key to ensuring that each U-Haul store is both a neighborhood asset and an economic success.

U-Haul is more of a commercial type of use that serves residential communities within a 3-5-mile radius. U-Haul feels that its uses would be appropriate for the property and there are proven benefits for allowing self-storage facilities in communities:

- Self-storage facilities are quiet.
- They provide an excellent buffer between zones.
- They create very little traffic.
- They have insignificant impact on utilities.
- They have no impact on schools.
- They provide good tax revenue.
- They provide community service.

U-Haul Moving and Storage is a convenience business. The philosophy is to place U-Haul stores in high growth residential areas, where they fill a need for U-Haul's products and services. Customers are made aware of the U-Haul stores primarily via drive-by awareness, much like that of a convenience store, restaurant, or hardware store. Attractive imaging and brand name recognition bring in area residents, those who live within a four-mile radius of the center.

The U-Haul Store:

- U-Haul stores characteristically serve the DIY (do-it-yourself) household customer. The U-Haul Store will be staffed with 10-15 employees, both full-time and part-time.
- Families typically use U-Haul Self-Storage rooms to store furniture, household goods, sporting equipment, or holiday decorations. During transition periods between moves, moving to a smaller home, combining households, or clearing away clutter to prepare a home for sale, storage customers will typically rent a room for a period of two months to one year.
- Families arrive in their own automobiles, enter the showroom, and may choose from a variety of products and services offered there.

- Families who need packing supplies in advance of a move or to ship personal packages can choose from a variety of retail sales items, including cartons, tape, and sustainable packing materials. These retail items are available for purchase in the 'Showroom' provided on the first floor of the climatized, self-storage building. Please refer to the submitted site plan.
- U-Haul self-storage customers will typically use U-Haul equipment or their personal vehicle to approach the loading area and enter the building through clearly defined customer access. All new U-Haul stores are designed with interior storage room access, giving the customer the added value of increased security, and the community the benefit of a more aesthetically pleasing exterior.
- U-Haul stores also provide truck and trailer sharing for household moving, either in-town or across country. Families who tow U-Haul trailers, boats, or recreational trailers can select, and have installed, the hitch and towing packages that best meet their needs.
- The U-Haul trucks and trailers, to be rented by the customers, will be parked clearly in the area labelled 'U-Haul Equipment Shunting' on the submitted site plan. This area of shunting is only accessible to the U-Haul employee, and they will bring the equipment to the U-Haul customer, who has rented it.

Significant Policies:

- Hours of Operation:

Mon. - Thurs.	7:00 a.m. to 7:00 p.m.
Fri.	7:00 a.m. to 8:00 p.m.
Sat.	7:00 a.m. to 7:00 p.m.
Sun.	9:00 a.m. to 5:00 p.m.
- All U-Haul storage customers are issued a card-swipe style identification card that must be used to gain access to their room. This is but one of many security policies which protect the customer's belongings and decrease the ability of unauthorized access to the facility.
- It is against policy for a business to be operated from a U-Haul storage room.
- Customers and community residents who wish to use the on-site dumpsters for disposing of refuse must gain permission to do so and are assessed an additional fee.
- Items that may not be stored include chemicals, flammables, and paints.
- U-Haul stores are protected by video surveillance.
- U-Haul stores are non-smoking facilities.
- U-Haul will provide added services and assistance to their customers with disabilities.

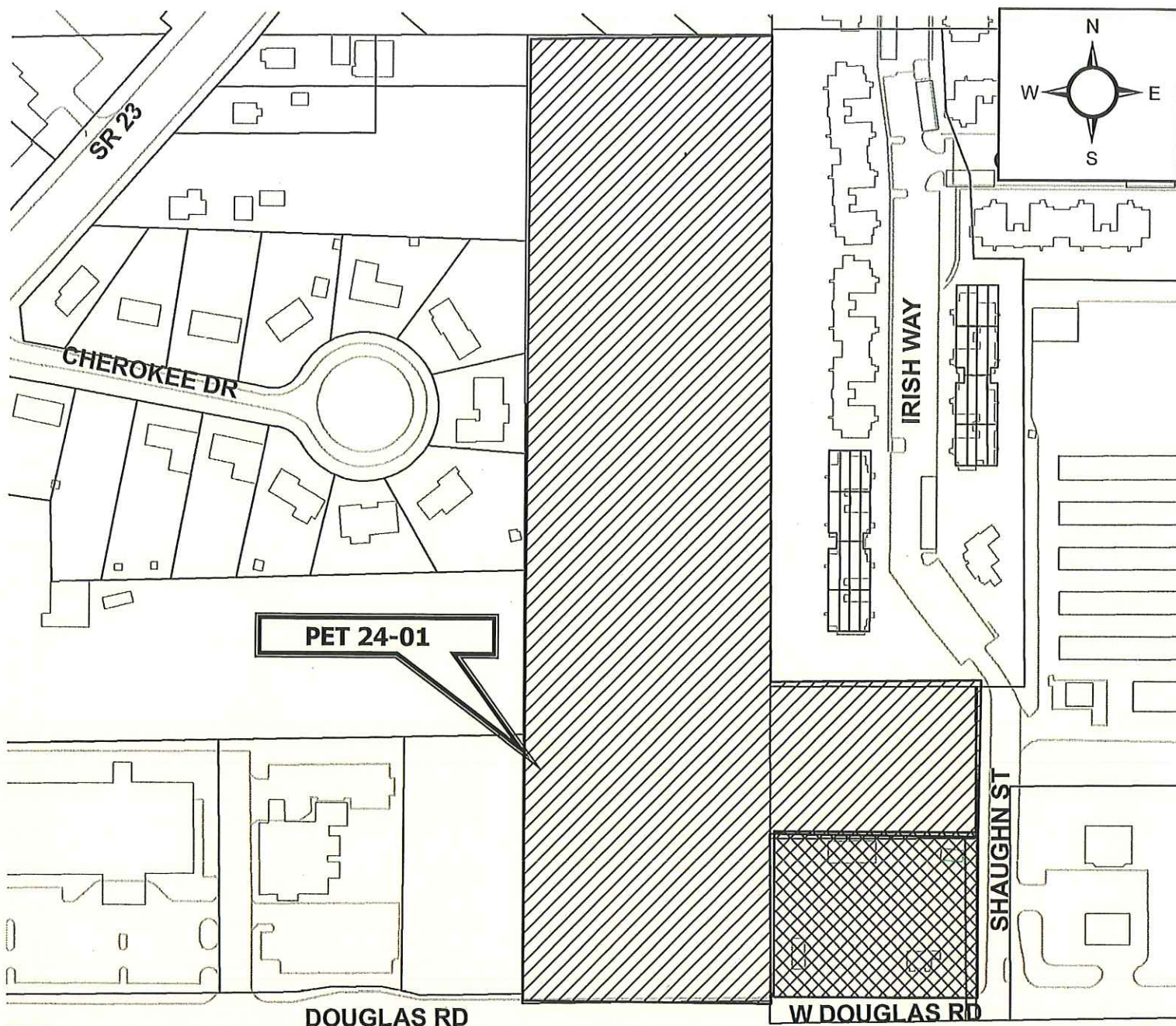
Additional Security Features:

- "State-of-the-Art" burglar/max alarm system, includes 24 Hour monitoring and interior motion detectors on all storage floors, stairwells, and main showroom.
- Hands free intercom system, able to communicate to all Max Stations throughout all floors of storage, specifically designed for customer use.
- 24 Hour digital, HD video surveillance, with remote & web base viewing.
- Individually alarmed rooms, armed and disarmed by a keypad/card swipe.
- 16+ Color/ HD, day, and night cameras, will display facilities interior, exterior and elevator.
- Multiple, audible sirens for storage and burglar alarms.
- The exclusive U-Haul patented latch contact is used in all storage units.

Traffic Study:

U-Haul stores generate less vehicular traffic volume while still embodying an active-use site. Truck and trailer sharing, and self-storage all represent dynamic transitions from one customer to another. DIY moving customers are presented with opportunities to utilize equipment and storage on a temporary basis, supporting a shared-economy, an effective economic model, and an environmentally-sound way to conduct business.

U-Haul looks forward to working with the City of Mishawaka, IN as you consider the submitted Annexation and PUD Amendment applications.



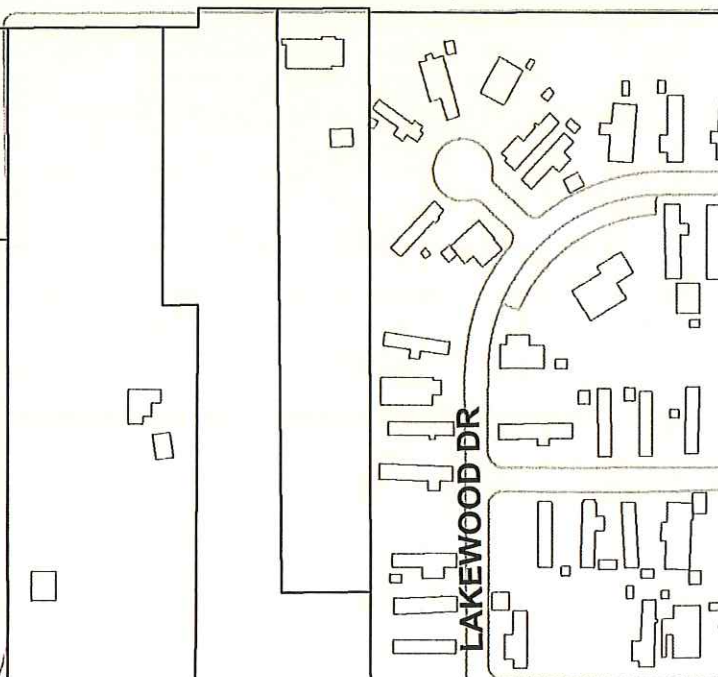
Location Map

PETITION 24-01

OWNERS: CHARLES RUPLEY, JOHN & JAYNE
PIRACCINI, JULIE HENEGHAN AND JEFF STEELY

LOCATION: 16963 DOUGLAS ROAD
AND ADJACENT VACANT PROPERTY

REQUESTING TO ANNEX 1.5 ACRES (crosshatch),
ESTABLISH ZONING AS S-2
PLANNED UNIT DEVELOPMENT,
AND AMEND EXISTING DOUGLAS COMMONS
PUD TO ALLOW STORAGE UNITS



STAFF REPORT

Location: 14233 Cleveland Road (006-1008-0105)

Date: March 12, 2024

Petition: 24 02

Prepared By: CH

GENERAL INFORMATION

Applicant: MISH RE LLC / Danch, Harner & Associates, Inc.

Status: Property Owners / Site Design, Engineering & Surveying Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a mixed use development containing commercial uses as permitted in the C-1, C-2, C-4, C-7, C-9, and C-10 Districts, and one existing single family residence (R-1 use)

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

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 30.64 acres (including Capital Avenue and Cleveland Road ROW)

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial & Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1, 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (NW Cleveland Rd and Capital PUD)
South: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
East: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
West: S-2 Planned Unit Development (NW Cleveland Rd and Capital PUD)

Thoroughfare: Cleveland Road & Capital Ave

Council District: To Be Determined (contiguous to 6)

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Residential Growth.

ANALYSIS

Proposal:

The applicant is proposing to annex, establish zoning, and approve a preliminary planned unit development site plan to allow for commercial uses as permitted in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts. This petition also includes the R-1 Single Family Residential District to reflect the existing house on the property. The owners, also owns the four parcels to the north and west, which were previously approved as a phased commercial development to include several automobile dealerships and related accessory uses.

The 30.46 acres, consists of Tax Parcel 006-1008-0105, which is 21.30 acres, and almost 9 acres of right-of-way. Located on the northwest corner of Cleveland Road and Capital Avenue. There is a homestead at the west side of the lot with the remainder as tillable farmland. The adjacent properties to the north and west were annexed into the City of Mishawaka in 2022 with S-2 Planned Unit Development zoning classification allowing all C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts (Ord. 5805).

As indicated on the preliminary site plan, the commercial development will include three proposed automobile dealerships, and areas of future development. No specific users or contingent purchaser has been identified. Although development phasing is not shown on the plan, the property will likely be developed in multiple phases, in conjunction with the property to the west.

The applicant is requesting that all permitted uses per the above referenced commercial districts be allowed. Planning Staff believes that all of these uses, except for a filling station, are appropriate. The filling station use is not appropriate because the site is located within the City's Judy Creek Wellfield, 5-year time of travel, and the underground fuel storage tanks pose a potential threat to the wellfield. Staff is recommending that the property and each individual development parcel shall adhere to the required area, height, and development regulations of the most restrictive zoning district in which the use would be permitted unless otherwise outlined in the conditions of approval.

There is no direct access to this parcel from Capital Avenue or Cleveland Road. Two access locations off of Cleveland Road were proposed on the property to the west. Final locations and all required roadway improvements, including but not limited to deceleration/acceleration lanes, passing blisters, and turning lanes, shall be subject to review and approval by the Engineering Department as a part of the planned unit development site plan review for each specific development parcel.

Currently, both water and sewer infrastructure required to serve the proposed development is located more than 1000 feet south of the site. Water and Sewer infrastructure would need to be extended across what is currently private property. Staff has made the applicant's representatives aware of this issue. Although the City has a long term plan to extend Veteran's Parkway to Cleveland Road which would be a logical path for the extension, the funding and right-of-way for such an extension does not currently exist. The City is hopeful to work as a partner to make these utility improvements over time. In order to develop the property, the applicant will be required to provide public water and sewer to the property. As such, the timing of the development is unknown.

In addition, due to the project being located within a future Juday Creek 5-year well head protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to maintained on-site via a surface stormwater retention or detention basin.

Although none is shown, landscaping will be required along the perimeter of the property, within landscaping islands, and along access drives internal to the development. More detailed landscaping plans shall be submitted with each planned unit development site plan, and are subject to review and approval by the Planning Staff.

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.

The annexation of the property to the north and west initiated a prime growth area of the City. Although preliminary and speculative, staff is recommending strongly in favor of the annexation and establishment of zoning as requested to insure the planned orderly development of roads and infrastructure in one of the few areas where the City has the ability to grow over time. The annexation of predominantly undeveloped property early in the process will allow the City to control the logical and orderly growth of the area. Although a wide range of uses are being proposed, including automobile related uses, the combined cost of the land, the infrastructure improvements, and utilities, along with the recommended conditions, will ensure high quality development commensurate with the prime location. It is understood that ultimately the market will dictate the actual development/uses that will occur which will likely evolve over many years and phases.

Annexation:

In 2022, properties to the north and west were annexed into the City and zoned S-2 Planned Unit Development for commercial uses.

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 as outlined above, approximately 1,892.98 feet, or 48%, of the total 3,944.96 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 at the northwest corner of Capital Avenue and Cleveland Road. It is bordered to the north and west by vacant land zoned S-2 Planned Unit Development; to the south by several single-family houses and agricultural land located within unincorporated St. Joseph County, and to the east by Capital Avenue and agricultural land located in unincorporated St. Joseph County. The Cleveland Road corridor between State Road 23 and Capital Avenue includes a variety of single and multi-family residential, assisted living/memory care, religious, and medical land uses.

Zoning Change:

Staff believes that the proposed zoning of this property to the S-2 Planned Unit Development District for various commercial uses is appropriate given the existing commercial growth that has occurred within northern Mishawaka. With the completion of Beacon Parkway to the north, providing a major gateway into the City from the Toll Road and northeast part of St. Joseph County, development pressures within this portion of the city and county will only intensify in the future. Examples of this growth includes Beacon Parkway and the 250 acre Penn Farm properties.

Transportation/Roads:

According to the latest available traffic counts, there were 10,999 annual average daily trips (AADT) (March 2022) along Cleveland Road east of Fir Road and 11,997 AADT (May 2022) along Cleveland Road west of Currant Road. The counts at these locations have increased over the last 15 years ranging from just under 8,900 AADT to their current peaks. With the existing and anticipated increase in commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent and/or continue to increase in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, includes a grade separation project for the Canadian National railroad at Cleveland Road west of Capital Avenue. The construction date for this project is estimated for 2024. Added travel lanes are proposed along Cleveland Road between Ash Road (County Line) and Bittersweet Road for construction in 2025. A small road west of the Indiana Toll Road connecting Beacon Parkway to Cleveland Road is proposed for construction in 2030. Veteran's Parkway is proposed to be extended from its current northern terminus to Cleveland Road which would provide a connection to Douglas Road. This extension is proposed for construction in 2035. Anticipated completion

dates for the above projects may be amended in future years dependent on projected travel demand and funding.

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

Engineering Department:

1. Site is currently not served by Mishawaka Utilities. Utility extensions will be needed via Veteran's Parkway and/or Cleveland Rd corridors.
2. No drive approach will be allowed along this site's frontage. Access shall come internal through adjacent site to the west (same owners). Improvements to Cleveland Road will be needed to facilitate this improvement.

Electric Department:

1. The property is outside of the Mishawaka Utilities Electric Division service territory.

Water Department:

1. The project is located within a future Juday Creek 5-year well head protection area pending the construction of a new well field to the northeast of the Douglas Road and Fir Road intersection.

RECOMMENDATION

Staff recommends approval of Petition 24-02 to annex 30.64 acres of land and zone to S-2 Planned Unit Development to allow for a mixed use development containing commercial uses as permitted in the R-1 Single Family Residential, C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts subject to the following conditions, previously approved for the property to the north and west.

Conditions of Approval

Uses:

1. Permitted uses shall be limited to those uses identified in the R-1 Single Family Residential, C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash zoning districts, except where noted herein, based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.
4. Filling stations shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided

by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.

2. Phasing of utility and road improvements, including internal collector drives associated with this project, shall be as determined by the City Director of Engineering.
3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road Connections:

1. Private collector road connections shall be provided through the site as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval.
2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site may be required. Internal stacking and turning movements at intersections shall be provided and protected as necessary. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Cleveland Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering as required to protect the City Wellfield at Juday Creek.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering. Utilities, including municipal water and sewer, must be in place prior to the occupancy of any phase of the proposed development.

Lighting:

1. All site lighting shall be limited to a maximum of 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 25' in height and shall include a masonry base. Animated/Electronic Reader boards shall be limited to no more than 50 square feet per sign.
 - b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 15' in height and contain a display area of no more than 90 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.
3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings on the south half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest. Buildings on the north half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended, only where visible from adjacent public right-of-way.
2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.

5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
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 commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

ATTACHMENTS

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

STAFF REPORT

Location: 14233 Cleveland Road (006-1008-0105)

Date: March 12, 2024

Petition: 24 02

Prepared By: CH

GENERAL INFORMATION

Applicant: MISH RE LLC / Danch, Harner & Associates, Inc.

Status: Property Owners / Site Design, Engineering & Surveying Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a mixed use development containing commercial uses as permitted in the ~~R-1~~, C-1, C-2, C-4, C-7, C-9, and C-10 Districts, *AND ONE EXISTING SINGLE FAMILY RESIDENCE (R-1 USE)*

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

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 30.64 acres (including Capital Avenue and Cleveland Road ROW)

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial & 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: S-2 Planned Unit Development (NW Cleveland Rd and Capital PUD)
 South: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
 East: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
 West: S-2 Planned Unit Development (NW Cleveland Rd and Capital PUD)

Thoroughfare: Cleveland Road & Capital Ave

School District: Penn-Harris-Madison *← COUNCIL DISTRICT = FEB (Contiguous to G) TO BE DETERMINED*

Township: Harris

Public Utilities: All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Residential Growth.



Aerial Photograph
14233 Cleveland Road
Proposed Commercial Development



Existing house at 14233 Cleveland Road (Google Streetview June 2023)



Looking north from Cleveland Road at field

02 26 2024



Northwest corner of Capital Avenue and Cleveland Road



A view west from Capital Avenue

January 22, 2024

Mishawaka Common Council
Mishawaka Plan Commission
600 East Third Street
Mishawaka, Indiana 46544

Re: Petition for Annexation & Rezoning for:

MISH RE LLC
14233 Cleveland Road
Granger, IN 46530

Dear Common Council and Plan Commission Members,

This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Common Council and Plan Commission meeting(s) at which our Annexation and Rezoning Petition request will be heard.

If you have any questions concerning this matter, please feel to contact me/us.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Pustelak", written over a horizontal line.

Chris Pustelak
MISH RE LLC
5201 N. Grape Road
574-272-2009

PK 2402

Date: February 12, 2024

To: The Honorable Members of the Common Council
City of Mishawaka, Indiana

Re: Petition for Annexation & Rezoning for:

MISH RE LLC
14233 Cleveland Road
Granger, IN 46530

The undersigned, respectfully show that they are the owners of the following described real estate located in the unincorporated portion of St. Joseph County, Indiana:

Annexation and Rezoning Legal Description:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, AND A PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 89°41'58" EAST ALONG THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF CLEVELAND ROAD, A DISTANCE OF 1323.83 FEET MORE OR LESS (ASSUMED BEARINGS AND APPROXIMATE DISTANCES) TO THE POINT OF BEGINNING; THENCE NORTH 00°32'43" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET MORE OR LESS TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 89°51'36" EAST ALONG SAID NORTH LINE, A DISTANCE OF 851.59 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT SIX (6) COURSES SOUTH 18°36' EAST, A DISTANCE OF 222.02 FEET MORE OR LESS AND SOUTH 11°10' EAST, A DISTANCE OF 553.73 FEET MORE OR LESS AND SOUTH 02°34' WEST, A DISTANCE OF 116.26 FEET MORE OR LESS AND SOUTH 10°08' WEST, A DISTANCE OF 195.24 FEET MORE OR LESS AND SOUTH 00°00' EAST, A DISTANCE OF 158.86 FEET MORE OR LESS TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE SOUTH 16°47' EAST, A DISTANCE OF 165.93 FEET MORE OR LESS TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 31°00' WEST, A DISTANCE OF 66.05 FEET MORE OR LESS; THENCE CROSSING SAID CAPITAL AVENUE, SOUTH 84°16' WEST, A DISTANCE OF 197.87 FEET MORE OR LESS TO THE INTERSECTION OF THE WESTERLY

RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY
RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID
SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES,
NORTH 57°40' EAST, A DISTANCE OF 176.29 FEET MORE OR LESS AND
NORTH 89°41' 58" WEST, A DISTANCE OF 622.41 FEET MORE OR LESS;
THENCE NORTH 12°18' WEST, A DISTANCE OF 29.32 FEET MORE OR LESS TO
THE POINT OF BEGINNING.

CONTAINING 30.64 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND
RESTRICTIONS OF RECORD.

Also commonly known as 14233 Cleveland Road in Granger, Indiana. The above-described parcels of
land are presently zoned "R" Single Family District in the unincorporated county.

Petitioners desire to annex and rezone the real estate described above to the "S-2" Planned Unit
Development District classification. The purpose for the annexation and rezoning is to allow for a
mixed land use development allowing uses permitted in the following Districts: "C-1" Commercial, "C-
2" Commercial, "C-4" Commercial, "C-7" Commercial, "C-9" Commercial and "C-10" Commercial.

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

Wherefore, the 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 annexation and rezoning the above-described parcel of real estate
located in the City of Mishawaka.

Sincerely:



Chris Pustelak
MISH RE LLC

Contact Person:

Danch, Harner & Associates: Attn: Angela Smith
1643 Commerce Drive
South Bend, IN 46628
(574) 234-4003
asmith@danchharner.com

D SITE PLAN

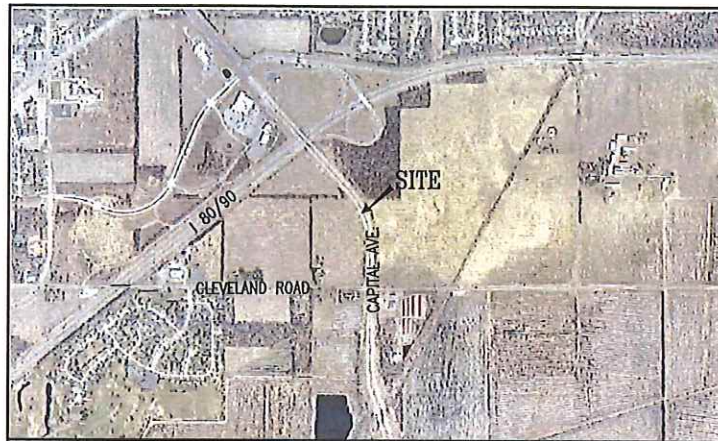
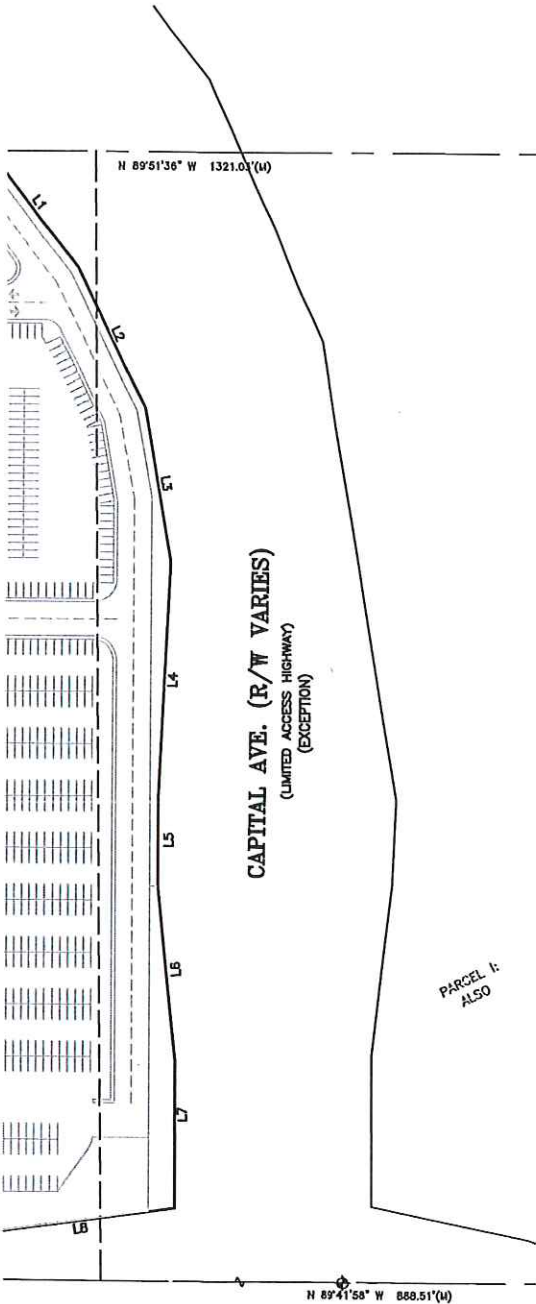
ID THE NORTHEAST QUARTER OF SECTION 26,
IS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

LINE TABLE		
LINE	BEARING	DISTANCE
L1 M	S 37°41'14" E	171.96'
L1 R	S 37°34'58" E	171.96'
L2 M	S 26°28'38" E	182.82'
L2 R	S 26°38'33" E	182.82'
L3 M	S 10°13'10" E	182.49'
L3 R	S 10°23'04" E	182.49'
L4 M	S 02°51'52" W	281.06'
L4 R	S 02°41'58" W	281.06'
L5 M	S 00°15'43" E	100.00'
L5 R	S 00°25'37" E	100.00'
L6 M	S 05°58'21" E	201.00'
L6 R	S 06°08'15" E	201.00'
L7 M	S 00°15'43" E	175.00'
L7 R	S 00°25'37" E	175.00'
L8 M	S 82°17'48" W	241.33'
L8 R	S 82°07'54" W	241.33'
L9 M	S 67°09'16" W	81.41'
L9 R	S 68°32'30" W	80.78'
L10 M	S 00°18'02" W	20.00'
L10 R	S 00°20'36" W	20.00'

PET 24-02
Received

FEB 21 2024

Planning and
Community Development



AERIAL PHOTOGRAPHY/LOCATION MAP
MIS



[Signature]

R.L. HARNER #910032

SURVEYORS & ENGINEERS:

