



AGENDA

April 08, 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): 2331 293 3663
Meeting password: WPpSZANy574

Livestream #1:
<https://mishawaka.in.gov/government/elected-appointed-officials/common-council/>

Livestream #2
<https://www.facebook.com/cityofmishawaka/>

Livestream #3: www.youtube.com/@cityofmishawaka635

View Next Day
@MichianaAccessTV on Facebook

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

Dial: [23312933663@mishawaka.webex.com](https://mishawaka.webex.com/join/23312933663)

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of the Minutes of the Regular Meeting of March 18, 2024

5. Petitions, Communications, Remonstrance and Memorial

Appeal No. 2024-05 Use Variance to allow a Food Truck in the
Parking Lot of Pilo's Body Shop - 1017 E.
Jefferson Blvd.

Appeal No. 2024-07 Use Variance to allow Duplex in R-1 Single
Family Residential- 311 Taylor St.

Appeal No. 2024-08 Use Variance to allow for a Restaurant with
Drive-Thru (Jimmy Johns) in C-1 General
Commercial District - 415 Bittersweet Rd.

Petition No. 2024-05 Rezone from C-1 General Commercial to C-10
Filling Station Commercial for proposed
Casey's Convenience Store & Gas Station - SE
corner of Douglas & Fir Rd.

Petition No. 2024-06 Rezone from R-1 Single Family Residential to
C-1 General Commercial for a Restaurant with
Drive- Thru (Jimmy Johns)- 415 Bittersweet Rd.

Presentment of Redevelopment Commission Activities Report for 2023 – No Action Required

6. Report of Special Committee

7. Ordinances on First Reading

8. Resolutions

R2024-03 Tax Abatement Compliance Report 2024

9. Ordinances on Second 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
(Assigned to Land Use Planning Committee)

- 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 **Public Hearing-No Vote**
- P.O. No. 2024-06 Annex 30.64 Acres & Establish Zoning as S-2 PUD - NW corner Capital Ave. & Cleveland Rd. **Public Hearing-No Vote**
- P.O. No. 2024-07 Annex & Zone to S-2 PUD for Residential Subdivision - SE corner of Bremen Hwy & Dragoon Tr. **Public Hearing-No Vote**

13. Adjournment -

This meeting will be aired via live stream:

An archived version of the livestream video can be viewed on the city of Mishawaka's Facebook and YouTube pages, <https://www.facebook.com/cityofmishawaka/> and www.youtube.com/@cityofmishawaka635 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.



Scan the QR Code to access all Common Council Meeting Agenda's, Packets, and Meeting Minutes.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

March 18, 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 18, 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 attends can participate by WebEx or observe meetings by YouTube or Facebook live. The Council meetings are also streamed live on Michiana Access on Comcast/AT&T U-verse Channel 99.

Clerk Block called the roll.

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

Minutes for the Regular Meeting on March 4, 2024, were approved as received from the Clerk's Office.

Clerk Block read a letter from the City Plan Commission regarding their recommendations from their March 12, 2024 meeting.

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

PROPOSED ORDINANCE NO. 2024-04

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 THE CITY OF MISHAWAKA, INDIANA

**PUD amendment for reduced building & parking setbacks for interior lot lines – Lot 1 & 2 of the Enclave at Grandview Minor Subdivision
(Assigned to Land Use Planning Committee)**

PROPOSED ORDINANCE NO. 2024-05

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

Annex 1.5 Acres (crosshatch) & Establish Zoning as S-2 PUD & Amend existing Douglas Common PUD to allow for storage units – 1693 Douglas Rd & Adjacent property

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2024-06

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

**Annex 30.64 Acres & Establish Zoning as S-2 PUD – NW corner of Capital Ave. &
Cleveland Rd.**

(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2024-07

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

**Annex & Zone to S-2 PUD for Residential Subdivision – SE Corner of Bremen Hwy &
Dragoon Tr.**

(Assigned to Land Use Planning Committee)

PRIVILEGE OF THE FLOOR

Eric Hiatt, 2332 North Main Street and President of Firefighters Union Local 360, spoke under **PRIVILEGE OF THE FLOOR**. Mr. Hiatt stated he wanted to bring up that in their wage negotiations in 2022, they chose a higher percentage of wages rather than the \$1,000 stipend to each member and early in 2023, he got a call from former Councilman Mike Compton stating it had been decided that the \$116,000 would come back to the Fire Department but not to them individually and they would have to agree on what to buy with that money. Mr. Hiatt stated over the time of 2023, they had broken it down to a couple of treadmills, some EMS night pants for everyone and ultrasound diagnostic tests for each member and with the ultrasound stuff, the Chiefs asked them to get the quotes for them and they received those quotes as well as the invoices and those got forwarded to the city. Mr. Hiatt stated they got scheduled for March and ultimately did not get paid and their appointment ended up being cancelled. Mr. Hiatt stated Vice President Higgins had been working on it and said in September they could get back in there, but he just wanted to bring this to the Council's attention. Mr. Hiatt stated he had been working with Mr. Hixenbaugh on this and the members were continuously asking about this issue, and he did not have any answers for them. Mr. Hiatt stated he did not know who handled what money and how it got put into what line or who did what, but he knew it was not them. Mr. Hiatt stated he just wanted to bring that before the Council and they did not have to discuss it at length, but he asked them if they could work on that please and get with them to try to get this moving and still get the ultrasound diagnostic test done hopefully in September.

Mr. Hixenbaugh appreciated him bringing that to their attention and stated they had spoken about this before. Mr. Hixenbaugh stated that Mr. Hiatt's recollection of the outcome from the last negotiation was the same as his and with regards to the facts and what was agreed to at the table, he would agree with Mr. Hiatt on that. Mr. Hixenbaugh stated as they had both discussed, he had a conversation with Mayor Wood about this and his recollection was the same as theirs and at that point in time, in terms of who needed to push the issue forward, he believed it to be the Administration. Mr. Hixenbaugh stated their role concluded when they consummated the outcome of a bargain with them and approved that and then also approved the budget. Mr. Hixenbaugh stated so at that point in time, he had every reason to believe that it would be handled but asked him to stay in communication with the Council because they wanted Mr. Hiatt and those who he represented to receive what they had committed to, and he believed the Administration shared that goal as well. Mr. Hixenbaugh asked him to keep communicating with all the involved parties and to let them know if he did not have any tangible reason to believe it would be resolved any time soon and they would certainly try to help. Mr. Hiatt hoped they would have it resolved before they actually got to negotiations so that would be one less thing, they would have to discuss there. Mr. Hixenbaugh stated they agreed with him.

UNFINISHED BUSINESS

Revised Council Committee Assignments

Mr. Hixenbaugh stated the Council had in front of them a list of revised Council Committee Assignments, mainly because they had a new councilmember that had joined them recently, so they needed to adjust and fill in some blanks regarding their committee assignments. Mr. Hixenbaugh stated the committee assignments were reflected in the document and at that time, the chair entertained a motion to approve the revised Council Committee Assignments for 2024 as reflected on the document distributed by the Clerk's Office. The motion was moved by Mr. Violi and seconded by Mr. Mammolenti; thus, a voice vote was held, and the matter passed unanimously.

NEW BUSINESS

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

RESOLUTION 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.

Mr. Mammolenti thanked Mr. Hazen for his many years of service and, more importantly, thanked him for his love for the city of Mishawaka and always putting the city first. Mr. Mammolenti stated he knew he asked a lot of tough questions depending on what topic it was, and it did not matter who he was asking, so he truly had Mishawaka’s best interest. Mr. Mammolenti stated he looked forward to him representing them and Mishawaka in his new role as well and he looked forward to seeing him at some future Mishawaka Cavemen sporting events. Mr. Mammolenti wished Mr. Hazen the best of luck and thanked him for everything.

Mr. Violi thanked Mr. Hazen for all his guidance leading up to today, with regards to his campaign and he really appreciated it. Mr. Violi stated he was excited about Mr. Hazen’s new role and looked forward to working with him any way they could and thanked him for his love of Mishawaka that was displayed.

Mr. Emmons stated it was his pleasure to work with Mr. Hazen on a number of issues while he sat on the Council, and he provided good advice as he was a former Chief of Police, and he was valuable when working on the negotiation side of things. Mr. Emmons appreciated all the input, advice, and courtesy he extended to him. Mr. Emmons wished him the best as the County Commissioner and thanked him for serving on the Mishawaka Common Council.

Mr. Hixenbaugh stated it had been a pleasure working with Mr. Hazen on a number of different capacities even way back before either of them had joined the Council. Mr. Hixenbaugh stated he enjoyed serving with Mr. Hazen as a councilmember and as was mentioned, he definitely added to their ability to navigate through certain issues relating to Public Safety. Mr. Hixenbaugh stated he was sorry to see him go but it most definitely made him feel better that they had him in place continuing to work on behalf of Mishawaka in a different capacity. Mr. Hixenbaugh wished him well as he continued his work in county government, but they did appreciate everything he did in his years of service for the city of Mishawaka. Mr. Hixenbaugh thanked Mr. Hazen once again.

Question was called for at 6:18PM for **RESOLUTION R2024-02 Motion passed by unanimous roll call vote (summary: Yes = 7).**

Yes: Mrs. Hazen, Mr. Carroll, Mr. Emmons, Mrs. Hahn, Mr. Mammolenti, Mr. Violi, Mr. Hixenbaugh. The resolution passed 7-0.

The Mishawaka Common Council provided Mr. Hazen with a plaque for his years of service.

Mr. Hazen stated it was a pleasure working with all of them and it was not just about the professionalism they showed each other up there, but the friendship you gained over the years of working together. Mr. Hazen stated the reason he wanted to join this body was that there was never anyone up there that had been working for themselves and it had always been for the community and that continued to happen to that very day, and he was very proud of that as well as proud to say he was from Mishawaka. Mr. Hazen stated he totally enjoyed what he was doing now and was happy there, but sometimes he did miss sitting on the Mishawaka Common Council. Mr. Hazen stated God bless all of them and he appreciated their friendship.

Mr. Emmons announced the West End meeting would be Thursday, March 21st at 7PM at St. Bavos and the guest speaker would be Ken Cotter, St. Joseph County Prosecutor. Mr. Emmons stated all were welcome and as usual, West End Bakery would be served. Mr. Emmons looked forward to seeing everyone there.

Mr. Mammolenti made a reminder of the Twin Branch Neighborhood Watch meeting and this month's meeting would be March 20th at 7PM at Fire Station #4 on Harrison Road and the guest speaker would be George Lepeniotis from Kreig Devault representing his client and to give a presentation for the proposed Jimmy John's on Bittersweet Road as well as answer any questions or address concerns from anybody in the city, particularly the residents nearby. Mr. Mammolenti stated all were welcome.

Ms. Hahn stated the West End Neighborhood Watch meeting would be held tomorrow, March 19th at St. Bavos in the community room with Bruce Faltynski there to answer any questions and all were welcome.

ADJOURNMENT 6:21PM

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

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

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

DATE: 3/20/2024

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

Deborah S. Block, DMC, MMC

MAR 25 2024

City Clerk
Mishawaka, IN

AP 24-05

Received

MAR 15 2024

Planning and
Community Development

The undersigned appellant respectfully shows the Board:

1. I, **Sharon A. Helman** (SH) am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

Lot Numbered Six (6) and the East 56 1/2 feet of Lot Numbered Five (5), all as shown on the recorded Plat of Bryan's Addition to the City of Mishawaka, located in the Northeast Quarter of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, recorded in the Office of the Recorder of St. Joseph County, Indiana, together with the West Half of the vacated alley lying East and adjacent.

EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being a part of the Northeast Quarter of the East Half of the Southwest Quarter of Section 10, Township 37 North, Range 3 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana and being more particularly described as follows: Beginning at the Southeast corner of Lot 6 in Bryan's Addition to the City of Mishawaka as shown on the recorded Plat in the Office of the Recorder of St. Joseph County, Indiana; thence North 0°51'01" West along the East line of said Lot 6, a distance of 4.49 feet; thence North 89°52'27" East, a distance of 257.79 feet to the West right of way line of Merrifield Avenue; thence South 0°55'03" East along said Merrifield Avenue, a distance of 8.00 feet; thence South 89°52'27" West, a distance of 217.84 feet; thence North 0°50'04" West, a distance of 3.42 feet; thence North 89°59'13" West, a distance of 40.00 feet to the place of beginning.

(more commonly known as 1017 East Jefferson Boulevard, Mishawaka, Indiana 46545)

2. The above-described real estate presently has a zoning classification of C-1 General Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. I Pablo Bueno Jr, presently occupy Pilo's Body Shop & Auto Sales LLC in the following manner: Body Shop & Auto Sales (per Resolution 11-04)
4. Appellant desires to *operate a food truck in the C-1 General Commercial District subject to the following conditions:*
 - a. The truck shall be located a minimum of 10' from the north property line.
 - b. Hours of operation shall be no more than six hours per day, three days per week.

Parking will be addressed through designated parking areas located in the far west area of the property for taco truck orders use only. With the use of restaurant pagers customers will walk up to order food and be given a pager to return to the taco truck when food is ready to be received. The use of pagers minimizes traffic when placing orders and prevents confusion. The goal is to attract more business for the auto repair shop as well as create a secondary source of income to help reciprocate the cash flow and stimulate the local economy. The food truck will also enable me to provide financial security for my sons to help put one of them through college and help the other, who is a single father, provide for his son. The truck will be family owned and operated by Jose Bueno and Ernesto Bueno; my sons. The taco truck will benefit local economic growth and bring new customers and bring advertisements for "Pilo's Body Shop" through word of mouth.

5. The Zoning Ordinance of the City of Mishawaka does not allow food truck uses in C-1 (137-301).
6. Explain why strict adherence to the Ordinance requirements would create an unusual hardship.
Hardship is food truck not all allowed. We would like to request an allowance to park a food truck.

7. Answer the following necessary questions for a **USE VARIANCE**:

- (1) Will approval be injurious to the public health, safety, morals or general welfare of the community?
No, approval of a use variance will not be injurious to the public health, safety, morals or general welfare of the community. Abiding by and compliantly adhering to the local guidelines and regulations regarding food operation and food safety to the public, will prevent any chance of a negative impact on the welfare of the community. By structuring a system based on city ordinance and regulations it will yield a safe outcome for the public.
- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?
No, the use and value of the area adjacent to the property included in the variance will not be affected in an adverse manner due to the area having designated parking space and "To Go" style system that prevents any interference with the adjacent area described.
- (3) Does the need for the variance arise from some condition peculiar to the property involved?
Yes, the need for the variance arises from a peculiar condition of the property involved as food trucks are not currently permitted in the C-1 zoned property. If the same applies the variance arose from intent to build and restructure. Set a foundation for secondary source of economic growth and stimulation.
- (4) Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?
Yes, food trucks are not permitted in the C-1 district or any commercial district in the city. The hardship can be minimized through parking on private property instead of city property.
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?
No, approval will not interfere with the Mishawaka 2000 Comprehensive Plan. Food truck will operate on private property. Food truck does not present a hazard or interference as size of interference is minimal if not active at all.

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

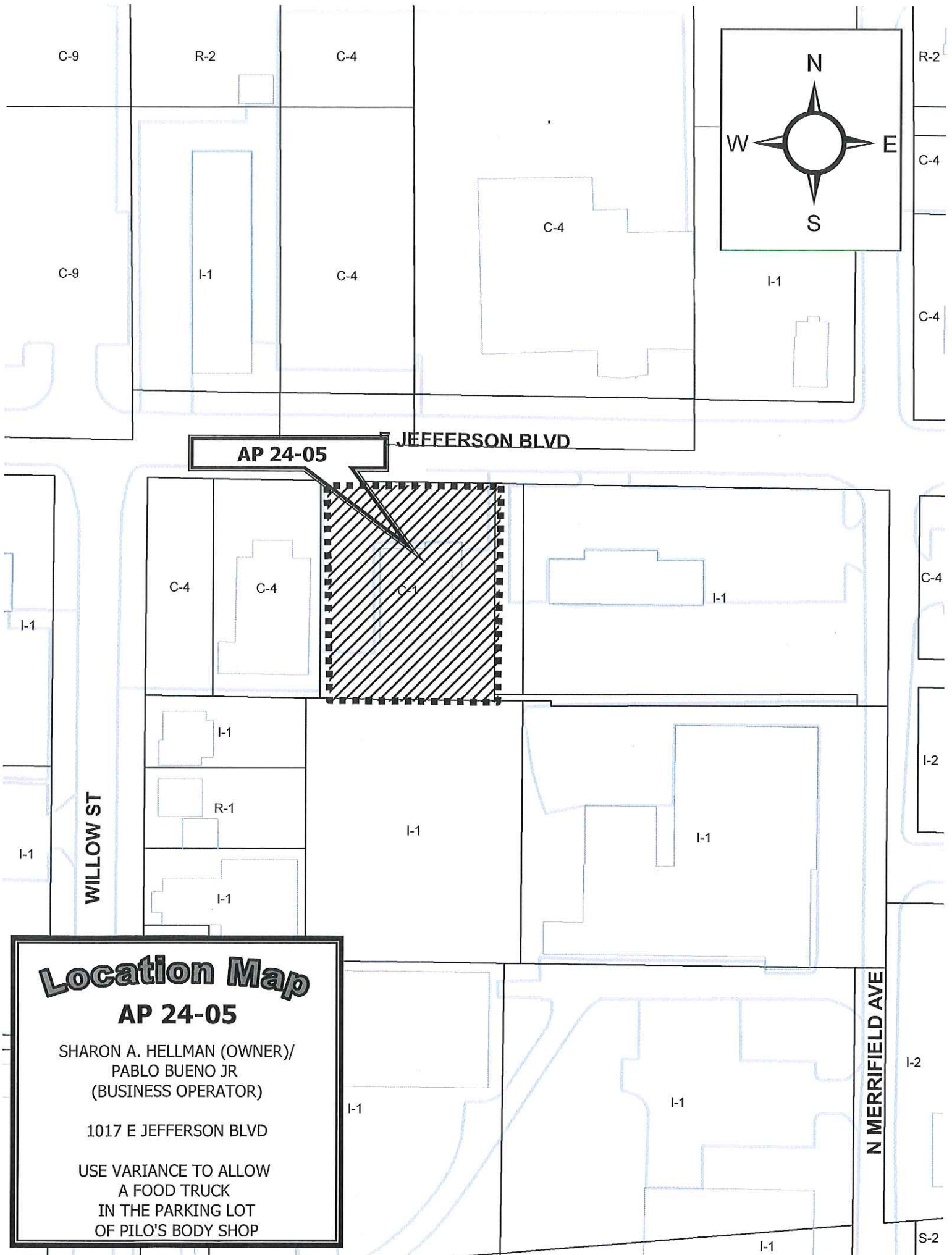

Sharon Helman

CONTACT PERSON:

Name: Sharon A. Helman
Address: 16127 Cobblestone Square Dr
Day Phone Number: 574-286-9888

CONTACT PERSON #2:

Name: Pablo Bueno Jr (Pilo)
Address: 1017 E Jefferson Blvd, Mishawaka, IN
Day Phone Number: 574-514-1749
Email: pilosbs@gmail.com



Deborah S. Block, AMC, MMC

MAR 25 2024

City Clerk
Mishawaka, IN

DATE: 03/07/2024

AP 24-07

Received

MAR 19 2024

Planning and
Community Development

TO: Board of Zoning Appeals City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

Jonathan and Lisa Polder, are the owners of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

311 Taylor

The above-described real estate presently has a zoning classification of R1 District under the Zoning Ordinance of the City of Mishawaka.

Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Duplex - 2 units of any combination

Appellant desires to (Explain what is proposed that violates the Ordinance.) The property is showing illegal-non conforming but it needs to be legal conforming

The Zoning Ordinance of the City of Mishawaka requires (The residential R-2 district is designed for duplex or two-family units so as to ensure their proper location in terms of the social and economic requirements of the community, the need for the duplex or two-family units, the effect of two-family units on the value of adjacent residential areas, and the ability of the city, now and in the future, to provide the additional services that may be required in duplex or two-family areas. Sec. 137 - 186. - Intent.

Approval will not be injurious to the public health, safety, morals or general welfare of the community since the property has been operating as a duplex since 1980. People are aware of this because according to the MLS the property has been bought and sold as a duplex multiple times since it was built in 1980(44 years to current date). This serves the community well by providing cheaper housing since a duplex costs are split between two units whilst a single family home which is required to be in a residential zone 1 has one specific person responsible for all maintenance and repair costs.

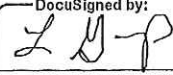
The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because as stated previously the property has been operating as a duplex since 1980(44 years to current date)

The need for this variance arises from a condition peculiar to the property because at one point in time the zone where the property stands was R2 but it's since been changed to R1 which makes the property ineligible from being purchased due to it being illegal - non conforming

The strict application of the terms of this chapter constitutes an unnecessary hardship when applied to the property for which the variance is sought because the house cannot be sold in the current zoning regulation set forth. Which is why we are seeking a use variance.

Approval of this appeal will not interfere with the Mishawaka 2000 Comprehensive plan because another duplex will be built in its place shall the building burn down.

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

DocuSigned by:


8FEAF9D457184D8...
Signature of Property Owner/Title Holder
Print Name Here

DocuSigned by:


C3B86CE809D74B4...
Second Property Owner/Title Holder
Print Name Here

CONTACT PERSON:

Name: Michelle Bordeau - Agent
Address: 12655 Adams Rd Granger IN 46530
Day Phone Number: 574-339-8199
Email: admin@mbsrentals.com

A number line with tick marks at 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The number 1 is labeled 'R-1', the number 4 is labeled 'R-1', and the number 9 is labeled 'R-1'.

R-1

C-4

R-1

~~R-1~~

~~R-1~~

TAYLOR ST

R-1

R-1

R-1

R-1

R-1

R-1

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R-1

W FIFTH ST

R-1

R-1

R-1

R-1

311 TAYLOR

USEL VARIANCE
TO ALLOW DUPLEX
IN R-1 SINGLE FAMILY RESIDENTIAL

Received

FEB 26 2024



KRIEG | DEVAULT®

Deborah S. Block, IAMC, MMC

Planning and
Community Development

WWW.KRIEGDEVALT.COM

AP 24-03

February 26, 2024

MAR 25 2024

City Clerk
Mishawaka, IN

George C. Lepeniotis
Direct Dial: (574) 485-2008
E-mail: glepeniotis@kdlegal.com

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

Re: Rezoning and Use Variance Petition for the Real Property Located at 415 Bittersweet Road, Mishawaka, IN

Dear Hon. Members of the Plan Commission and City Council:

I represent Group 120, Inc.^{† 120 BS, LLC} (d/b/a Jimmy John's), the new owner ("Petitioner") of real property located within the City of Mishawaka, County of St. Joseph, State of Indiana (the "City"), located at the address above and more particularly described on Exhibit A, attached hereto and made a part hereof (the "Real Property").

The Real Property presently has a zoning classification of R-1 under the Zoning Ordinance of the City of Mishawaka, and Petitioner respectfully requests the City rezone the Real Property to C-1 for the intended purpose of a future 1,212 square foot stand-alone Jimmy John's restaurant. Petitioner also seeks a use variance to allow for a proposed Drive-Thru. Please consider the following request for rezoning.

Comprehensive Plan:

This rezoning request fits well within the City's Comprehensive Plan for the area. The Real Property is bordered by additional R-1 sites to the north and west, an Everwise Credit Union to the south (along with significant other commercial developments), and the Reflections Apartment complex to the east, across Bittersweet. There is additional commercial development north and south on Bittersweet, including the large "Martin's" PUD. This development would further the commercial corridor on Bittersweet in a fairly low-impact and thoughtful manner.

Current conditions and the character of current structures and uses in each district:

The Real Property is currently zoned R-1 Residential and occupied by a dated manufactured home.

The most desirable use for which the land in each district is adapted:

February 26, 2024

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The current manufactured home is dated. It is highly unlikely that the parcel would be desirable for any new or updated residential structures or developments due to the high traffic and noise generated from Bittersweet. Petitioner currently owns and operates fifteen other Jimmy John's restaurants, including the other two locations in Mishawaka (N. Main and McKinley), as well as all five locations in South Bend, one location in Granger, two locations in Warsaw, one location in Plymouth and three locations in Elkhart, plus one location being built in Sturgis, Michigan. A stand-alone Jimmy John's restaurant with Drive-Thru on the Real Property would be convenient and desirable for the community. The nearest Jimmy John's location from the Bittersweet area is fifteen minutes away. The area is developing a number of commercial services and restaurants but not overtly so such as Grape Road or Main Street.

The conservation of property values throughout the jurisdiction:

The proposed development is designed to integrate seamlessly with the other commercial developments along both the east and west sides of Bittersweet to the north and south. The design will further increase the commercial corridor which will lead to an increase of property values for the neighboring properties.

Use Variance:

Due to the size of the parcel, Petitioner, at the request of City staff, has agreed to petition for a C-1 Commercial designation with an additional variance request for a drive-thru as opposed to requesting a change to the C-7 Commercial Drive-Thru Restaurant district. Staff believe this will allow the City to maintain some control over any potential future redevelopment of the parcel to drive-thru restaurants that see higher queuing requirements such as a coffee shop or larger fast-food restaurant. Accordingly, the Petitioner also requests the approval of a use variance to permit the installation of a Drive-Thru on the Real Property. For the reasons described in this Petition, the request for a use variance in order to allow a Drive Thru on the Real Property would not be injurious to the public health, safety, morals, or general welfare of the community, and the use and value of the area adjacent to the Real Property would not be affected in a substantially adverse manner. Jimmy Johns is known for its quick service and short wait times. It is also known for its delivery. Thus the drive-thru queuing requirements are not as substantial as others and the size of the parcel is not a detriment to this development.

The need for the use variance arises from conditions peculiar to the Real Property, and the strict application of the terms of the zoning regulations would constitute an unnecessary hardship if applied to the Real Property. Staff has indicated they have concerns over the limited size of the parcel and the presence of power lines and utility easements, which limit broader drive-thru uses,

February 26, 2024

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such that a C-7 designation may not be appropriate. Accordingly, these peculiar conditions of the Real Property make a C-1 classification with a special use variance more appropriate to this particular parcel and specific use. This will allow the city the ability to better control future redevelopment.

The approval of the use variance fits well within the City's Comprehensive Plan for the area, as detailed above.

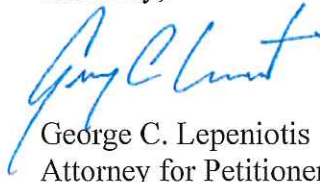
Responsible growth and development:

The proposed development is compatible with the surrounding zoning classifications and uses and is a responsible expansion of the commercial corridor without impacting the residential structures to the north and to the west, especially once proper screening and fencing is installed.

Petitioner respectfully requests a hearing on its request requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above-described parcel of land located in the City of Mishawaka.

Thank you for your careful consideration of this request.

Sincerely,



George C. Lepeniotis
Attorney for Petitioner

Enc.

cc: Nick Venzon, Group 120, Inc. (with enclosures)

EXHIBIT "A"

Description of the Real Property

That part of the Southeast Quarter of the Southwest Quarter of Section 17, Township 37 North, Range 4 East, Penn Township, City of Mishawaka, St. Joseph County, Indiana which is described as: Lots # 2 of the Plat of "Clark's Vistula Road Minor Subdivision" as recorded in the records of the St. Joseph County, Indiana Records Office.

Tax Identification Number: 0161094-378502

Commonly known as: 415 Bittersweet Road, Mishawaka, Indiana 46544

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

*Re: Rezoning and Use Variance Petition for the Real Property Located at 415 Bittersweet
Road, Mishawaka, IN*

Dear Hon. Members of the Plan Commission and City Council:

This letter is to inform the Plan Commission and City Council Members that we have granted authority to Krieg Devault, LLP to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Rezoning and Use Variance Petition will be heard.

Sincerely,

Group 120 Inc., DBA Jimmy John's


Nick Venzon

PRELIMINARY SITE PLAN

THE PLAT OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 27 NORTH, RANGE 4 EAST, PLAIN TOWNSHIP, CITY OF MEDWASH, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS LOTS # 2 OF THE PLAT OF "CLARK'S VERMILION ROAD AND ROAD SUBDIVISION" RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, CONTAINING 6.80 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL ENCLININGS, EASEMENTS AND RESTRICTIONS OF RECORD.

ALSO, COUNTRACT NUMBER 419 BIRDSWORTH ROAD, MEDWASH, INDIANA 46544.

THE ABOVE-DESCRIBED PARCEL IS PRESENTLY ZONED: R-1-RESIDENTIAL DISTRICT.

① PROPOSED BUILDING/CANOPY

- PROPOSED CONCRETE PAVEMENT
- PROPOSED ASPHALT PAVING LOT
- SOME PART CITY NASHAWAN ZONING (CH 157)
UNOFFICIAL COPY.
- COMPART WITH 6' FENCE.
- UNOFFICIAL PER CITY OF NASHAWAN STANDARDS.
7' HT PRIVATE FENCE

[illegible][illegible][illegible]

(A) 25' FRONT YARD SETBACK (MUSHAWAKA)
 (B) 5' SIDE YARD SETBACK (MUSHAWAKA)
 (C) 25' REAR YARD SETBACK (MUSHAWAKA)

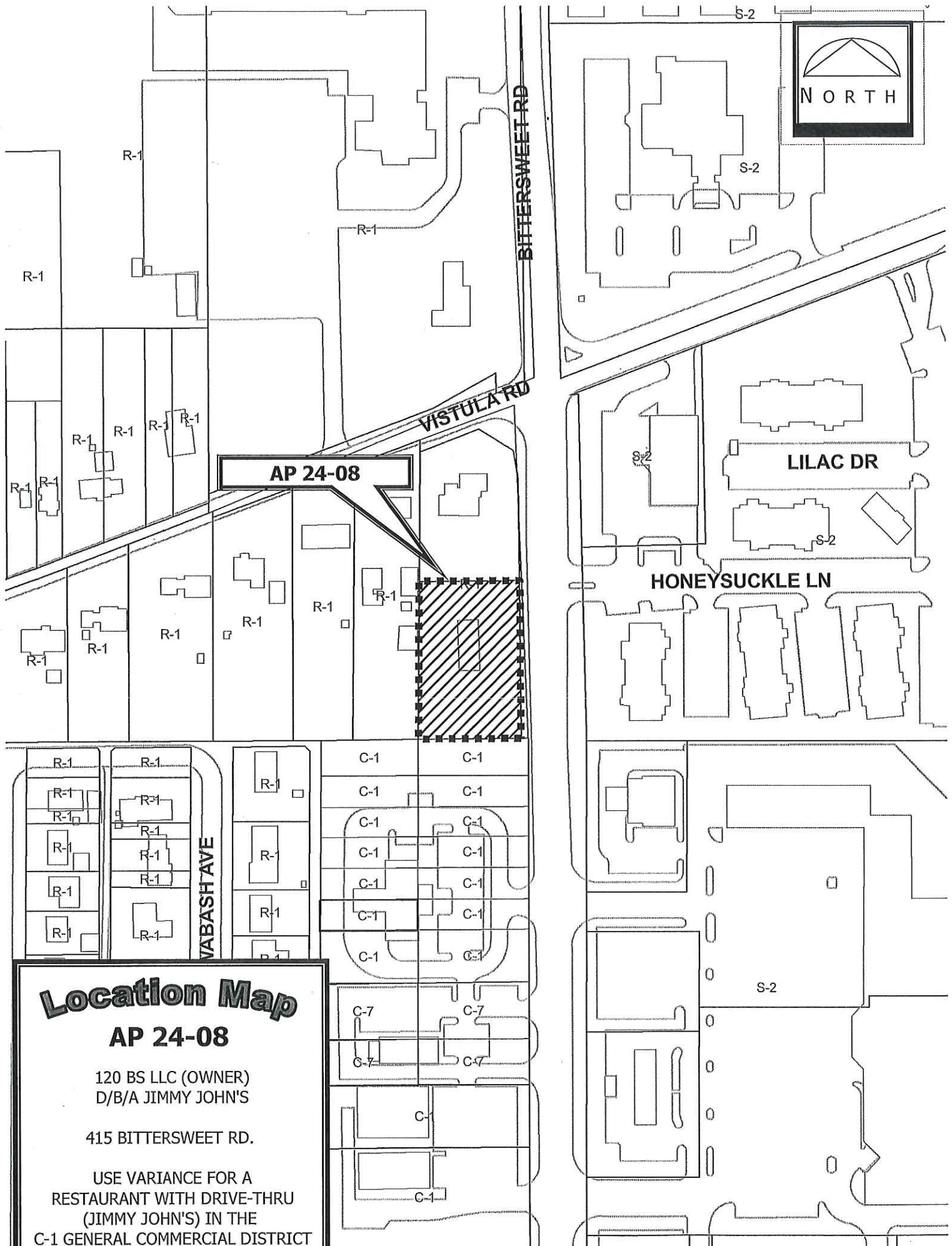


REVISION

QUERIES & INQUIRIES		REVIEWS	
DATE	DRIVEN BY	DATE	BY
2/9/74	US		
SOE	CHECKED BY:		
1443 COMBING PRINT	MJD		
5000 12.5% N. 10"			
1001 12.5% N. 10"			
APR IMPACT DANCH			
2/20/74	MJD		

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Landscape Architects • Land Planners

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Deborah S. Block, IAMC, MMC

MAR 25 2024

City Clerk
Mishawaka, IN



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

RE: Petition to Rezone 3 Total Parcels (15022 Douglas Road, 5328 N Fir Road, and vacant)

The undersigned, SEC Investments LLC, ("Petitioner") is the owner of three (3) parcels of land containing approximately 2.3 acres located on the southeast corner of the intersection of Douglas and Fir Roads, Mishawaka, St. Joseph County, Indiana and further described by the legal description attached hereto as EXHIBIT "A".

The Petitioner owns one hundred (100%) percent of the above described 3 parcels of land which are currently zoned C-1 General Commercial District in the city of Mishawaka. Said real estate is improved with a vacant single family dwelling unit in addition to a detached garage and shed.

The Petitioner desires said real estate to be rezoned to C-10 Filling Station District in the city of Mishawaka. The Petitioner further states that it intends to utilize said land for the development of a proposed convenience store and gas station.

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, an appropriate ordinance be enacted rezoning the above described parcels of land in the City of Mishawaka.

PETITIONER: SEC INVESTMENTS, LLC

By: _____

Stephen R. Murphy
Member

3/19/24

Date

Contact Person:

Name: Connor Strege, PE – Kimley-Horn & Associates, Inc.
Address: 500 East 96th Street, Suite 300, Indianapolis, IN 46240
Phone Number: (317) 218-9465
Email: connor.strege@kimley-horn.com

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 71-04-34-376-012.000-022, 71-04-34-376-011.000-022 and 71-04-34-227-003.000-022

PARCEL 1:

PART OF LOT NUMBERED EIGHT (8) AS SHOWN ON THE RECORDED PLAT OF HOGUE'S FARM SUBDIVISION, RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, IN PLAT BOOK 12, PAGE 16, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 40 FEET WEST AND 35 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 34 (SAID NORTHEAST CORNER IS LOCATED 660 FEET WEST OF THE EAST LINE OF LOT NUMBERED 8 IN SAID ADDITION), THENCE SOUTH 125 FEET; THENCE WEST 220 FEET; THENCE NORTH 125 FEET; THENCE EAST 220 FEET TO THE PLACE OF BEGINNING, IN ST. JOSEPH COUNTY, INDIANA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST (BASIS OF BEARINGS) ON THE NORTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 40.00 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 33.0 FEET TO THE SOUTH EXISTING RIGHT OF WAY OF DOUGLAS ROAD AND BEING THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER ON THE SOUTH EXISTING RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 220.00 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 12.00 FEET TO THE SOUTH PROPOSED RIGHT OF WAY OF DOUGLAS ROAD; THENCE SOUTH 89 DEGREES 57 MINUTES 53 SECONDS EAST ON SAID SOUTH PROPOSED RIGHT OF WAY, A DISTANCE OF 220.00 FEET, THENCE NORTH 00 DEGREES 09 MINUTES 43 SECONDS WEST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.08 ACRES MORE OR LESS.

PARCEL 2:

PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID SECTION 34, 260 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 34; THENCE SOUTH, PARALLEL WITH THE EAST LINE OF SAID SECTION 34, 160 FEET; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, 233.17 FEET TO THE CENTER LINE OF FIR ROAD; THENCE NORTHWESTERLY, ON THE CENTER LINE OF FIR ROAD, 56.27 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE CONTINUING ON SAID CENTER LINE OF FIR ROAD AND ON SAID CURVE, HAVING A RADIUS OF 4326.33 FEET, 137.93 FEET TO THE NORTH LINE OF SAID SECTION 34; THENCE EAST, ON THE NORTH LINE OF SAID SECTION 34, 343.33 FEET TO THE POINT OF BEGINNING, IN ST. JOSEPH COUNTY, INDIANA.

EXCEPTING, A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, OF THE SECOND PRINCIPAL MERIDIAN, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST (BASIS OF BEARINGS), ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 34, A DISTANCE OF 260.00 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 09 MINUTES 43 SECONDS EAST, A DISTANCE OF 11.95 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST, A DISTANCE OF 131.04 FEET; THENCE SOUTH 72 DEGREES 33 MINUTES 03 SECONDS WEST, A DISTANCE OF 68.80 FEET; THENCE SOUTH 02 DEGREES 55 MINUTES 30 SECONDS EAST, A DISTANCE OF 66.44 FEET; THENCE SOUTH 27 DEGREES 23 MINUTES 21 SECONDS EAST, A DISTANCE OF 31.58 FEET; THENCE NORTH 89 DEGREES 57 DEGREES 53 SECONDS WEST, A DISTANCE OF 14.52 FEET; THENCE NORTH 35 DEGREES 21 MINUTES 31 SECONDS WEST, A DISTANCE OF 155.79 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 283.39 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

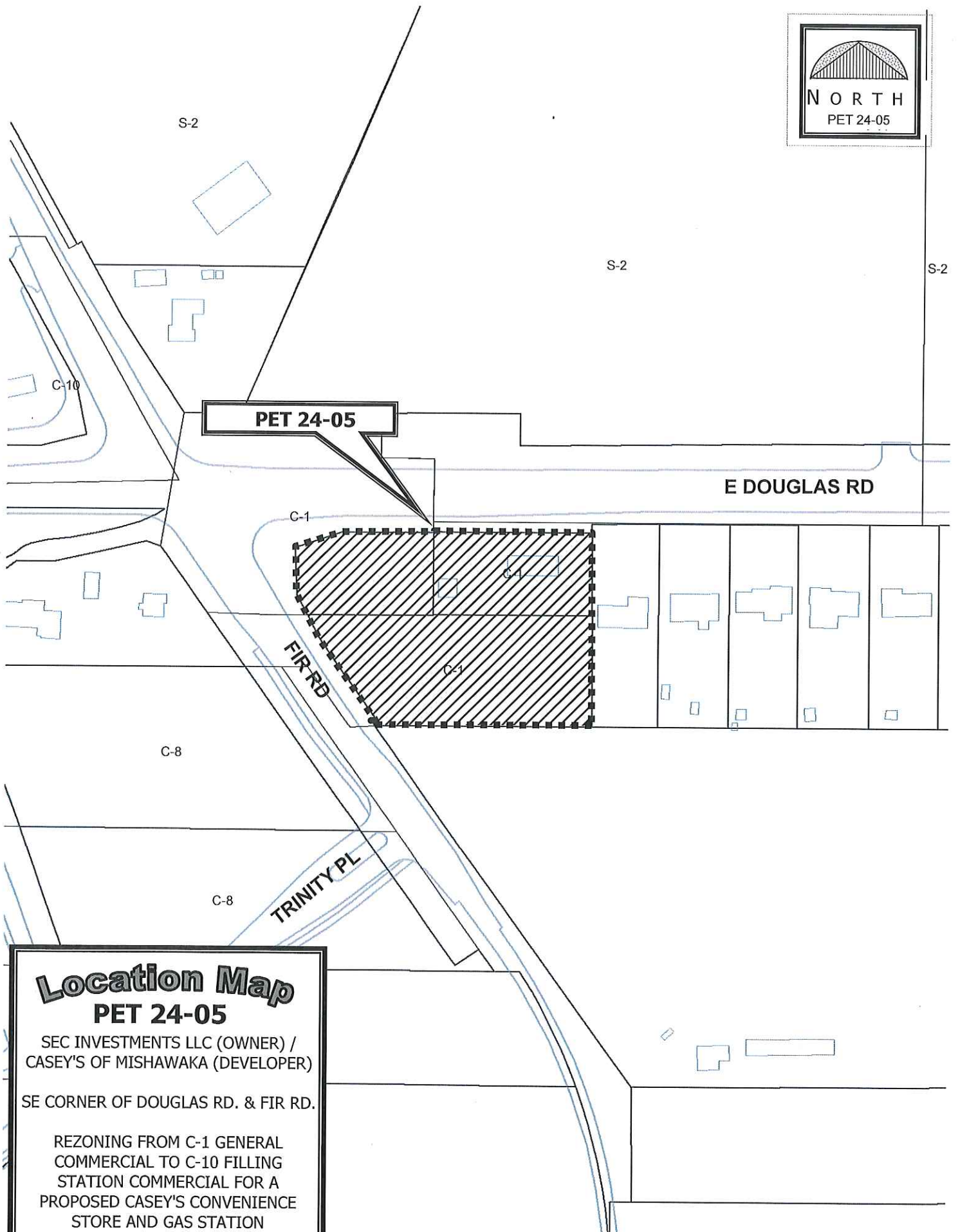
PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 160 FEET SOUTH AND 40 FEET WEST OF THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST; THENCE WEST, PARALLEL WITH THE SOUTH LINE OF LOT SEVEN (7), IN THE RECORDED PLAT OF HOGUE MINUTES S FARM SUBDIVISION, A DISTANCE OF 413.7 FEET, MORE OR LESS, TO THE EASTERLY LINE OF FIR ROAD; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF FIR ROAD, 191.09 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF SAID LOT 7; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 303.5 FEET, MORE OR LESS, TO A POINT 40 FEET WEST OF THE EAST LINE OF SAID SECTION 34; THENCE NORTH 157 FEET TO THE PLACE OF BEGINNING, AND BEING A PART OF LOT SEVEN (7) IN THE RECORDED PLAT OF HOGUE MINUTES S FARM SUBDIVISION, RECORDED AUGUST 10, 1935. IN PLAT BOOK 12, PAGES 16-17.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Location Map PET 24-05

SEC INVESTMENTS LLC (OWNER) /
CASEY'S OF MISHAWAKA (DEVELOPER)

SE CORNER OF DOUGLAS RD. & FIR RD.

REZONING FROM C-1 GENERAL
COMMERCIAL TO C-10 FILLING
STATION COMMERCIAL FOR A
PROPOSED CASEY'S CONVENIENCE
STORE AND GAS STATION

MAR 25 2024

Received

FEB 26 2024

City Clerk
Mishawaka, IN

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Planning and
Community Development

WWW.KRIEGDEVALT.COM

PET 24-06

February 26, 2024

George C. Lepeniotis
Direct Dial: (574) 485-2008
E-mail: glepeniotis@kdlegal.com

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

Re: Rezoning and Use Variance Petition for the Real Property Located at 415 Bittersweet Road, Mishawaka, IN

Dear Hon. Members of the Plan Commission and City Council:

+ 120 BS, LLC

I represent Group 120, Inc. (d/b/a Jimmy John's), the new owner ("Petitioner") of real property located within the City of Mishawaka, County of St. Joseph, State of Indiana (the "City"), located at the address above and more particularly described on Exhibit A, attached hereto and made a part hereof (the "Real Property").

The Real Property presently has a zoning classification of R-1 under the Zoning Ordinance of the City of Mishawaka, and Petitioner respectfully requests the City rezone the Real Property to C-1 for the intended purpose of a future 1,212 square foot stand-alone Jimmy John's restaurant. Petitioner also seeks a use variance to allow for a proposed Drive-Thru. Please consider the following request for rezoning.

Comprehensive Plan:

This rezoning request fits well within the City's Comprehensive Plan for the area. The Real Property is bordered by additional R-1 sites to the north and west, an Everwise Credit Union to the south (along with significant other commercial developments), and the Reflections Apartment complex to the east, across Bittersweet. There is additional commercial development north and south on Bittersweet, including the large "Martin's" PUD. This development would further the commercial corridor on Bittersweet in a fairly low-impact and thoughtful manner.

Current conditions and the character of current structures and uses in each district:

The Real Property is currently zoned R-1 Residential and occupied by a dated manufactured home.

The most desirable use for which the land in each district is adapted:

February 26, 2024

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The current manufactured home is dated. It is highly unlikely that the parcel would be desirable for any new or updated residential structures or developments due to the high traffic and noise generated from Bittersweet. Petitioner currently owns and operates fifteen other Jimmy John's restaurants, including the other two locations in Mishawaka (N. Main and McKinley), as well as all five locations in South Bend, one location in Granger, two locations in Warsaw, one location in Plymouth and three locations in Elkhart, plus one location being built in Sturgis, Michigan. A stand-alone Jimmy John's restaurant with Drive-Thru on the Real Property would be convenient and desirable for the community. The nearest Jimmy John's location from the Bittersweet area is fifteen minutes away. The area is developing a number of commercial services and restaurants but not overtly so such as Grape Road or Main Street.

The conservation of property values throughout the jurisdiction:

The proposed development is designed to integrate seamlessly with the other commercial developments along both the east and west sides of Bittersweet to the north and south. The design will further increase the commercial corridor which will lead to an increase of property values for the neighboring properties.

Use Variance:

Due to the size of the parcel, Petitioner, at the request of City staff, has agreed to petition for a C-1 Commercial designation with an additional variance request for a drive-thru as opposed to requesting a change to the C-7 Commercial Drive-Thru Restaurant district. Staff believe this will allow the City to maintain some control over any potential future redevelopment of the parcel to drive-thru restaurants that see higher queuing requirements such as a coffee shop or larger fast-food restaurant. Accordingly, the Petitioner also requests the approval of a use variance to permit the installation of a Drive-Thru on the Real Property. For the reasons described in this Petition, the request for a use variance in order to allow a Drive Thru on the Real Property would not be injurious to the public health, safety, morals, or general welfare of the community, and the use and value of the area adjacent to the Real Property would not be affected in a substantially adverse manner. Jimmy Johns is known for its quick service and short wait times. It is also known for its delivery. Thus the drive-thru queuing requirements are not as substantial as others and the size of the parcel is not a detriment to this development.

The need for the use variance arises from conditions peculiar to the Real Property, and the strict application of the terms of the zoning regulations would constitute an unnecessary hardship if applied to the Real Property. Staff has indicated they have concerns over the limited size of the parcel and the presence of power lines and utility easements, which limit broader drive-thru uses,

February 26, 2024

Page 3

such that a C-7 designation may not be appropriate. Accordingly, these peculiar conditions of the Real Property make a C-1 classification with a special use variance more appropriate to this particular parcel and specific use. This will allow the city the ability to better control future redevelopment.

The approval of the use variance fits well within the City's Comprehensive Plan for the area, as detailed above.

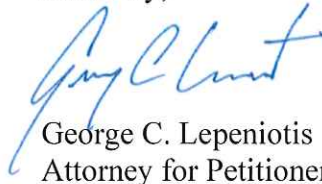
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Thank you for your careful consideration of this request.

Sincerely,



George C. Lepeniotis
Attorney for Petitioner

Enc.

cc: Nick Venzon, Group 120, Inc. (with enclosures)

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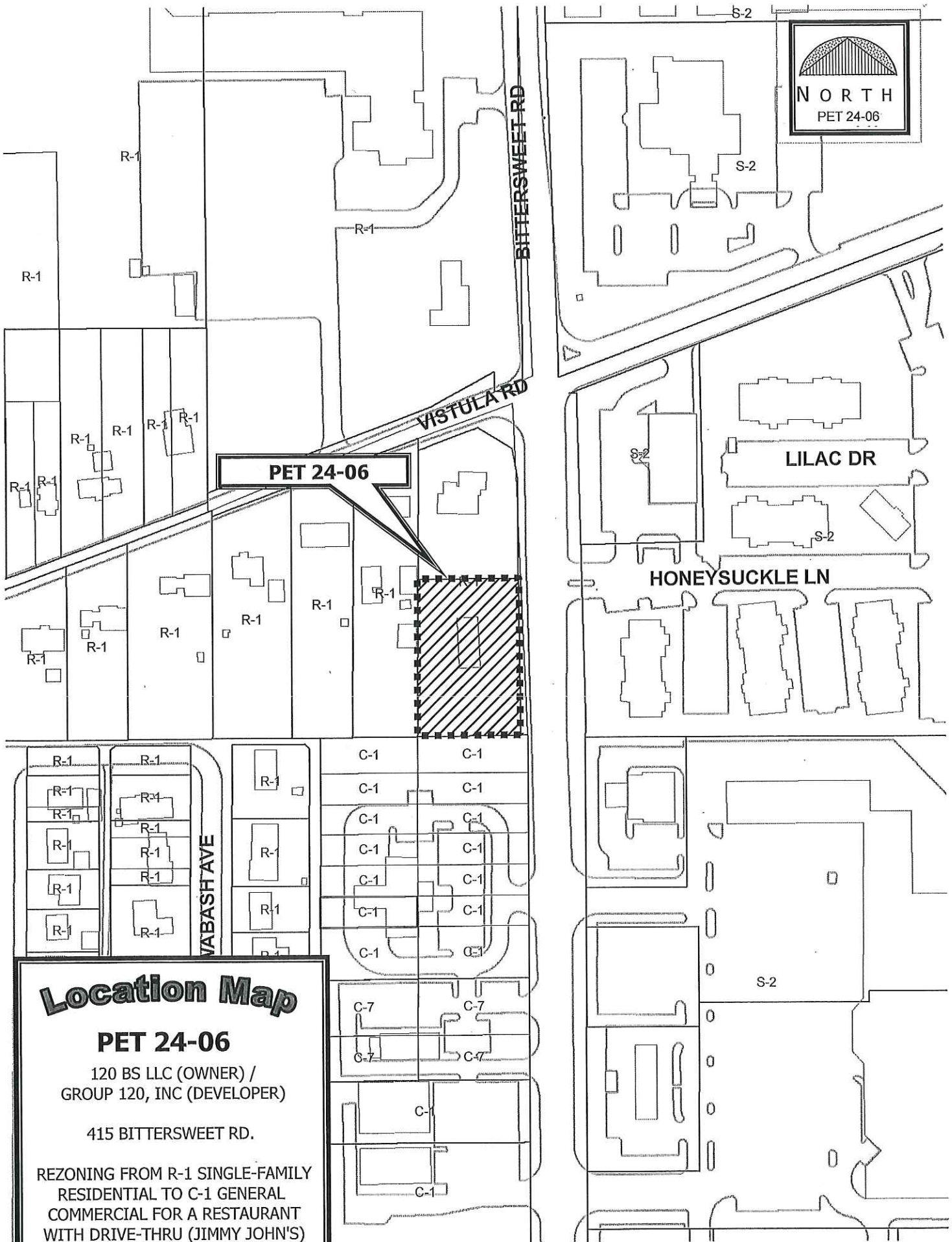
Group 120 Inc., DBA Jimmy John's


Nick Venzon

PRELIMINARY SITE PLAN PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH RANGE 4 EAST PENN TOWNSHIP, CITY OF MISHAWAKA ST. ST. JOSEPH COUNTY, INDIANA

LEGAL DESCRIPTION:

THE PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 4 EAST, PENN TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 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1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 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2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205,



PET 24-06

LILAC DR

HONEYSUCKLE LN

WABASH AVE

VISTULA RD

BITTERSWEET RD

Location Map

PET 24-06

120 BS LLC (OWNER) /
GROUP 120, INC (DEVELOPER)

415 BITTERSWEET RD.

REZONING FROM R-1 SINGLE-FAMILY
RESIDENTIAL TO C-1 GENERAL
COMMERCIAL FOR A RESTAURANT
WITH DRIVE-THRU (JIMMY JOHN'S)



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

Date: April 4, 2024
To: Honorable Members of the Common Council
From: Rebecca Maguire
Re: **Presentment of Activities of the Redevelopment
Commission for the Previous Year**

Under IC 36-7-14-13, all activities for each allocation area during the previous year must be filed by the Commission to the executive body of the unit, the fiscal body of the unit, and the Department of Local Government Finance by April 15th. As the Treasurer of the Redevelopment Commission please find the accompanying report.

While we now have four allocation areas only one has official parcels and activities. As the areas come online, the report will be expanded accordingly.

I am unable to attend the council meeting. If there are any questions Ken Prince is unable to address, I'll be happy to follow up with you.

c: David A. Wood
Ken Prince



Mishawaka Civil City St. Joseph County Mishawaka Redevelopment Commission Report on the Activities of 2023

Personnel

		<u>Start Date</u>
Janet Whitfield-Hyduk	President	
Lindsey Jon Kintner	Vice President	
Kris Ermeti	Secretary	
Steve Murphy	Member	7/24/2023
Mike Bellovich	Member	1/1/2024
Bill Pemberton	Advisory Member	

End Date

Gary O'Dell	President	5/22/2023
Gary West	Member	12/31/2023

Employees

<u>Name</u>	<u>Amount/Salary</u>
Roger Shields	\$64,016.00
Laura Viramontes	\$58,719.00
Marilyn Nelum-Jones	\$46,747.00
Ken Prince	\$87,648.00
Rebecca Magulre	\$87,648.00

TIF District Expenditures & Revenues

<u>TIF District</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Fund Balance</u>
T71623 - MISHAWAKA CONSOLIDATED	\$22,500,636.80	\$27,359,553.82	\$9,088,597.65
T71624 - Mish Sports Facility Area	\$0.00	\$0.00	
T71625 - Mishawaka Ironworks Phase 2	\$0.00	\$0.00	
T71626 - Block 200 (Grandview)	\$0.00	\$0.00	

Redevelopment Expenditures

<u>Category</u>	<u>Subcategory</u>	<u>Description</u>	<u>Amount</u>
Services and Charges	Professional Services	Cedar Bridge widening	\$229,755.00
Services and Charges	Professional Services	Long Term Control Plan	\$190,049.45
Services and Charges	Professional Services	Fire St #2	\$1,849.75
Services and Charges	Professional Services	Central Motor Pool demo	\$19,710.00
Services and Charges	Professional Services	McKinley Ave widening	\$15,175.00
Services and Charges	Professional Services	Hill St Improvements	\$94,679.16
Services and Charges	Professional Services	Front, Main, Church Improvements	\$41,084.87
Services and Charges	Professional Services	100 Center Redevelopment	\$131,442.72
Services and Charges	Professional Services	Community Crossing Jefferson Blvd	\$95,692.50
Services and Charges	Professional Services	Kamm Island	\$38,977.85
Services and Charges	Professional Services	Norman Park	\$19,835.54
Services and Charges	Professional Services	Veterans Parkway Extended	\$584,945.32
Services and Charges	Professional Services	Misc charges	\$33,325.64
Services and Charges	Professional Services	Battell Center Improvements	\$2,080.00
Services and Charges	Utility Services	Starboard Marline OPL	\$652.22
Services and Charges	Other Services and Charge	Liberty/Mish Ave Redevelopment	\$7,761.97
Capital Outlays	Land	Central Motor Pool demo 516 N Cedar	\$101,330.74
Capital Outlays	Machinery, Equipment, a	Crawford Park site furnishings	\$26,346.06
Capital Outlays	Machinery, Equipment, a	Pocket Park	\$46,361.04