DUNCH, HARNER & ASSOCIATES, INC.
1843 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DUNCH



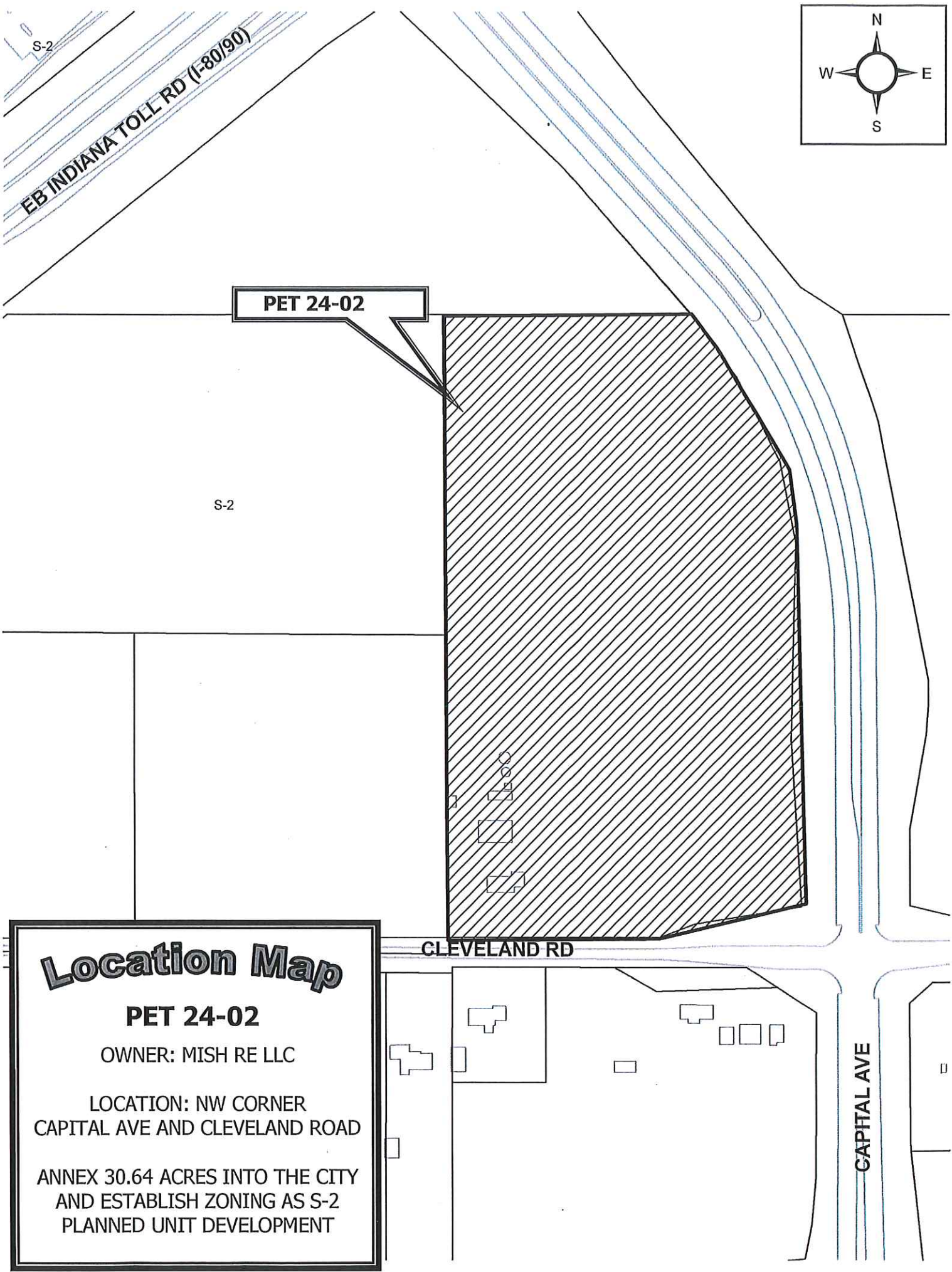
0 100' 200' 300'
SCALE 1" = 100'

Dunch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
Office: (574) 234-4003 / (574) 234-4005 • Fax: (574) 234-4119
1843 Commerce Drive • South Bend, IN 46628

DHA

DATE	DRAWN BY:	REVISIONS	
2/14/24	JMS	DATE	BY
SCALE	CHECKED BY:		
1" = 100'	MJD		
FILE #	PROJ. MANAGER:		
230276.3	AMS		

SHEET
1 OF
1



Location Map

PET 24-02

OWNER: MISH RE LLC

LOCATION: NW CORNER
CAPITAL AVE AND CLEVELAND ROAD

ANNEX 30.64 ACRES INTO THE CITY
AND ESTABLISH ZONING AS S-2
PLANNED UNIT DEVELOPMENT

STAFF REPORT

Location: 58650 Bremen Hwy., 15900 & 15901 Princess Dr., and 15676
Dragoon Trl. including four (4) tax parcels - East side of
Bremen Hwy. approximately 480' south of Dragoon Trl.

Date: March 12, 2024

Petition: 24-03

Prepared By: DJS

GENERAL INFORMATION

Applicants: CZG, LLC; CZG II, LLC; and CZG II (William Loudin) / Abonmarche Consultants

Status: Property Owners / Surveyor & Engineer

Request: To annex, establish zoning, and approve a conceptual design for a proposed residential development.

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

Proposed Zoning: S-2 Planned Unit Development for residential uses

Lot Size: 18.44 acres including the adjacent Bremen Highway and Dragoon Trail right-of-way

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District, Section 137-41 / Amendments to the Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:

North:	R-1 Single-Family Residential (St. Peter Lutheran Church & Single-Family Houses)
South:	Unincorporated St. Joseph County / R Single-Family Residential (Single-Family House)
East:	Unincorporated St. Joseph County / R Single-Family Residential (Single-Family House)
West:	Unincorporated St. Joseph County / R Single-Family Residential (Single-Family Houses)

Thoroughfare: Bremen Highway & Dragoon Trail

Council District: To Be Determined (Contiguous to District 2)

School District: Penn-Harris-Madison

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

Comprehensive Plan: Low Density Residential

ANALYSIS

Proposal:

The petitioner is proposing to annex, establish zoning, and approve a conceptual design for a proposed residential development.

The 18.44 acre site, which includes four separate parcels (Tax Parcels 014-1027-0458, -0458.01, -0458.18, and 0458.19), is located east of Bremen Highway approximately 480' south of Dragoon Trail. The site, which is mostly wooded, has approximately 620' of frontage on Bremen Highway and 480' of frontage on Dragoon Trail. Three single-family residential houses are located within the property. Two of these houses are proposed to remain with the northernmost dilapidated house to be razed. The adjacent properties to the north were annexed into the City of Mishawaka in 1961 and 1978 with an R-1 Single Family Residential zoning classification specifically for single-family residential development and a church.

Per the petition and conceptual layout for the development, the petitioner plans to construct an approximate 51 lot residential subdivision with public roads, sewer, and water. The average price of each lot, including the home, is estimated at \$450,000 to \$500,000. The subdivision, as shown on the conceptual plan, will primarily be single-family detached homes with a mix of single-family attached and 3-4 unit townhomes. Single-family attached units and townhomes are not shown on the conceptual plan. Planning Staff is recommending that a maximum of 75 units be permitted within the development with a 30% maximum (23 units) for attached and townhome units.

Access is shown on the conceptual site plan solely from Dragoon Road. An access drive to Bremen Highway may be permitted and is subject to review and approval by the City Engineer as a part of the subdivision review process.

A portion of the property along Bremen Highway was strip mined for iron slag previously deposited by a foundry. These areas will have to be cleared of any materials or deposits prior to grading for development. The mined areas appear to be within the proposed storm water retention basins conceptually shown along Bremen Highway.

The property is heavily wooded. Planning Staff is recommending that trees along the perimeter be maintained, if possible. An inventory of the existing trees shall occur to determine which trees, if any, can be kept.

The petitioner is requesting a zoning classification of S-2 Planned Unit Development specifically for residential uses. A standard R-1 Single-Family District classification would not permit the proposed single-family attached units and townhomes due to the individual lot area, width, and setback requirements of the R-1 District. Therefore, Planning Staff recommended the property be annexed with a PUD zoning classification. Specific development regulations are outlined in the conditions of approval.

Currently, the petitioner is only proposing to establish the permitted uses and basic development regulations of the planned unit development. If the annexation and zoning request is approved, a subdivision plat 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 drainage, electric, gas, etc.), grading, erosion control, and other required improvements.

Annexation:

In 1961 and 1978, the adjacent properties to the north were annexed into the City and zoned R-1 Single Family Residential for residential development and a church.

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 boundary to be annexed. With the two previous annexations as outlined above, approximately 1,463 feet, or 36.8%, of the total 3,977 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 near the southeast corner of Bremen Highway and Dragoon Trail and is bound to the north by single-family residential houses and a church, to the east by a single-family residential house in unincorporated St. Joseph County, to the south by a single-family residential house located in unincorporated St. Joseph County, and the west by single-family residential houses located in unincorporated St. Joseph County.

Zoning Change:

Staff believes that the proposed zoning of this property to the S-2 Planned Unit Development District for residential use is appropriate given that all the adjacent property is zoned for and mostly occupied by single-family residential houses.

Transportation/Roads:

According to the latest available traffic counts from May 2023, there were 15,168 annual average daily trips (AADT) along Bremen Highway north of Dragoon Trail and 17,973 AADT along Bremen Highway south of the proposed development. There were 8,072 AADT along Dragoon Trail east of Bremen Highway. The counts at these locations have remained relatively consistent over the last 17 years and will, therefore, likely remain consistent in future years.

The 2050 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, includes a road widening project (added travel lanes) for S. Church Street / Union Street / Bremen Highway from E. Sixth Street to Ireland Road. The plan indicates an anticipated completion date of the project south Dragoon Trail by 2035. The plan and anticipated completion dates for any transportation improvements may be amended in future years dependent on projected travel demand and funding availability.

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

Engineering Department:

1. To eliminate the long cul-de-sac distance, connect the street back through Lot 40 to create a loop.
2. Additional right-of-way shall be dedicated along Bremen Highway for the proposed road widening project. The distance shall be determined during the subdivision plat process, but at a minimum 90' total right-of-way is required along Bremen Highway.

Electric Department:

1. Electric easements will be required throughout the development. (Comment to be addressed during the subdivision plat process.)

Water Department:

1. The Water Department should be contacted to discuss future water, backflow, and metering needs.
2. A water pressure study may have to be completed to determine if the property can be served by water.

RECOMMENDATION

Staff recommends **approval** of Petition 24-03 to annex, establish zoning, and approve a conceptual design for a residential development on an 18.44 site located east of Bremen Highway approximately 480' south of Dragoon Trail. The property is proposed to be zoned S-2 Planned Unit Development subject to the following development regulations/conditions:

Uses:

1. Permitted uses shall be limited to residential including single-family detached houses, single-family attached houses, and up to 4 unit attached townhouses.

Single-Family Detached Homes/Lots:

1. Minimum of 50' lot width
2. Minimum of 6,000 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yard setback
6. Minimum of 5' side yard setback
7. All other R-1 Single Family Residential District regulations not identified above shall be applicable.

Single-Family Attached Homes and Townhouse/Lots:

1. Minimum of 30' lot width
2. Minimum of 4,800 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yards setback
6. 0' interior side yard setback along common walls between units
7. 5' side yard setback for exterior side yard setback
8. All other R-2 Two-Family Residential District regulations not identified above shall be applicable.

Density & Single-Family Attached / Townhouse Residential Units Allowance:

1. A maximum of 75 residential units shall be permitted with a 30% maximum (23 units) for the single-family attached units and townhouses.

Lot Ownership:

1. All property within the subdivision plat not dedicated as public right-of-way shall be platted as lots with a primary structure (residential unit). Outlots owned by the developer or homeowner's association without a primary structure (residential units) shall not be permitted.

Other:

1. An analysis of the existing trees shall occur to determine which trees, if any, can be preserved. The developer shall try to preserve masses of the existing trees, where possible. A tree preservation plan shall be submitted with the subdivision plat.

This recommendation is based on the following findings of fact:

1. Existing Conditions - The subject property is located near the southeast corner of Bremen Highway and Dragoon Trail. Bremen Highway, which is a heavily travelled principal arterial road, serves as the primary gateway into the city from the south. Dragoon Trail is a moderately travelled major collector road providing east/west access. Traffic volumes along both roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses to the west, south, and east within unincorporated St. Joseph County, and single-family residential houses and a church to the north.
2. Character of Buildings in Area - The buildings and land uses along Bremen Highway and Dragoon Trail are primarily single-family residential. A church and a convenience store with fuel pumps/car wash are located at the Bremen Highway and Dragoon Trail intersection.
3. The most desirable/highest and best use - With the property's location adjacent to mostly single-family resident houses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single-family residential uses and church.
5. Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use of the subject property and adjacent areas as low density residential.

Single-Family Detached Homes/Lots:

1. Minimum of 50' lot width
2. Minimum of 6,000 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yard setback
6. Minimum of 25' rear yard setback
7. All other R-1 Single Family Residential District regulations not identified above shall be applicable.

Single-Family Attached Homes and Townhouse/Lots:

1. Minimum of 30' lot width
2. Minimum of 4,800 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yards setback
6. 0' interior side yard setback along common walls between units
7. 5' side yard setback for exterior side yard setback
8. All other R-2 Two-Family Residential District regulations not identified above shall be applicable.

Density & Single-Family Attached / Townhouse Residential Units Allowance:

1. A maximum of 75 residential units shall be permitted with a 30% maximum (23 units) for the single-family attached units and townhouses.

Lot Ownership:

1. All property within the subdivision plat not dedicated as public right-of-way shall be platted as lots with a primary structure (residential unit). Outlots owned by the developer or homeowner's association without a primary structure (residential units) shall not be permitted.

Other:

1. An analysis of the existing trees shall occur to determine which trees, if any, can be preserved. The developer shall try to preserve masses of the existing trees, where possible. A tree preservation plan shall be submitted with the subdivision plat.

This recommendation is based on the following findings of fact:

1. Existing Conditions - The subject property is located near the southeast corner of Bremen Highway and Dragoon Trail. Bremen Highway, which is a heavily travelled principal arterial road, serves as the primary gateway into the city from the south. Dragoon Trail is a moderately travelled major collector road providing east/west access. Traffic volumes along both roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses to the west, south, and east within unincorporated St. Joseph County, and single-family residential houses and a church to the north.
2. Character of Buildings in Area - The buildings and land uses along Bremen Highway and Dragoon Trail are primarily single-family residential. A church and a convenience store with fuel pumps/car wash are located at the Bremen Highway and Dragoon Trail intersection.
3. The most desirable/highest and best use - With the property's location adjacent to mostly single-family resident houses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single-family residential uses and church.
5. Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use of the subject property and adjacent areas as low density residential.

ATTACHMENTS

Aerial Map, Photographs, Petition for Annexation and Zoning Classification, Conceptual Design for Residential Subdivision, and Location Map



Aerial Photograph – 58650 Bremen Hwy., 15900 & 15901 Princess Dr., & 15676 Dragoon Trl.
Proposed Single-Family Residential Development



P1. Looking east from Bremen Highway toward the property and driveway for the existing houses.



P2. Looking southeasterly from the church parking area toward the property.



P3. Looking southwesterly from Dragoon Trail toward the property.

Date: 02/21/24
Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

PST 24-03
Received
FEB 21 2024
Planning and
Community Development

RE: Breman Hwy and Dragoon Annexation & PUD standards

The undersigned, William Loudin of CZG, LLC., 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:

LEGAL DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00° 15' 31" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89° 22' 58" EAST, A DISTANCE OF 686.48; THENCE NORTH 16° 37' 24" EAST, A DISTANCE OF 302.89 TO THE NORTHERLY RIGHT OF WAY LINE OF DRAGOON TRAIL; THENCE SOUTHEASTERLY, ALONG SAID NORTHERLY LINE, A DISTANCE OF 474 FEET, MORE OR LESS, TO A POINT LYING 185.25 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00° 15' 31" WEST, PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER, A DISTANCE OF 599.09 FEET; THENCE SOUTH 89° 42' 36" WEST, A DISTANCE OF 1173.62 FEET TO THE WEST RIGHT OF WAY LINE OF BREMAN HIGHWAY; THENCE THE FOLLOWING THREE COURSES ALONG SAID WEST RIGHT OF WAY LINE: 1) NORTH 00° 15' 31" EAST, A DISTANCE OF 394.63 FEET; 2) THENCE NORTH 26° 27' 03" WEST, A DISTANCE OF 80.43 FEET; 3) THENCE NORTH 08° 44' 22" WEST, A DISTANCE OF 164.39 FEET; THENCE SOUTH 89° 22' 58" EAST, A DISTANCE OF 101.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.44 ACRES, MORE OR LESS, AND SUBJECT TO ALL COVENANTS, RIGHTS OF WAY, AND EASEMENTS OF RECORD.

COMMON ADDRESS: Immediate southeast corner of Breman Highway and Dragoon Trail

Petitioner owns one-hundred percent (100%) of the above described parcels of land which is located in Indiana and that the Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with an S-2 PUD District. Petitioners further state they intend to utilize said land for Residential Uses.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate showing: existing structures, size of the lots, rights-of-way, storm detentions and access point of the subdivision.

Petitioner plans to construct an approximately 51-lot subdivision with public roads, utilizing public sewer and water utilities and served off Dagoon Trail. The average price of the development per lot, including the home, will be approximately \$450,000 – \$500,000. This subdivision will primarily be single family development and will have a mix of single family attached and 3-4 unit townhomes.

Petitioner desires said real estate to be amended as follows:

1. PUD General Standards

a) Residential uses include:

- I. Single family homes
- II. Attached single family homes
- III. Up to 4 unit attached townhomes

b) Single Family Home site standards:

- a. The development standards for single family home sites will require: 1) 50' lot width; 2) 6,000 square foot lot size; 3) 35' or 2 ½ stories height limitation; 4) 20' Front Setback; 5) 25' Rear setback; and 6) 5' side setback

- b. All other R-1 standards apply from the Mishawaka Zoning Ordinance

c) Single Family Attached and Townhome site standards:

- a. The development standards for single family attached and townhome sites will require: 1) 40' minimum lot width; 2) 4,800 square foot lot size; 3) 35' or 2 ½ story height limitation; 4) 20' front setback; 5) 25' rear setback 6) 0' lot line for attached single family homes or townhomes. 5' side yard setback applies when an open side yard is present.

- b. All other R-2 standards apply from the Mishawaka Zoning Ordinance

d) Road Right of Way widths planned to be 50' wide with a minimum of 50' road centerline radius.

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.

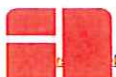
WHEREFORE, the petitioner respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, and appropriate ordinance be enacted amending the PUD of the above-described parcel of land located in the City of Mishawaka

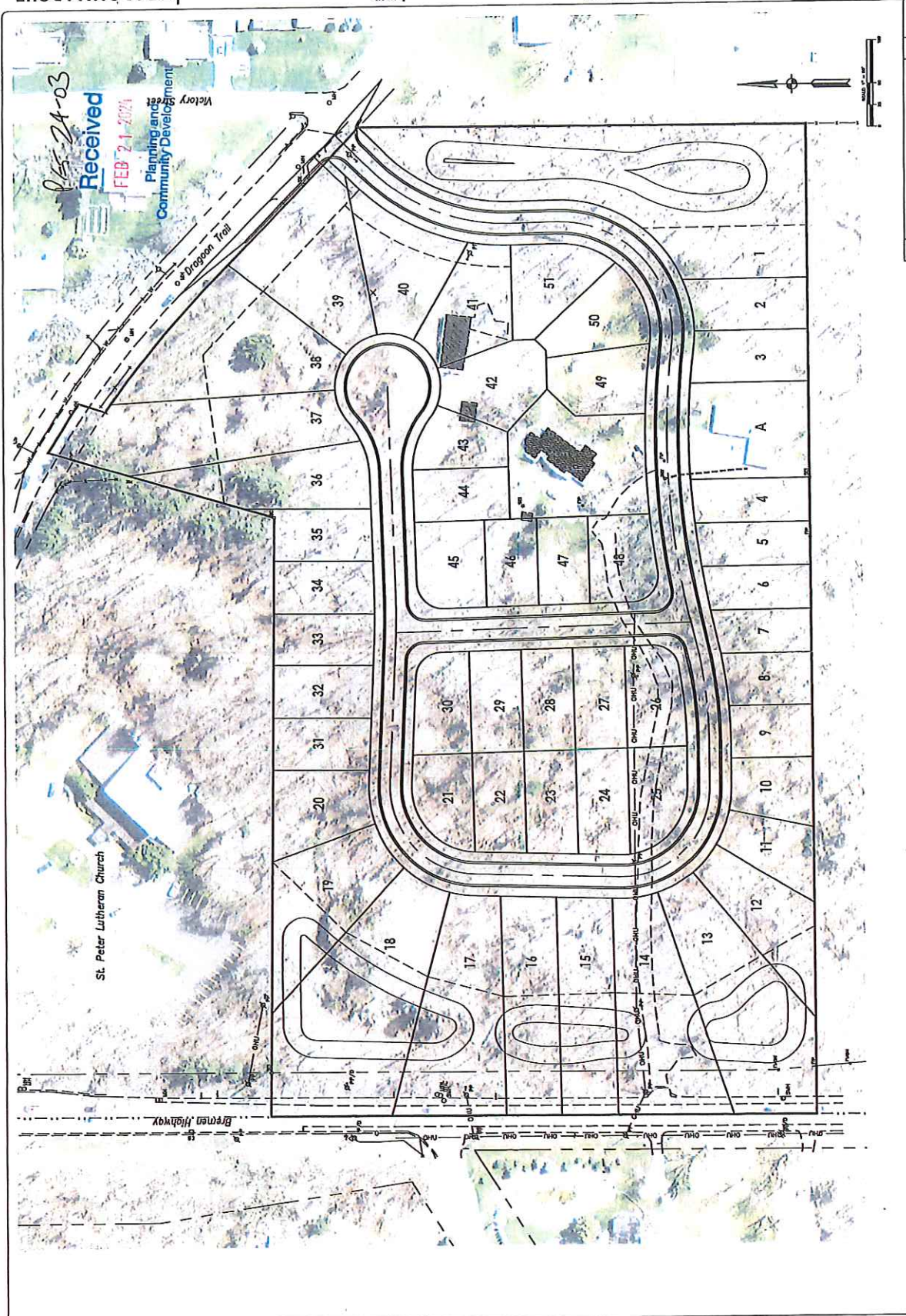


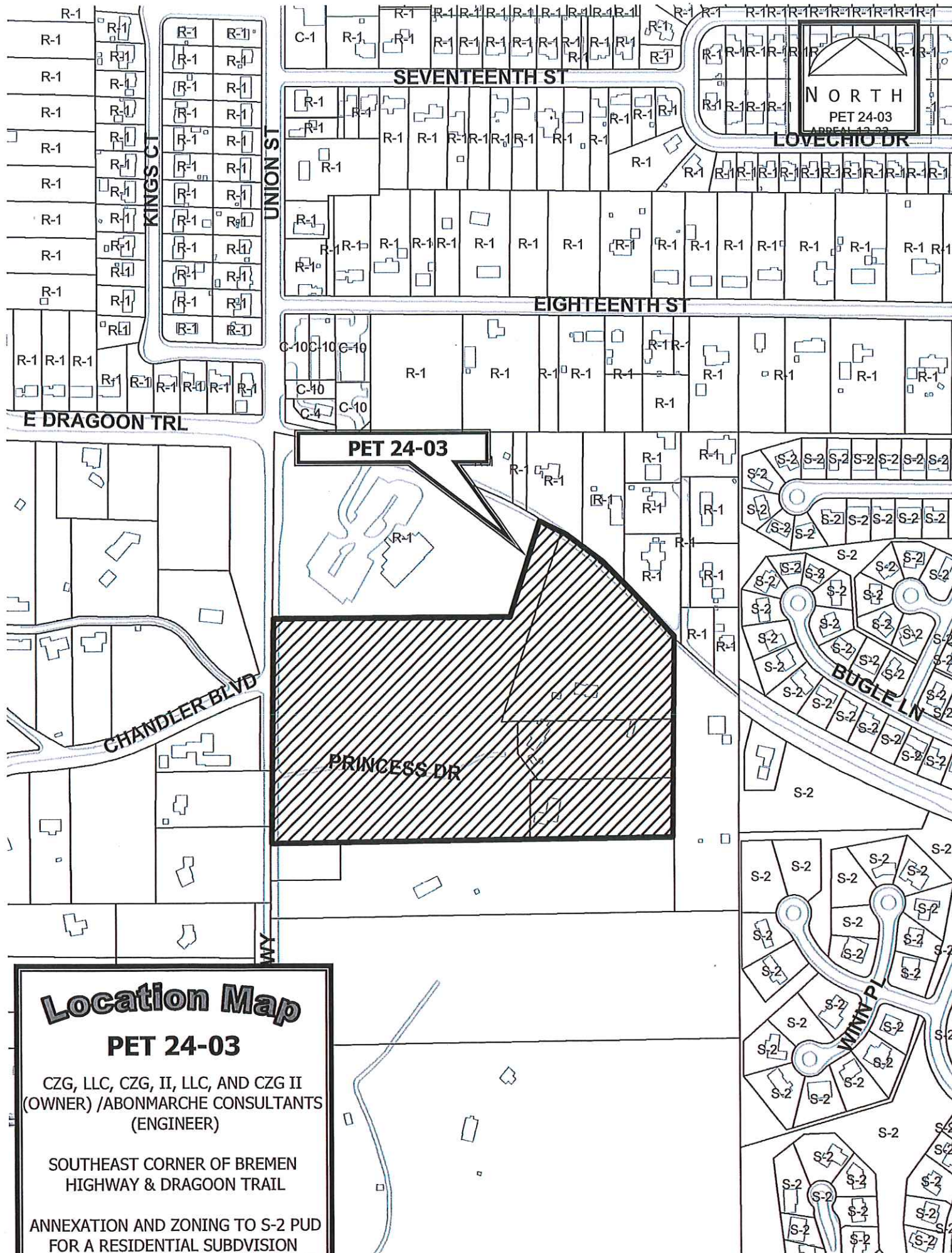
William Loudin
CZG, LLC., CZG II LLC. CZG II

CONTACT PERSON

John Linn
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, IN 46601
(574) 232-8700
jlinn@abonmarche.com







Location Map

PET 24-03

CZG, LLC, CZG, II, LLC, AND CZG II
(OWNER) /ABONMARCHE CONSULTANTS
(ENGINEER)

SOUTHEAST CORNER OF BREMEN
HIGHWAY & DRAGON TRAIL

ANNEXATION AND ZONING TO S-2 PUD
FOR A RESIDENTIAL SUBDIVISION

STAFF REPORT

Location: Northwest corner of Gumwood Road &
W. Cleveland Road (S.R. 23)

Date: March 12, 2024

Petition: 24-04

Prepared By: CH

GENERAL INFORMATION

Applicants: Gumwood Acquisitions, LLC / Abonmarche Consultants

Status: Property Owner / Engineer & Site Design Consultant

Request: Amend the Grandview Planned Unit Development (Phase III) to allow a 0' building and parking/pavement setback between all internal property lines, excluding the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision.

Zoning Classification: S-2 Planned Unit Development (Permitted C-1 General Commercial District and C-2 Shopping Center Commercial District uses, multi-family residential uses, and development regulations per Ord. 5611 & Ord. 5883)

Lot Size: 19.25 acres

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District;
Section 137-41 / Amendments to the Zoning Map
Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:

North:	S-2 Planned Unit Development (Grandview Mixed-Use Development including commercial and multi-family residential uses & City of Mishawaka/Municipal Wellfield)
South:	S-1 Extensive Open Space/Public (Cemetery/St. Joseph Valley Memorial Park)
East:	S-2 Planned Unit Development (Heritage Square and Toscana Park Mixed-Use developments including commercial and residential uses)
West:	C-2 Shopping Center Commercial (Multi-Tenant Commercial/Centennial Place) & Unincorporated St. Joseph County (Single-Family Residential)

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

Council District: 6

School District: South Bend Community School Corporation

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

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. However, the amended PUD and proposed uses are generally consistent with the established policy and trend of encouraging retail and multiple family uses within the area.

ANALYSIS

This proposed PUD amendment is for the next phase of the Grandview PUD located at the northwest corner of State Road 23 and Gumwood Road. A site plan and replat were submitted concurrently.

The PUD was amended previously this year to allow increased building height, reduced parking/pavement setbacks, 0' pavement/drive aisle setback from the proposed north property line and north/south lot line between Lot 1 and 2 of the Enclave at Grandview Minor Subdivision, and use of an activated outdoor/open space (Ord 5883).

This PUD amendment comes as a result of the Enclave at Grandview Minor Subdivision Lot 2 Replat, which will create three lots for the following uses:

- 246 apartment residences with studio, one, and two-bedroom floorplans. Resort-style amenities to include rooftop pool, fitness center, clubhouse, private dining room, office space, 24/7 security, a fully enclosed parking garage for residents and onsite leasing and management.
- The Enclave at Grandview Townhomes will offer 66 exclusive, private residences with urban amenities available for sale. Townhomes layouts will offer either two or three bedroom plans with upscale, custom finishes and upgrade options.
- A highly curated hotel designed to be a lifestyle destination for both local residents and area visitors around the region. The hotel will feature a rooftop restaurant, breakfast and lunch café, and event space, all of which will welcome community residents as well as hotel guests, in addition to 125 guest rooms.
- Greenspace for community events, walking and bike-friendly sidewalks.

The proposed lot lines are drawn along building edges and through parking lots, therefore requiring a 0' building and parking/pavement setback between all internal property lines. This will not apply to the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision, which is currently being developed as townhomes.

The Staff supports the request for the amended development regulations. These were not included previously because the owner hadn't decided to subdivide the land into separate lots at that time.

All pertinent City Departments have reviewed and approved the PUD amendment request without comments.

RECOMMENDATION

Staff recommends **approval** of amending the Northwest Gumwood and Cleveland Road Planned Unit Development (commonly known as the Grandview PUD, Phase III) to allow a 0' building and parking/pavement setback between all internal property lines, excluding the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision.

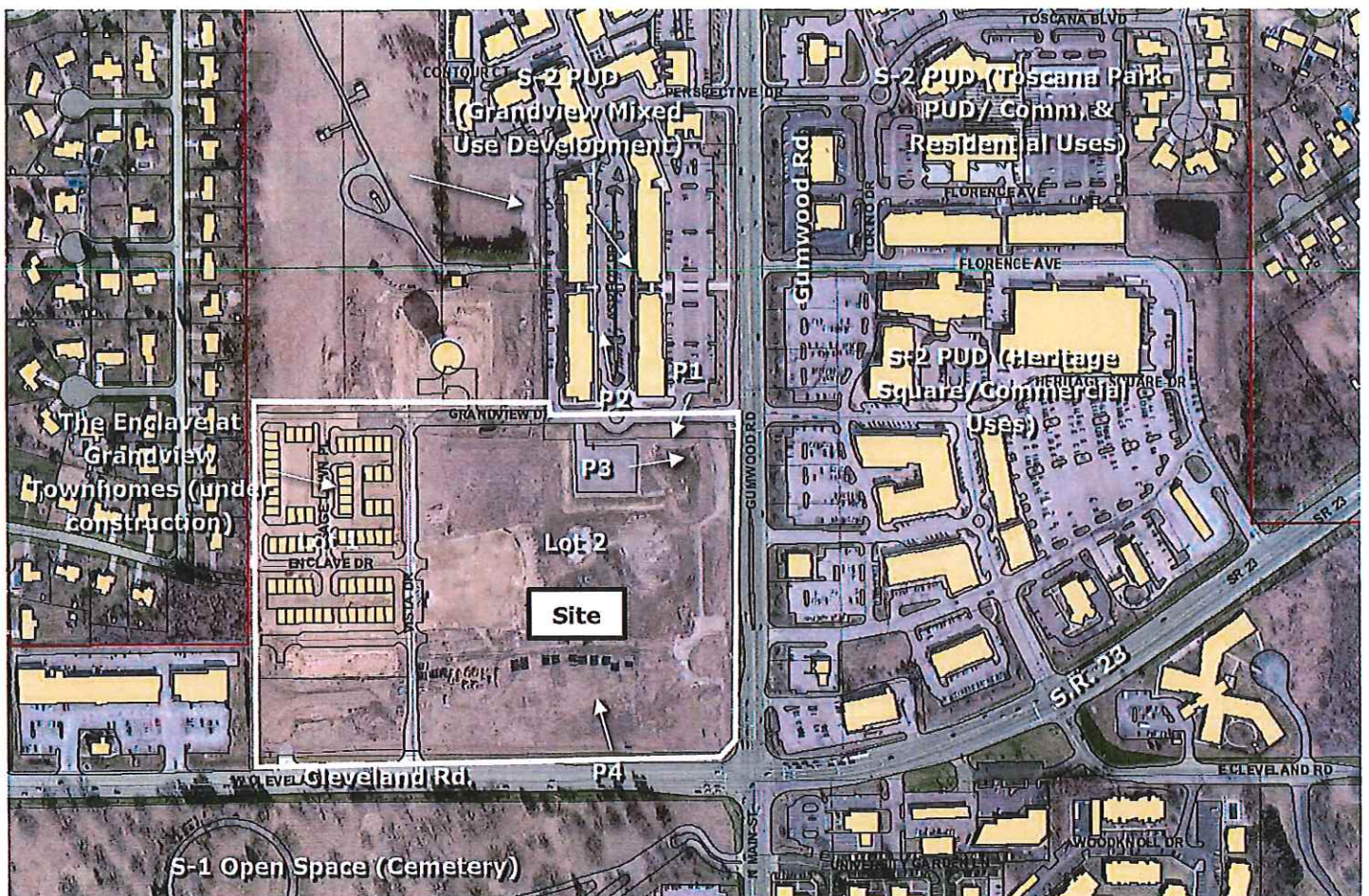
This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property is located on Gumwood Road and S.R. 23, both heavily traveled corridors. Existing similar multi-family residential and commercial developments are located to the north and across Gumwood Road to the east.
2. Character of Buildings in Area – The character of most of the buildings along Gumwood Road and W. Cleveland Road (S.R. 23) are commercial, multi-family residential, and mixed-use consisting of both commercial and residential uses. Grandview was designed as a complex, like Heritage Square or Toscana Park.

3. The most desirable/highest and best use – Due to the property's location and the significant commercial development along the Main Street/Gumwood Road corridor combined with the adjacent multi-family residential uses, the most desirable use for the property is a transitional mix of commercial and multi-family residential uses which is not changing with this amendment.
4. Conservation of property values – The proposed amendment will not be injurious to property values in the surrounding area due to the similar adjacent commercial and mixed-use retail and multi-family residential uses. The reduced building, and parking/pavement setbacks are limited to property internal to the cohesive Grandview development and located along common property lines owned by the petitioner.
5. Comprehensive Plan – Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

ATTACHMENTS

Aerial, Photographs, Petition, Site Plan (SP 24-03), Enclave at Grandview Minor Subdivision Lot 2 Replat (Replat 24-01), and Location Map



Aerial Photograph
Grandview Planned Unit Development, Phase III
Northwest Corner of Gumwood Road & Cleveland Road (S.R. 23)



P1. Looking south toward undeveloped Lot 2 from the access road between Phase II and III (proposed).



P2. Looking north from the common access road toward the existing Phase II.



P3. Looking north from W. Cleveland Road toward undeveloped Lot 2.



P4. Looking east across Gumwood Road at Heritage Square/Toscana Park

Date: 02/21/24

Updated 3/1/24

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

RE: Grandview Phase III PUD Amendment

The undersigned, Rich Deahl, of Gumwood Acquisitions, LLC, 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:

LEGAL DESCRIPTION:

A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:

A PART OF LOT 2 IN GUMWOOD ROAD DEVELOPMENT P.U.D. SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 1518561 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AND ALSO A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 IN SAID DEVELOPMENT; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2 EXTENDED, 912.90 FEET; THENCE NORTH 89°27'41" EAST, 782.68 FEET; THENCE SOUTH 00°28'12" EAST, 102.21 FEET; THENCE NORTH 89°28'27" EAST, 491.43 FEET TO THE EAST LINE OF SAID LOT 2 AND THE WESTERLY RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID EAST LINE AND WESTERLY RIGHT-OF-WAY, 785.59 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2 AND THE NORTHERLY RIGHT-OF-WAY OF S.R. 23; THENCE SOUTH 44°28'18" WEST ALONG SAID SOUTHERLY AND NORTHERLY LINES, 35.36 FEET; THENCE SOUTH 89°27'41" WEST ALONG SAID SOUTHERLY AND NORTHERLY LINES, 1249.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 25.54 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

COMMON ADDRESS: Northwest Corner of Gumwood Road and Cleveland Road

Petitioner owns one-hundred percent (100%) of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for multifamily uses and commercial uses within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts.

Petitioner desires said real estate to be amended as follows:

1. PUD Exclusions and Additions:

1. A 0' building and parking/pavement setback shall be permitted between all internal property lines, excluding the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision

WHEREFORE, the petitioner respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, and appropriate ordinance be enacted amending the PUD of the above-described parcel of land located in the City of Mishawaka

PROPERTY OWNER:
GUMWOOD ACQUISITIONS, LLC
By: Great Lakes Capital Management, LLC
Its: Manager



Richard Deahl
General Counsel

CONTACT PERSON

Steve Ruby
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, IN 46601
(574) 538-2201
sruby@abonmarche.com



ENCLAVE AT GRANDVIEW MINOR SUBDIVISION LOT 2 REPLAT

INCLUDING A PORTION OF LOT 2 IN GUNWOOD ROAD DEVELOPMENT P.U.D. AND
BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY
TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

Received
FEB 21 2024

Planning & Dev.
Community Dev.



DEED OF DEDICATION

THE UNDERSIGNED, GUNWOOD ACQUISITIONS, LLC, OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION ACT, INDIANA, FOR THE PURPOSES OF THE SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING LOT 2 IN ENCLAVE AT GRANDVIEW MINOR SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 2022-02877 ON MARCH 20, 2023 IN THE ST. JOSEPH COUNTY RECORDER'S OFFICE OF INDIANA.

ALSO, A PARCEL OF LAND BEING A PART OF LOT 2 IN GUNWOOD ROAD DEVELOPMENT P.U.D., AS RECORDED AS INSTRUMENT NUMBER 2019-01721 ON JULY 22, 2019 IN THE ST. JOSEPH COUNTY RECORDER'S OFFICE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE SOUTHWEST CORNER OF LOT 2 IN SAID ENCLAVE AT GRANDVIEW MINOR SUBDIVISION, ALSO BEING A POINT ON WEST 80-FT-CE-WAY LINK OF GUNWOOD ROAD, THENCE SOUTH 89°22'27" WEST ALONG THE NORTH LINE OF LOT 2 IN SAID ENCLAVE AT GRANDVIEW MINOR SUBDIVISION, THENCE NORTH 0°00'00" WEST ALONG SAID EAST LINE, SAID ENCLAVE UNDER SUBDIVISION, THENCE NORTH 0°00'00" WEST ALONG SAID EAST LINE, 54.50 FEET, THENCE NORTH 89°22'27" EAST, 40.13 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF GUNWOOD ROAD, THENCE SOUTH 0°00'00" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF GUNWOOD ROAD, 100.00 FEET, THENCE SOUTH 0°00'00" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF GUNWOOD ROAD, 100.00 FEET, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

THIS IS TO CERTIFY THAT THE UNDERSIGNED, GUNWOOD ACQUISITIONS, LLC, THE OWNER OF THE LAND DESCRIBED HEREIN, HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE LINES AND PURPOSES HEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE HEREIN INDICATED.

GUNWOOD ACQUISITIONS, LLC

BY: [Signature]

GRANGER, IN 46030

AURA SERAFIN, AUTHORIZED REPRESENTATIVE

DATED THIS DAY OF 2024.

COUNTY OF ST. JOSEPH

STATE OF INDIANA

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED AURA SERAFIN, AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS A VOLUNTARY ACT AND DEED FOR THE PURPOSES HEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY OF 2024.

MY COMMISSION EXPIRES COMMISSION #

(SIGNATURE)

(PRINT)

NOTARY PUBLIC IS A RESIDENT OF ST. JOSEPH COUNTY, INDIANA.

LAND SURVEYOR'S CERTIFICATE

I, AURA SERAFIN, A PROFESSIONAL LAND SURVEYOR, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAT IS ACCORDANCE WITH THE LAWS OF THE STATE OF INDIANA, AND THAT THE SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, IS IN ACCORDANCE WITH THE LAWS OF THE STATE OF INDIANA.

I AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

MICHAEL J. WOOLCOCK, P.S.

PROFESSIONAL LAND SURVEYOR #020500010

STATE OF INDIANA

DATE

2024

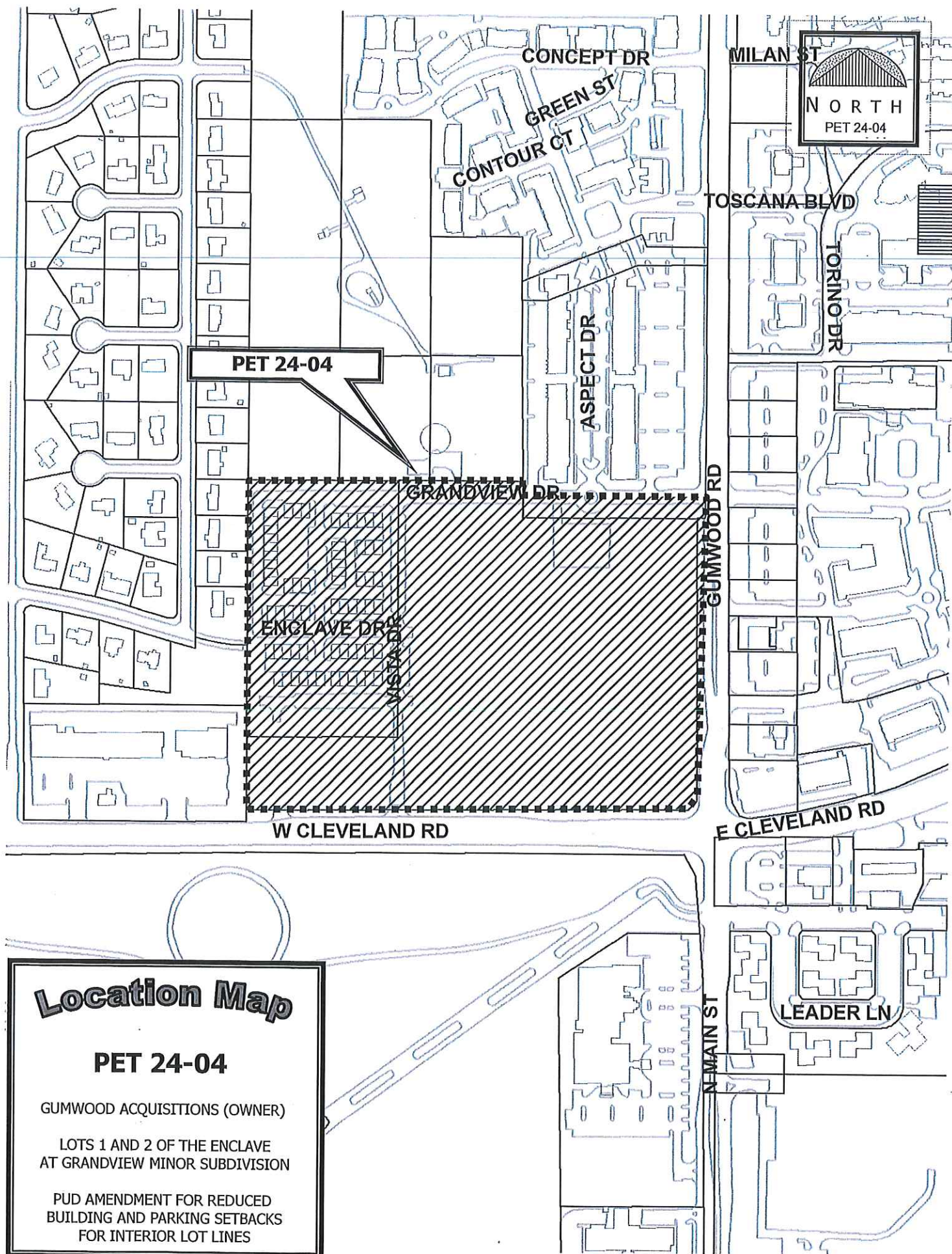
NOTES:

- TOTAL AREA OF REPLAT = 839,857 SQ. FT. (19.254 ACRES)
LOT A = 203,897 SQ. FT. (4.684 ACRES)
LOT B = 115,972 SQ. FT. (2.664 ACRES)
LOT C = 519,988 SQ. FT. (11.914 ACRES)
- ALL BUILDING SETBACKS ARE PER P.U.D. PETITION #13-43 EXHIBIT "A", NORTHWEST GUNWOOD & S.R. 23 CONDITIONS OF APPROVAL.
- EXISTING ZONING CLASSIFICATION IS "S-2" P.U.D.
- EXISTING ZONING CLASSIFICATION IS "S-2" P.U.D.
- EROSION CONTROL PLANS WILL BE FILED WITH THE RESPECTIVE GOVERNING AGENCIES.
- ALL LOT CORNERS NOT FOUND WILL BE MARKED WITH 5/8" DIAMETER REBAR ROD, 24 INCHES IN LENGTH, CAPPED WITH A PLASTIC, YELLOW MARKER STAMPED "ABONMARCHE FROM #0050", UNLESS OTHERWISE NOTED.
- SITE IS NOT WITHIN ANY SPECIAL FLOOD AREAS PER MAP COMMUNITY PANEL NO. 1614102080 DATED JANUARY 6, 2011.
- ACCORDING TO THE 1989 ST. JOSEPH COUNTY POTENTIAL GROUNDWATER CONTAMINATION SITES MAP PUBLISHED BY THE MISHAWAKA AREA COUNCIL OF GOVERNMENTS, NO DOCUMENTED DUMPSTERS, LANDFILLS, SITES USED FOR DISPOSING OF HAZARDOUS SUBSTANCES, OR WELLS/HEAD PROTECTION AREAS, EXIST ON-SITE OR ADJACENT TO THE SITE.
- A BOUNDARY SURVEY OF THE SUBJECT PROPERTY IS RECORDED UNDER INSTRUMENT NUMBER 1337287 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY. EXISTING MONUMENTS ARE SHOWN ON SAID SURVEY.
- THERE ARE NO ENCROACHMENTS OF EXISTING STRUCTURES UPON LOT LINES, BUILDING SETBACKS, OR EASEMENTS CREATED IN THE PLATTING OF THIS SUBDIVISION.
- MUNICIPAL PUBLIC SANITARY SEWER AND WATER WILL SERVE THE SUBDIVISION.
- ANY EASEMENTS DELINEATED ON THIS PLAT ARE EASEMENTS RESERVED FOR THE DEVELOPER OF SAID SUBDIVISION, ITS SUCCESSORS, ASSIGNS, THE ESTATE OF SAID DEVELOPER, OR ANY OF THEIR HEIRS, AND SHALL BE SUBJECT TO THE SAME AS ANY EASEMENTS DELINEATED ON ANY OTHER PLAT OF EASEMENTS RECORDED IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER ON JANUARY 28, 2024, AS INSTRUMENT NO. 2024-0018.

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	23.55'	15.00'	89°25'24"	S5°31'51"E
C2	100.00'	33.01'	278°45'42"	S9°11'05"E

LINE DATA TABLE		
LINE #	BEARING	LENGTH
L31	S9°28'18"E	35.00'
L32	N0°33'39"W	58.00'
L33	N0°00'30"W	51.45'
L34	N62°09'46"W	122.52'
L35	S89°28'27"W	115.79'
L36	N89°28'27"E	91.00'
L37	N59°46'52"E	22.85'
L38	N89°28'55"E	22.85'
L39	N27°00'02"W	11.70'
L40	S89°28'58"W	86.13'
L41	S0°31'05"E	25.00'
L42	N89°28'55"E	115.97'
L43	N44°28'55"E	41.72'
L44	N0°31'05"W	132.28'
L45	N89°28'27"W	16.72'
L46	N0°30'29"E	27.25'
L47	N0°30'31"W	70.00'
L48	N89°28'27"W	59.83'
L49	N89°28'55"E	78.22'
L50	N89°59'21"E	87.80'

LINE DATA TABLE		
LINE #	BEARING	LENGTH
L1	S0°28'12"E	43.71'
L2	S44°28'18"W	35.36'
L3	N0°32'00"W	67.16'
L4	N89°27'41"E	40.30'
L5	S0°32'09"E	5.19'
L6	N89°28'27"E	85.30'
L7	N89°34'11"E	62.54'
L8	N44°58'58"E	17.23'
L9	S89°27'41"W	238.99'
L10	N0°28'12"W	73.71'
L11	S89°58'55"W	53.50'
L12	N74°00'00"E	25.00'
L13	N40°07'44"E	116.64'
L14	S0°31'33"E	93.11'
L15	S89°28'27"W	16.72'
L16	S0°30'29"E	27.25'
L17	N0°30'31"W	70.00'
L18	N89°28'27"W	59.83'
L19	N89°28'55"E	78.22'
L20	N89°59'21"E	87.80'



MAR 13 2024

City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 24-04
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2024-04
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, Clay Township, St. Joseph County, State of Indiana, to-wit:

A PARCEL OF LAND BEING LOT 2 IN ENCLAVE AT GRANDVIEW MINOR SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 2023-05677 ON MARCH 20, 2023 IN THE ST. JOSEPH COUNTY RECORDER'S OFFICE OF INDIANA.

ALSO, A PARCEL OF LAND BEING A PART OF LOT 2 IN GUMWOOD ROAD DEVELOPMENT P.U.D. AS RECORDED AS INSTRUMENT NUMBER 1518561 ON JULY 21, 2015 IN THE ST. JOSEPH COUNTY RECORDER'S OFFICE OF INDIANA. SAID PARCEL BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN SAID ENCLAVE AT GRANDVIEW MINOR SUBDIVISION, ALSO BEING A POINT ON WEST RIGHT-OF-WAY LINE OF GUMWOOD ROAD; THENCE SOUTH 89°28'27" WEST ALONG THE NORTH LINE OF LOT 2 IN SAID ENCLAVE AT GRANDVIEW MINOR SUBDIVISION, 491.43 FEET TO A POINT ON THE EAST LINE OF LOT 2 IN SAID ENCLAVE MINOR SUBDIVISION; THENCE NORTH 00°28'12" WEST ALONG SAID EAST LINE, 58.50 FEET; THENCE NORTH 89°28'27" EAST, 491.38 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF GUMWOOD ROAD, 58.50 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.66 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD.

Proposed Ordinance No: 24-04

Ordinance No: _____

which real estate is now classified as S-2 Planned Unit Development shall hereafter be amended as follows:

A 0' building and parking/pavement setback shall be permitted between all internal property lines, excluding the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision.

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

1. Existing Conditions – The subject property is located on Gumwood Road and S.R. 23, both heavily traveled corridors. Existing similar multi-family residential and commercial developments are located to the north and across Gumwood Road to the east.
2. Character of Buildings in Area – The character of most of the buildings along Gumwood Road and W. Cleveland Road (S.R. 23) are commercial, multi-family residential, and mixed-use consisting of both commercial and residential uses. Grandview was designed as a complex, like Heritage Square or Toscana Park.
3. The most desirable/highest and best use – Due to the property's location and the significant commercial development along the Main Street/Gumwood Road corridor combined with the adjacent multi-family residential uses, the most desirable use for the property is a transitional mix of commercial and multi-family residential uses which is not changing with this amendment.
4. Conservation of property values – The proposed amendment will not be injurious to property values in the surrounding area due to the similar adjacent commercial and mixed-use retail and multi-family residential uses. The reduced building, and parking/pavement setbacks are limited to property internal to the cohesive Grandview development and located along common property lines owned by the petitioner and/or the City of Mishawaka.
5. Comprehensive Plan – Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

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 _____, 2024, at _____ o'clock ____M.

Presiding Officer

Proposed Ordinance No: 24-041

Ordinance No: _____

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2024,
at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: Northwest corner of Gumwood Road &
W. Cleveland Road (S.R. 23)

Date: March 12, 2024

Petition: 24-04

Prepared By: CH

GENERAL INFORMATION

Applicants: Gumwood Acquisitions, LLC / Abonmarche Consultants

Status: Property Owner / Engineer & Site Design Consultant

Request: Amend the Grandview Planned Unit Development (Phase III) to allow a 0' building and parking/pavement setback between all internal property lines, excluding the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision.

Zoning Classification: S-2 Planned Unit Development (Permitted C-1 General Commercial District and C-2 Shopping Center Commercial District uses, multi-family residential uses, and development regulations per Ord. 5611 & Ord. 5883)

Lot Size: 19.25 acres

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District;
Section 137-41 / Amendments to the Zoning Map
Indiana Code 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:

North:	S-2 Planned Unit Development (Grandview Mixed-Use Development including commercial and multi-family residential uses & City of Mishawaka/Municipal Wellfield)
South:	S-1 Extensive Open Space/Public (Cemetery/St. Joseph Valley Memorial Park)
East:	S-2 Planned Unit Development (Heritage Square and Toscana Park Mixed-Use developments including commercial and residential uses)
West:	C-2 Shopping Center Commercial (Multi-Tenant Commercial/Centennial Place) & Unincorporated St. Joseph County (Single-Family Residential)

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

Council District: 6

School District: South Bend Community School Corporation

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

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. However, the amended PUD and proposed uses are generally consistent with the established policy and trend of encouraging retail and multiple family uses within the area.

ANALYSIS

This proposed PUD amendment is for the next phase of the Grandview PUD located at the northwest corner of State Road 23 and Gumwood Road. A site plan and replat were submitted concurrently.

The PUD was amended previously this year to allow increased building height, reduced parking/pavement setbacks, 0' pavement/drive aisle setback from the proposed north property line and north/south lot line between Lot 1 and 2 of the Enclave at Grandview Minor Subdivision, and use of an activated outdoor/open space (Ord 5883).

This PUD amendment comes as a result of the Enclave at Grandview Minor Subdivision Lot 2 Replat, which will create three lots for the following uses:

- 246 apartment residences with studio, one, and two-bedroom floorplans. Resort-style amenities to include rooftop pool, fitness center, clubhouse, private dining room, office space, 24/7 security, a fully enclosed parking garage for residents and onsite leasing and management.
- The Enclave at Grandview Townhomes will offer 66 exclusive, private residences with urban amenities available for sale. Townhomes layouts will offer either two or three bedroom plans with upscale, custom finishes and upgrade options.
- A highly curated hotel designed to be a lifestyle destination for both local residents and area visitors around the region. The hotel will feature a rooftop restaurant, breakfast and lunch café, and event space, all of which will welcome community residents as well as hotel guests, in addition to 125 guest rooms.
- Greenspace for community events, walking and bike-friendly sidewalks.

The proposed lot lines are drawn along building edges and through parking lots, therefore requiring a 0' building and parking/pavement setback between all internal property lines. This will not apply to the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision, which is currently being developed as townhomes.

The Staff supports the request for the amended development regulations. These were not included previously because the owner hadn't decided to subdivide the land into separate lots at that time.

All pertinent City Departments have reviewed and approved the PUD amendment request without comments.

RECOMMENDATION

Staff recommends **approval** of amending the Northwest Gumwood and Cleveland Road Planned Unit Development (commonly known as the Grandview PUD, Phase III) to allow a 0' building and parking/pavement setback between all internal property lines, excluding the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision.