<u>Category</u>	<u>Subcategory</u>	<u>Description</u>	<u>Amount</u>
Capital Outlays	Machinery, Equipment, ai	Golf Course Improvements	\$66,166.33
Capital Outlays	Other Capital Outlays	Miscellaneous	\$440,438.25
Capital Outlays	Other Capital Outlays	Wilson Park Improvements	\$139,945.03
Capital Outlays	Other Capital Outlays	Central Motor Pool demo	\$6,858.04
Capital Outlays	Other Capital Outlays	Battell Park/Veteran's Plaza	\$3,743.28
Capital Outlays	Other Capital Outlays	Front and Main Signal Improvements	\$43,787.48
Capital Outlays	Other Capital Outlays	New City Hall	\$2,433,337.63
Capital Outlays	Other Capital Outlays	New City Hall IT, Furnishings, misc	\$935,655.19
Capital Outlays	Other Capital Outlays	Ironworks Plaza III	\$46,321.91
Capital Outlays	Other Capital Outlays	Mill Phase II	\$3,000,000.00
Capital Outlays	Other Capital Outlays	TIF xfr to Sewer	\$3,360,000.00
Capital Outlays	Infrastructure	12th St Improvements	\$538,587.33
Capital Outlays	Construction	Cedar Bridge widening	\$1,353,000.00
Capital Outlays	Construction	Community Crossing Jefferson Blvd	\$334,396.91
Capital Outlays	Construction	Central Park West Parking Lot	\$507,946.34
Capital Outlays	Construction	Hill and 1st St Parking Improvements	\$1,130,935.68
Capital Outlays	Construction	Veterans Parkway Ph IIA	\$3,519,910.98
Capital Outlays	Construction	Veterans Parkway Extended	\$1,529,815.57
Capital Outlays	Construction	Liberty School Shared Access Road	\$782,486.53
Capital Outlays	Construction	Front, Main, Church	\$361,616.51
Debt Service	Payments on Bonds and (	2021 Lease Revenue bond	\$3,345,500.00
Debt Service	Payments on Bonds and (	Battell Center bond	\$35,000.00
Debt Service	Payments on Bonds and (	Battell Center bond	\$19,550.00
Debt Service	Payments on Bonds and (	2021 Lease Revenue bond	<u>\$1,743,500.00</u>
			\$27,359,553.82

T71623 - MISHAWAKA CONSOLIDATED

Indiana Code under which the TIF district is established:

IC 36-7-14

Establishment Date: 3/24/2014
Expiration Date: 2/1/2040

Parcels:

Real Property: 2807
Personal Property: 0
Other: 0
Total: 2807

Total Gross AV: \$1,123,085,550.00
Total Net AV: \$930,393,696.00
Total Base AV: \$187,848,889.00

Total Incremental AV: \$742,544,807.00

Debt

Redevelopment Bond 2015

Amount owed: \$886,700.00

Amount paid: \$49,700.00

<u>Date</u>	<u>Period Total</u>	<u>Paid in 2023</u>
8/1/2015	\$27,556.00	
2/1/2016	\$24,750.00	
8/1/2016	\$24,600.00	
2/1/2017	\$24,450.00	
8/1/2017	\$24,300.00	
2/1/2018	\$24,150.00	
8/1/2018	\$24,000.00	
2/1/2019	\$28,850.00	
8/1/2019	\$23,650.00	
2/1/2020	\$28,500.00	
8/1/2020	\$23,300.00	
2/1/2021	\$28,150.00	
8/1/2021	\$22,950.00	
2/1/2022	\$27,800.00	
8/1/2022	\$22,600.00	
2/1/2023	\$27,450.00	X
8/1/2023	\$22,250.00	X
2/1/2024	\$27,100.00	
8/1/2024	\$21,900.00	
2/1/2025	\$26,750.00	
8/1/2025	\$26,550.00	
2/1/2026	\$26,350.00	
8/1/2026	\$26,150.00	
2/1/2027	\$25,950.00	
8/1/2027	\$25,750.00	
2/1/2028	\$25,550.00	
8/1/2028	\$25,350.00	
2/1/2029	\$25,150.00	
8/1/2029	\$24,950.00	
2/1/2030	\$24,750.00	
8/1/2030	\$24,550.00	
2/1/2031	\$24,350.00	
8/1/2031	\$24,150.00	
2/1/2032	\$23,950.00	
8/1/2032	\$23,750.00	
2/1/2033	\$28,550.00	
8/1/2033	\$23,300.00	
2/1/2034	\$28,100.00	

<u>Date</u>	<u>Period Total</u>
8/1/2034	\$22,850.00
2/1/2035	\$27,650.00
8/1/2035	\$22,400.00
2/1/2036	\$27,200.00
8/1/2036	\$21,950.00
2/1/2037	\$26,750.00
8/1/2037	\$26,500.00
2/1/2038	\$26,250.00
8/1/2038	\$26,000.00
2/1/2039	\$25,750.00
8/1/2039	\$25,500.00
2/1/2040	\$25,250.00

Taxable Economic Development Revenue Bonds, Series 2017 (The Mill at Ironworks Project)

Amount owed: \$1,167,128.00

Amount paid: \$1,167,128.00

<u>Date</u>	<u>Period Total</u>	<u>Paid in 2023</u>
2/1/2018	\$66,255.00	
8/1/2018	\$1,150,408.00	
2/1/2019	\$1,148,286.00	
8/1/2019	\$1,150,866.00	
2/1/2020	\$1,152,841.00	
8/1/2020	\$1,154,201.00	
2/1/2021	\$1,154,664.00	
8/1/2021	\$1,154,764.00	
2/1/2022	\$1,159,496.00	
8/1/2022	\$1,163,528.00	
2/1/2023	\$1,167,128.00	X

Lease Rental Revenue Bonds of 2021

Amount owed: \$51,410,500.00

Amount paid: \$3,896,000.00

<u>Date</u>	<u>Period Total</u>	
6/28/2021		
2/1/2022	\$1,601,843.00	
8/1/2022	\$1,349,375.00	
2/1/2023	\$1,348,500.00	X
8/1/2023	\$2,542,375.00	X
2/1/2024	\$2,541,125.00	
8/1/2024	\$2,543,875.00	
2/1/2025	\$2,540,500.00	
8/1/2025	\$2,536,125.00	
2/1/2026	\$2,535,750.00	

<u>Date</u>	<u>Period Total</u>
8/1/2026	\$2,524,250.00
2/1/2027	\$2,521,875.00
8/1/2027	\$2,488,375.00
2/1/2028	\$2,489,500.00
8/1/2028	\$2,474,375.00
2/1/2029	\$2,478,375.00
8/1/2029	\$2,476,000.00
2/1/2030	\$2,477,375.00
8/1/2030	\$2,472,375.00
2/1/2031	\$2,472,375.00
8/1/2031	\$2,472,950.00
2/1/2032	\$2,473,000.00
8/1/2032	\$2,472,525.00
2/1/2033	\$2,471,525.00

RESOLUTION NO. 2024-03

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH
STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS**

WHEREAS, property owners who have applied for and been granted a tax abatement for either real or personal property on and after July 1, 1991, must file a report with the Mishawaka Common Council and the County Auditor reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement, and

WHEREAS, three (3) recipients of the five (5) active tax abatements that require reporting have been found to be subject to this requirement, and each have submitted the proper reports, which have been reviewed and found to be in order.

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

1. That the “Compliance with Statement of Benefits” reports submitted by the following companies are found to be in order:
 - **Lippert Components Manufacturing Inc. (Building Expansion)**
 - **Lippert Components Manufacturing Inc. (New Racking/Logistics Distribution Equipment)**
 - **Front Street LLC (The Avalon – Mixed Use Building)**
 - **Helios Hydraulics Americas LLC (Building Expansion)**
 - **Helios Hydraulics Americas LLC (New Manufacturing Equipment)**
2. That the aforesaid property owners are hereby found to be in substantial compliance, and
3. That the President of the Mishawaka Common Council is hereby authorized to approve the aforementioned reports.

ADOPTED by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, on this _____ day of _____, 2024.

Gregg Hixenbaugh, President

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this _____ day of _____, 2024.

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me on this _____ day of _____, 2024 at _____ o'clock, _____ m.

David A. Wood, Mayor



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

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

April 8, 2024

Mr. Woody Emmons, 1st District City Council
Mr. Matt Carroll, 2nd District City Council
Mrs. Lou Ann Hazen, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Tony Violi, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Gregg Hixenbaugh, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mrs. Lacy Hahn, At-Large City Council
Mrs. Deborah Block, City Clerk

**RE: Resolution 2024-03
2024 Tax Abatement Compliance Reports & Withdrawal of Previously Approved Real
Property Tax Abatement for Barak Group LLC (Proposed Steelhead Apartments – Former
Mishawaka Inn)**

Dear Council Members and Clerk:

Property owners who have applied for and been granted a tax abatement for either real or personal property on or after July 1, 1991, must file a report with the Mishawaka Common Council and the St. Joseph County Auditor's Office reporting the extent of compliance with the goals set forth in the Statement of Benefits filed when granting the aforesaid abatement. The Department of Local Government Finance requires one compliance form per project, thus where applicable, there are separate compliance forms for Real Estate (CF-1/Real Property) and Personal Property (CF-1/PP).

There are currently four projects with six active tax abatements in the City of Mishawaka of which five require reporting for calendar year 2024. The one active abatement not requiring compliance reporting is the proposed Steelhead Apartments, former Mishawaka Inn, which was granted a real property abatement in September 2022. The building was proposed to be renovated with a new separate apartment building constructed to the northeast along the river. After approval of the abatement, the developer determined that the building could not be saved and is in the process of demolishing it. The attached email correspondence from Nir Davison with the Barak Group LLC gives an update on the project and requests that the previously approved abatement be withdrawn. All property owners/companies have responded to our request to complete the Compliance with Statement of Benefits form. CF-1 forms/responses have been attached to this letter for your use and reference for the active tax abatement recipients that require reporting.

In summary, all three of the projects with five active abatements which require reporting are in compliance and have exceeded, nearly met, or are working toward expectations.

Since the prior reporting period for calendar year 2023, one of the previously approved tax abatements has expired, and therefore, no longer requires annual compliance reports. The expired abatement is a personal property abatement for manufacturing equipment granted to Wellpet in 2015. Additionally, a

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Phone: (574) 258-1625 • Fax: (574) 968-6999 • www.mishawaka.in.gov

real and personal property abatement for a new dryer building and various manufacturing equipment granted to Wellpet in 2021 was rescinded by the Common Council last year (Resolution 2023-09).

As you are aware, the CF-1 Compliance Forms for Real Estate and Personal Property are due to the County Auditor's Office by May 15th of each year. A copy of the history of the City's tax abatements from 1986 to present has been attached for your use. This summary identifies the current and recently closed abatements and is a beneficial reference tool.

Staff has reviewed the information submitted by all companies. The abatements are listed by the age/date of approval of the abatement oldest to newest.

- **Lippert Components (Building Expansion & New Racking/Logistics Equipment)** – The attached correspondence, which provides an update on the project, and CF-1s are for both real and personal property abatements approved in 2017 for the renovation and improvements of the former AM General Warehousing facility located at 400 S. Byrkit Avenue. Lippert Components occupies the building as a distribution facility, a service center for recreational vehicles, and a call center. The proposed real estate improvements included in this abatement request, originally estimated as a \$7.4 million investment, have been completed. These improvements included renovation of the existing building, a 48,000 sq. ft. building addition (less than the anticipated 79,200 sq. ft. addition as identified in the abatement request), and other site improvements such as access drives, drainage, and additional employee and semi-truck parking areas. Actual real estate investment per the CF-1 is \$13,324,225. The amount of the deduction applicable to real estate improvements is limited to \$7,400,000 per the approved SB-1. The personal property improvements included in this abatement request, originally estimated as a \$1.625 million investment, have been purchased. The personal property investment includes new racking and general logistics distribution equipment, and new furniture and fixtures. Actual personal property investment per the CF-1 is \$9,795,957. The amount of the deduction applicable to personal property improvements is limited to \$1.8 million per the approved SB-1. *In addition to limiting the amount of deductions, the approved abatement request designated the area as an Economic Revitalization Area through July 5, 2018. Therefore, only the additional real and personal property investment completed by this date is applicable.* Since the abatement was approved for 10 years for both the real and personal property, annual reporting will be required through 2028. When the abatement was filed, the total existing employment was listed at 247 with an additional 200 jobs to be added. At present, there are 423 employees, which is a substantial increase from 21 employees in 2017, and a 17 employee increase from the 406 employees reported last year. The company continues to explore opportunities to expand their headcount at this facility, including but not limited to, expanding their 2nd shift operations and increasing the number of call center employees. Total payroll was listed at \$18,900,485 which is more than the \$10,354,808 listed on the SB-1 but a decrease from \$21,944,469 reported last year. Given that the total investment and payroll exceeds the projected amounts with employment levels increasing annually and anticipated to increase this year, this abatement should be considered in substantial compliance.
- **Front Street LLC (The Avalon - Mixed Use Building)** – The CF-1 attached is for the abatement approved in October 2022 for a new mixed use building, including apartments and first floor retail space, in the downtown block bound by W. Front Street, N. Hill Street, W. First Street, and N. Spring Street. Construction began in November 2022 and is currently on-going. As indicated on the CF-1, the project is anticipated to be completed by April 2024. Given the on-going construction, the completion of improvements, employment and salary cannot be evaluated at this time. Since the improvements have been started for the project and are nearly complete as envisioned on the SB-1, this abatement should be considered in substantial compliance noting that a more detailed analysis will occur in future years following completion and occupancy of the building.
- **Helios Hydraulics Americas LLC (Building Expansion & New Manufacturing Equipment)** – The attached correspondence, which provides an update on the project, and CF-1s are for both real and personal property abatements approved in October 2022 for a building expansion and installation of new manufacturing equipment at Helios Hydraulics. In 2022, Helios Technologies acquired Daman

Products, a manufacturer of hydraulic manifolds, located at 1811 N. Home Street. The real property improvements include an estimated \$4.8 million building addition, expanded parking areas, new access drives and loading/unloading areas, and expanded and new stormwater retention basins. Construction began in December 2022 and is currently on-going. As indicated on the CF-1, the project is anticipated to be complete by the end of 2026. Actual real estate investment by the end of last year was \$3,700,000 with construction-in-progress equaling \$5,559,120 (February 2024). The personal property improvements include an estimated \$11.5 million for new manufacturing equipment and a very limited investment in IT equipment. Actual personal property investment by the end of last year was \$13,954,291 with construction-in-progress equaling \$314,095 (February 2024). When the abatement was filed, the total existing employment was listed at 139 with an additional 73 jobs to be added over the life of the project. By the end of last year, the company hired an additional 58 employees, which is only 15 less than envisioned. Total payroll was listed at \$11,121,411 which is more than the \$10,200,000 listed on the SB-1. Given the on-going construction, the completion of real and property improvements to date, and payroll exceeding the projected amounts with employment levels increasing, this abatement should be considered in substantial compliance.

This compliance review is required to be received by the Auditor no later than May 15th. If additional information is desired, or if the Council would like to review any individual abatement by committee, please contact our office at your earliest convenience so that we can arrange for the necessary participants to attend.

Thank you. Please contact me if you have any questions.

Sincerely,

Derek J. Spier, AICP
City Planner

cc: Kenneth B. Prince, ASLA, AICP, Executive Director of Planning & Community Development
David A. Wood, Mayor

HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT

Name	Common Council Approval Date	No. of Years Real Estate	No. of Years Machinery	No. of Retained Jobs (Proposed)	No. of New Jobs (Proposed)	No. of Retained Jobs (Actual)	No. of New Jobs (Actual)	Date of Latest CFI Found	Capital Investment**	Abated Through***	Pay*	Abatement Complete
1 Patrick Industries	October 20, 1986	10 Years						(-)	\$ 8,622,845.00	1997	1998	YES
2 Former Baby Place	June 7, 1988	5 Years	0	0	38.5			(-)	\$ 2,000,000.00	1995	1996	YES
3 Wheelabrator Area	December 19, 1988	10 Years		338	246			(-)	\$ 2,500,000.00	1999	2000	YES
4 National - Standard	February 21, 1989	6 Years	5 Years	15	180			(-)	\$ 10,100,000.00	1995	1996	YES
5 Thermoplastics Phase I	November 20, 1989	6 Years	5 Years	151	13			(-)	\$ 2,500,000.00	1995	1996	YES
6 Thermoplastics Phase II	November 20, 1989	3 Years	5 Years	155	20			(-)	\$ 3,200,000.00	1993	1994	YES
7 Contech Division I	July 2, 1990	6 Years			75			(-)	\$ 10,962,483.00	1996	1997	YES
8 Hill Steel	September 13, 1990	0	5 Years	N/A	14			(-)	\$ 578,000.00	1996	1997	YES
9 Pent Products Inc.	September 24, 1990	0	0	76	10			(-)	\$ 475,000.00	1994	1995	YES
10 Dodge Reliance Electrical I	January 7, 1991	0	5 Years	10	15			(-)	\$ 1,050,000.00	1996	1997	YES
11 Janco Products, Inc.	May 6, 1991	0	5 Years	10	20			(-)	\$ 2,750,000.00	1996	1997	YES
12 Thermoplastics Phase III	November 4, 1991	0	5 Years	150	19			(-)	\$ 2,750,000.00	1996	1997	YES
13 National Steel Corporation	December 16, 1991	10 Years		250	130			Feb-93	\$ 10,344,994.00	2002	2003	YES
14 Maron Products, Inc.	February 3, 1992	0	5 Years	38	41			Mar-95	\$ 610,794.00	1998	1999	YES
15 Dodge Reliance Electrical II	July 6, 1992	0	5 Years	300+	0			Mar-98	\$ 3,000,000.00	1998	1999	YES
16 Thermoplastic Phase IV	October 19, 1992	6 Years		210	50			Mar-99	\$ 6,812,832.00	1999	2000	YES
17 Contech Division II	April 19, 1993	5 Years		10	15			Mar-99	\$ 1,206,451.00	1999	2000	YES
18 Dana/Stanane Corp./Standard Motor Products - Wire and Cable Div.	January 3, 1994	10 Years		80	60			Mar-99	\$ 6,067,253.00	2004	2005	YES
19 United Lino	September 6, 1994	6 Years		77	77			Jan-01	\$ 612,841.00	2001	2002	YES
20 Dearborn Crane	December 5, 1994	10 Years	5 Years	26	4			May-99	\$ 1,262,200.00	2005	2006	YES
21 Scott Brass II	December 18, 1995	10 Years		73	31			Mar-02, Apr-01	\$ 11,934,000.00	2006	2007	YES
22 Federal Window (Fedori)	December 18, 1995	6 Years	5 Years	8	4			Apr-01	\$ 1,018,181.00	2002	2003	YES
23 Maron Products, Inc. II	April 15, 1996	10 Years	5 Years	73	109			Mar-06	\$ 250,000.00	2001	2002	YES
24 Quality Dining	January 6, 1997	6 Years		70	73			Jul-00	\$ 5,087,402.00	2006	2007	YES
25 Baycoite Metal Finishing	January 6, 1997	6 Years	5 Years	225	15			Jul-00	\$ 1,800,000.00	2003	2004	YES
26 Kizman International	March 3, 1997	3 Years		60	40			Jul-00	\$ 1,100,000.00	2001	2002	YES
27 Troyer	May 19, 1997	6 Years	5 Years	378	40			Feb-02	\$ 7,598,331.00	2004	2005	YES
28 Wyoncraft Incorporated	October 20, 1997	6 Years	5 Years	139	18			(-)	\$ 3,600,000.00	2004	2005	YES
29 Distance Corporation	October 20, 1997	6 Years	5 Years	62	15			Mar-05	\$ 1,862,933.00	2004	2005	YES
30 DeVold Manufac. Inc./Power Gear/Engineered Solutions	December 1, 1997	6 Years	5 Years	299	70			Mar-00	\$ 3,181,310.00	2003	2004	YES
31 Thermoplastic Phase V	December 1, 1999	5 Years		325	230			Mar-05	\$ 2,000,000.00	2006	2007	YES
32 Archison/Dodge	March 6, 2000	3 Years		15	20			Feb-01	\$ 375,000.00	2004	2005	YES
33 Samson Fiberglass	March 6, 2000	5 Years		325	50			Feb-06	\$ 2,000,000.00	2006	2007	YES
34 RMC Foundry LLC	November 19, 2001	10 Years		285	15			Apr-11	\$ 2,650,000.00	2011	2012	YES
35 WF Associates (AWC Byrkit Facility)	March 20, 2003	5 Years		396	16			May-09	\$ 1,168,564.00	2009	2010	YES
36 Wyoncraft Incorporated	November 6, 2003	5 Years		405	329			May-09	\$ 2,730,904.00	2009	2010	YES
37 Wyoncraft Incorporated	August 18, 2004	5 Years		31	4			May-06	\$ 1,450,293.00	2007	2008	YES
38 Plastimates Arts Corporation	September 6, 2005	3 Years		14	49			Feb-07	\$ 1,118,980.00	2007	2008	YES
39 Ironwood Enterprises, LLC	October 17, 2005	3 Years		96	6			May-09	\$ 1,200,000.00	2009	2010	YES
40 Daman Products Company	June 19, 2006	3 Years		172	7			Apr-10	\$ 4,600,000.00	2011	2012	YES
41 Culture Systems, Inc.	August 21, 2006	5 Years		51	5			May-10	\$ 1,250,000.00	2010	2011	YES
42 Patrick Industries (Metals Div)	December 6, 2007	3 Years		340	291			Apr-13	\$ 2,185,000.00	2012	2013	YES
43 Jamil Packaging Corporation	February 4, 2008	10 Years		64	5			Feb-21	\$ 44,000,000.00	2020	2021	YES
45 BD Mishawaka Development LLC	May 1, 2008	3 Years		0	120			Apr-12	\$ 1,650,000.00	2011	2012	YES
46 Jamil Packaging Corporation	May 16, 2011	3 Years		73	6			Apr-16	\$ 18,000,000.00	2012	2013	YES
47 Long Term Care Investments, LLC (Douglas)	March 5, 2012	4 Years		0	10			Mar-19	\$ 1,577,000.00	2020	2021	YES
48 North American Composites (NAC)	October 7, 2013	5 Years		0	5 to 8			Feb-21	\$ 14,550,000.00	2021	2022	YES
50 Long Term Care Investments, LLC (Hr)	November 6, 2013	5 Years		91	6			Mar-20	\$ 1,470,000.00	2019	2020	YES
51 Barak River Rock LLC	May 19, 2014	3 Years		24	3			Mar-19	\$ 859,100.00	2018	2019	YES
52 WellPet LLC	April 20, 2015	5 Years		115	4			Mar-22	\$ 1,800,000.00	2023	2024	YES
53 Dearborn Crane	September 24, 2015	6 Years						Apr-16	\$ 480,000.00	2020	2021	YES
54 WellPet LLC	September 24, 2015	6 Years						Apr-16	\$ 10,000,000.00	2020	2021	YES
55 Barak-Group LLC (then Rock Condominiums)	October 19, 2016	40 Years		474	30 to 60			Mar-18	\$ 12,500,000.00	2026	2027	YES
56 Barak-Group LLC	February 15, 2016	3 Years		0	84			Feb-20	\$ 2,048,000.00	2021	2022	YES
57 Bayer-Healthcare	June 5, 2017	5 Years		0	2			Mar-22	\$ 12,500,000.00	2026	2027	YES
58 Patrick Industries	July 24, 2017	10 Years		247 (relocated)	200			Feb-22	\$ 23,120,182.00	2028	2029	YES
59 River-Walk Development Group LLC (Multi-Family Residential)	February 18, 2019	3 Years		112	8			Mar-20	\$ 976,000.00	2020	2021	YES
60 Lipper Components	4/12/2021 (Rescinded)	3 Years		139	112			Mar-22	\$ 1,086,000.00	2022	2023	YES
61 Jamil Packaging Corporation	5/8/22 per R2023-09	5 Years		125	5			Apr-22	\$ 42,992,985.00	2027	2028	YES
62 Jamil Packaging Corporation	September 19, 2022	5 Years		0	2			2029	\$ 7,600,000.00	2030	2031	YES
63 WellPet LLC	October 17, 2022	5 Years		139	73			2030	\$ 25,000,000.00	2031	2032	YES
64 Barak Group LLC (Steelhead Apartments)	September 19, 2022	5 Years		0	2			2031	\$ 16,200,000.00	2032	2033	YES
65 Front Street LLC (Mixed Use Building)	October 17, 2022	5 Years		0	3			2032				YES
66 Helios Hydraulics Americas LLC (formerly Daman Products)	October 17, 2022	5 Years		139	73			2033				YES

* The "Abated Through" column demonstrates the number of years from the completion of the project/final installation of the equipment and not the number of years from the date the abatement was approved.

** The tax abatements highlighted above are active requiring the completion of annual compliance forms (CF-15).

*** The abated through date was determined by the St. Joseph County Auditor's and/or Assessor's Office on March 30, 2020, and revised on March 16, 2021, and annually thereafter as required.

According to the applicants #56 and #51 have expired so the CF-15 were not collected for 2020 abatement compliance reporting year.

Derek Spier

From: Nir Davison <nirdavison@gmail.com>
Sent: Tuesday, March 12, 2024 12:45 PM
To: Derek Spier
Cc: Ken Prince; johnpiraccini7@gmail.com
Subject: Re: Steelhead/Mishawakay Inn property

REQUEST TO
WITHDRAW APPROVED
STEELHEAD APARTMENTS
(MISHAWAKA INN)
REAL PROPERTY ABATEMENT

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Dear Derek ,

I enclosed your requested sentence in the letter's body and for convenience copy the actual paragraph,below.
Have a good day,
Nir

My commitment to revitalizing this site remains strong, and I plan to submit a new proposal once the current phase is completed and market conditions are more favorable.However until this take place I would redrew our current tax abatement application at this stage .

Dear Ken,

I am writing to provide you with the latest update on the Steelhead/Mishawaka Inn project.

After thorough evaluation of the initial project plans and considering various revisions, we aimed to align our efforts with the best commercial interests while taking into account the needs of the City and the surrounding community. Given the challenges posed by rehabilitation costs, fluctuating interest rates, and the current market environment, we have made the decision to proceed with the demolition of the once-iconic hotel and restaurant, which has unfortunately become an eyesore. Although this decision was not part of our initial plan and will increase our costs, it is necessary to pave the way for a more efficient project on a clean slate.

Weather permitting, the demolition process has begun, with Hoosier Concrete overseeing the operation . Our timeline has been dependent on NIPSCO's availability for gas utility disconnection and obtaining the necessary permits from various departments. We have also initiated the clearing and cleaning of the riverbank and creek, removing dead trees, large shrubs, bushes, and debris, which has already made a significant impact.

My commitment to revitalizing this site remains strong, and I plan to submit a new proposal once the current phase is completed and market conditions are more favorable. However until this take place I would redraw our current tax abatement application at this stage.

In response to your recent communication, please accept this update as a substitute for the CF-1 report. I am thankful for the understanding and support from the City's staff and everyone involved during this transition. Rest assured, I will continue to keep you updated on our plans and progress.

Should you have any further inquiries, please do not hesitate to contact either John or me.

Wishing you a productive week ahead.

Sincerely yours,

Nir

Best Regards,

Nir Davison

UK +44 734 000 1040

USA +1 574 485 6795

USA +1 574 204 2752

www.barak-group.com

On Mar 12, 2024, at 12:50 PM, Derek Spier <dspier@mishawaka.in.gov> wrote:

Good morning Nir-

Please reply and state that this is a request to withdraw the previously approved tax abatement.

Thanks for the update.

Best,

Derek

From: Nir Davison <nirdavison@gmail.com>
Sent: Tuesday, March 12, 2024 4:46 AM
To: Ken Prince <kprince@mishawaka.in.gov>
Cc: Derek Spier <dspier@mishawaka.in.gov>; johnpiraccini7@gmail.com
Subject: Re: Steelhead/Mishawaka Inn property

CAUTION: This email originated from outside the City of Mishawaka. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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My commitment to revitalizing this site remains strong, and I plan to submit a new proposal once the current phase is completed and market conditions are more favorable.

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Should you have any further inquiries, please do not hesitate to contact either John or me.

Wishing you a productive week ahead.

Sincerely yours,

Nir

Best Regards,

Nir Davison

UK +44 734 000 1040

USA +1 574 485 6795

USA +1 574 204 2752

www.barak-group.com

On Mar 11, 2024, at 2:01 PM, Ken Prince <kprince@mishawaka.in.gov> wrote:

Since it has to be refiled, and will expire before you have the chance to make improvements, you can also just submit a letter/email that requests withdrawal and notify the Council of the project status and your intent to re-file the tax abatement in the coming months.

Please follow up one way or the other in the next day or two. It doesn't look good not responding to the CF-1 status and our report on abatements is reviewed in detail by the Council.

Thank you.

Ken

From: Derek Spier <dspier@mishawaka.in.gov>

Sent: Monday, March 11, 2024 9:45 AM

To: Ken Prince <kprince@mishawaka.in.gov>; johnpiraccini7@gmail.com

Cc: Nir Davison <nirdavison@gmail.com>

Subject: RE: Steelhead/Mishawakay Inn property

Good morning-

I'm following up on the CF-1 for this project.

Please complete and email so we can include it in our annual report for our outstanding/active tax abatements.

Thanks,

Derek

From: Derek Spier
Sent: Wednesday, February 28, 2024 4:51 PM
To: Ken Prince <kprince@mishawaka.in.gov>; johnpiraccini7@gmail.com
Subject: RE: Steelhead/Mishawakay Inn property

John-

Here's the information that was mailed to Nir.

Let us know if you have any questions.

Best,

Derek

From: Derek Spier
Sent: Wednesday, February 28, 2024 9:01 AM
To: Nir Davison <nirdavison@gmail.com>; Ken Prince <kprince@mishawaka.in.gov>
Cc: John Piraccini <johnpiraccini7@gmail.com>; Joe VanNevel <jvannevel@mishawaka.in.gov>; Tony Layne <tonylayne@barak-group.com>; Adam Bowden <abowden@mishawaka.in.gov>; Brian Moore <brianmoore@barak-group.com>
Subject: RE: Steelhead/Mishawakay Inn property

Good morning Nir-

Yes, please complete the CF-1 and provide an update on the project so we can include it in our annual tax abatement compliance report.

We realize that the project as conceived when the tax abatement was approved in 2022 will likely be substantially different moving forward requiring a new tax abatement if deemed appropriate. The current tax abatement was only applicable to renovating and converting the existing former hotel building into apartment units and construction of a new apartment building to the northeast. The current abatement designated the property as an economic revitalization area through the end of 2024 so the abatement will technically expire without receiving the tax abatement benefit.

Let us know if you have any questions.



February 27th, 2024

Derek J. Spier, Senior Planner & Economic Development Specialist.
City of Mishawaka
100 Lincolnway West
Mishawaka, IN 46544

Received

MAR 01 2024

Planning and
Community Development

RE: Tax Abatement Compliance
Lippert Components Manufacturing, Inc.
400 S. Byrkit Avenue, Mishawaka IN

Der Mr. Spier:

Enclosed are the completed Real Property & Personal Property CF-1s for compliance with the existing tax abatements with the City of Mishawaka.

Included on the CF-1s, you will see a total headcount of 423 employees earning total salaries of \$18,900,485. Last year we reported 406 total employees earning \$21,944,469. Thus, we have 17 more employees compared to last year. We continue to explore opportunities to expand headcount at this facility, including but not limited to expanding our 2nd shift operation and increasing the number of call center employees at this facility.

Lippert's total fixed asset investment at this facility has greatly exceeded the commitments. Through the end of the investment window, we invested \$23,120,182 in real and personal property improvements compared to our commitment of \$9,025,000. We continue to make more investments as needed to grow the facility and make it a great place to work.

While we understand that we are still slightly short on our employment commitments, we have made great strides to attaining this goal and remain fully committed to our investment in Mishawaka and our continued partnership with the city as we continue to grow.

Upon review, please let me know if you would like to discuss any of the information contained within these reports.

Sincerely,

Joe Salsbury, CPA
Tax Director

Enclosures



COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R6 / 4-23)

Prescribed by the Department of Local Government Finance

20 24 PAY 20 25

FORM CF-1 / Real Property

INSTRUCTIONS:

1. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
2. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
3. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))
4. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

SECTION 1 TAXPAYER INFORMATION		
Name of Taxpayer Lippert Components Manufacturing, Inc.		County St. Joseph
Address of Taxpayer (number and street, city, state, and ZIP code) 3501 County Road 6 East, Elkhart IN 46514		DLGF Taxing District Number 023
Name of Contact Person Joe Salsbury	Telephone Number (574) 312-6360	Email Address Jsalsbury@lci1.com
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of Designating Body City of Mishawaka	Resolution Number 2017-17	Estimated Start Date (month, day, year) 08/01/2017
Location of Property 400 S Byrkit Ave, Mishawaka IN 46544		Actual Start Date (month, day, year) 08/01/2017
Description of Real Property Improvements Remodeling of existing building, adding new addition, adding paved parking lot.		Estimated Completion Date (month, day, year) 08/01/2019
		Actual Completion Date (month, day, year) 08/01/2019
SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	247	423
Salaries	10,354,808	18,900,485
Number of Employees Retained	247	247
Salaries	10,354,808	10,354,808
Number of Additional Employees	200	176
Salaries	7,800,000	8,545,677
SECTION 4 COST AND VALUES		
COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values Before Project	\$ 1,760,341	\$
Plus: Values of Proposed Project	\$ 7,400,000	\$
Less: Values of Any Property Being Replaced	\$ 0	\$
Net Values Upon Completion of Project	\$ 9,160,341	\$
ACTUAL	COST	ASSESSED VALUE
Values Before Project	\$ 1,760,341	\$
Plus: Values of Proposed Project	\$ 13,324,225	\$
Less: Values of Any Property Being Replaced	\$ 0	\$
Net Values Upon Completion of Project	\$ 15,084,566	\$
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		
SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of Authorized Representative 	Title Tax Director	Date Signed (month, day, year) 02/27/2024

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)

INSTRUCTIONS: (IC 6-1.1-12.1-5.3 and IC 6-1.1-12.1-5.9)

1. Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).
2. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination, including the date, time, and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.
3. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property), and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
4. If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.

We have reviewed the CF-1 and find that:			
☐	The Property Owner IS in Substantial Compliance		
☐	The Property Owner IS NOT in Substantial Compliance		
☐	Other (specify) _____		
Reasons for the Determination (attach additional sheets if necessary)			
Signature of Authorized Member			Date Signed (month, day, year)
Attested By		Designating Body City of Mishawaka	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)			
Time of Hearing	☐ AM ☐ PM	Date of Hearing (month, day, year)	Location of Hearing

HEARING RESULTS (to be completed after the hearing)			
☐ Approved		☐ Denied (see Instruction 4 above)	
Reasons for the Determination (attach additional sheets if necessary)			
Signature of Authorized Member			Date Signed (month, day, year)
Attested By		Designating Body City of Mishawaka	
APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]			
A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the clerk of the Circuit Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.			