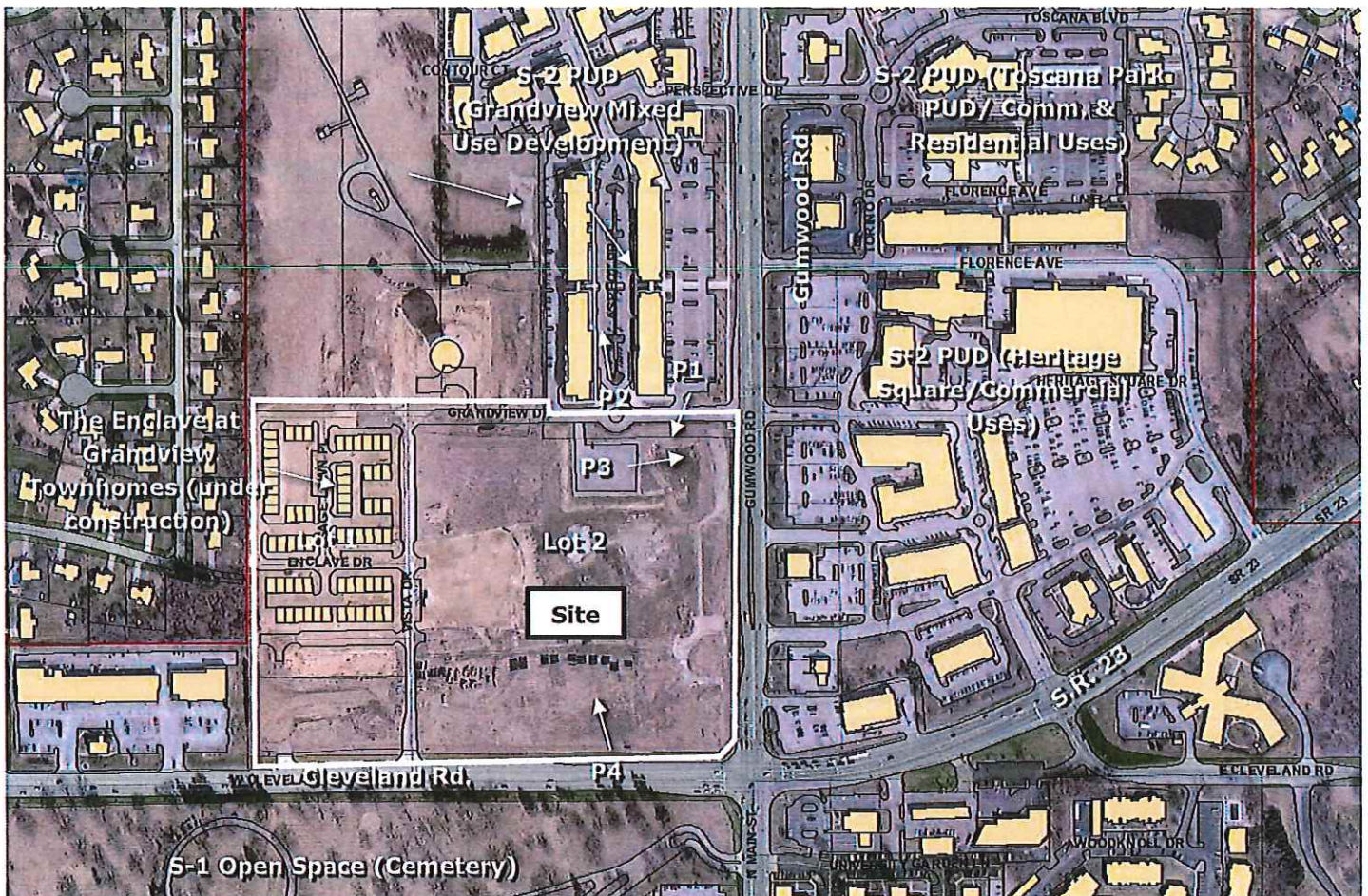
This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject property is located on Gumwood Road and S.R. 23, both heavily traveled corridors. Existing similar multi-family residential and commercial developments are located to the north and across Gumwood Road to the east.
2. Character of Buildings in Area – The character of most of the buildings along Gumwood Road and W. Cleveland Road (S.R. 23) are commercial, multi-family residential, and mixed-use consisting of both commercial and residential uses. Grandview was designed as a complex, like Heritage Square or Toscana Park.

3. The most desirable/highest and best use – Due to the property's location and the significant commercial development along the Main Street/Gumwood Road corridor combined with the adjacent multi-family residential uses, the most desirable use for the property is a transitional mix of commercial and multi-family residential uses which is not changing with this amendment.
4. Conservation of property values – The proposed amendment will not be injurious to property values in the surrounding area due to the similar adjacent commercial and mixed-use retail and multi-family residential uses. The reduced building, and parking/pavement setbacks are limited to property internal to the cohesive Grandview development and located along common property lines owned by the petitioner.
5. Comprehensive Plan – Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

ATTACHMENTS

Aerial, Photographs, Petition, Site Plan (SP 24-03), Enclave at Grandview Minor Subdivision Lot 2 Replat (Replat 24-01), and Location Map



Aerial Photograph
Grandview Planned Unit Development, Phase III
Northwest Corner of Gumwood Road & Cleveland Road (S.R. 23)



P1. Looking south toward undeveloped Lot 2 from the access road between Phase II and III (proposed).



P2. Looking north from the common access road toward the existing Phase II.



P3. Looking north from W. Cleveland Road toward undeveloped Lot 2.



P4. Looking east across Gumwood Road at Heritage Square/Toscana Park

Date: 02/21/24

Updated 3/1/24

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

RE: Grandview Phase III PUD Amendment

The undersigned, Rich Deahl, of Gumwood Acquisitions, LLC, 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:

LEGAL DESCRIPTION:

A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:

A PART OF LOT 2 IN GUMWOOD ROAD DEVELOPMENT P.U.D. SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 1518561 IN THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA AND ALSO A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 IN SAID DEVELOPMENT; THENCE NORTH 00°30'31" WEST ALONG THE WEST LINE OF SAID LOT 2 EXTENDED, 912.90 FEET; THENCE NORTH 89°27'41" EAST, 782.68 FEET; THENCE SOUTH 00°28'12" EAST, 102.21 FEET; THENCE NORTH 89°28'27" EAST, 491.43 FEET TO THE EAST LINE OF SAID LOT 2 AND THE WESTERLY RIGHT-OF-WAY OF GUMWOOD ROAD; THENCE SOUTH 00°31'05" EAST ALONG SAID EAST LINE AND WESTERLY RIGHT-OF-WAY, 785.59 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2 AND THE NORTHERLY RIGHT-OF-WAY OF S.R. 23; THENCE SOUTH 44°28'18" WEST ALONG SAID SOUTHERLY AND NORTHERLY LINES, 35.36 FEET; THENCE SOUTH 89°27'41" WEST ALONG SAID SOUTHERLY AND NORTHERLY LINES, 1249.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 25.54 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, COVENANTS, AND RIGHT-OF-WAY OF RECORD.

COMMON ADDRESS: Northwest Corner of Gumwood Road and Cleveland Road

Petitioner owns one-hundred percent (100%) of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for multifamily uses and commercial uses within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts.

Petitioner desires said real estate to be amended as follows:

1. PUD Exclusions and Additions:

1. A 0' building and parking/pavement setback shall be permitted between all internal property lines, excluding the common lot line between proposed Lot C in the Enclave at Grandview Minor Subdivision Lot 2 Replat and Lot 1 of the Enclave at Grandview Minor Subdivision

WHEREFORE, the petitioner respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, and appropriate ordinance be enacted amending the PUD of the above-described parcel of land located in the City of Mishawaka

PROPERTY OWNER:
GUMWOOD ACQUISITIONS, LLC
By: Great Lakes Capital Management, LLC
Its: Manager



Richard Deahl
General Counsel

CONTACT PERSON

Steve Ruby
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, IN 46601
(574) 538-2201
sruby@abonmarche.com



Received
FEB 21 2024
Planning and
Community Development

ENCLOSE AT GRANDVIEW MINOR SUBDIVISION LOT 2 REPLAT
INCLUDING A PORTION OF LOT 2 IN GUNWOOD ROAD DEVELOPMENT P.U.D.
AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 30
NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH
COUNTY, INDIANA

DRAWN BY: CMB
PM REVIEW: JB
QA/QC REVIEW:
DATE: 2/21/2024
SEAL:

MAILED COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.

SCALE
HORIZ: 1" = 10'

NO JOB # 22 0100

SHEET NO. 22-0187

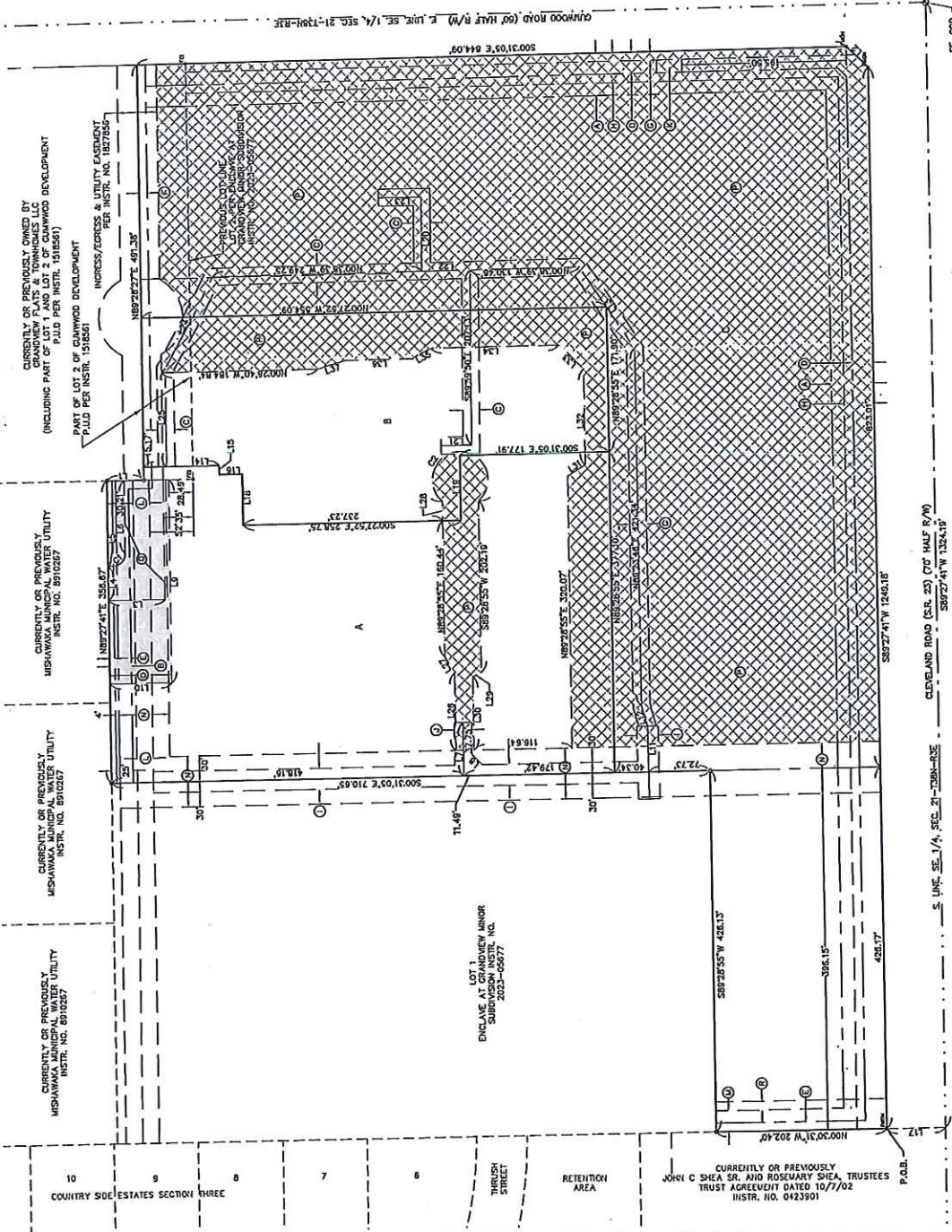
SUBJECT ASSOCIATION: CUMWOOD ROAD (N/W VARES)
 ARTERIAL CUMWOOD ROAD (S/E 23) (N/W VARES)
 ARTERIAL CLEVELAND ROAD (S/E 23) (N/W VARES)

SERVED BY:
 ARONKAPOR CONSULTANTS INC.
 315 W. AUSTIN BOULEVARD
 SOUTH BEND, IN 46601

DEVELOPER:
 CUMWOOD CONSTRUCTORS, L.L.C.
 3570 CUMWOOD ROAD
 GRANGER, IN 46030

GRAPHIC SCALE

 1 inch = 80 ft.



ENCLAVE AT GRANDVIEW MINOR SUBDIVISION LOT 2 REPLAT
INCLUDING A PORTION OF LOT 2 IN GUNWOOD ROAD DEVELOPMENT P.U.D. AND
BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY
TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA

Received

FEB 21 2024

Planning and Community Development

DEED OF DEDICATION:

[illegible]

A PARCEL OF LAND BEING LOT 2 IN ENCLAVE AT GRANDVIEW MINOR SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 2023-05677 ON MARCH 20, 2023 IN THE ST. JOSEPH COUNTY RECORDER'S OFFICE OF INDIANA.

ALSO, A PARCEL OF LAND BEING A PART OF LOT 2 IN GUNWOOD ROAD DEVELOPMENT P.L.D. AS RECORDED AS INSTRUMENT NUMBER 1518551 ON JULY 21, 2015 IN THE ST. JOSEPH COUNTY RECORDER'S OFFICE OF INDIANA, SAID PARCEL BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

THIS IS TO CERTIFY THAT THE UNDERSIGNED, CLUNWOOD ACQUISITIONS, LLC, THE OWNER OF THE
OWNER'S CERTIFICATION: _____
AND DESCRIBED HEREIN, AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS
INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH, AND DOES HEREBY
KNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE HEREON INDICATED.

WINNER'S CERTIFICATION:

THIS IS TO CERTIFY THAT THE UNDERSIGNED, CLUNWOOD ACQUISITIONS, LLC, THE OWNER OF THE [REDACTED] AND DESCRIBED HEREIN, AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN SET FORTH, AND DOES HEREBY KNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE HEREON INDICATED.

LUDRA SIFRA02M AUTHORIZED REPRESENTATIVE

DATED THIS _____ DAY OF _____ 2024.

STATE OF INDIANA

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED AUDRA SIERADSKI and ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS A VOLUNTARY ACT AND DEED FOR THE PURPOSES HEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2024.

 COMMISSION # _____

SIGNATURE

601100

OTARY PUBLIC IS A RESIDENT OF ST. JOSEPH COUNTY INDIANA

THE UNIVERSITY OF TEXAS AT AUSTIN

MICHAEL J. ROZYCKI, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAT IS ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF CITY OF MISHAWAKA, INDIANA.

1. AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

DATE _____
MICHAEL J. ROZYCKI, P.S.
PROFESSIONAL LAND SURVEYOR #LS20500010

SURVEYED BY:
BONMARCHÉ CONSULTANTS, INC.
315 W. JEFFERSON BOULEVARD

DEVELOPER:
GUMWOOD ACQUISITIONS LLC
51910 GUMWOOD ROAD
CRANGER, IN 46530

ARCHE

ABO

ENCLOSE AT GRANDVIEW MINOR SUBDIVISION LOT 2 REPLAT
INCLUDING A PORTION OF LOT 1 IN GUNWOOD ROAD DEVELOPMENT P.D.,
AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 38
NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH
COUNTY, INDIANA

RAWIN BY:	CMB
DATE:	2/21/2024
TIME:	
WQC REVIEW:	
DATE:	
TIME:	

WARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZE.

22-0189

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EXISTING FEATURES LEGEND

Sl. No	Ques	Answer
1	Steam/Utility Headers	Electric Motor
2	Cold Bath	Electric Transformer
3	Water Valve	Gas Wacker
4	Fire Hydrant	Light Pole
5	Telephone Pedestal	
6	Ingress/Spills & Utility Excessant	(Note: #1827650)
7	35' Open Buffer Excessant	
8	10' Utility & Road Maintenance Excessant	(Note: #1155501)
9	60' City of Milwaukee Ingress/Spills & Driveways Excessant	
10	20' Water Excessant	(Note: #1827653)
11	25' Water Excessant	(2.5' Each Side of Excessant Contactor)
12	20' Water Excessant	(10' Each Side of Excessant Contactor)
13	Public Access & Utility Excessant	(Note: #1201-10550)
14	MSW Excessant	(Note: No. 1418327)

PROPOSED FEATURES LEGEND

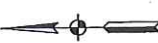
	Standard Duty HMA Pavement 1-1/2" HMA Surface 2" HMA Intermediate 2" Compacted INDOT ICS Aggregate over Compacted Subbase
	8" Concrete Pavement
	4" Concrete Walk
	Grass Paver, Contractor to Submit Shop Drawings for Engineer Review/Approval
	Brick Pavers
	Drainage/Sewer Structure
	Fire Hydrant

NOTE

See Sheet C2.1 - C2.2 for detailed site plan.

CONSTRUCTION LIMITS

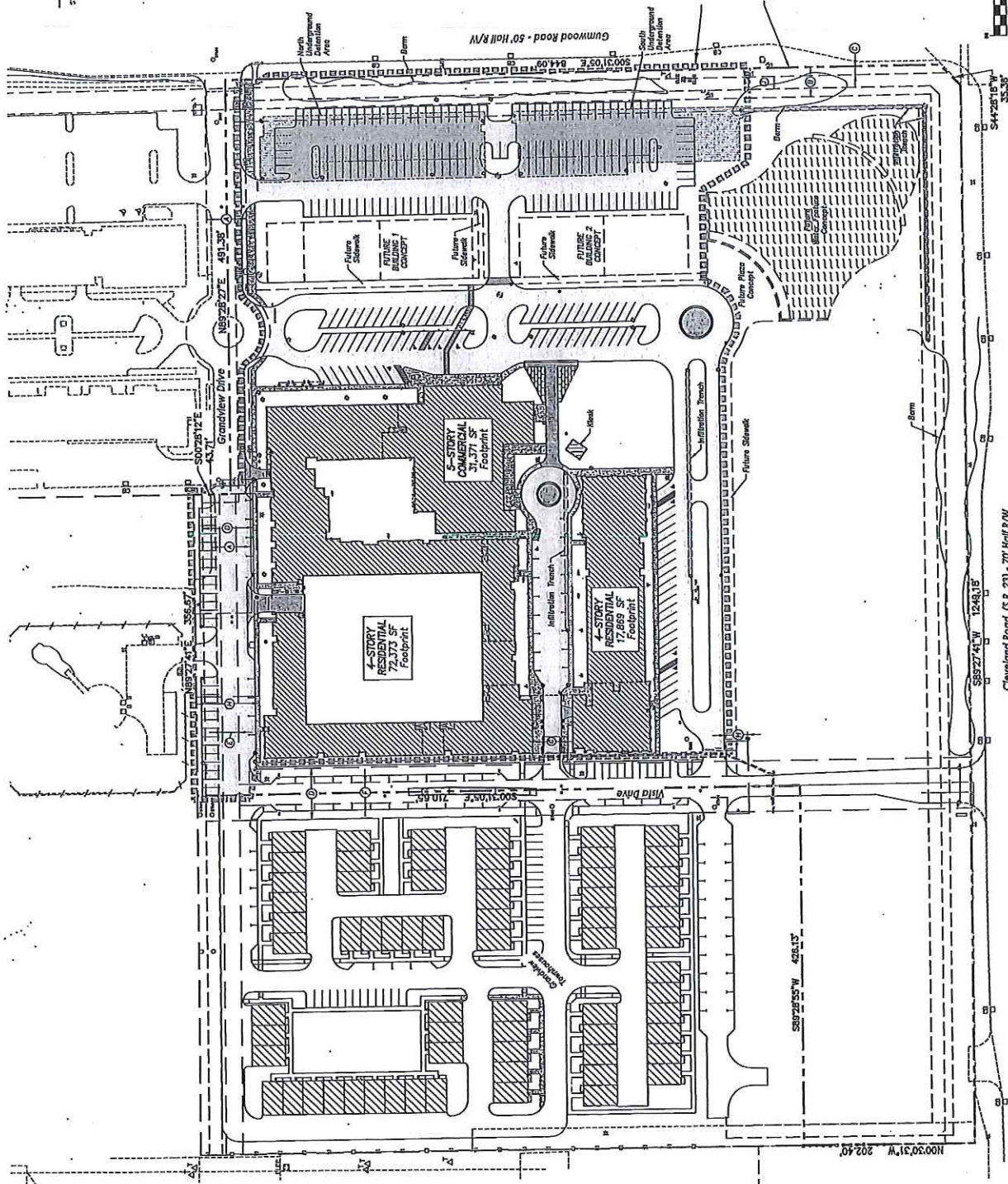
ENCLOSURE AT GRANDVIEW
UNION SQUARE BOSTON

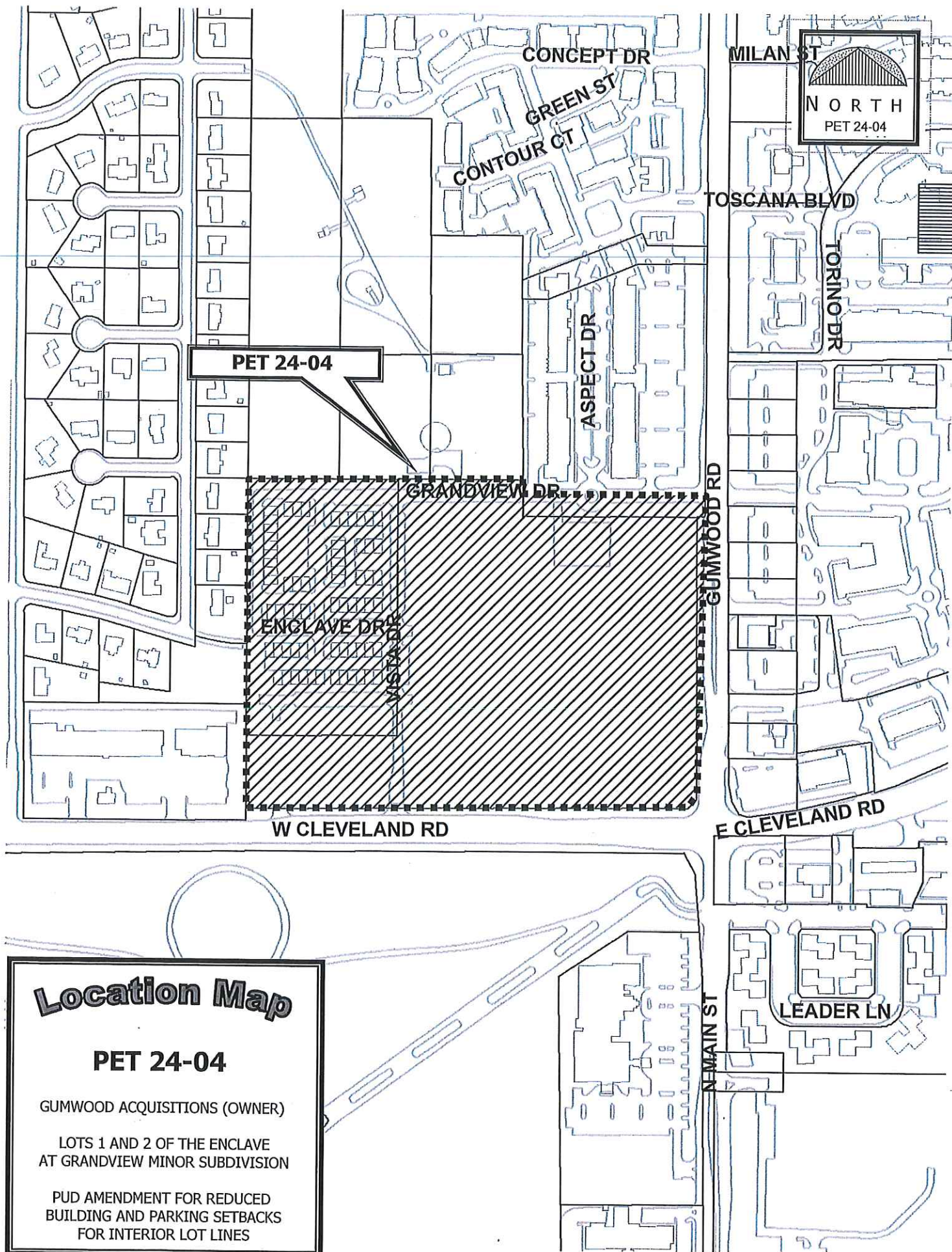


GRAPHIC SCALE

(21 JUL)
1 1000 - 00 00 00

מחברות/תרגומים (עמ' 107)





1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

MAR 13 2024

City Clerk
Mishawaka, IN

PETITION 24-01

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2024-05

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 a PUD Amendment 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:

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION: THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION 265.00 FEET: THENCE NORTH 243.60 FEET: THENCE WEST 265.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION: THENCE SOUTH ALONG SAID WEST LINE 243.60 FEET TO THE PLACE OF BEGINNING. CONTAINING 1.482 ACRES, MORE OR LESS, INCLUDING ALL ADJACENT DOUGLAS ROAD RIGHT-OF-WAY TO THE EXISTING SOUTH RIGHT-OF-WAY LINE.

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 S-2 Planned Unit Development District.

Furthermore, 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:

PARCEL 1:

THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA. LESS AND EXCEPTING THEREFROM THE FOLLOWING: A PART OF THE EAST HALF OF

Proposed Ordinance No: 2024-05

Ordinance No: _____

THE SOUTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE ROAD AND DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 52 MINUTES 06 SECONDS WEST, 2648.16 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION TO THE SOUTHWEST CORNER OF SAID SECTION 28 AND THE SOUTHEAST CORNER OF SAID SECTION 29 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 40 MINUTES 04 SECONDS WEST, 331.93 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 00 DEGREES 03 MINUTES 49 SECONDS EAST, 40.00 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 04 SECONDS EAST, 331.89 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST, 40.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING, AND CONTAINING 0.304 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY WHICH CONTAINS 0.152 ACRES, MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 0.152 ACRES, MORE OR LESS.

PARCEL 2:

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, AND A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE ROAD AND DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 2382.78 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 243.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 265.00 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, 243.60 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 331.20 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 1324.81 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 35 SECONDS EAST, 611.20 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, 1079.70 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 18.67 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1920.28 FEET TO THE SOUTHEAST CORNER OF TWO TRACTS OF LAND CONVEYED TO JOHN PIRACCINI AND WEBB STEELY BY A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9020431 AND ALSO A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9713420 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00 DEGREES 43 MINUTES 28 SECONDS WEST ALONG THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 989.01 FEET TO THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 35 MINUTES 44 SECONDS WEST, A DISTANCE OF 384.77 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 05 SECONDS EAST,

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Ordinance No: _____

A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS WEST, A DISTANCE OF 44.50 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 296.22 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH 00 DEGREES 41 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 1294.62 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOHN PIRACCINI BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 0433126 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID PIRACCINI TRACT, A DISTANCE OF 726.69 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 28 SECONDS EAST, ALONG THE EAST LINE OF SAID PIRACCINI TRACT AND THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 753.20 FEET TO THE PLACE OF BEGINNING.

PARCEL 3:

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE AND DOUGLAS ROADS; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, 1920.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 462.50 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 243.60 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 10 SECONDS EAST, 18.67 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 26 SECONDS WEST, 1079.70 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 35 SECONDS EAST, 443.00 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, 1322.21 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1920.28 FEET TO THE SOUTHEAST CORNER OF TWO TRACTS OF LAND CONVEYED TO JOHN PIRACCINI AND WEBB STEELY BY A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9020431 AND ALSO A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9713420 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00 DEGREES 43 MINUTES 28 SECONDS WEST ALONG THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 989.01 FEET TO THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 35 MINUTES 44 SECONDS WEST, A DISTANCE OF 384.77 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 05 SECONDS EAST, A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS WEST, A DISTANCE OF 44.50 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 296.22 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH 00 DEGREES 41 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 1294.62 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOHN PIRACCINI BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 0433126 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID

Proposed Ordinance No: 2024-05

Ordinance No: _____

PIRACCINI TRACT, A DISTANCE OF 726.69 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 28 SECONDS EAST, ALONG THE EAST LINE OF SAID PIRACCINI TRACT AND THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 753.20 FEET TO THE PLACE OF BEGINNING. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SAID SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST (BEARING ASSUMED) ON THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1920.28 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 26 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 402.36 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, A DISTANCE OF 310.00 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 10 SECONDS EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 401.31 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, A DISTANCE OF 309.99 FEET TO THE PLACE OF BEGINNING. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2360.40 FEET TO A POINT; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AS DEDICATED TO THE CITY OF MISHAWAKA BY INSTRUMENT NUMBER 9024928 AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, SAID POINT BEING THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 406.35 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 44.50 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 05 SECONDS WEST, A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 44 SECONDS EAST, A DISTANCE OF 384.77 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND CONVEYED TO YOUNG'S LANDSCAPE NURSERY CORP BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 7800165 IN SAID RECORDER'S OFFICE; THENCE SOUTH 00 DEGREES 43 MINUTES 27 SECONDS EAST, ALONG SAID WEST LINE A DISTANCE OF 639.02 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO MDK NO. 3, LLC BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9834156 IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID MDK TRACT AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 401.33 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF SAID MDK TRACT, A DISTANCE OF 310.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 36.94 FEET TO THE PLACE OF BEGINNING.

Proposed Ordinance No: 2024-05

Ordinance No: _____

PARCEL 4:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 4, AS RESERVED IN WARRANTY DEED FROM WEBB J. STEELY AND JOHN A. PIRACCINI TO J2MD, L.L.C., DATED JULY 1, 2004 AND RECORDED JULY 7, 2004 AS INSTRUMENT NUMBER 0433048, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, OVER THE FOLLOWING LAND: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2360.40 FEET TO A POINT; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AS DEDICATED TO THE CITY OF MISHAWAKA BY INSTRUMENT NUMBER 9024928 AS RECORDED IN THE OFFICE OF THE RECORDER OF ST.

JOSEPH COUNTY, INDIANA, SAID POINT BEING THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 406.35 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 89.50 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 06 SECONDS WEST, A DISTANCE OF 95.03 FEET TO A POINT ON THE NORTH LINE OF SAID MDK NO. 3, LLC PARCEL OF LAND; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID MDK TRACT AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 57.70 FEET TO THE NORTHWEST CORNER THEREOF; HENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF SAID MDK TRACT, A DISTANCE OF 310.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 36.94 FEET TO THE PLACE OF BEGINNING.

which real estate is now classified as S-2 Planned Unit Development District.

All the above real estate shall hereafter be amended to allow for an indoor and mini-storage use subject to the following conditions:

Uses:

1. C-1 General Commercial Uses
2. Mini-warehousing (self-storage)
 - a. No business shall be operated out a storage unit.
 - b. No storage of chemicals, flammables, and paints.
3. Truck and Trailer Sharing
4. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 4 parking spaces shall be provided per 1,000 square feet of office or retail area.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

Proposed Ordinance No: 2024-05

Ordinance No: _____

1. Landscaping along Douglas Road and Shaughn Dr shall be provided as required per the C-1 General Commercial District.
2. A 15' wide landscape buffer shall be provided along the western property line and on the north and east abutting residential uses.
3. The landscape buffer shall be planted with a continuous evergreen screen combined with required plantings as identified in minimum landscaping and screening regulations (Section 137-815). Minimum size of the evergreen plantings at the time of planting shall be 6 foot in height.
4. No additional landscaping shall be required where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.
5. A seven-foot-high opaque fence shall be mandatory along any developed industrial property line that is contiguous to any residentially zoned property. Fencing shall meet the minimum front yard setback requirements of the district in which it is located.
6. Electrified fencing, barbed wire and razor wire are prohibited.

Signage:

1. All signage shall comply with the height and display area requirements for the C-1 General Commercial District, including but not limited to, all freestanding and directional signs.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide pathway within the public right-of-way along Douglas Road and along Shaughn Street. Connections from the site to the sidewalk shall be provided along Douglas Road and along Shaughn Street. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

Lighting:

1. All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission. Lighting shall not exceed one-half footcandles as measured along property lines abutting residentially zoned property.

Proposed Ordinance No: 2024-05

Ordinance No: _____

Building Limitations & Architecture:

1. The maximum building height shall be 48'.
2. Architectural building materials and colors per Section 137-380 (15) Design Review / Development Plan Restrictions shall only apply to the western and southern building facades of the western building, and the eastern and southern building facades of the eastern building. Fiber cement board shall be considered an appropriate material.

Stormwater Management Infrastructure & Utilities:

1. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Douglas Road corridor. Adjacent land uses include a gas station, mini-storage and condos in the Douglas Commons Planned Unit Development and single-family residential houses in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Douglas Road corridor between State Road 23 and Grape Road vary greatly and include single and multi-family residential, commercial and medical 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 adjacent land uses.
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 commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided general commercial development along Douglas Road between State Road 23 and Grape Road.

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 _____, 2024, at _____ o'clock ____ M.

Presiding Officer

Proposed Ordinance No: 2024-05

Ordinance No: _____

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,
2024, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 16963 W Douglas Road (002-2018-037701) and adjacent property to the north (029-2018-037704) and west (029-2019-0426) Date: March 12, 2024

Petition: 24 01

Prepared By: CH

GENERAL INFORMATION

Applicant: Charles Rupley, John & Jayne Piraccini, Julie Heneghan, and Jeff Steely / American Real Estate Company (Uhaul)

Status: Property Owners / Contingent purchaser and developer

Request: To annex and establish zoning, amend an existing PUD, and approve a preliminary planned unit development site plan for an indoor and mini-storage use.

Existing Zoning: 16963 W Douglas Road: Unincorporated St. Joseph County (R Single Family District)
029-2018-037704 and 029-2019-0426: S-2 Planned Unit Development

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 12.83 acres (excluding Douglas Road ROW)

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District
Section 137-41 / Amendments to Zoning Map
Indiana Code 36-4-3-2.1, 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development-Douglas Commons & Unincorporated St. Joseph County – R Single Family
South: R-4 Manufactured Home Residential (Lakeshore Estates) & Unincorporated St. Joseph County – R Single Family
East: S-2 Planned Unit Development-Douglas Commons (gas station, mini-warehouse and condos)
West: Unincorporated St. Joseph County – R Single Family & City of South Bend – C Commercial

Thoroughfare: Douglas Road

Council District: To Be Determined (contiguous to 6)

School District: South Bend Community

Township: Clay

Public Utilities: All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Comprehensive Plan: General Commercial

ANALYSIS

Proposal:

The applicants, Charles Rupley, John & Jayne Piraccini, Julie Heneghan, and Jeff Steely, represented by American Real Estate Company and Uhaul, the contingent purchaser and developer, are proposing to annex and establish zoning, amend a portion of the existing Douglas Commons Planned Unit Development, and approve a preliminary planned unit development site plan to allow warehousing/storage.

The 12.83 acres, consists of 16963 W Douglas Road (002-2018-037701) which is 1.51 acres, the 1.31 acres directly north (029-2018-037704) and 10.01 acres to the west (029-2019-0426. Located on the north side of Douglas Road, just west of Shaughn Street, there is a homestead right at the corner, with the rest being vacant land. The current PUD regulations and conditions, which were approved in 1990 (Ord. 3668), limited permitted uses to C-1 General Commercial.

As indicated on the preliminary site plan, the commercial development will include a 3-story, 94,764 sf building containing the showroom/office and inside storage; a one story, 16,828 sf building with no specific use; and three mini storage buildings.

Access will be provided from Douglas Road and Shaughn Street. Final locations and all required roadway improvements, including but not limited to additional right of way, sidewalks and deceleration/acceleration lanes, shall be subject to review and approval by the Engineering Department as a part of the planned unit development site plan review for each specific development parcel.

Currently, both water and sewer infrastructure required to serve the proposed development are located in Douglas Road. All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Green areas are shown with no specific trees. Landscaping along Douglas Road and Shaughn Dr shall be provided as required per the C-1 General Commercial District. A 15' wide landscape buffer shall be provided along the western property line and on the north and east abutting residential uses. A seven-foot-high opaque fence shall be mandatory along any developed industrial property line that is contiguous to any residentially zoned property.

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

Annexation:

As previously mentioned, the annexation only includes 16963 W Douglas Road, since the remaining parcels are already within the City Limits.

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 as outlined above, approximately 834.2 feet, or 82%, of the total 1,017.2 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 at the northwest corner of Douglas Road and Shaughn Street. It is bordered to the north by single family homes in unincorporated St. Joseph County and townhomes zoned S-2 Planned Unit Development; to the west by vacant commercial in South Bend and single family homes in unincorporated St. Joseph County; to the east by a gas station zoned S-2 Planned Unit Development; and to the south by single-family residential houses in unincorporated St. Joseph County and a mobile home park in the City of Mishawaka. The Douglas Road corridor between State Road 23 and Grape Road includes a variety of single and multi-family residential, medical, office, and commercial land uses.

Zoning Change:

Staff believes that the proposed annexing and zoning of the northwest corner of Douglas Road and Shaughn Street to the S-2 Planned Unit Development District and amending the existing Planned Unit Development for property to the north and west for warehousing/storage is appropriate. There is already a mini-storage use in this Planned Unit Development. Douglas Road is a commercial corridor between Mishawaka and South Bend.

Transportation/Roads:

According to the latest available traffic counts, there were 21,607 annual average daily trips (AADT) (February 2021) along Douglas Road east of State Road 23 and 16,233 AADT (May 2023) along Douglas Road west of Grape Road. The counts at these locations have increased over the last 15 years ranging from just under 10,500 AADT to their current peaks. It is anticipated that traffic volumes will remain relatively consistent and/or continue to increase in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department includes an intersection improvement at Grape and Douglas. The construction date for this project is estimated for 2030.

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

Planning Comments:

1. Please see attached development standards based on C-1 Standards, site plan, and previous comments.
2. Parking, for example, is at the rate of 4 per 1,000 sf. Using only the showroom and D&R area, 16 parking spaces are required.
3. Are there interior designs for the eastern building? What is that use?
4. If elevations are available, we would like to review for materials. This will be a requirement of the site plan.
5. A subdivision will be required to combine all lots and dedicate any easements/right-of-way.
6. Connection to the west.

Engineering Comments:

1. What is proposed use of eastern building?
2. Only one drive approach will be allowed on Douglas Road and shall be minimum 370' west of Shaughn St. A decel lane will be required for this approach per Engineering standard for 40MPH roadway.
3. An 8' concrete pathway will be required along frontage (Douglas Rd. and Shaughn St.). Additional ROW will be required for improvements (plat).
4. Stormwater management for proposed runoff shall be sized for 100 year - 24 hours storm.
5. Sanitary sewer stub (18") is available on north side of Douglas for connection to site.

Electric Comments:

1. Will need 30' easement around property. Will need to discuss electric need prior to construction.

RECOMMENDATION

Staff recommends **approval** of Petition 24-01 to annex and establish zoning (16963 W Douglas Road), and to amend the Douglas Commons Planned Unit Development (Lot B) for warehousing/storage subject to the following development regulations/conditions:

Conditions of Approval

Uses:

1. C-1 General Commercial Uses
2. Mini-warehousing (self-storage)
 - a. No business shall be operated out a storage unit.
 - b. No storage of chemicals, flammables, and paints.
3. Truck and Trailer Sharing
4. Off-premise signs/billboards shall be prohibited.

Parking Spaces, Building & Parking/Pavement Setbacks:

1. A minimum of 4 parking spaces shall be provided per 1,000 square feet of office or retail area.
2. The building setback shall be a minimum of 25' from the right-of-way and external property lines.
3. The parking/pavement setback shall be 15' from the right-of-way and all external property lines.

Landscaping & Fencing:

1. Landscaping along Douglas Road and Shaughn Dr shall be provided as required per the C-1 General Commercial District.
2. A 15' wide landscape buffer shall be provided along the western property line and on the north and east abutting residential uses.
3. The landscape buffer shall be planted with a continuous evergreen screen combined with required plantings as identified in minimum landscaping and screening regulations (Section 137-815). Minimum size of the evergreen plantings at the time of planting shall be 6 foot in height.
4. No additional landscaping shall be required where the existing mature vegetation is preserved if compliant with the minimum spacing requirements.
5. A seven-foot-high opaque fence shall be mandatory along any developed industrial property line that is contiguous to any residentially zoned property. Fencing shall meet the minimum front yard setback requirements of the district in which it is located.
6. Electrified fencing, barbed wire and razor wire are prohibited.

Signage:

1. All signage shall comply with the height and display area requirements for the C-1 General Commercial District, including but not limited to, all freestanding and directional signs.

Right-of-way & Sidewalks:

1. Additional right-of-way and easements may be required and shall be determined by review of the City Director of Engineering as a part of the planned unit development plan and subdivision plat.
2. The developer shall construct an 8' wide pathway within the public right-of-way along Douglas Road and along Shaughn Street. Connections from the site to the sidewalk shall be provided along Douglas Road and along Shaughn Street. The sidewalk shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.

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Stormwater Management Infrastructure & Utilities:

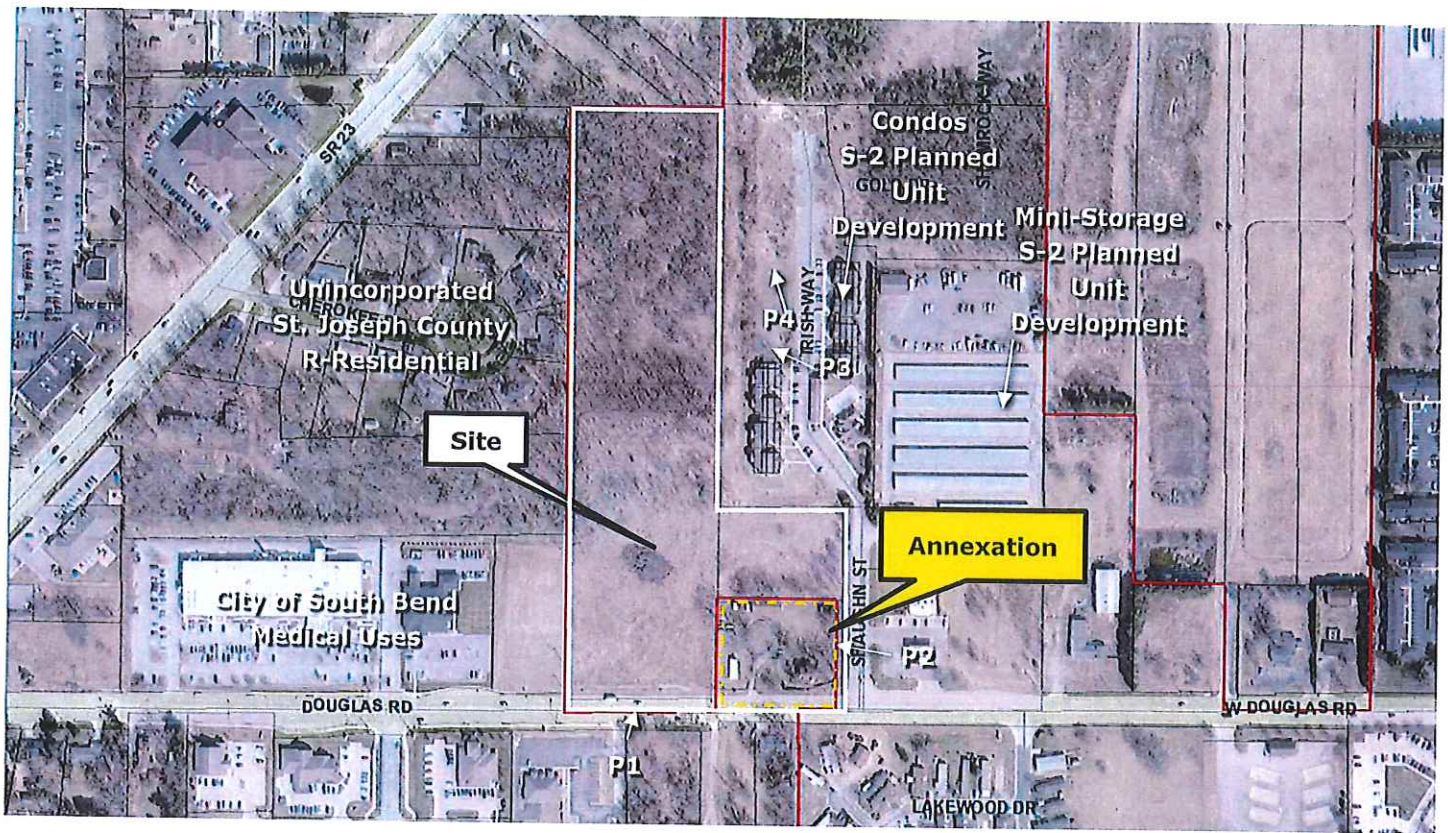
1. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Douglas Road corridor. Adjacent land uses include a gas station, mini-storage and condos in the Douglas Commons Planned Unit Development and single-family residential houses in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Douglas Road corridor between State Road 23 and Grape Road vary greatly and include single and multi-family residential, commercial and medical 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 adjacent land uses
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 commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided general commercial development along Douglas Road between State Road 23 and Grape Road.

ATTACHMENTS

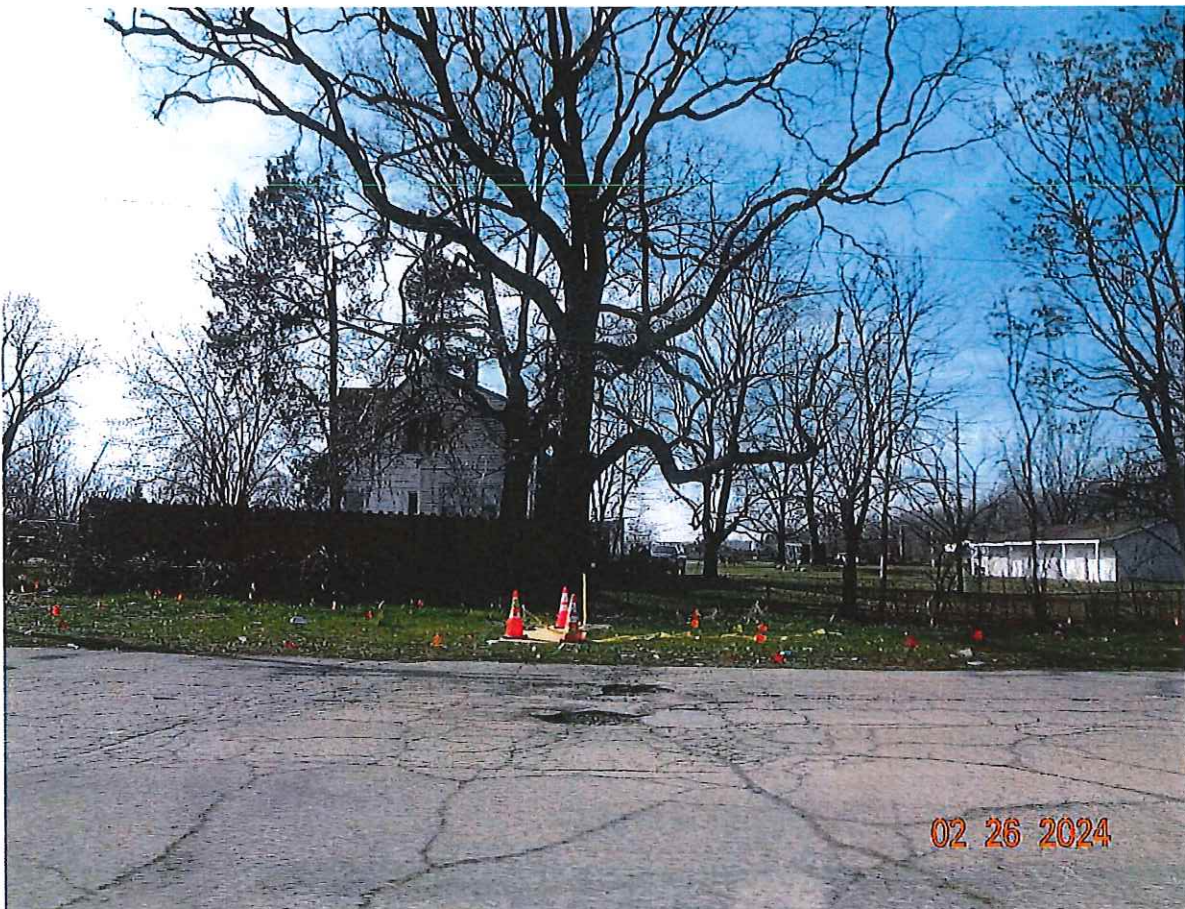
Aerial Map, Photographs, Rezoning & Annexation Petition, Preliminary Site Plan, and Location Map



Aerial Photograph
16963 W Douglas Road
Red= City Limits



P1. Looking north from Douglas Road towards site



P2. Looking west from Shaughn St towards existing house



P3. Looking west from Shaughn St at the between site and condos



P4. Looking north from Shaughn St towards rear of site

DATE: 02.13.2024

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 Charles Rupley
respectfully show they are the owners of the following described real estate located in the
County of St. Joseph, State of Indiana, to-wit:

Address: 16963 DOUGLAS RD., MISHAWAKA, IN 46545

For APN/Parcel ID(s): 002-2018-037701

PARCELSTAT: 71-04-28-351-003.000-003

Legal Description: A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38
NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE
SOUTHWEST CORNER OF SAID QUARTER SECTION: THENCE EAST ALONG THE SOUTH LINE OF
SAID QUARTER SECTION 265.00 FEET: THENCE NORTH 243.60 FEET: THENCE WEST 265.00
FEET TO THE WEST LINE OF SAID QUARTER SECTION: THENCE SOUTH ALONG SAID WEST
LINE 243.60 FEET TO THE PLACE OF BEGINNING. CONTAINING 1.482 ACRES, MORE OR LESS,
INCLUDING ALL ADJACENT DOUGLAS ROAD RIGHT-OF-WAY TO THE EXISTING SOUTH RIGHT-OF-WAY LINE.

Petitioner, **Amerco Real Estate Company (AREC)**, the wholly owned real estate subsidiary
of **U-Haul**; is the Buyer of the said property and upon purchase will own one Hundred
(100%) percent of the above-described parcel of land which is located in Indiana and that
Petitioner desires the same to be annexed to the City of Mishawaka, Indiana, with a S-2
(Planned Unit Development) District. The Petitioner further states they intend to utilize said
land for U-Haul self-storage, U-Haul truck and trailer sharing, and related retail sales. The
above-mentioned Owners of this property have authorized AREC to apply for this
annexation and zoning classification application.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of
real estate, showing the size of the proposed building and 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 S-2 (Planned Unit Development) zoning district.

Charles Rupley

dotloop verified
02/14/24 6:41 PM TAHT
UMIJ-BGK0-Z7Y3-RGQK

Property Owner Signature

Charles Rupley

Print Property Owner Name



Petitioner (Property Buyer) Signature

Matthew F. Braccia, President, AREC

**Petitioner (Property Buyer)
Name**

AREC Contact Person:

Name: Gurnoor Kaur Tschudy

Address: 2727 N Central Ave., Phoenix, AZ 85044

Telephone number: 602-263-6649

Email: gurnoor_tschudy@uhaul.com

DATE: 02.06.2024

TO THE:

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

RE: PETITION FOR PUD AMENDMENT

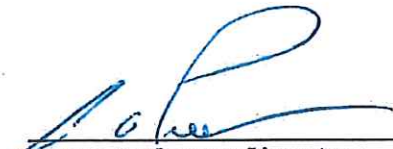
The undersigned John A. and Jayne L. Piraccini, Julie Heneghan and Jeff Steely respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Please see the pages attached at the end of this application for property addresses, parcel IDs, parcel stat and legal description.

Petitioner, Amerco Real Estate Company (AREC), the wholly owned real estate subsidiary of U-Haul; is the Buyer of the said property and upon purchase will own one Hundred (100%) percent of the above-described parcel(s) of land which are located in Indiana. This land, which carries a zoning classification of S-2 Planned Unit Development is currently vacant and not developed. Petitioner desires that the said real estate to be amended to allow for the U-Haul Moving and Storage Facility which will consist of U-Haul uses of self-storage, U-Haul truck and trailer sharing, and related retail sales. For further details, please refer to the submitted project narrative, site plan and accompanying documents.

The above-mentioned owners of this property have authorized AREC to apply for this PUD Amendment application.

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 amending the PUD of the above-described parcel of land located in the City of Mishawaka.


Property Owner Signature


Print Property Owner Name



Jayne L Piraccini

DATE: 02.06.2024

TO THE:

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

RE: PETITION FOR PUD AMENDMENT

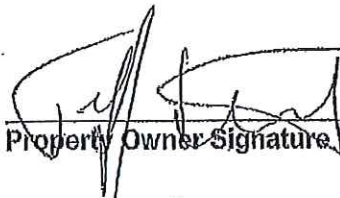
The undersigned John A. and Jayne L. Piracini, Julie Heneghan and Jeff Steely respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Please see the pages attached at the end of this application for property addresses, parcel IDs, parcel stat and legal description.

Petitioner, Amerco Real Estate Company (AREC), the wholly owned real estate subsidiary of U-Haul; is the Buyer of the said property and upon purchase will own one Hundred (100%) percent of the above-described parcel(s) of land which are located in Indiana. This land, which carries a zoning classification of S-2 Planned Unit Development is currently vacant and not developed. Petitioner desires that the said real estate to be amended to allow for the U-Haul Moving and Storage Facility which will consist of U-Haul uses of self-storage, U-Haul truck and trailer sharing, and related retail sales. For further details, please refer to the submitted project narrative, site plan and accompanying documents.

The above-mentioned owners of this property have authorized AREC to apply for this PUD Amendment application.

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 amending the PUD of the above-described parcel of land located in the City of Mishawaka.



Property Owner Signature



Print Property Owner Name

DATE: 02.06.2024

TO THE:

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

RE: PETITION FOR PUD AMENDMENT

The undersigned John A. and Jayne L. Piraccini, Julie Heneghan and Jeff Steely 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:

Please see the pages attached at the end of this application for property addresses, parcel IDs, parcel stat and legal description.

Petitioner, **Amerco Real Estate Company (AREC)**, the wholly owned real estate subsidiary of **U-Haul**; is the Buyer of the said property and upon purchase will own one Hundred (100%) percent of the above-described parcel(s) of land which are located in Indiana. This land, which carries a zoning classification of S-2 Planned Unit Development is currently vacant and not developed. Petitioner desires that the said real estate to be amended to allow for the U-Haul Moving and Storage Facility which will consist of U-Haul uses of self-storage, U-Haul truck and trailer sharing, and related retail sales. For further details, please refer to the submitted project narrative, site plan and accompanying documents.

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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 amending the PUD of the above-described parcel of land located in the City of Mishawaka.



Property Owner Signature



Print Property Owner Name



Petitioner (Property Buyer) Signature

Matthew F. Braccia, President, AREC

**Petitioner (Property Buyer)
Name**

AREC Contact Person:

Name: Gurnoor Kaur Tschudy

Address: 2727 N Central Ave., Phoenix, AZ 85044

Telephone number: 602-263-6649

Email: gurnoor_tschudy@uhaul.com

Legal Description:

Address: 16964 DOUGLAS RD., MISHAWAKA, IN 46545 (V/L DOUGLAS RD., MISHAWAKA, IN 46545)

For APN/Parcel ID(s): 029-2019-0426 and 029-2018-037704

PARCELSTAT: 71-04-29-477-022.000.005, 71-04-28-351-001.000-005 and 71-04-28-351-002.000-005

PARCEL 1:

THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA. LESS AND EXCEPTING THEREFROM THE FOLLOWING: A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, ALL IN TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE ROAD AND DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 52 MINUTES 06 SECONDS WEST, 2648.16 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION TO THE SOUTHWEST CORNER OF SAID SECTION 28 AND THE SOUTHEAST CORNER OF SAID SECTION 29 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 40 MINUTES 04 SECONDS WEST, 331.93 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 00 DEGREES 03 MINUTES 49 SECONDS EAST, 40.00 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 04 SECONDS EAST, 331.89 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST, 40.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING, AND CONTAINING 0.304 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY WHICH CONTAINS 0.152 ACRES, MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 0.152 ACRES, MORE OR LESS.