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

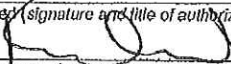
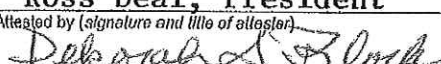
SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer Lippert Components Manufacturing, Inc.					
Address of taxpayer (number and street, city, state, and ZIP code) 3501 County Road 6 East, Elkhart, IN 46514					
Name of contact person Tom Bauters	Telephone number (574) 312-6159				
E-mail address tbauters@lcl1.com					
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body City of Mishawaka	Resolution number				
Location of property 400 South Byrkit Avenue, Mishawaka, IN 46544	County St. Joseph				
DLGF taxing district number 023 - Mish					
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Remodel existing facility 347,000 sq. ft: \$3,000,000 Construct new 79,200 sq. ft building addition: \$3,200,000 Asphalt parking lot for 380 parking spaces and 40 semi truck spaces: \$1,200,000					
Estimated start date (month, day, year) August 1, 2017					
Estimated completion date (month, day, year) August 1, 2019					
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 247.00	Salaries \$10,354,808.00	Number retained 247.00	Salaries \$10,354,808.00	Number additional 200.00	Salaries \$7,800,000.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
REAL ESTATE IMPROVEMENTS					
COST					
Current values	1,760,341.00				
Plus estimated values of proposed project	7,400,000.00				
Less values of any property being replaced	0.00				
Net estimated values upon completion of project	9,160,341.00				
ASSESSED VALUE					
4,485,000.00					
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds)	Estimated hazardous waste converted (pounds)				
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative Tom Bauters, CPA	Date signed (month, day, year) 06/12/2017				
Printed name of authorized representative Tom Bauters	Title Assistant Treasurer & Tax Director				

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed 1 calendar years* (see below). The date this designation expires is July 5, 2018.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☒ No
- C. The amount of the deduction applicable is limited to \$7,400,000.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☒ Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☒ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body) 	Telephone number (574) 258-1616	Date signed (month, day, year) 7-05-2017
Printed name of authorized member of designating body Ross Deal, President	Name of designating body Mishawaka Common Council	
Attested by (signature and title of attester) 	Printed name of attester Deborah S. Block, City Clerk	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

PRIVACY NOTICE

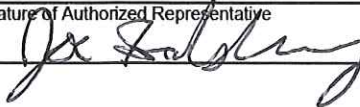
This form contains confidential
information pursuant to
IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

FORM CF-1 / PP

20 24 Pay 20 25

INSTRUCTIONS:

1. Property owners whose Statement of Benefits was approved must file this form with the local designating body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

SECTION 1		TAXPAYER INFORMATION						
Name of Taxpayer Lippert Components Manufacturing, Inc.		County St. Joseph						
Address of Taxpayer (number and street, city, state, and ZIP code) 3501 County Road 6 East, Elkhart IN 46514		DLGF Taxing District Number 023						
Name of Contact Person Joe Salsbury	Telephone Number (574) 312-6360	Email Address Jsalsbury@lci1.com						
SECTION 2		LOCATION AND DESCRIPTION OF PROPERTY						
Name of Designating Body City of Mishawaka		Resolution Number 2017-16	Estimated State Date (month, day, year) 08/01/2017					
Location of Property 400 S Byrkit Ave, Mishawaka IN 46544		Actual Start Date (month, day, year) 08/01/2017						
Description of new manufacturing equipment, new research and development equipment, new information technology equipment, or new logistical distribution equipment to be acquired. Racking, Equipment, Furnitures & Fixtures		Estimated Completion Date (month, day, year) 08/01/2019						
		Actual Completion Date (month, day, year) 08/01/2019						
SECTION 3		EMPLOYEES AND SALARIES						
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL					
Current Number of Employees		247	423					
Salaries		10,354,808	18,900,485					
Number of Employees Retained		247	247					
Salaries		10,354,808	10,354,808					
Number of Additional Employees		200	176					
Salaries		7,800,000	8,545,677					
SECTION 4		COST AND VALUES						
	MANUFACTURING EQUIPMENT	RESEARCH & DEVELOPMENT EQUIPMENT	LOGISTICAL DISTRIBUTION EQUIPMENT	IT EQUIPMENT				
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	\$	\$	\$	\$	\$ 109,605	\$	\$	\$
Plus: Values of Proposed Project	\$	\$	\$	\$	\$ 1,625,000	\$	\$	\$
Less: Values of Any Property Being Replaced	\$	\$	\$	\$	\$	\$	\$	\$
Net Values Upon Completion of Project	\$	\$	\$	\$	\$ 1,734,605	\$	\$	\$
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	\$	\$	\$	\$	\$ 109,605	\$	\$	\$
Plus: Values of Proposed Project	\$	\$	\$	\$	\$ 9,795,957	\$	\$	\$
Less: Values of Any Property Being Replaced	\$	\$	\$	\$	\$	\$	\$	\$
Net Values Upon Completion of Project	\$	\$	\$	\$	\$ 9,905,562	\$	\$	\$
NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).								
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER						
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL					
Amount of Solid Waste Converted								
Amount of Hazardous Waste Converted								
Other Benefits:								
SECTION 6		TAXPAYER CERTIFICATION						
I hereby certify that the representations in this statement are true.								
Signature of Authorized Representative 		Title Tax Director	Date Signed (month, day, year) 02/29/2024					

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)**INSTRUCTIONS:** (IC 6-1.1-12.1-5.9)

1. Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.
2. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination, including the date, time, and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the county assessor and the county auditor.
3. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made a reasonable effort to substantially comply with the Statement of Benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
4. If the designating body determines that the property owner has **NOT** made a reasonable effort to comply, the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.

We have reviewed the CF-1 and find that:			
☐	The property owner IS in substantial compliance		
☐	The property owner IS NOT in substantial compliance		
☐	Other (specify) _____		
Reasons for the Determination (attach additional sheets if necessary)			
Signature of Authorized Member			Date Signed (month, day, year)
Attested By		Designating Body	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.			
Time of Hearing	☐ AM ☐ PM	Date of Hearing (month, day, year)	Location of Hearing

HEARING RESULTS (to be completed after the hearing)

☐ Approved	☐ Denied (see Instruction 5 above)
Reasons for the Determination (attach additional sheets if necessary)	
Signature of Authorized Member	
Date Signed (month, day, year)	
Attested By	Designating Body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the clerk of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 61764 (R4 / 11-15)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION						
Name of taxpayer	Lippert Components Manufacturing, Inc.		Name of contact person	Tom Bauters				
Address of taxpayer (number and street, city, state, and ZIP code)		Telephone number						
3501 County Road 6 East, Elkhart, IN 46514		(574) 312-6159						
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT						
Name of designating body	City of Mishawaka		Resolution number (s)					
Location of property	County	DLGF taxing district number						
400 South Byrkit, Mishawaka, IN 46544	St. Joseph	023 - Mishawaka - Penn						
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.)		ESTIMATED						
		START DATE	COMPLETION DATE					
Racking for distribution facility - \$500,000		Manufacturing Equipment						
Equipment - \$800,000		R & D Equipment						
Furniture & Fixtures - \$325,000		Logist Dist Equipment	08/01/2017 08/01/2019					
		IT Equipment	08/01/2017 08/01/2019					
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS A RESULT OF PROPOSED PROJECT						
Current number	Salaries	Number retained	Salaries	Number additional	Salaries			
247	10,354,808	247	10,354,808	200	7,800,000			
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT						
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values					109,605	43,840		
Plus estimated values of proposed project					1,625,000			
Less values of any property being replaced								
Net estimated values upon completion of project					1,734,605			
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER						
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)						
Other benefits:								
SECTION 6		TAXPAYER CERTIFICATION						
I hereby certify that the representations in this statement are true.								
Signature of authorized representative		Date signed (month, day, year)						
T. Bauters, CPA		6/12/2017						
Printed name of authorized representative		Title						
Tom Bauters		Assistant Treasurer & Tax Director						

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed 1 calendar years * (see below). The date this designation expires is July 5, 2018. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.

B. The type of deduction that is allowed in the designated area is limited to:

- | | | | |
|--|---|-----------------------------|--|
| 1. Installation of new manufacturing equipment; | ☒ Yes | ☐ No | ☐ Enhanced Abatement per IC 6-1.1-12.1-18 |
| 2. Installation of new research and development equipment; | ☒ Yes | ☐ No | Check box if an enhanced abatement was |
| 3. Installation of new logistical distribution equipment. | ☒ Yes | ☐ No | approved for one or more of these types. |
| 4. Installation of new information technology equipment; | ☒ Yes | ☐ No | |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ 1,800,000 cost with an assessed value of \$ _____ (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ 1,800,000 cost with an assessed value of \$ _____ (One or both lines may be filled out to establish a limit, if desired.)

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ 1,800,000 cost with an assessed value of \$ _____ (One or both lines may be filled out to establish a limit, if desired.)

F. The amount of deduction applicable to new information technology equipment is limited to \$ 1,800,000 cost with an assessed value of \$ _____ (One or both lines may be filled out to establish a limit, if desired.)

G. Other limitations or conditions (specify) The total abatement not to exceed \$1,800,000

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

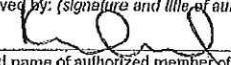
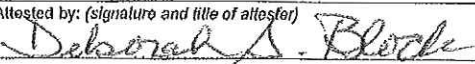
- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---|---|
| ☐ Year 1 | ☐ Year 2 | ☐ Year 3 | ☐ Year 4 | ☐ Year 5 | ☐ Enhanced Abatement per IC 6-1.1-12.1-18 |
| ☐ Year 6 | ☐ Year 7 | ☐ Year 8 | ☐ Year 9 | ☒ Year 10 | Number of years approved: _____ |
| | | | | | (Enter one to twenty (1-20) years; may not exceed twenty (20) years.) |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☒ Yes ☐ No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)  Ross Deal	Telephone number 574 258-1616	Date signed (month, day, year) 7-05-2017
Printed name of authorized member of designating body Ross Deal, President	Name of designating body Mishawaka Common Council	
Attested by: (signature and title of attester)  Deborah S. Block	Printed name of attester Deborah S. Block, City Clerk	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R6 / 4-23)

Prescribed by the Department of Local Government Finance

2024 PAY 2025

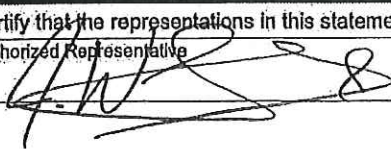
FORM CF-1 / Real Property

INSTRUCTIONS:

1. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
2. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
3. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))
4. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

SECTION 1 TAXPAYER INFORMATION		
Name of Taxpayer Front Street LLC		County St. Joseph
Address of Taxpayer (number and street, city, state, and ZIP code) 1130 S. Bend Ave. Ste. 350 South Bend, IN 46617		DLGF Taxing District Number 71-091
Name of Contact Person JP Wielgos	Telephone Number (574) 329-0743	Email Address JP@7.Diamonds
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of Designating Body Common Council of the City of Mishawaka	Resolution Number 2022-025	Estimated Start Date (month, day, year) Novem. 2022
Location of Property 365 W. Front St. Mishawaka, IN 46544		Actual Start Date (month, day, year) December 2022
Description of Real Property Improvements Development and construction of approximate 79,000 square feet of mixed-use retail and residential including 108 residential for rent apartments and 3 for rent commercial units.		Estimated Completion Date (month, day, year) April 2024
Actual Completion Date (month, day, year) TBD		
SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	0	0
Salaries	0	0
Number of Employees Retained	0	0
Salaries	0	0
Number of Additional Employees	3	0
Salaries	130,000.00	0
SECTION 4 COST AND VALUES		
COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values Before Project	\$ 0	\$ 337,500.00
Plus: Values of Proposed Project	\$ 25,000,000.00	\$ TBD
Less: Values of Any Property Being Replaced	\$ 0	\$ 337,500.00
Net Values Upon Completion of Project	\$ 25,000,000.00	\$ 25,000,000.00
ACTUAL	COST	ASSESSED VALUE
Values Before Project	\$	\$
Plus: Values of Proposed Project	\$	\$
Less: Values of Any Property Being Replaced	\$	\$
Net Values Upon Completion of Project	\$	\$
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		0
Amount of Hazardous Waste Converted		0
Other Benefits:		
SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of Authorized Representative 	Title Manager	Date Signed (month, day, year) Feb. 5th, 2024

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)

INSTRUCTIONS: (IC 6-1.1-12.1-5.3 and IC 6-1.1-12.1-5.9)

1. Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).
2. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination, including the date, time, and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.
3. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property), and whether any failure to substantially comply was caused by factors beyond the control of the property owner.
4. If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.

We have reviewed the CF-1 and find that:			
☐	The Property Owner IS in Substantial Compliance		
☐	The Property Owner IS NOT in Substantial Compliance		
☐	Other (specify) _____		
Reasons for the Determination (attach additional sheets if necessary)			
Signature of Authorized Member			Date Signed (month, day, year)
Attested By		Designating Body	
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)			
Time of Hearing	☐ AM ☐ PM	Date of Hearing (month, day, year)	Location of Hearing

HEARING RESULTS (to be completed after the hearing)	
☐ Approved	☐ Denied (see Instruction 4 above)
Reasons for the Determination (attach additional sheets if necessary)	
Signature of Authorized Member	
Date Signed (month, day, year)	
Attested By	Designating Body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the clerk of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7/1-21)

Prescribed by the Department of Local Government Finance

2022, PAY 2023

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☒ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. (IC 6-1.1-12.1-5.1(b))
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Front Street LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 1130 South Bend Ave. Ste. 350 South Bend, IN 46617					
Name of contact person J. Patrick Matthews		Telephone number (574) 315-9668	E-mail address Pat@7.Diamonds		
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body Common Council of the City of Mishawaka		Resolution number			
Location of property Block of Front, Spring, Hill, and 1st Streets		County St. Joseph	DLGF taxing district number 71-091		
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Development and construction of approx. 79,000 square feet of mixed use retail and residential including 108 residential units and 3 commercial units.		Estimated start date (month, day, year) November, 2022			
		Estimated completion date (month, day, year) November, 2023			
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number 0.00	Salaries \$0.00	Number Retained 0.00	Salaries \$0.00	Number Additional 3.00	Salaries \$130,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST	ASSESSED VALUE		
Current values			337,500.00		
Plus estimated values of proposed project		25,000,000.00	25,000,000.00		
Less values of any property being replaced			337,500.00		
Net estimated values upon completion of project		25,000,000.00	25,000,000.00		
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)			
Other benefits Tax payer estimates that 2-3 new positions will be created within 1-year after project/building completion. This will also help the shortage of housing Downtown Mishawaka and drive additional retail and restaurants.					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative J. Patrick Matthews		Date signed (month, day, year) September 13, 2022			
Printed name of authorized representative J. Patrick Matthews		Title Manager			

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☐ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to \$ _____.

D. Other limitations or conditions (specify) _____

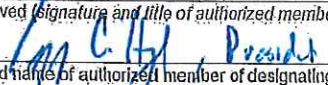
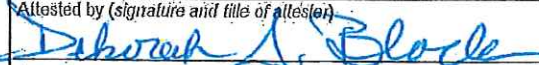
E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☐ Yes ☐ No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body) 	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body L. C. Hyl, President	Name of designating body	
Attested by (signature and title of attester) 	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Derek Spier

From: Mark M. Hartman <Mark.Hartman@HeliosTechnologies.com>
Sent: Friday, March 1, 2024 10:17 AM
To: Derek Spier
Subject: Helios / Daman Abatement Forms
Attachments: 2024 HHAM CF-1-Personal-Property - MH Signed.pdf; 2024 HHAM CF-1-Real-Property - MH Signed.pdf

CAUTION: This email originated from outside the City of Mishawaka. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Derek,

Attached are our CF-1 forms for the real/personal abatements. Here is a breakdown of the additions:

Personal (M&E): 13,728,140
Placed in Service/Transferred In: 13,483,677
CIP: 244,463

Personal (IT Equip): 540,246
Placed in Service/Transferred In: 470,614
CIP: 69,632

Real (Building/Improvements): 9,259,120
Placed in Service: 3,700,000
CIP: 5,559,120

Let me know if you have any questions, or anything is incomplete.

Thanks!

Mark Hartman
Corporate Tax Manager

Helios Technologies
7456 16th Street East
Sarasota, FL 34243 USA
m 810.334.9059
www.heliostechnologies.com





COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R2 / 1-07)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM CF-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

INSTRUCTIONS:

1. This form does not apply to property located in a residentially distressed area. (IC 6-1.1-12.1-2 (b))
2. Property owners must file this form with the County Auditor and the Designating Body for their review regarding the compliance of the project with the Statement of Benefits (SB-1 / Real Property).
3. This form must accompany the initial deduction application that is filed with the County Auditor.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must file an updated form with the County Auditor and the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1)
5. The updated form must be filed annually by May 15, or by the due date for the real property owner's personal property return that is filed in the township where the project is located, whichever is later. (IC 6-1.1-12.1-5.1 (b))
6. With the approval of the Designating Body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1 / Real Property).

SECTION 1		TAXPAYER INFORMATION	
Name of taxpayer Helios Hydraulics Americas LLC			
Address of taxpayer (number and street, city, state, and ZIP code) 7456 16th St E, Sarasota FL 34243			
Name of contact person Mark Hartman		Telephone number (810) 334-9059	
SECTION 2		LOCATION AND DESCRIPTION OF PROPERTY	
Name of designating body City of Mishawaka		Resolution number 2022-30	
Location of property 1811 Home Street		County St. Joseph	DLGF taxing district number 022
Description of real property improvements: Building and product line expansion.		Estimated starting date (month, day, year) 11/01/2022	
		Estimated completion date (month, day, year) 06/01/2026	
SECTION 3		EMPLOYEES AND SALARIES	
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		139	197
Salaries		7,200,000.00	11,121,411.00
Number of employees retained		139	139
Salaries		7,200,000.00	7,200,000.00
Number of additional employees		73	58
Salaries		3,000,000.00	3,921,411.00
SECTION 4		COST AND VALUES	
COST AND VALUES		REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	
Values before project	1,572,400.00	1,572,400.00	
Plus: Values of proposed project	4,800,000.00	4,800,000.00	
Less: Values of any property being replaced			
Net values upon completion of project	6,372,400.00	6,372,400.00	
ACTUAL	COST	ASSESSED VALUE	
Values before project	1,572,400.00		
Plus: Values of proposed project			
Less: Values of any property being replaced	9,259,120.00		
Net values upon completion of project	10,831,520.00		
SECTION 5			
WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		AS ESTIMATED ON SB-1	ACTUAL
WASTE CONVERTED AND OTHER BENEFITS			
Amount of solid waste converted			
Amount of hazardous waste converted			
Other benefits:			
SECTION 6			
TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.			
Signature of authorized representative 		Title Corporate Tax Manager	Date signed (month, day, year) 03/01/2024

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)
THAT WAS APPROVED AFTER JUNE 30, 1991

INSTRUCTIONS: (IC 6-1.1-12-5.1)

1. This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.
2. Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.
3. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. A copy of the notice will be sent to the County Auditor.
4. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.
5. If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner and (2) the County Auditor.

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (specify) _____

Reasons for the determination (attach additional sheets if necessary)

Signature of authorized member

Date signed (month, day, year)

Attested by:

Designating body

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

Time of hearing

☐ AM
☐ PM

Date of hearing (month, day, year)

Location of hearing

HEARING RESULTS (to be completed after the hearing)

☐ Approved

☐ Denied (see instruction 5 above)

Reasons for the determination (attach additional sheets if necessary)

Signature of authorized member

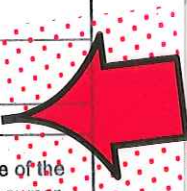
Date signed (month, day, year)

Attested by:

Designating body

APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.





STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20²² PAY 20²³

FORM SB-1 / Real Property

PRIVACY NOTICE

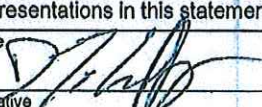
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable, IC 6-1.1-12.1-5.1(b).
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Helios Hydraulics Americas LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 7456 16th Street East					
Name of contact person Lori Switzer		Telephone number (248) 390-4882		E-mail address lori.switzer@helios technologies.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body City of Mishawaka		Resolution number			
Location of property 1811 Home Street		County St Joseph		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Building and product line expansion.				Estimated start date (month, day, year) 2022	
				Estimated completion date (month, day, year) 2026	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number 139.00	Salaries \$7,200,000.00	Number Retained 139.00	Salaries \$7,200,000.00	Number Additional 73.00	Salaries \$3,000,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		1,572,400.00		1,572,400.00	
Plus estimated values of proposed project		4,800,000.00		4,800,000.00	
Less values of any property being replaced					
Net estimated values upon completion of project		6,372,400.00		6,372,400.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 9/23/2022	
Printed name of authorized representative Dave McCaffery				Title VP, Business Development and Treasury	

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed 4 calendar years* (see below). The date this designation expires is 12/31/2026. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.