PARCEL 2:

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, AND A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, BOTH IN TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE ROAD AND DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 2382.78 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 243.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 265.00 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, 243.60 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 331.20 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 1324.81 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 35 SECONDS EAST, 611.20 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, 1079.70 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 18.67 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM, THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1920.28 FEET TO THE SOUTHEAST CORNER OF TWO TRACTS OF LAND CONVEYED TO JOHN PIRACCINI AND WEBB STEELY BY A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER [9020431](#) AND ALSO A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER [9713420](#) IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00 DEGREES 43 MINUTES 28 SECONDS WEST ALONG THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 989.01 FEET TO THE PLACE OF BEGINNING FOR THIS

DESCRIPTION; THENCE SOUTH 89 DEGREES 35 MINUTES 44 SECONDS WEST, A DISTANCE OF 384.77 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 05 SECONDS EAST, A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS WEST, A DISTANCE OF 44.50 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 296.22 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH 00 DEGREES 41 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 1294.62 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOHN PIRACCINI BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 0433126 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID PIRACCINI TRACT, A DISTANCE OF 726.69 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 28 SECONDS EAST, ALONG THE EAST LINE OF SAID PIRACCINI TRACT AND THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 753.20 FEET TO THE PLACE OF BEGINNING.

PARCEL 3:

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINES OF GRAPE AND DOUGLAS ROADS; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, 1920.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, 462.50 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, 243.60 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 10 SECONDS EAST, 18.67 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 26 SECONDS WEST, 1079.70 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 35 SECONDS EAST, 443.00 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, 1322.21 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1920.28 FEET TO THE SOUTHEAST CORNER OF TWO TRACTS OF LAND CONVEYED TO JOHN PIRACCINI AND WEBB STEELY BY A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9020431 AND ALSO A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9713420 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 00 DEGREES 43 MINUTES 28 SECONDS WEST ALONG THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 989.01 FEET TO THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 35 MINUTES 44 SECONDS WEST, A DISTANCE OF 384.77 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 05 SECONDS EAST, A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS WEST, A DISTANCE OF 44.50 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 296.22 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE NORTH 00 DEGREES 41 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 1294.62 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOHN PIRACCINI BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 0433126 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE NORTH LINE OF SAID PIRACCINI TRACT, A DISTANCE OF 726.69 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 28 SECONDS EAST, ALONG THE EAST LINE OF SAID PIRACCINI TRACT AND THE EAST LINE OF SAID PIRACCINI AND STEELY TRACT, A DISTANCE OF 753.20 FEET TO THE PLACE OF BEGINNING. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SAID SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST (BEARING ASSUMED) ON THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1920.28 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 26 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AND THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 402.36 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 45 SECONDS WEST, A DISTANCE OF 310.00 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 10 SECONDS EAST, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 401.31 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 26 SECONDS EAST, A DISTANCE OF 309.99 FEET TO THE PLACE OF BEGINNING. ALSO LESS AND EXCEPTING, A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CITY OF MISHAWAKA, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2360.40 FEET TO A POINT; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AS DEDICATED TO THE CITY OF MISHAWAKA BY INSTRUMENT NUMBER [9024928](#) AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, SAID POINT BEING THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 406.35 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 44.50 FEET; THENCE NORTH 00 DEGREES 31 MINUTES 05 SECONDS WEST, A DISTANCE OF 545.79 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 44 SECONDS EAST, A DISTANCE OF 384.77 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND CONVEYED TO YOUNG'S LANDSCAPE NURSERY CORP BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER [7800165](#) IN SAID RECORDER'S OFFICE; THENCE SOUTH 00 DEGREES 43 MINUTES 27 SECONDS EAST, ALONG SAID WEST LINE A DISTANCE OF 639.02 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO MDK NO. 3, LLC BY WARRANTY DEED RECORDED AS INSTRUMENT NUMBER [9834156](#) IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID MDK TRACT AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 401.33 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF SAID MDK TRACT, A DISTANCE OF 310.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 36.94 FEET TO THE PLACE OF BEGINNING.

PARCEL 4:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 4, AS RESERVED IN WARRANTY DEED FROM WEBB J. STEELY AND JOHN A. PIRACCINI TO J2MD, L.L.C., DATED JULY 1, 2004 AND RECORDED JULY 7, 2004 AS INSTRUMENT NUMBER [0433048](#), IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, OVER THE FOLLOWING LAND: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, IN ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2360.40 FEET TO A POINT; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD AS DEDICATED TO THE CITY OF MISHAWAKA BY INSTRUMENT NUMBER [9024928](#) AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, SAID POINT BEING THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 00 DEGREES 25 MINUTES 06 SECONDS EAST, A DISTANCE OF 406.35 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, A DISTANCE OF 89.50 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 06 SECONDS WEST, A DISTANCE OF 95.03 FEET TO A POINT ON THE NORTH LINE OF SAID MDK NO. 3, LLC PARCEL OF LAND; THENCE SOUTH 89

DEGREES 14 MINUTES 10 SECONDS WEST, ALONG THE NORTH LINE OF SAID MDK TRACT AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 57.70 FEET TO THE NORTHWEST CORNER THEREOF; HENCE SOUTH 00 DEGREES 31 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF SAID MDK TRACT, A DISTANCE OF 310.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 14 MINUTES 10 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 36.94 FEET TO THE PLACE OF BEGINNING.

Legal Description:

Address: 16963 DOUGLAS RD., MISHAWAKA, IN 46545

For APN/Parcel ID(s): 002-2018-037701

PARCELSTAT: 71-04-28-351-003.000-003

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, ST. JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION 265.00 FEET; THENCE NORTH 243.60 FEET; THENCE WEST 265.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH ALONG SAID WEST LINE 243.60 FEET TO THE PLACE OF BEGINNING. CONTAINING 1.482 ACRES, MORE OR LESS.

AMERCO[®]

REAL ESTATE COMPANY

2727 North Central Avenue, 5-N • Phoenix, Arizona 85004
Phone: 602.263.6555

Project Narrative

AMERCO Real Estate Company (AREC) has prepared and is submitting the Annexation and PUD Amendment application packages for the opportunity to receive the City of Mishawaka's participation and counseling regarding the proposed development, at the properties located at 16963 & 16964 Douglas Rd., Mishawaka, IN 46545. AREC is the wholly owned real estate subsidiary of the U-Haul System.

U-Haul is requesting the annexation of the property at 16963 Douglas Rd. and for the said property to be zoned the same as the second property at 16964 Douglas Rd., which is S-2 (Planned Unit Development). U-Haul is further requesting an amendment to the current PUD to allow U-Haul use of self-storage at the said locations.

U-Haul is proposing a U-Haul Moving and Storage Facility at the above-mentioned properties. Please refer to the submitted site plan for further details. The proposed development will consist of the U-Haul uses of self-storage, U-Haul truck and trailer sharing, and related retail sales. This infill development will allow U-Haul to better serve the storage needs of the community and activate a property that is currently vacant and under-utilized. Custom site design for every U-Haul store assures that the facility complements the community it serves. Adherence to community objectives is key to ensuring that each U-Haul store is both a neighborhood asset and an economic success.

U-Haul is more of a commercial type of use that serves residential communities within a 3-5-mile radius. U-Haul feels that its uses would be appropriate for the property and there are proven benefits for allowing self-storage facilities in communities:

- Self-storage facilities are quiet.
- They provide an excellent buffer between zones.
- They create very little traffic.
- They have insignificant impact on utilities.
- They have no impact on schools.
- They provide good tax revenue.
- They provide community service.

U-Haul Moving and Storage is a convenience business. The philosophy is to place U-Haul stores in high growth residential areas, where they fill a need for U-Haul's products and services. Customers are made aware of the U-Haul stores primarily via drive-by awareness, much like that of a convenience store, restaurant, or hardware store. Attractive imaging and brand name recognition bring in area residents, those who live within a four-mile radius of the center.

The U-Haul Store:

- U-Haul stores characteristically serve the DIY (do-it-yourself) household customer. The U-Haul Store will be staffed with 10-15 employees, both full-time and part-time.
- Families typically use U-Haul Self-Storage rooms to store furniture, household goods, sporting equipment, or holiday decorations. During transition periods between moves, moving to a smaller home, combining households, or clearing away clutter to prepare a home for sale, storage customers will typically rent a room for a period of two months to one year.
- Families arrive in their own automobiles, enter the showroom, and may choose from a variety of products and services offered there.

- Families who need packing supplies in advance of a move or to ship personal packages can choose from a variety of retail sales items, including cartons, tape, and sustainable packing materials. These retail items are available for purchase in the 'Showroom' provided on the first floor of the climatized, self-storage building. Please refer to the submitted site plan.
- U-Haul self-storage customers will typically use U-Haul equipment or their personal vehicle to approach the loading area and enter the building through clearly defined customer access. All new U-Haul stores are designed with interior storage room access, giving the customer the added value of increased security, and the community the benefit of a more aesthetically pleasing exterior.
- U-Haul stores also provide truck and trailer sharing for household moving, either in-town or across country. Families who tow U-Haul trailers, boats, or recreational trailers can select, and have installed, the hitch and towing packages that best meet their needs.
- The U-Haul trucks and trailers, to be rented by the customers, will be parked clearly in the area labelled 'U-Haul Equipment Shunting' on the submitted site plan. This area of shunting is only accessible to the U-Haul employee, and they will bring the equipment to the U-Haul customer, who has rented it.

Significant Policies:

- Hours of Operation:

Mon. - Thurs.	7:00 a.m. to 7:00 p.m.
Fri.	7:00 a.m. to 8:00 p.m.
Sat.	7:00 a.m. to 7:00 p.m.
Sun.	9:00 a.m. to 5:00 p.m.
- All U-Haul storage customers are issued a card-swipe style identification card that must be used to gain access to their room. This is but one of many security policies which protect the customer's belongings and decrease the ability of unauthorized access to the facility.
- It is against policy for a business to be operated from a U-Haul storage room.
- Customers and community residents who wish to use the on-site dumpsters for disposing of refuse must gain permission to do so and are assessed an additional fee.
- Items that may not be stored include chemicals, flammables, and paints.
- U-Haul stores are protected by video surveillance.
- U-Haul stores are non-smoking facilities.
- U-Haul will provide added services and assistance to their customers with disabilities.

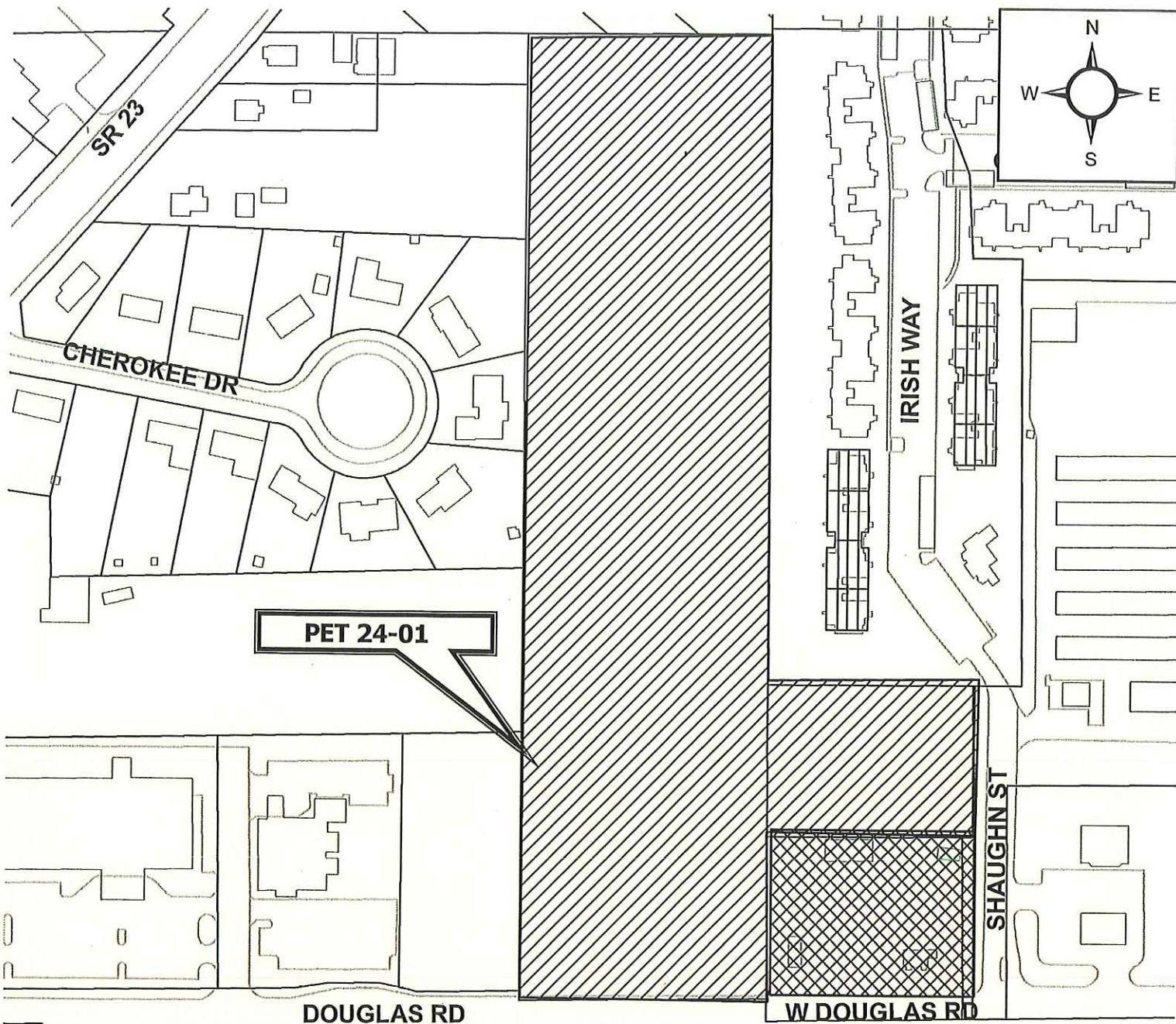
Additional Security Features:

- "State-of-the-Art" burglar/max alarm system, includes 24 Hour monitoring and interior motion detectors on all storage floors, stairwells, and main showroom.
- Hands free intercom system, able to communicate to all Max Stations throughout all floors of storage, specifically designed for customer use.
- 24 Hour digital, HD video surveillance, with remote & web base viewing.
- Individually alarmed rooms, armed and disarmed by a keypad/card swipe.
- 16+ Color/ HD, day, and night cameras, will display facilities interior, exterior and elevator.
- Multiple, audible sirens for storage and burglar alarms.
- The exclusive U-Haul patented latch contact is used in all storage units.

Traffic Study:

U-Haul stores generate less vehicular traffic volume while still embodying an active-use site. Truck and trailer sharing, and self-storage all represent dynamic transitions from one customer to another. DIY moving customers are presented with opportunities to utilize equipment and storage on a temporary basis, supporting a shared-economy, an effective economic model, and an environmentally-sound way to conduct business.

U-Haul looks forward to working with the City of Mishawaka, IN as you consider the submitted Annexation and PUD Amendment applications.



Location Map

PETITION 24-01

OWNERS: CHARLES RUPLEY, JOHN & JAYNE
PIRACCINI, JULIE HENEGHAN AND JEFF STEELY

LOCATION: 16963 DOUGLAS ROAD
AND ADJACENT VACANT PROPERTY

REQUESTING TO ANNEX 1.5 ACRES (crosshatch),
ESTABLISH ZONING AS S-2
PLANNED UNIT DEVELOPMENT,
AND AMEND EXISTING DOUGLAS COMMONS
PUD TO ALLOW STORAGE UNITS

Andre Zeiger

3/12/2024

City of Mishawaka
100 Lincolnway West,
Mishawaka, IN 46544

Dear Donna Burkart and Mishawaka Planning Department,

I am writing to express my strong opposition to petition 2024-01 submitted by Charles Ruply, which requests the annexation of property for storage units. This proposed annexation not only raises significant environmental concerns but also poses threats to the safety and well-being of the residents in our community.

First and foremost, the wooded area targeted for annexation is home to a diverse range of wildlife. The construction of storage units would undoubtedly lead to the displacement of these animals, disrupting the delicate balance of our local ecosystem. As responsible stewards of the environment, it is imperative that we prioritize the preservation of these habitats for the sake of our wildlife and future generations.

Furthermore, the introduction of storage units in our neighborhood would result in increased light pollution and noise disturbance. The serene ambiance that currently characterizes our community would be compromised, negatively impacting the quality of life for residents. Additionally, the construction and operation of storage facilities are bound to generate significant noise pollution, further disrupting the peace and tranquility of our surroundings.

Moreover, the proposed annexation raises valid concerns regarding property values. The presence of storage units in close proximity to residential areas could potentially decrease property values, affecting the investments and financial well-being of homeowners in the vicinity. As residents, we have a vested interest in maintaining the integrity and value of our properties, and the approval of this petition could jeopardize these interests.

Beyond environmental and financial concerns, there are also serious apprehensions regarding safety. The influx of additional traffic and unfamiliar individuals into our neighborhood poses inherent risks to the safety and security of residents. Increased vehicular activity and foot traffic could potentially compromise the safety of our community, particularly for vulnerable populations such as children and the elderly.

In light of these concerns, I urge you to carefully reconsider the approval of petition 2024-01. If annexation is deemed unavoidable, I implore you to impose stringent regulations and mitigation measures to address the aforementioned issues. At the very least, provisions such as tall trees or fences should be mandated to shield our community from the adverse effects of the proposed storage units.

As elected officials entrusted with the well-being of our community, I urge you to prioritize the interests and concerns of residents in your decision-making process. Together, we must strive to preserve the natural beauty, tranquility, and safety of our neighborhood for current and future generations.

Thank you for your attention to this matter.

Sincerely,
Andrew Zeiger

5625 Irish Way

17125 Cherokee Drive
South Bend, In 46635

February 29, 2024

Dear Ms. Burkart,

Thank you so much for the opportunity to share my feedback regarding the petition 2024-01 at 16963 Douglas Rd and adjacent vacant property. I understand that there are times when progress and community needs outweigh concern for greenspace and quality of life, but I want to make sure that my concerns are also part of the deliberation.

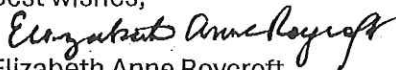
I have been a resident of 17125 Cherokee Drive for one year. The home is a mid century modern structure which I purchased from its original owner. I have invested over \$70,000 in updates and renovations to the home while also keeping with its historical quality. One key element of the home's design are large glass windows which overlook the backyard. I spend considerable time watching a large variety of birds, including owls and hawks, observing a family of 5 deer who have been residents the entire time I have been there, along with a large variety of other small mammals who all live in the wild. They are not a nuisance and none of my neighbors feed them or complain about them.

The proposed usage of the land behind my home, which extends in either direction, would negatively impact my property value and the wildlife in the area. At present, the small wooded space serves as a buffer between Cherokee Drive homes and the noise of Douglas Rd, and provides a buffer between our homes and the apartment complex off Irish Way.

I am not opposed to the annexation of the property in the crosshatch area noted on the map as 16963 Douglas Rd, or in the area adjacent to Shaughn Street directly behind that property. My concern is with the planned unit development noted in the proposal that runs from Douglas Rd, behind my neighborhood and beyond. That decision will have direct implications that must be evaluated. I hope you will consider the environmental impact as well as the long lasting impact of loss of greenspace, wildlife habitat, and home values.

I am unable to attend the March 12 meeting in person, but I do hope you will continue to keep me informed as decisions are made.

Best wishes,


Elizabeth Anne Roycroft

My name is Jennifer Hart, and I live at 17135 Cherokee Drive. I have lived here for 22 years and I love it here. What I love about this area is the quiet that it provides and the feeling of living in a rural setting, yet still surrounded by shopping areas and restaurants of our choice. All the beautiful Oak Trees surrounding our house are peaceful and let us enjoy nature daily. I have seen wild Turkeys, deer, woodpeckers, coyotes, foxes and lots of squirrels that I enjoy feeding daily in my backyard. The setting in our backyard is perfect as there is no one behind us but the woods and it allows us our privacy that we have grown accustomed to all these years.

Our neighbors are simply the best. We are always there for each other and help each other out. Some of us have been living on Cherokee longer than I have. It has been so great watching our little neighborhood grow and change through the years.

When I received the letter about the storage facility being built behind my home, my heart sank. I cannot understand why there is a need for another one when one has just been built and is not even open yet (on SR 23). There is also another storage facility behind the 7-11 on Douglas. I am greatly opposed to having this built. Especially behind my house and near my Neighborhood. Putting this facility behind us would mean a multitude of issues/problems:

1. The beautiful landscape and Oak Trees that have been there for so many years will be taken down. This will harm the wildlife that depends on the wooded area. Not to mention, taking down these trees will result in noise pollution since the trees protect our neighborhood from the sounds outside of our area.
2. Storage facilities typically attracts theft and dishonest people who try to break into these things. We have a lot of nice things in our home as well as in our backyard. If this facility gets built, people will start to see our backyard (and other neighbors around us) and could potentially create a problem.
3. Lighting from the facility will cause light pollution. It is currently a rural setting with the woods behind us. Taking down the trees and adding a building with lots of lighting "for security" also causes light pollution and is not healthy for the people who must live by it daily. I personally do not want to have to close my windows at night when it is nice out because the light is too bright from this place.
4. Noise Pollution. Building this facility, taking the trees down, and adding light pollution will also create noise pollution. Right now, it is very quiet where we live and has been the past 22 years that we have lived here. And yet again, I do not want to have to close my windows up at night because there are people there at this facility or getting into this facility.

5. Property values are going to drop with this new facility. I am sure my neighbors, as well as myself, will not stand for this if this happens. We have all worked VERY hard in our lives for what we currently have. Losing that value is not fair to us as homeowners. Trying to sell our home with that facility behind it will become difficult due to the noise pollution, light pollution, and crime it can potentially produce.

I LOVE where I live. So many memories have been made here. I do not want my quality of life to diminish due to this storage facility, that could be built anywhere in Mishawaka. I hope our words will be considered regarding this proposed facility.

Thank you for listening,

Jennifer Hart

03/12/2024

Statements against PET-24-01 (beyond 'opposed'):

Darilyne at 17160 Cherokee: When I am walking the dogs on our little oasis, Cherokee Dr, my sweet dog is disturbed and frightened by unfamiliar sounds and noises. We all cherish the tranquility of the street where we live. Storage buildings directly behind any one of our homes would disturb the peace and destroy what is left of the woods which buffer us from our surroundings, effectively removing habitat for the diverse wildlife we enjoy. The abundance of birds, plants, and other wildlife will sadly be lost.

Carolyn at 17160 Cherokee: I have lived in this house since May 1994 and have seen a lot of changes along SR 23 and Douglas Road, but our special neighborhood has remained a tranquil oasis in the midst of the busyness, not only for those of us who live on Cherokee Drive but also the wildlife that live among us.

Angie at 17145 Cherokee Dr: I am writing to voice my opposition to the petition # 2024-01. I am concerned about the following,

- Lighting: harsh commercial lighting impacts on the nearby residential areas
- Noise: constant comings/goings of people to the proposed storage units every day of the week and all day/night long
- Property values: the impact of the surrounding property values going down
- Safety: storage units will bring many people to the area every day of the week and all day/night long. Crime rates would increase with more people in the area.
- Wildlife: this would take away the "homes" of many wildlife. Deer, squirrels, chipmunks, raccoons, possums, ground hogs, birds, rabbits

This type of business is not needed in this area. There is already a storage unit off Douglas Rd, right next to this proposed site (right behind the 7-Eleven store) and another storage unit just built by the UP Mall on SR 23 and another storage unit is planned for the corner of Cleveland Road and SR 23

I would be very appreciative of your support in this matter. Thank you for your consideration.

Vaughn at 17135 Cherokee Dr: Our house will be one of the 3 most affected residences as they border the vacant lot. If the woods are torn down and the storage units built, this will strip us of the peaceful area around our house by losing the natural barrier and thriving wildlife and adding extreme amounts of noise and light pollution.

PETITION 24-01		Rezoning 1693 Douglas Rd and vacant lot to build storage units
Call to Action		We, the undersigned, are concerned citizens who urge our leaders to act now to deny PET 24-01

Printed Name	Signature	Address	Comment	Date
Allison M. Kincaid	Allison M. Kincaid	1130 Cherokee Dr		03/11/2024
Katie Keiser	Katie Keiser	1130 Cherokee Dr		3/11/24
Lauren Haas		17135 Cherokee Dr	NO storage.	3-11-24
Sen Hart		17135 Cherokee		3/11/24
Angela Wynn	Angela Wynn	17145 Cherokee		3-11-24
Loon Schmidt	Loon Schmidt	17155 Cherokee	NO Storage	3-11-24
Randy Schmidt	Randy Schmidt	17155 Cherokee	NO Storage	3-11-24
Courtesy Wallace	Courtesy Wallace	17160 Cherokee	NO Storage	3-11-24
Darilene Tingle		17160 Cherokee Dr.	no storage Keep the woods	3-11-24
NOEL E JONES	Noel E Jones	17160 Cherokee	NO STORAGE	3-11-24

PETITION 24-01		Rezoning 1693 Douglas Rd and vacant lot to build storage units
Call to Action		We, the undersigned, are concerned citizens who urge our leaders to act now to deny PET 24-01

Printed Name	Signature	Address	Comment	Date
Ryan Takach		17180 Cherokee Dr South Bend, IN 46635	No Storage	3-11-24
Glen Roach		17140 Cherokee Dr South Bend, IN 46635	No Storage	3/11/2024
Mary Case Wells		17232 South Bend Rd 23 South Bend, IN 46635	No Storage	3/14/2024
IS Lucas		17185 Oreage Dr. South Bend, IN 46635	No Storage	3/12/24
Sabrina K.		17195 Cherokee Dr South Bend, IN 46635	No Storage	3/12/24
Adrianna Statt		17146 Cherokee Dr South Bend 46635	No Storage	3/12/24
Brian Jones		17120 Cherokee Dr	No Storage	3/14/24
Danny Rosen Danna Rosen		17120 Cherokee Dr	No Storage	3/12/24

MAR 13 2024

City Clerk
Mishawaka, IN

1st Reading
2nd Reading
Passed
Failed
Continued To

PETITION 24-02

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2024-06

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 a PUD Amendment 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:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, AND A PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 89°41'58" EAST ALONG THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF CLEVELAND ROAD, A DISTANCE OF 1323.83 FEET MORE OR LESS (ASSUMED BEARINGS AND APPROXIMATE DISTANCES) TO THE POINT OF BEGINNING; THENCE NORTH 00°32'43" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET MORE OR LESS TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 89°51'36" EAST ALONG SAID NORTH LINE, A DISTANCE OF 851.59 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT SIX (6) COURSES SOUTH 18°36' EAST, A DISTANCE OF 222.02 FEET MORE OR LESS AND SOUTH 11°10' EAST, A DISTANCE OF 553.73 FEET MORE OR LESS AND SOUTH 02°34' WEST, A DISTANCE OF 116.26 FEET MORE OR LESS AND SOUTH 10°08' WEST, A DISTANCE OF 195.24 FEET MORE OR LESS AND SOUTH 00°00' EAST, A DISTANCE OF 158.86 FEET MORE OR LESS TO THE

Proposed Ordinance No: 2024-06

Ordinance No: _____

INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE SOUTH 16°47' EAST, A DISTANCE OF 165.93 FEET MORE OR LESS TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 31°00' WEST, A DISTANCE OF 66.05 FEET MORE OR LESS; THENCE CROSSING SAID CAPITAL AVENUE, SOUTH 84°16' WEST, A DISTANCE OF 197.87 FEET MORE OR LESS TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES, NORTH 57°40' EAST, A DISTANCE OF 176.29 FEET MORE OR LESS AND NORTH 89°41' 58" WEST, A DISTANCE OF 622.41 FEET MORE OR LESS; THENCE NORTH 12°18' WEST, A DISTANCE OF 29.32 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 30.64 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

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 S-2 Planned Unit Development District.