B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☐ No

C. The amount of the deduction applicable is limited to \$ 4,800,000.

D. Other limitations or conditions (specify) None

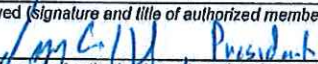
E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☒ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☒ Yes ☐ No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body) 	Telephone number (574) 258-1616	Date signed (month, day, year) 10/17/2022
Printed name of authorized member of designating body Gregg Hixenbaugh	Name of designating body Common Council	
Attested by (signature and title of attester) 	Printed name of attester Deborah S. Block	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R / 1-06)

Prescribed by the Department of Local Government Finance

FORM CF-1 / PP

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
 2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between March 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between March 1, and the extended due date of each year.
 3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).

SECTION 1		TAXPAYER INFORMATION						
Name of taxpayer Helios Hydraulics Americas LLC								
Address of taxpayer (number and street, city, state, and ZIP code) 7456 16th St E, Sarasota FL 34243								
Name of contact person Mark Hartman		Telephone number (810) 334-9059						
SECTION 2		LOCATION AND DESCRIPTION OF PROPERTY						
Name of designating body City of Mishawaka		Resolution number 2022-31						
Location of property 1811 Home Street		County St. Joseph	DLGF taxing district number 022					
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. Misc manufacturing equipment to expand current product lines and create new product lines.		Estimated starting date (month, day, year) 11/01/2022 Estimated completion date (month, day, year) 06/01/2026						
SECTION 3		EMPLOYEES AND SALARIES						
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL					
Current number of employees		139.00	197					
Salaries		7,200,000.00	11,121,411.00					
Number of employees retained		139.00	139					
Salaries		7,200,000.00	7,200,000.00					
Number of additional employees		73.00	58					
Salaries		3,000,000.00	3,921,411.00					
SECTION 4		COST AND VALUES						
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		MANUFACTURING EQUIPMENT		IT EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values before project	11,824,604.00	3,547,381.00						
Plus: Values of proposed project	11,475,000.00	3,442,500.00					50,000.00	32,500.00
Less: Values of any property being replaced								
Net values upon completion of project	23,299,604.00	6,989,881.00					50,000.00	32,500.00
ACTUAL	COST	ASSESSED VALUE	Placed-in-Service and CIP 11/1/2022-12/31/2023		Placed-in-Service and CIP 11/1/2022-12/31/2023		COST	ASSESSED VALUE
Values before project	11,824,604.00	3,547,381.00						
Plus: Values of proposed project	11,475,000.00	3,442,500.00	13,728,140.00		470,614.00		50,000.00	32,500.00
Less: Values of any property being replaced								
Net values upon completion of project	23,299,604.00	6,989,881.00					50,000.00	32,500.00
NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (d).								
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER						
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL					
Amount of solid waste converted								
Amount of hazardous waste converted								
Other benefits:								
SECTION 6		TAXPAYER CERTIFICATION						
I hereby certify that the representations in this statement are true.								
Signature of authorized representative 		Title Mark Hartman, Corporate Tax Manager	Date signed (month, day, year) 03/01/2024					

OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1)
THAT WAS APPROVED AFTER JUNE 30, 1991.

INSTRUCTIONS: (IC 6-1.1-12-5.9)

1. This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.
2. Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.
3. If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.
4. Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.
5. If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.

We have reviewed the CF-1 and find that:		
☐ the property owner IS in substantial compliance		
☐ the property owner IS NOT in substantial compliance		
☐ other (specify) _____		
Reasons for the determination (attach additional sheets if necessary)		
Signature of authorized member		Date signed (month, day, year)
Attested by:		Designating body
If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.		
Time of hearing ☐ AM ☐ PM	Date of hearing (month, day, year)	Location of hearing
HEARING RESULTS (to be completed after the hearing)		
☐ Approved ☐ Denied (see instruction 5 above)		
Reasons for the determination (attach additional sheets if necessary)		
Signature of authorized member		Date signed (month, day, year)
Attested by:		Designating body
APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]		
A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.		



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R5 / 1-21)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION						
Name of taxpayer	Helios Hydraulics America LLC		Name of contact person	Lori Switzer				
Address of taxpayer (number and street, city, state, and ZIP code)		7456 16th St E, Sarasota, FL 34243		Telephone number	(248) 390-4882			
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT						
Name of designating body	St. Joseph County		Resolution number (s)					
Location of property	1811 Home Street		County	St. Joseph	DLGF taxing district number	022		
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Misc Manufacturing equipment to expand current product lines and create new product lines.				ESTIMATED				
				START DATE	COMPLETION DATE			
		Manufacturing Equipment	11/01/2022	06/01/2026				
		R & D Equipment						
		Logist Dist Equipment						
IT Equipment	02/01/2023	06/01/2023						
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT						
Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries			
139	\$7.2mil	139	\$7.2mil	73	\$3mil			
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT						
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values	11,824,604	3,547,381						
Plus estimated values of proposed project	11,475,000	3,442,500					50,000	32,500
Less values of any property being replaced								
Net estimated values upon completion of project	23,299,604	6,989,881					50,000	32,500
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER						
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)						
Other benefits: This project will bring increased investment in local jobs, additional revenue to Indiana suppliers, and an increased tax base for the county and the state.								
SECTION 6		TAXPAYER CERTIFICATION						
I hereby certify that the representations in this statement are true.								
Signature of authorized representative		Date signed (month, day, year)						
Dave McCaffrey		9/23/2022						
Printed name of authorized representative		Title						
Dave McCaffrey		VP, Business Development and Treasury						

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed 4 calendar years * (see below). The date this designation expires is 12/31/2026. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment;
2. Installation of new research and development equipment;
3. Installation of new logistical distribution equipment.
4. Installation of new information technology equipment;

☒ Yes ☐ No ☐ Enhanced Abatement per IC 6-1.1-12.1-18
☐ Yes ☒ No Check box if an enhanced abatement was
☐ Yes ☐ No approved for one or more of these types.
☒ Yes ☐ No

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ 11,475,000 cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

F. The amount of deduction applicable to new information technology equipment is limited to \$ 50,000 cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

G. Other limitations or conditions (specify) _____

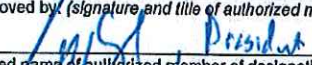
H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☒ Year 5 ☐ Enhanced Abatement per IC 6-1.1-12.1-18
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10 Number of years approved: _____
 (Enter one to twenty (1-20) years; may not exceed twenty (20) years.)

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☒ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body) 	Telephone number <u>(574) 258-1616</u>	Date signed (month, day, year) <u>10/17/2022</u>
Printed name of authorized member of designating body <u>Gregg Hixenbaugh</u>	Name of designating body <u>Common Council</u>	
Attested by: (signature and title of attester) 	Printed name of attester <u>Deborah S. Block</u>	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

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.

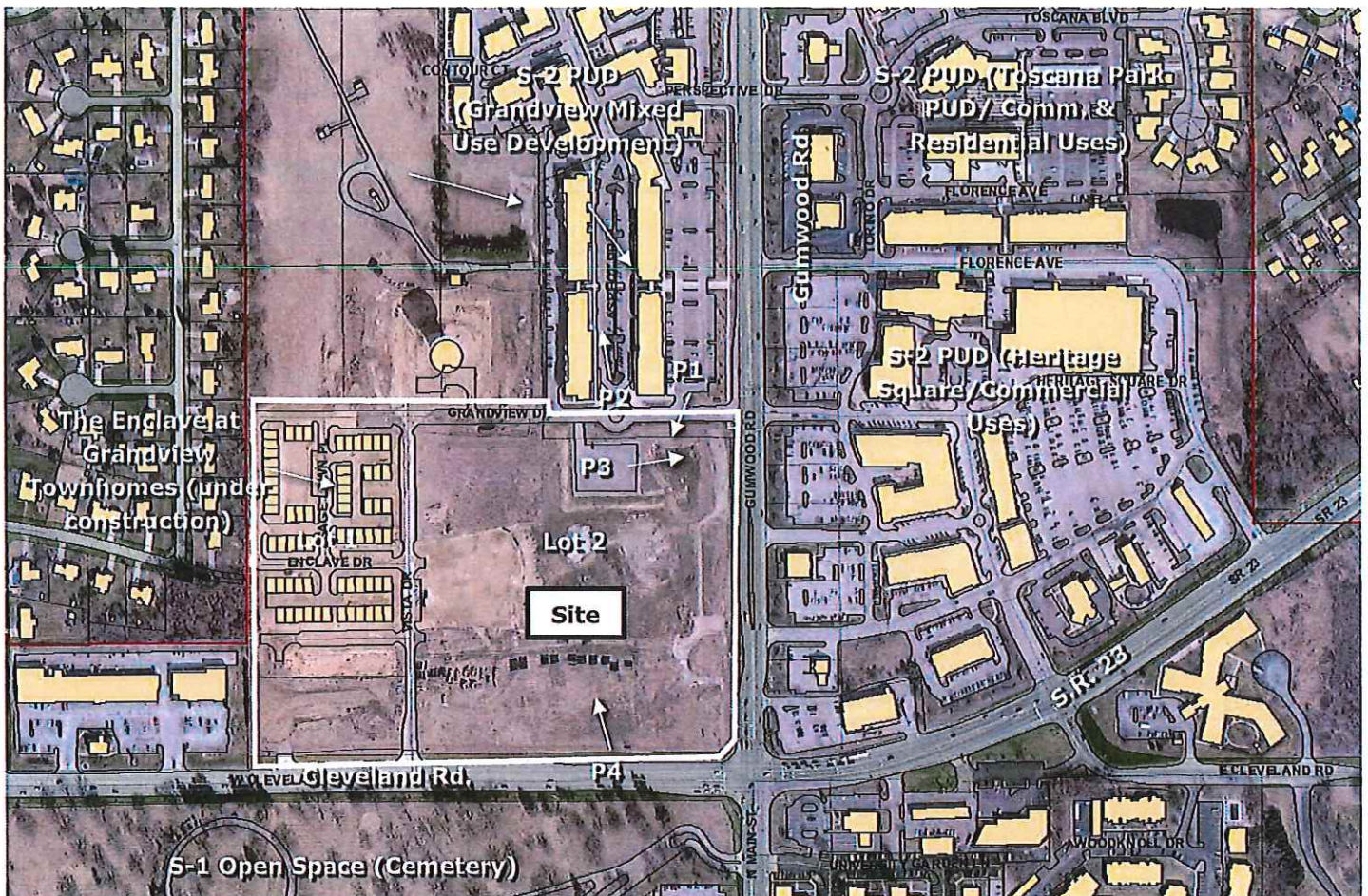
This recommendation is based on the following findings of fact:

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

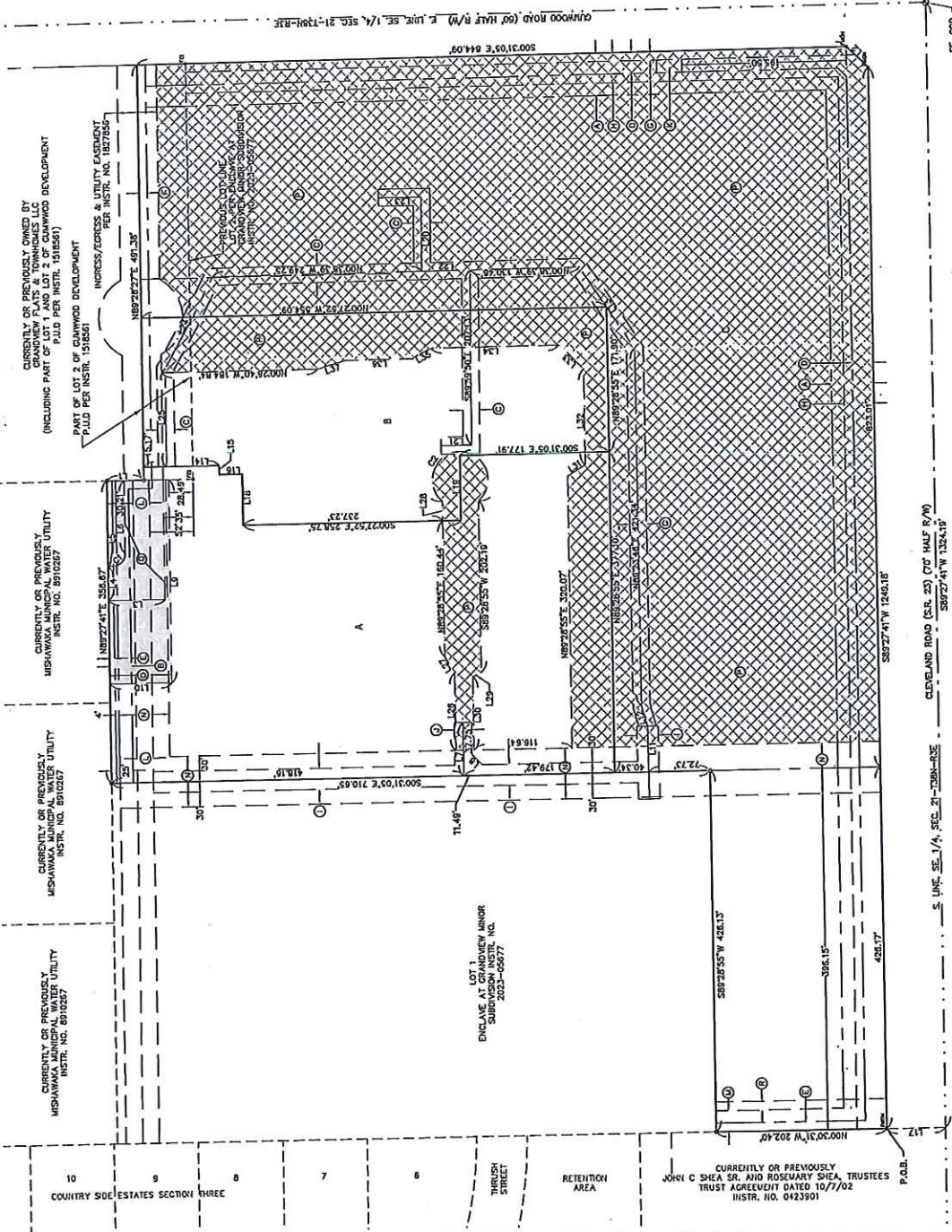
SUBJECT ASSOCIATION: CUMWOOD ROAD (N/W VARES)
 ARTERIAL CUMWOOD ROAD (S/E 23) (N/W VARES)
 ARTERIAL CLEVELAND ROAD (S/E 23) (N/W VARES)

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.



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	Water (#27256)
7	35' Open Buffer Excessant	
8	10' Utility & Road Maintenance Excessant	Water (#15520)
9	60' City of Milwaukee Ingress/Spills & Driveways Excessant	
10	20' Water Excessant	Water (#27256)
11	25' Water Excessant	Gas Size of Excessant Contactor
12	30' Water Excessant	Gas Size of Excessant Contactor
13	Public Access & Utility Excessant	Water (#27256)
14	Water Excessant	Water (#27256)

PROPOSED FEATURES LEGEND

	Standard Duty HMA Pavement 1-1/2" HMA Surface 2" HMA Intermediate 5" 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
	sewer Drainage/Sewer Structure
	Fire Hydrant