All the above real estate shall hereafter be amended to allow for a mixed use development containing commercial uses as permitted in the C-1, C-2, C-4, C-7, C-9, and C-10 Districts, and one existing single family residence (R-1 use) subject to the following conditions:

Uses:

1. Permitted uses shall be limited to those uses identified in the R-1 Single Family Residential, C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash zoning districts, except where noted herein, based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.
4. Filling stations shall be prohibited.

Traffic Impact:

Proposed Ordinance No: 2024-06

Ordinance No: _____

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.
2. Phasing of utility and road improvements, including internal collector drives associated with this project, shall be as determined by the City Director of Engineering.
3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road Connections:

1. Private collector road connections shall be provided through the site as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval.
2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site may be required. Internal stacking and turning movements at intersections shall be provided and protected as necessary. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Cleveland Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering as required to protect the City Wellfield at Juday Creek.

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2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering. Utilities, including municipal water and sewer, must be in place prior to the occupancy of any phase of the proposed development.

Lighting:

1. All site lighting shall be limited to a maximum of 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 25' in height and shall include a masonry base. Animated/Electronic Reader boards shall be limited to no more than 50 square feet per sign.
 - b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 15' in height and contain a display area of no more than 90 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.
3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings on the south half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest. Buildings on the north half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended, only where visible from adjacent public right-of-way.
2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.
5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

Proposed Ordinance No: 2024-06

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This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran's Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
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 commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

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 _____, 2024, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Proposed Ordinance No: 2024-06

Ordinance No: _____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,
2024, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 14233 Cleveland Road (006-1008-0105)

Date: March 12, 2024

Petition: 24 02

Prepared By: CH

GENERAL INFORMATION

Applicant: MISH RE LLC / Danch, Harner & Associates, Inc.

Status: Property Owners / Site Design, Engineering & Surveying Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a mixed use development containing commercial uses as permitted in the C-1, C-2, C-4, C-7, C-9, and C-10 Districts, and one existing single family residence (R-1 use)

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

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 30.64 acres (including Capital Avenue and Cleveland Road ROW)

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial & Section 137-41 / Amendments to Zoning Map & Indiana Code 36-4-3-2.1, 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development (NW Cleveland Rd and Capital PUD)
South: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
East: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
West: S-2 Planned Unit Development (NW Cleveland Rd and Capital PUD)

Thoroughfare: Cleveland Road & Capital Ave

Council District: To Be Determined (contiguous to 6)

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Residential Growth.

ANALYSIS

Proposal:

The applicant is proposing to annex, establish zoning, and approve a preliminary planned unit development site plan to allow for commercial uses as permitted in the C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts. This petition also includes the R-1 Single Family Residential District to reflect the existing house on the property. The owners, also owns the four parcels to the north and west, which were previously approved as a phased commercial development to include several automobile dealerships and related accessory uses.

The 30.46 acres, consists of Tax Parcel 006-1008-0105, which is 21.30 acres, and almost 9 acres of right-of-way. Located on the northwest corner of Cleveland Road and Capital Avenue. There is a homestead at the west side of the lot with the remainder as tillable farmland. The adjacent properties to the north and west were annexed into the City of Mishawaka in 2022 with S-2 Planned Unit Development zoning classification allowing all C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts (Ord. 5805).

As indicated on the preliminary site plan, the commercial development will include three proposed automobile dealerships, and areas of future development. No specific users or contingent purchaser has been identified. Although development phasing is not shown on the plan, the property will likely be developed in multiple phases, in conjunction with the property to the west.

The applicant is requesting that all permitted uses per the above referenced commercial districts be allowed. Planning Staff believes that all of these uses, except for a filling station, are appropriate. The filling station use is not appropriate because the site is located within the City's Judy Creek Wellfield, 5-year time of travel, and the underground fuel storage tanks pose a potential threat to the wellfield. Staff is recommending that the property and each individual development parcel shall adhere to the required area, height, and development regulations of the most restrictive zoning district in which the use would be permitted unless otherwise outlined in the conditions of approval.

There is no direct access to this parcel from Capital Avenue or Cleveland Road. Two access locations off of Cleveland Road were proposed on the property to the west. Final locations and all required roadway improvements, including but not limited to deceleration/acceleration lanes, passing blisters, and turning lanes, shall be subject to review and approval by the Engineering Department as a part of the planned unit development site plan review for each specific development parcel.

Currently, both water and sewer infrastructure required to serve the proposed development is located more than 1000 feet south of the site. Water and Sewer infrastructure would need to be extended across what is currently private property. Staff has made the applicant's representatives aware of this issue. Although the City has a long term plan to extend Veteran's Parkway to Cleveland Road which would be a logical path for the extension, the funding and right-of-way for such an extension does not currently exist. The City is hopeful to work as a partner to make these utility improvements over time. In order to develop the property, the applicant will be required to provide public water and sewer to the property. As such, the timing of the development is unknown.

In addition, due to the project being located within a future Juday Creek 5-year well head protection area, stormwater runoff cannot be handled on-site via a system of drywells. All runoff will have to maintained on-site via a surface stormwater retention or detention basin.

Although none is shown, landscaping will be required along the perimeter of the property, within landscaping islands, and along access drives internal to the development. More detailed landscaping plans shall be submitted with each planned unit development site plan, and are subject to review and approval by the Planning Staff.

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.

The annexation of the property to the north and west initiated a prime growth area of the City. Although preliminary and speculative, staff is recommending strongly in favor of the annexation and establishment of zoning as requested to insure the planned orderly development of roads and infrastructure in one of the few areas where the City has the ability to grow over time. The annexation of predominantly undeveloped property early in the process will allow the City to control the logical and orderly growth of the area. Although a wide range of uses are being proposed, including automobile related uses, the combined cost of the land, the infrastructure improvements, and utilities, along with the recommended conditions, will ensure high quality development commensurate with the prime location. It is understood that ultimately the market will dictate the actual development/uses that will occur which will likely evolve over many years and phases.

Annexation:

In 2022, properties to the north and west were annexed into the City and zoned S-2 Planned Unit Development for commercial uses.

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 as outlined above, approximately 1,892.98 feet, or 48%, of the total 3,944.96 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 at the northwest corner of Capital Avenue and Cleveland Road. It is bordered to the north and west by vacant land zoned S-2 Planned Unit Development; to the south by several single-family houses and agricultural land located within unincorporated St. Joseph County, and to the east by Capital Avenue and agricultural land located in unincorporated St. Joseph County. The Cleveland Road corridor between State Road 23 and Capital Avenue includes a variety of single and multi-family residential, assisted living/memory care, religious, and medical land uses.

Zoning Change:

Staff believes that the proposed zoning of this property to the S-2 Planned Unit Development District for various commercial uses is appropriate given the existing commercial growth that has occurred within northern Mishawaka. With the completion of Beacon Parkway to the north, providing a major gateway into the City from the Toll Road and northeast part of St. Joseph County, development pressures within this portion of the city and county will only intensify in the future. Examples of this growth includes Beacon Parkway and the 250 acre Penn Farm properties.

Transportation/Roads:

According to the latest available traffic counts, there were 10,999 annual average daily trips (AADT) (March 2022) along Cleveland Road east of Fir Road and 11,997 AADT (May 2022) along Cleveland Road west of Currant Road. The counts at these locations have increased over the last 15 years ranging from just under 8,900 AADT to their current peaks. With the existing and anticipated increase in commercial and residential development in the northern Mishawaka and Granger areas, it is anticipated that traffic volumes will remain relatively consistent and/or continue to increase in future years.

The 2045 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, includes a grade separation project for the Canadian National railroad at Cleveland Road west of Capital Avenue. The construction date for this project is estimated for 2024. Added travel lanes are proposed along Cleveland Road between Ash Road (County Line) and Bittersweet Road for construction in 2025. A small road west of the Indiana Toll Road connecting Beacon Parkway to Cleveland Road is proposed for construction in 2030. Veteran's Parkway is proposed to be extended from its current northern terminus to Cleveland Road which would provide a connection to Douglas Road. This extension is proposed for construction in 2035. Anticipated completion

dates for the above projects may be amended in future years dependent on projected travel demand and funding.

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

Engineering Department:

1. Site is currently not served by Mishawaka Utilities. Utility extensions will be needed via Veteran's Parkway and/or Cleveland Rd corridors.
2. No drive approach will be allowed along this site's frontage. Access shall come internal through adjacent site to the west (same owners). Improvements to Cleveland Road will be needed to facilitate this improvement.

Electric Department:

1. The property is outside of the Mishawaka Utilities Electric Division service territory.

Water Department:

1. The project is located within a future Juday Creek 5-year well head protection area pending the construction of a new well field to the northeast of the Douglas Road and Fir Road intersection.

RECOMMENDATION

Staff recommends approval of Petition 24-02 to annex 30.64 acres of land and zone to S-2 Planned Unit Development to allow for a mixed use development containing commercial uses as permitted in the R-1 Single Family Residential, C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash Districts subject to the following conditions, previously approved for the property to the north and west.

Conditions of Approval

Uses:

1. Permitted uses shall be limited to those uses identified in the R-1 Single Family Residential, C-1 General Commercial, C-2 Shopping Center Commercial, C-4 Automobile Oriented Commercial, C-7 Auto Oriented Restaurant Commercial, C-9 Auto and Vehicle Sales, and C-10 Filling Station/Car Wash zoning districts, except where noted herein, based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.
2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.
3. Off-premise signs/billboards shall be prohibited.
4. Filling stations shall be prohibited.

Traffic Impact:

1. The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided

by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.

2. Phasing of utility and road improvements, including internal collector drives associated with this project, shall be as determined by the City Director of Engineering.
3. The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.

Internal Road Connections:

1. Private collector road connections shall be provided through the site as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval.
2. A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site may be required. Internal stacking and turning movements at intersections shall be provided and protected as necessary. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.
3. At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Cleveland Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.
4. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering as required to protect the City Wellfield at Juday Creek.
2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.
3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering. Utilities, including municipal water and sewer, must be in place prior to the occupancy of any phase of the proposed development.

Lighting:

1. All site lighting shall be limited to a maximum of 30 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.
2. A lighting plan shall be submitted with each subsequent planned unit development plan submission.
3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.

Signage:

1. Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 25' in height and shall include a masonry base. Animated/Electronic Reader boards shall be limited to no more than 50 square feet per sign.
 - b. Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 15' in height and contain a display area of no more than 90 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.
2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.
3. General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.

Building Limitations/Architecture:

1. All proposed commercial buildings on the south half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest. Buildings on the north half of the property shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended, only where visible from adjacent public right-of-way.
2. For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.
3. The maximum building height for any commercial building within the development shall be 60'

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.
3. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.
4. Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.

5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.
6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.

Phasing:

1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

This recommendation is based on the following Findings of Fact:

1. Existing Conditions – The subject property is located along the heavily travelled Cleveland Road corridor. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include the Indiana Toll Road and various medical related uses to the north; a church to the west located within unincorporated St. Joseph County; several single-family houses and agricultural land to the south located within unincorporated St. Joseph County, and a single-family residential house and agricultural land to the east located in unincorporated St. Joseph County.
2. Character of Buildings in the Area – The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Capital Road vary greatly and include single and multi-family residential, assisted living/memory care, religious, and medical land uses.
3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, planned extension of Veteran’s Parkway to Cleveland Road, and commercial zoning for the Penn farm property to the south, commercial development is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing and planned land use patterns in the area.
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 commercial regulations is required to adequately screen the adjacent existing single-family residential properties.
5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed development to include commercial uses is reasonably consistent the existing commercial growth that has occurred to the north of property along Beacon Parkway and within northern Mishawaka.

ATTACHMENTS

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

STAFF REPORT

Location: 14233 Cleveland Road (006-1008-0105)

Date: March 12, 2024

Petition: 24 02

Prepared By: CH

GENERAL INFORMATION

Applicant: MISH RE LLC / Danch, Harner & Associates, Inc.

Status: Property Owners / Site Design, Engineering & Surveying Consultant

Request: To annex, establish zoning, and approve a preliminary site plan for a mixed use development containing commercial uses as permitted in the ~~R-1~~, C-1, C-2, C-4, C-7, C-9, and C-10 Districts, *AND ONE EXISTING SINGLE FAMILY RESIDENCE (C-1 USE)*

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

Proposed Zoning: S-2 Planned Unit Development

Lot Size: 30.64 acres (including Capital Avenue and Cleveland Road ROW)

Applicable Regulations: Section 137-300 to 137-303 / C-1 General Commercial & 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: S-2 Planned Unit Development (NW Cleveland Rd and Capital PUD)
 South: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
 East: Unincorporated St. Joseph County – R Single Family (Single-Family Residential & Agricultural)
 West: S-2 Planned Unit Development (NW Cleveland Rd and Capital PUD)

Thoroughfare: Cleveland Road & Capital Ave

School District: Penn-Harris-Madison *← COUNCIL DISTRICT = FEB (Contiguous to 6) TO BE DETERMINED*

Township: Harris

Public Utilities: All utilities will be extended to/throughout the site at the developer's/contingent owner's expense including all required roadway improvements.

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Residential Growth.



Aerial Photograph
14233 Cleveland Road
Proposed Commercial Development



Existing house at 14233 Cleveland Road (Google Streetview June 2023)



Looking north from Cleveland Road at field



Northwest corner of Capital Avenue and Cleveland Road



A view west from Capital Avenue

January 22, 2024

Mishawaka Common Council
Mishawaka Plan Commission
600 East Third Street
Mishawaka, Indiana 46544

Re: Petition for Annexation & Rezoning for:

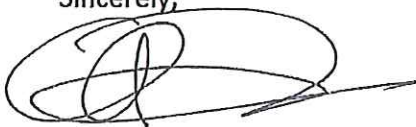
MISH RE LLC
14233 Cleveland Road
Granger, IN 46530

Dear Common Council and Plan Commission Members,

This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Common Council and Plan Commission meeting(s) at which our Annexation and Rezoning Petition request will be heard.

If you have any questions concerning this matter, please feel to contact me/us.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Pustelak", with a large, stylized initial "C" and a horizontal line extending to the right.

Chris Pustelak
MISH RE LLC
5201 N. Grape Road
574-272-2009

PG 2402

Date: February 12, 2024

To: The Honorable Members of the Common Council
City of Mishawaka, Indiana

Re: Petition for Annexation & Rezoning for:

MISH RE LLC
14233 Cleveland Road
Granger, IN 46530

The undersigned, respectfully show that they are the owners of the following described real estate located in the unincorporated portion of St. Joseph County, Indiana:

Annexation and Rezoning Legal Description:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, AND A PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 38 NORTH, RANGE 3 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 89°41'58" EAST ALONG THE SOUTH LINE OF SAID SECTION AND THE CENTERLINE OF CLEVELAND ROAD, A DISTANCE OF 1323.83 FEET MORE OR LESS (ASSUMED BEARINGS AND APPROXIMATE DISTANCES) TO THE POINT OF BEGINNING; THENCE NORTH 00°32'43" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 1317.98 FEET MORE OR LESS TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 89°51'36" EAST ALONG SAID NORTH LINE, A DISTANCE OF 851.59 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY LINE OF CAPITAL AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT SIX (6) COURSES SOUTH 18°36' EAST, A DISTANCE OF 222.02 FEET MORE OR LESS AND SOUTH 11°10' EAST, A DISTANCE OF 553.73 FEET MORE OR LESS AND SOUTH 02°34' WEST, A DISTANCE OF 116.26 FEET MORE OR LESS AND SOUTH 10°08' WEST, A DISTANCE OF 195.24 FEET MORE OR LESS AND SOUTH 00°00' EAST, A DISTANCE OF 158.86 FEET MORE OR LESS TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE NORTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE SOUTH 16°47' EAST, A DISTANCE OF 165.93 FEET MORE OR LESS TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 31°00' WEST, A DISTANCE OF 66.05 FEET MORE OR LESS; THENCE CROSSING SAID CAPITAL AVENUE, SOUTH 84°16' WEST, A DISTANCE OF 197.87 FEET MORE OR LESS TO THE INTERSECTION OF THE WESTERLY

RIGHT-OF-WAY LINE OF SAID CAPITAL AVENUE WITH THE SOUTHERLY
RIGHT-OF-WAY LINE CLEVELAND ROAD; THENCE ALONG SAID
SOUTHERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO (2) COURSES,
NORTH 57°40' EAST, A DISTANCE OF 176.29 FEET MORE OR LESS AND
NORTH 89°41' 58" WEST, A DISTANCE OF 622.41 FEET MORE OR LESS;
THENCE NORTH 12°18' WEST, A DISTANCE OF 29.32 FEET MORE OR LESS TO
THE POINT OF BEGINNING.

CONTAINING 30.64 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND
RESTRICTIONS OF RECORD.

Also commonly known as 14233 Cleveland Road in Granger, Indiana. The above-described parcels of
land are presently zoned "R" Single Family District in the unincorporated county.

Petitioners desire to annex and rezone the real estate described above to the "S-2" Planned Unit
Development District classification. The purpose for the annexation and rezoning is to allow for a
mixed land use development allowing uses permitted in the following Districts: "C-1" Commercial, "C-
2" Commercial, "C-4" Commercial, "C-7" Commercial, "C-9" Commercial and "C-10" Commercial.

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

Wherefore, the 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 annexation and rezoning the above-described parcel of real estate
located in the City of Mishawaka.

Sincerely:



Chris Pustelak
MISH RE LLC

Contact Person:

Danch, Harner & Associates: Attn: Angela Smith
1643 Commerce Drive
South Bend, IN 46628
(574) 234-4003
asmith@danchharner.com

D SITE PLAN

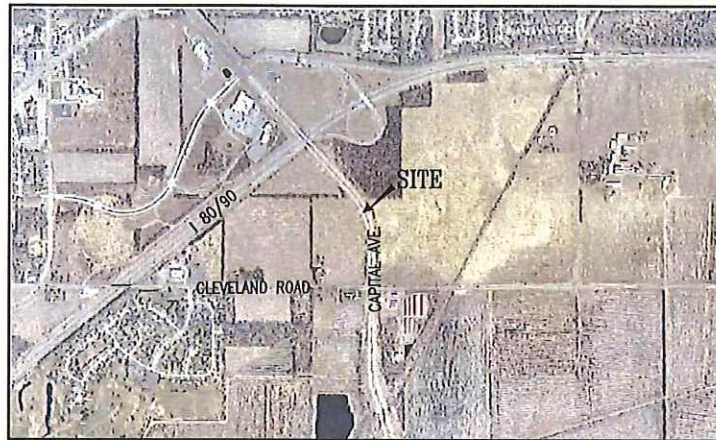
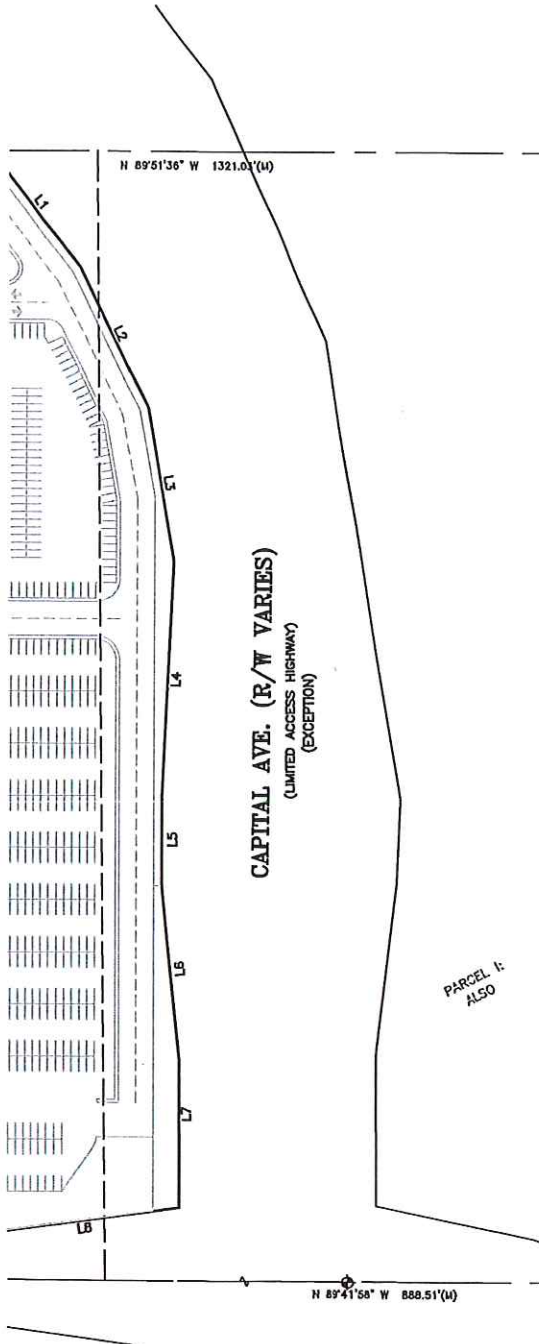
IN THE NORTHEAST QUARTER OF SECTION 26,
TOWNSHIP 10S, RANGE 10E, ST. JOSEPH COUNTY, INDIANA.

LINE	BEARING	DISTANCE
L1 M	S 37°41'14" E	171.96'
L1 R	S 37°34'58" E	171.96'
L2 M	S 26°28'39" E	182.82'
L2 R	S 26°38'33" E	182.82'
L3 M	S 10°13'10" E	182.49'
L3 R	S 10°23'04" E	182.49'
L4 M	S 02°51'52" W	281.06'
L4 R	S 02°41'58" W	281.06'
L5 M	S 00°15'43" E	100.00'
L5 R	S 00°25'37" E	100.00'
L6 M	S 05°58'21" E	201.00'
L6 R	S 06°08'15" E	201.00'
L7 M	S 00°15'43" E	175.00'
L7 R	S 00°25'37" E	175.00'
L8 M	S 82°17'48" W	241.33'
L8 R	S 82°07'54" W	241.33'
L9 M	S 67°09'16" W	81.41'
L9 R	S 68°32'30" W	80.78'
L10 M	S 00°18'02" W	20.00'
L10 R	S 00°20'36" W	20.00'

PET 24-02
Received

FEB 21 2024

Planning and
Community Development



AERIAL PHOTOGRAPHY/LOCATION MAP
NTS



[Signature]

R.L. HARNER #910032

SURVEYORS & ENGINEERS:
DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN 46628
(574) 234-4003
ATTN: MICHAEL DANCH



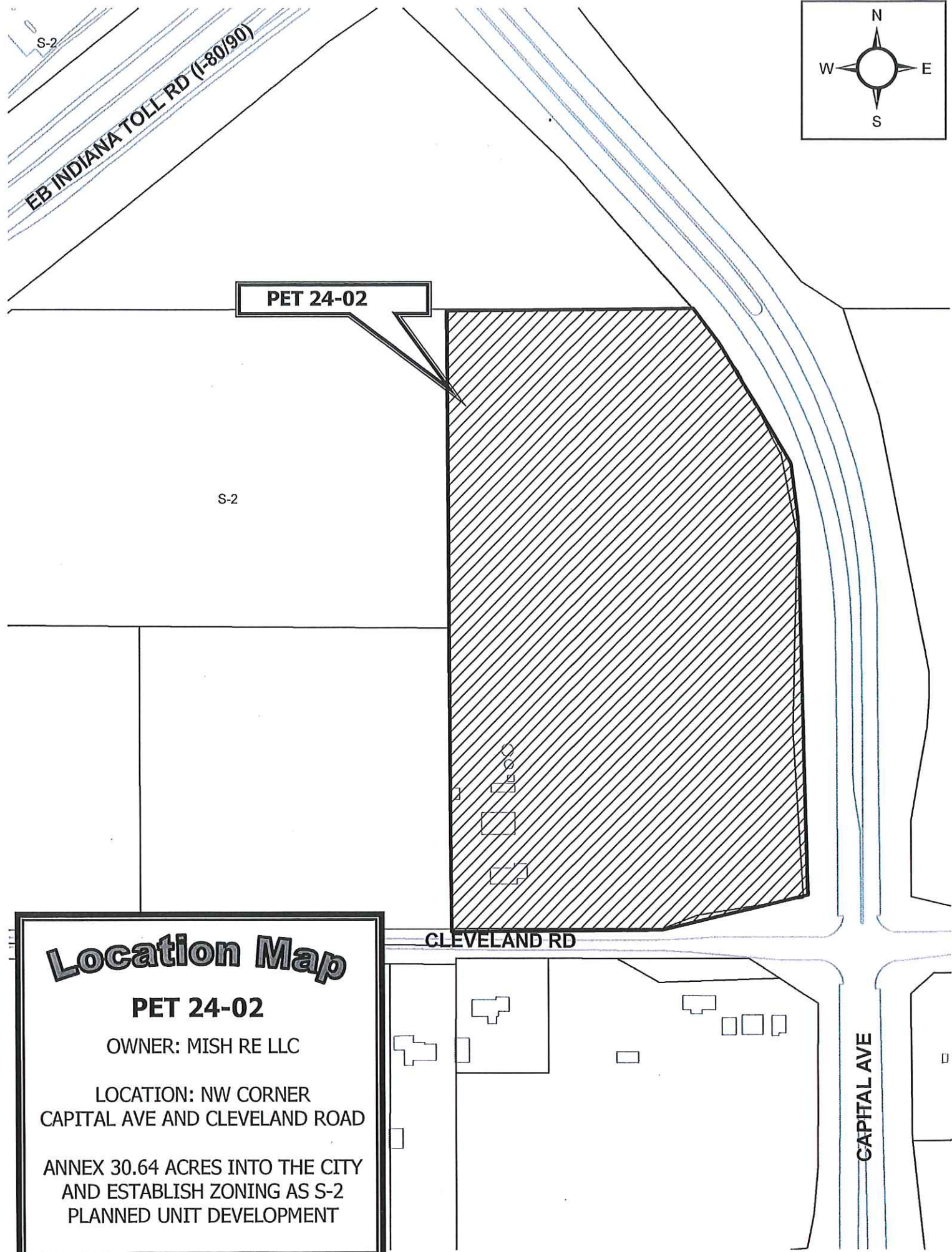
0 100' 200' 300'
SCALE 1" = 100'

Danch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
Office: (574) 234-4003 / (574) 234-4005 • Fax: (574) 234-4119
1643 Commerce Drive • South Bend, IN 46628

DHA

DATE	DRAWN BY:	REVISIONS			
2/14/24	JMS	DATE	BY		
SCALE	CHECKED BY:				
1" = 100'	MJD				
FILE #	PROJ. MNGR:				
230276.3	AMS				

SHEET
1 / OF
1



PET 24-02

S-2

CLEVELAND RD

CAPITAL AVE

Location Map

PET 24-02

OWNER: MISH RE LLC

LOCATION: NW CORNER
CAPITAL AVE AND CLEVELAND ROAD

ANNEX 30.64 ACRES INTO THE CITY
AND ESTABLISH ZONING AS S-2
PLANNED UNIT DEVELOPMENT

1st Reading
2nd Reading
Passed
Failed
Continued To

Deborah S. Block, MMC, MMC

MAR 13 2024

City Clerk
Mishawaka, IN

PETITION 24-03

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2024-07

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 a PUD Amendment 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:

A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00° 15' 31" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89° 22' 58" EAST, A DISTANCE OF 686.48; THENCE NORTH 16° 37' 24" EAST, A DISTANCE OF 302.89 TO THE NORTHERLY RIGHT OF WAY LINE OF DRAGOON TRAIL; THENCE SOUTHEASTERLY, ALONG SAID NORTHERLY LINE, A DISTANCE OF 474 FEET, MORE OR LESS, TO A POINT LYING 185.25 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00° 15' 31" WEST, PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER, A DISTANCE OF 599.09 FEET; THENCE SOUTH 89° 42' 36" WEST, A DISTANCE OF 1173.62 FEET TO THE WEST RIGHT OF WAY LINE OF BREMEN HIGHWAY; THENCE THE FOLLOWING THREE COURSES ALONG SAID WEST RIGHT OF WAY LINE: 1) NORTH 00° 15' 31" EAST, A DISTANCE OF 394.63 FEET; 2) THENCE NORTH 26° 27' 03" WEST, A DISTANCE OF 80.43 FEET; 3) THENCE NORTH 08° 44' 22" WEST, A DISTANCE OF 164.39 FEET; THENCE SOUTH 89° 22' 58" EAST, A DISTANCE OF 101.85 FEET TO THE POINT OF BEGINNING.

Proposed Ordinance No: 2024-07

Ordinance No: _____

CONTAINING 18.44 ACRES, MORE OR LESS, AND SUBJECT TO ALL COVENANTS, RIGHTS OF WAY, AND EASEMENTS OF RECORD.

COMMON ADDRESS: Immediate southeast corner of Bremen Highway and Dragoon Trail

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 S-2 Planned Unit Development District.

All the above real estate shall hereafter be amended to allow for a conceptual design for a residential development subject to the following conditions:

Uses:

1. Permitted uses shall be limited to residential including single-family detached houses, single-family attached houses, and up to 4 unit attached townhouses.

Single-Family Detached Homes/Lots:

1. Minimum of 50' lot width
2. Minimum of 6,000 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yard setback
6. Minimum of 5' side yard setback
7. All other R-1 Single Family Residential District regulations not identified above shall be applicable.

Single-Family Attached Homes and Townhouse/Lots:

1. Minimum of 30' lot width
2. Minimum of 4,800 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yards setback
6. 0' interior side yard setback along common walls between units
7. 5' side yard setback for exterior side yard setback
8. All other R-2 Two-Family Residential District regulations not identified above shall be applicable.

Density & Single-Family Attached / Townhouse Residential Units Allowance:

1. A maximum of 75 residential units shall be permitted with a 30% maximum (23 units) for the single-family attached units and townhouses.

Lot Ownership:

1. All property within the subdivision plat not dedicated as public right-of-way shall be platted as lots with a primary structure (residential unit). Outlots

Proposed Ordinance No: 2024-07

Ordinance No: _____

owned by the developer or homeowner's association without a primary structure (residential units) shall not be permitted.

Other:

1. An analysis of the existing trees shall occur to determine which trees, if any, can be preserved. The developer shall try to preserve masses of the existing trees, where possible. A tree preservation plan shall be submitted with the subdivision plat.

This recommendation is based on the following findings of fact:

1. Existing Conditions - The subject property is located near the southeast corner of Bremen Highway and Dragoon Trail. Bremen Highway, which is a heavily travelled principal arterial road, serves as the primary gateway into the city from the south. Dragoon Trail is a moderately travelled major collector road providing east/west access. Traffic volumes along both roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses to the west, south, and east within unincorporated St. Joseph County, and single-family residential houses and a church to the north.
2. Character of Buildings in Area - The buildings and land uses along Bremen Highway and Dragoon Trail are primarily single-family residential. A church and a convenience store with fuel pumps/car wash are located at the Bremen Highway and Dragoon Trail intersection.
3. The most desirable/highest and best use - With the property's location adjacent to mostly single-family resident houses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single-family residential uses and church.
5. Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use of the subject property and adjacent areas as low density residential.

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 _____, 2024, at _____ o'clock ____ M.

Presiding Officer

ATTEST:

Proposed Ordinance No: 2024-07

Ordinance No: _____

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____,
2024, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2024, at
_____ o'clock _____.M.

David A. Wood, Mayor

STAFF REPORT

Location: 58650 Bremen Hwy., 15900 & 15901 Princess Dr., and 15676
Dragoon Trl. including four (4) tax parcels - East side of
Bremen Hwy. approximately 480' south of Dragoon Trl.

Date: March 12, 2024

Petition: 24-03

Prepared By: DJS

GENERAL INFORMATION

Applicants: CZG, LLC; CZG II, LLC; and CZG II (William Loudin) / Abonmarche Consultants

Status: Property Owners / Surveyor & Engineer

Request: To annex, establish zoning, and approve a conceptual design for a proposed residential development.

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

Proposed Zoning: S-2 Planned Unit Development for residential uses

Lot Size: 18.44 acres including the adjacent Bremen Highway and Dragoon Trail right-of-way

Applicable Regulations: Section 137-671 thru 137-679 / S-2 Planned Unit Development District, Section 137-41 / Amendments to the Zoning Map & Indiana Code 36-4-3-2.1 and 36-4-3-3.1, and 36-7-4-603

SPECIAL INFORMATION

Area Development Pattern:

North:	R-1 Single-Family Residential (St. Peter Lutheran Church & Single-Family Houses)
South:	Unincorporated St. Joseph County / R Single-Family Residential (Single-Family House)
East:	Unincorporated St. Joseph County / R Single-Family Residential (Single-Family House)
West:	Unincorporated St. Joseph County / R Single-Family Residential (Single-Family Houses)

Thoroughfare: Bremen Highway & Dragoon Trail

Council District: To Be Determined (Contiguous to District 2)

School District: Penn-Harris-Madison

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

Comprehensive Plan: Low Density Residential

ANALYSIS

Proposal:

The petitioner is proposing to annex, establish zoning, and approve a conceptual design for a proposed residential development.

The 18.44 acre site, which includes four separate parcels (Tax Parcels 014-1027-0458, -0458.01, -0458.18, and 0458.19), is located east of Bremen Highway approximately 480' south of Dagoon Trail. The site, which is mostly wooded, has approximately 620' of frontage on Bremen Highway and 480' of frontage on Dagoon Trail. Three single-family residential houses are located within the property. Two of these houses are proposed to remain with the northernmost dilapidated house to be razed. The adjacent properties to the north were annexed into the City of Mishawaka in 1961 and 1978 with an R-1 Single Family Residential zoning classification specifically for single-family residential development and a church.

Per the petition and conceptual layout for the development, the petitioner plans to construct an approximate 51 lot residential subdivision with public roads, sewer, and water. The average price of each lot, including the home, is estimated at \$450,000 to \$500,000. The subdivision, as shown on the conceptual plan, will primarily be single-family detached homes with a mix of single-family attached and 3-4 unit townhomes. Single-family attached units and townhomes are not shown on the conceptual plan. Planning Staff is recommending that a maximum of 75 units be permitted within the development with a 30% maximum (23 units) for attached and townhome units.

Access is shown on the conceptual site plan solely from Dagoon Road. An access drive to Bremen Highway may be permitted and is subject to review and approval by the City Engineer as a part of the subdivision review process.

A portion of the property along Bremen Highway was strip mined for iron slag previously deposited by a foundry. These areas will have to be cleared of any materials or deposits prior to grading for development. The mined areas appear to be within the proposed storm water retention basins conceptually shown along Bremen Highway.

The property is heavily wooded. Planning Staff is recommending that trees along the perimeter be maintained, if possible. An inventory of the existing trees shall occur to determine which trees, if any, can be kept.

The petitioner is requesting a zoning classification of S-2 Planned Unit Development specifically for residential uses. A standard R-1 Single-Family District classification would not permit the proposed single-family attached units and townhomes due to the individual lot area, width, and setback requirements of the R-1 District. Therefore, Planning Staff recommended the property be annexed with a PUD zoning classification. Specific development regulations are outlined in the conditions of approval.

Currently, the petitioner is only proposing to establish the permitted uses and basic development regulations of the planned unit development. If the annexation and zoning request is approved, a subdivision plat 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 drainage, electric, gas, etc.), grading, erosion control, and other required improvements.

Annexation:

In 1961 and 1978, the adjacent properties to the north were annexed into the City and zoned R-1 Single Family Residential for residential development and a church.

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 boundary to be annexed. With the two previous annexations as outlined above, approximately 1,463 feet, or 36.8%, of the total 3,977 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 near the southeast corner of Bremen Highway and Dragoon Trail and is bound to the north by single-family residential houses and a church, to the east by a single-family residential house in unincorporated St. Joseph County, to the south by a single-family residential house located in unincorporated St. Joseph County, and the west by single-family residential houses located in unincorporated St. Joseph County.

Zoning Change:

Staff believes that the proposed zoning of this property to the S-2 Planned Unit Development District for residential use is appropriate given that all the adjacent property is zoned for and mostly occupied by single-family residential houses.

Transportation/Roads:

According to the latest available traffic counts from May 2023, there were 15,168 annual average daily trips (AADT) along Bremen Highway north of Dragoon Trail and 17,973 AADT along Bremen Highway south of the proposed development. There were 8,072 AADT along Dragoon Trail east of Bremen Highway. The counts at these locations have remained relatively consistent over the last 17 years and will, therefore, likely remain consistent in future years.

The 2050 Transportation Plan, prepared by the Michiana Area Council of Governments with input from City staff and the County Engineering Department, includes a road widening project (added travel lanes) for S. Church Street / Union Street / Bremen Highway from E. Sixth Street to Ireland Road. The plan indicates an anticipated completion date of the project south Dragoon Trail by 2035. The plan and anticipated completion dates for any transportation improvements may be amended in future years dependent on projected travel demand and funding availability.

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

Engineering Department:

1. To eliminate the long cul-de-sac distance, connect the street back through Lot 40 to create a loop.
2. Additional right-of-way shall be dedicated along Bremen Highway for the proposed road widening project. The distance shall be determined during the subdivision plat process, but at a minimum 90' total right-of-way is required along Bremen Highway.

Electric Department:

1. Electric easements will be required throughout the development. (Comment to be addressed during the subdivision plat process.)

Water Department:

1. The Water Department should be contacted to discuss future water, backflow, and metering needs.
2. A water pressure study may have to be completed to determine if the property can be served by water.

RECOMMENDATION

Staff recommends **approval** of Petition 24-03 to annex, establish zoning, and approve a conceptual design for a residential development on an 18.44 site located east of Bremen Highway approximately 480' south of Dragoon Trail. The property is proposed to be zoned S-2 Planned Unit Development subject to the following development regulations/conditions:

Uses:

1. Permitted uses shall be limited to residential including single-family detached houses, single-family attached houses, and up to 4 unit attached townhouses.

Single-Family Detached Homes/Lots:

1. Minimum of 50' lot width
2. Minimum of 6,000 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yard setback
6. Minimum of 5' side yard setback
7. All other R-1 Single Family Residential District regulations not identified above shall be applicable.

Single-Family Attached Homes and Townhouse/Lots:

1. Minimum of 30' lot width
2. Minimum of 4,800 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yards setback
6. 0' interior side yard setback along common walls between units
7. 5' side yard setback for exterior side yard setback
8. All other R-2 Two-Family Residential District regulations not identified above shall be applicable.

Density & Single-Family Attached / Townhouse Residential Units Allowance:

1. A maximum of 75 residential units shall be permitted with a 30% maximum (23 units) for the single-family attached units and townhouses.

Lot Ownership:

1. All property within the subdivision plat not dedicated as public right-of-way shall be platted as lots with a primary structure (residential unit). Outlots owned by the developer or homeowner's association without a primary structure (residential units) shall not be permitted.

Other:

1. An analysis of the existing trees shall occur to determine which trees, if any, can be preserved. The developer shall try to preserve masses of the existing trees, where possible. A tree preservation plan shall be submitted with the subdivision plat.

This recommendation is based on the following findings of fact:

1. Existing Conditions - The subject property is located near the southeast corner of Bremen Highway and Dragoon Trail. Bremen Highway, which is a heavily travelled principal arterial road, serves as the primary gateway into the city from the south. Dragoon Trail is a moderately travelled major collector road providing east/west access. Traffic volumes along both roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses to the west, south, and east within unincorporated St. Joseph County, and single-family residential houses and a church to the north.
2. Character of Buildings in Area - The buildings and land uses along Bremen Highway and Dragoon Trail are primarily single-family residential. A church and a convenience store with fuel pumps/car wash are located at the Bremen Highway and Dragoon Trail intersection.
3. The most desirable/highest and best use - With the property's location adjacent to mostly single-family resident houses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single-family residential uses and church.
5. Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use of the subject property and adjacent areas as low density residential.

Single-Family Detached Homes/Lots:

1. Minimum of 50' lot width
2. Minimum of 6,000 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yard setback
6. Minimum of 25' rear yard setback
7. All other R-1 Single Family Residential District regulations not identified above shall be applicable.

Single-Family Attached Homes and Townhouse/Lots:

1. Minimum of 30' lot width
2. Minimum of 4,800 sq. ft. lot size
3. 35' or 2 ½ stories maximum height
4. Minimum of 20' front yard setback
5. Minimum of 25' rear yards setback
6. 0' interior side yard setback along common walls between units
7. 5' side yard setback for exterior side yard setback
8. All other R-2 Two-Family Residential District regulations not identified above shall be applicable.

Density & Single-Family Attached / Townhouse Residential Units Allowance:

1. A maximum of 75 residential units shall be permitted with a 30% maximum (23 units) for the single-family attached units and townhouses.

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1. All property within the subdivision plat not dedicated as public right-of-way shall be platted as lots with a primary structure (residential unit). Outlots owned by the developer or homeowner's association without a primary structure (residential units) shall not be permitted.

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1. An analysis of the existing trees shall occur to determine which trees, if any, can be preserved. The developer shall try to preserve masses of the existing trees, where possible. A tree preservation plan shall be submitted with the subdivision plat.

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1. Existing Conditions - The subject property is located near the southeast corner of Bremen Highway and Dragoon Trail. Bremen Highway, which is a heavily travelled principal arterial road, serves as the primary gateway into the city from the south. Dragoon Trail is a moderately travelled major collector road providing east/west access. Traffic volumes along both roads are anticipated to remain relatively consistent in future years. Adjacent land uses include single-family residential houses to the west, south, and east within unincorporated St. Joseph County, and single-family residential houses and a church to the north.
2. Character of Buildings in Area - The buildings and land uses along Bremen Highway and Dragoon Trail are primarily single-family residential. A church and a convenience store with fuel pumps/car wash are located at the Bremen Highway and Dragoon Trail intersection.
3. The most desirable/highest and best use - With the property's location adjacent to mostly single-family residential houses, the most desirable use for the property is residential.
4. Conservation of property values - The proposed zoning should not be injurious to property values in the surrounding area. The proposed residential use is compatible with the adjacent single-family residential uses and church.
5. Comprehensive Plan - The Mishawaka 2000 Comprehensive Plan identifies a preferred or recommended use of the subject property and adjacent areas as low density residential.

ATTACHMENTS

Aerial Map, Photographs, Petition for Annexation and Zoning Classification, Conceptual Design for Residential Subdivision, and Location Map



Aerial Photograph – 58650 Bremen Hwy., 15900 & 15901 Princess Dr., & 15676 Dragoon Trl.
Proposed Single-Family Residential Development



P1. Looking east from Bremen Highway toward the property and driveway for the existing houses.



P2. Looking southeasterly from the church parking area toward the property.



P3. Looking southwesterly from Dragon Trail toward the property.

Date: 02/21/24
Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

PST 24-03
Received
FEB 21 2024
Planning and
Community Development

RE: Breman Hwy and Dragoon Annexation & PUD standards

The undersigned, William Loudin of CZG, LLC., 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:

LEGAL DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 3 EAST, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00° 15' 31" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89° 22' 58" EAST, A DISTANCE OF 686.48; THENCE NORTH 16° 37' 24" EAST, A DISTANCE OF 302.89 TO THE NORTHERLY RIGHT OF WAY LINE OF DRAGOON TRAIL; THENCE SOUTHEASTERLY, ALONG SAID NORTHERLY LINE, A DISTANCE OF 474 FEET, MORE OR LESS, TO A POINT LYING 185.25 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00° 15' 31" WEST, PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER, A DISTANCE OF 599.09 FEET; THENCE SOUTH 89° 42' 36" WEST, A DISTANCE OF 1173.62 FEET TO THE WEST RIGHT OF WAY LINE OF BREMAN HIGHWAY; THENCE THE FOLLOWING THREE COURSES ALONG SAID WEST RIGHT OF WAY LINE: 1) NORTH 00° 15' 31" EAST, A DISTANCE OF 394.63 FEET; 2) THENCE NORTH 26° 27' 03" WEST, A DISTANCE OF 80.43 FEET; 3) THENCE NORTH 08° 44' 22" WEST, A DISTANCE OF 164.39 FEET; THENCE SOUTH 89° 22' 58" EAST, A DISTANCE OF 101.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.44 ACRES, MORE OR LESS, AND SUBJECT TO ALL COVENANTS, RIGHTS OF WAY, AND EASEMENTS OF RECORD.

COMMON ADDRESS: Immediate southeast corner of Breman Highway and Dragoon Trail

Petitioner owns one-hundred percent (100%) of the above described parcels of land which is located in Indiana and that the Petitioners desire the same to be annexed to the City of Mishawaka, Indiana, with an S-2 PUD District. Petitioners further state they intend to utilize said land for Residential Uses.

Accompanying this petition is a drawing, to scale, showing the above-described parcel of real estate showing: existing structures, size of the lots, rights-of-way, storm detentions and access point of the subdivision.

Petitioner plans to construct an approximately 51-lot subdivision with public roads, utilizing public sewer and water utilities and served off Dragoon Trail. The average price of the development per lot, including the home, will be approximately \$450,000 – \$500,000. This subdivision will primarily be single family development and will have a mix of single family attached and 3-4 unit townhomes.

Petitioner desires said real estate to be amended as follows:

1. PUD General Standards

a) Residential uses include:

- I. Single family homes
- II. Attached single family homes
- III. Up to 4 unit attached townhomes

b) Single Family Home site standards:

- a. The development standards for single family home sites will require: 1) 50' lot width; 2) 6,000 square foot lot size; 3) 35' or 2 ½ stories height limitation; 4) 20' Front Setback; 5) 25' Rear setback; and 6) 5' side setback

- b. All other R-1 standards apply from the Mishawaka Zoning Ordinance

c) Single Family Attached and Townhome site standards:

- a. The development standards for single family attached and townhome sites will require: 1) 40' minimum lot width; 2) 4,800 square foot lot size; 3) 35' or 2 ½ story height limitation; 4) 20' front setback; 5) 25' rear setback 6) 0' lot line for attached single family homes or townhomes. 5' side yard setback applies when an open side yard is present.

- b. All other R-2 standards apply from the Mishawaka Zoning Ordinance

d) Road Right of Way widths planned to be 50' wide with a minimum of 50' road centerline radius.

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

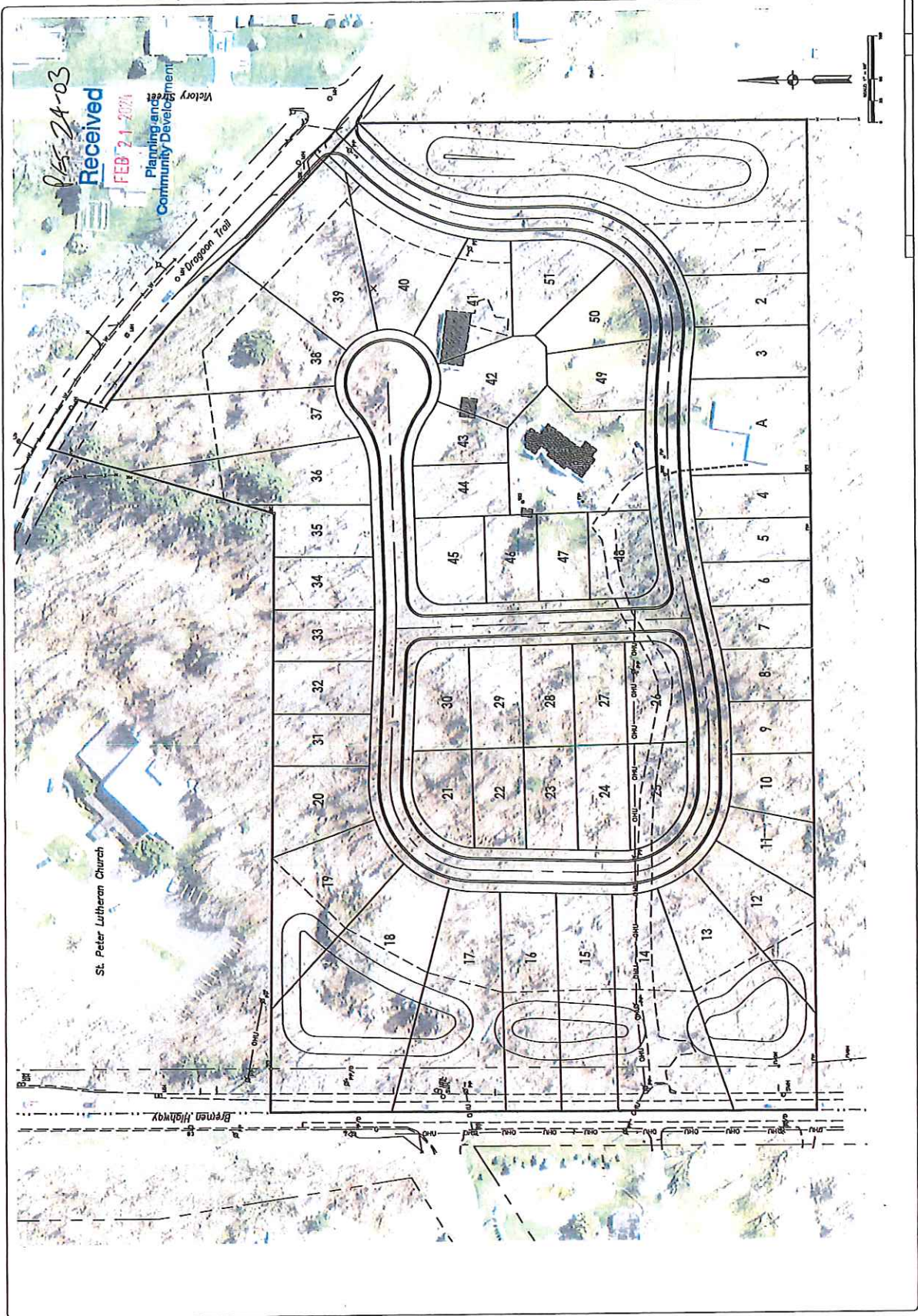


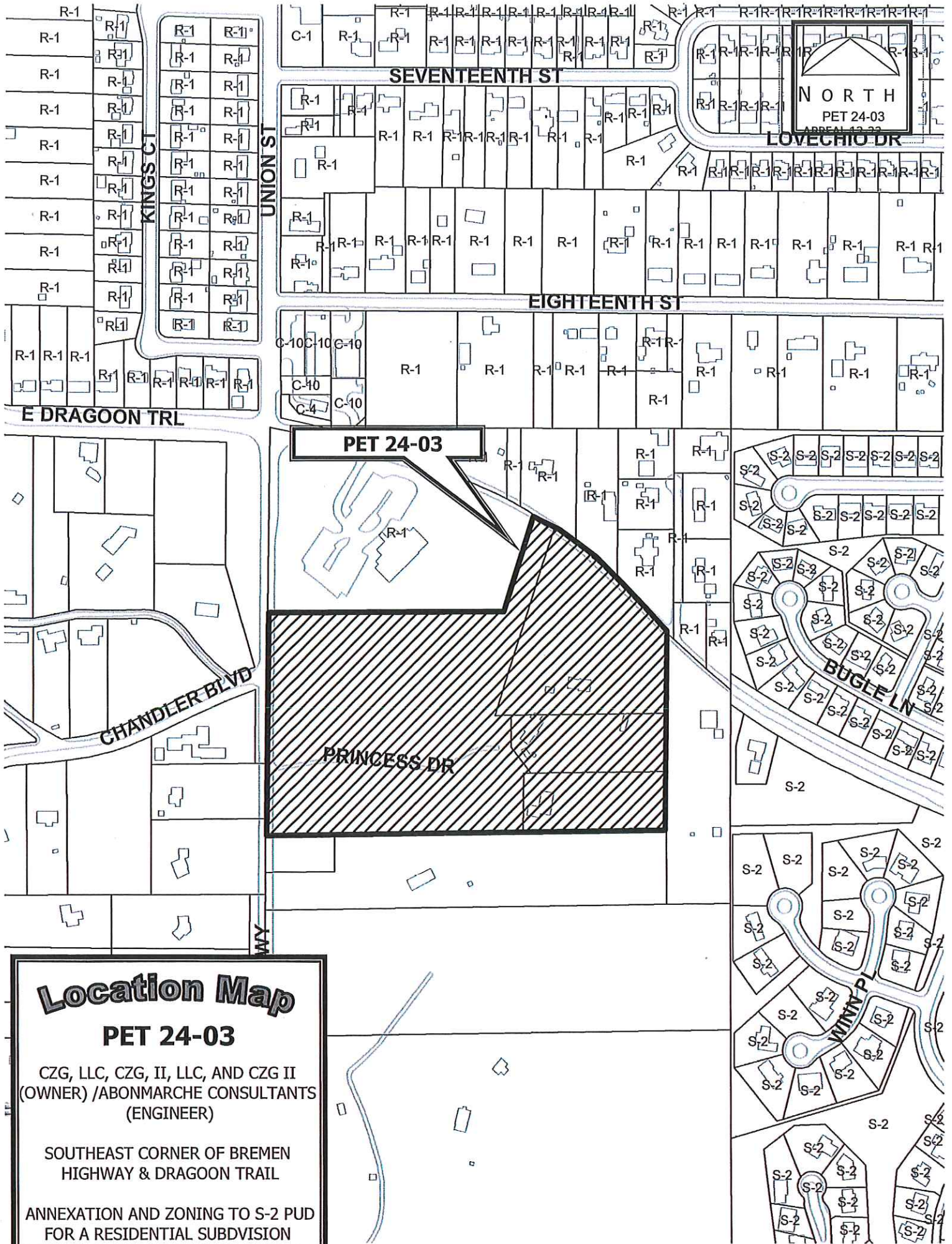
William Loudin
CZG, LLC., CZG II LLC, CZG II

CONTACT PERSON

John Linn
Abonmarche Consultants
315 W. Jefferson Blvd.
South Bend, IN 46601
(574) 232-8700
jlinn@abonmarche.com







City of Mishawaka



RESOLUTION NO. R2024-02

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MISHAWAKA, INDIANA
HONORING ANTHONY “TONY” HAZEN
FOR SERVICE TO THE CITY OF MISHAWAKA**

WHEREAS, the Honorable Anthony “Tony” Hazen was duly elected to the Common Council of the City of Mishawaka, and

WHEREAS, the Honorable Anthony “Tony” Hazen has faithfully discharged his duties as Councilman for the 3rd District,

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

1. The Council, Mayor and Clerk gratefully acknowledge the past four years of service rendered by Mr. Hazen on the Common Council.
2. The Council, Mayor and Clerk publicly commend Mr. Hazen for his dedicated interest in the welfare of the City of Mishawaka and its citizens.
3. The Council, Mayor and Clerk wish Mr. Hazen well as he leaves the Mishawaka Common Council and encourage him to continue serving our community in the years ahead.
- 4.

PASSED by the Common Council of the City of Mishawaka, Indiana on this Eighteenth Day of March 2024.

Woody Emmons, 1st District
President

Ron Banicki, 6th District
Vice President

Matt Carroll, 2nd District

Gregg Hixenbaugh, Council At Large

Lou Ann Hazen, 3rd District

Lacy Hahn, Council At Large

Kate Voelker, 4th District

Matt Mammolenti, Council At Large

Anthony “Tony” Violi, 5th District

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

David A. Wood, Mayor