NOTE

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

CONSTRUCTION LIMITS

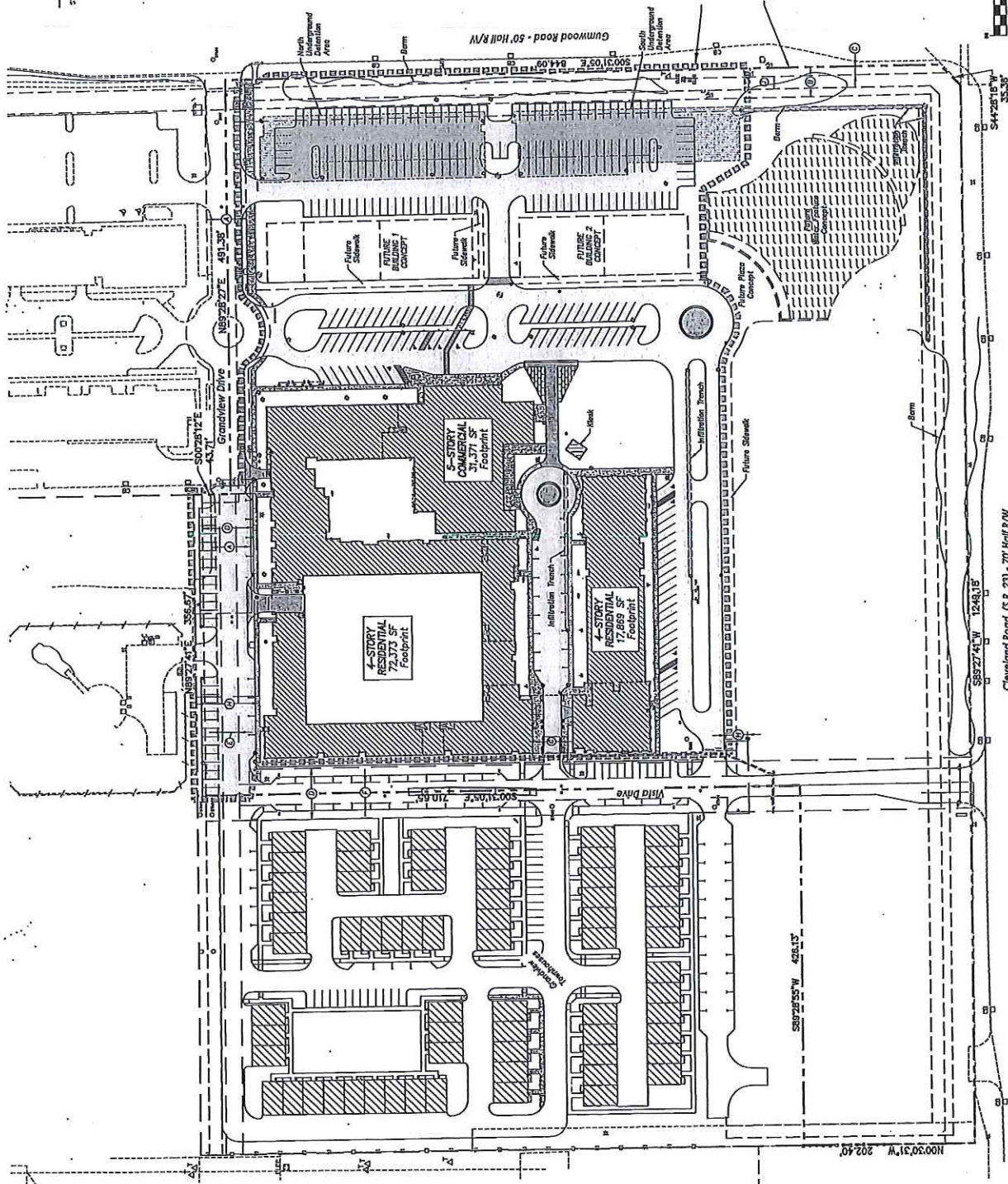
ENCLOSURE AT GRANDVIEW
UNION SQUARE BOSTON

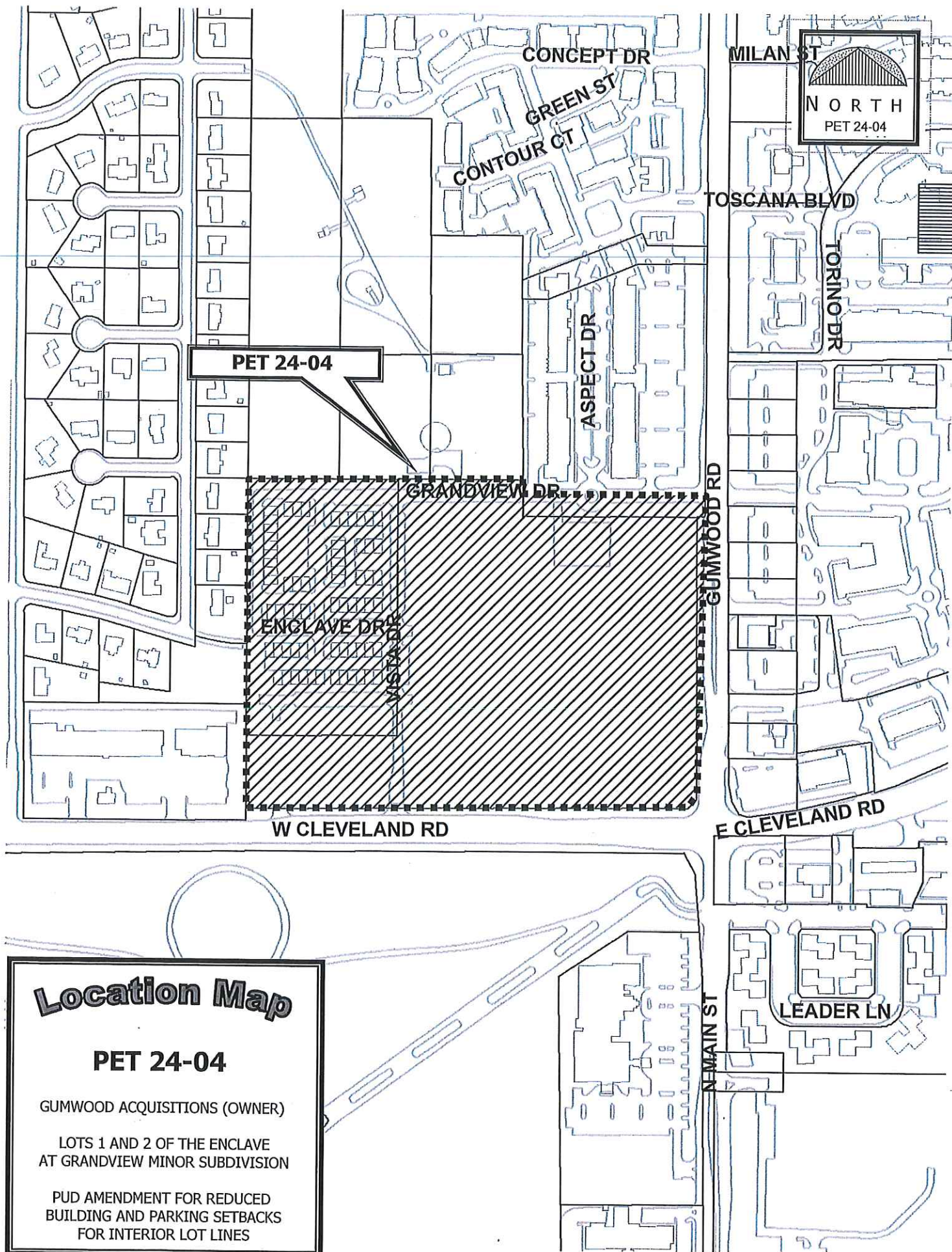
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GRAPHIC SCALE

(21 JUL)
1 1000 - 00 00 00

המחלקה לבריאות הציבור - (סניף) המחלקה לבריאות הציבור





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,

Proposed Ordinance No: 2024-65

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.

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.

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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:

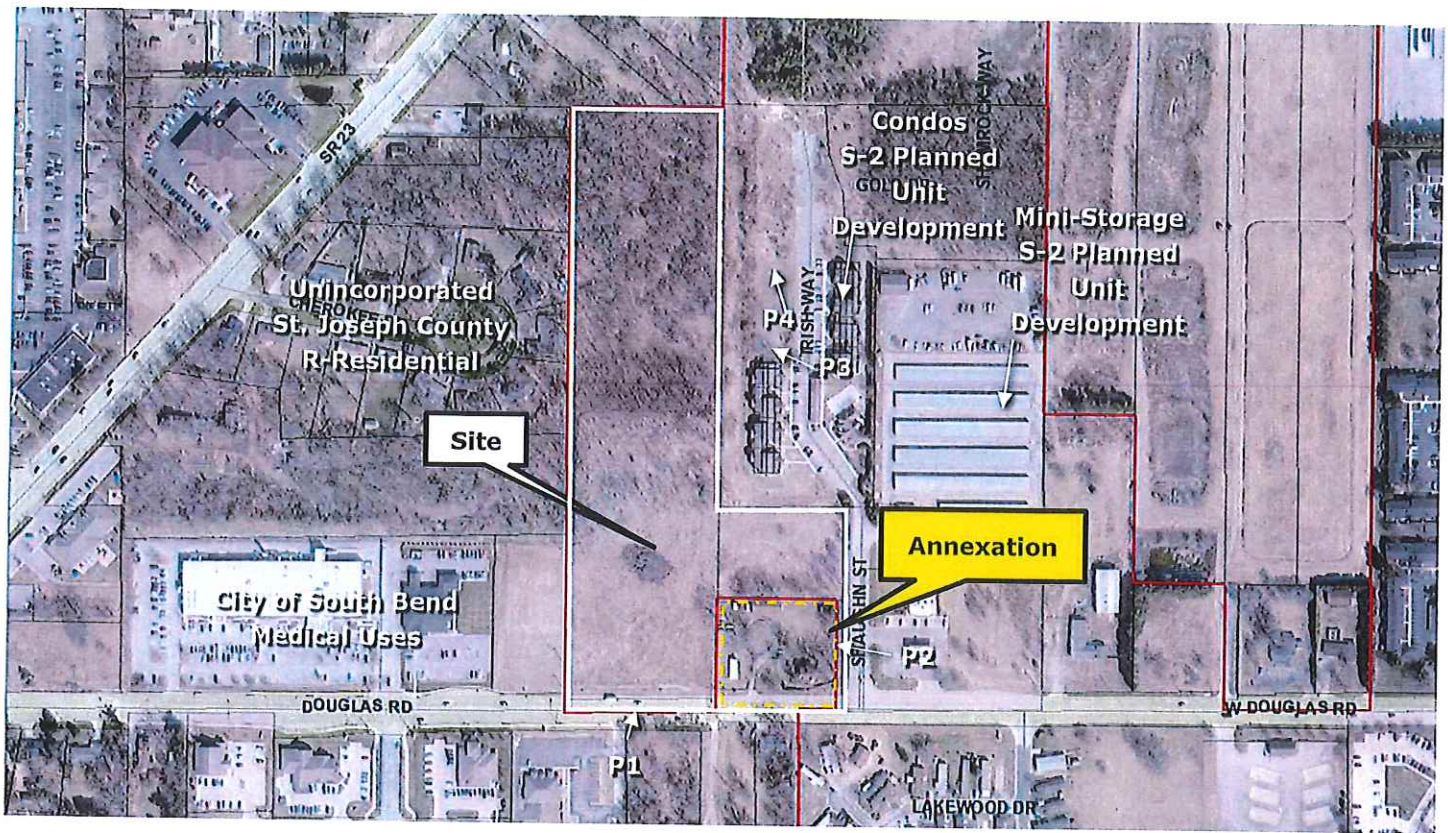
1. A stormwater drainage plan shall be reviewed and approved by the City Director of Engineering as a part of the planned unit development plan.
2. All costs associated with the extension of utilities shall be the responsibility of the developer. Extension of utilities shall occur in a location and size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

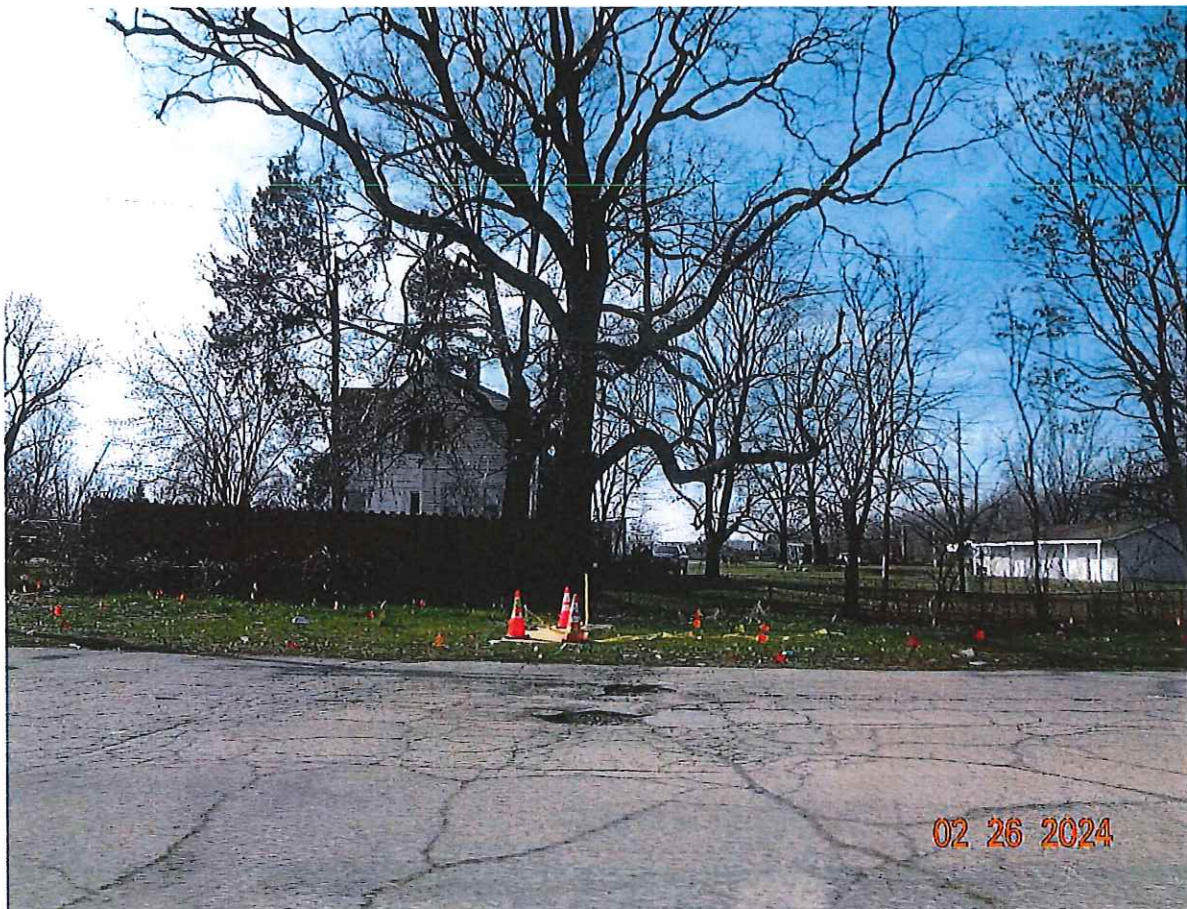
Aerial Map, Photographs, Rezoning & Annexation Petition, Preliminary Site Plan, and Location Map



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.

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

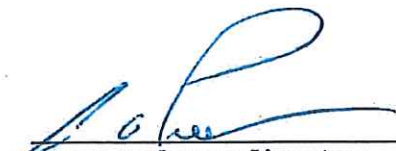
The undersigned John A. and Jayne L. Piraccini, Julie Heneghan and Jeff Steely respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

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

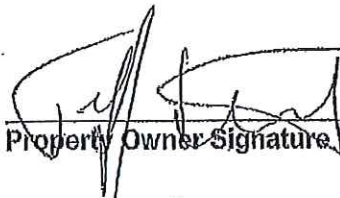
The undersigned John A. and Jayne L. Piracini, Julie Heneghan and Jeff Steely respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

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

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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.

SITE AERIAL
SCALE: N.T.S.

ZONING INFORMATION

PROJECT ADDRESS: 16903 DOUGLAS RD, MISHAWAKA, IN
MUNICIPALITY: CITY OF MISHAWAKA, IN
APN (ACRE): 13.33-ACRES
ZONE: S-2 PUD (PLANNED UNIT DEVELOPMENT)

ADJACENT ZONING:

- 1. S-2 PUD (PLANNED UNIT DEVELOPMENT)
- 2. S-2 PUD & COUNTY PROPERTY (RESIDENTIAL)
- 3. S-2 PUD & COUNTY PROPERTY (RESIDENTIAL)
- 4. W-1 SINGLE - FAMILY RESIDENTIAL & MIGHT BE COUNTY PROPERTY.

USES:

- TRUCK & TRAILER SHARING: PUD-AMENDMENT REQUIRED
- SELF-STORAGE FACILITIES: PUD-AMENDMENT REQUIRED
- TRUCK & TRAILER SHARING: PUD-AMENDMENT REQUIRED
- MINI: PUD-AMENDMENT REQUIRED

BULK REQUIREMENTS (PER C-4 ZONE):

FRONT BLDG. SETBACK: 5 FEET
SIDE BLDG. SETBACK: 5 FEET
REAR BLDG. SETBACK: 15 PERCENT OF THE DEPTH OF THE LOT FOR ANY BUILDING GREATER THAN OR EQUAL TO TWO STORIES NOT TO EXCEED 30 FEET IN DEPTH.

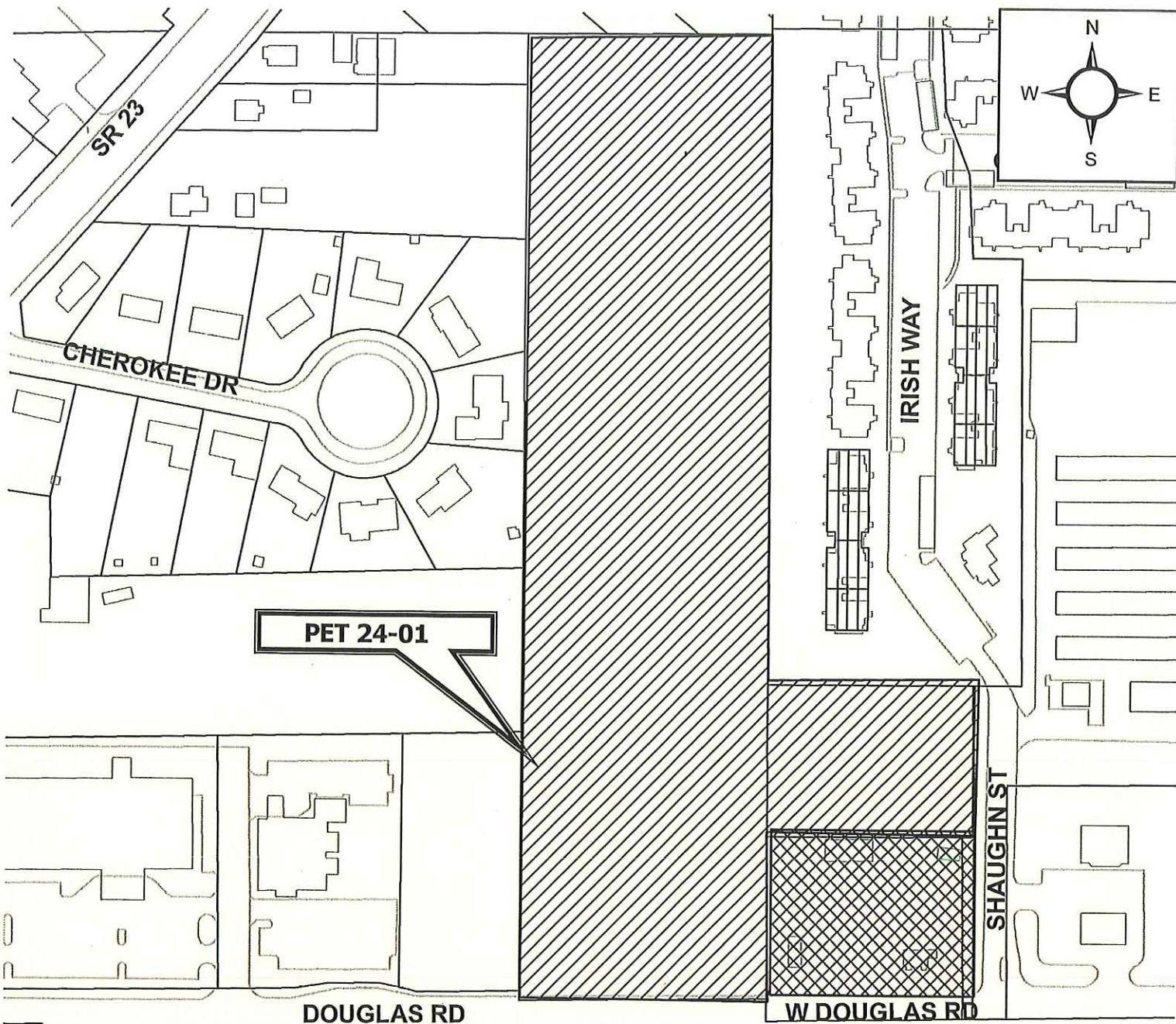
PARKING:

- GENERAL USES: 4 PER 1,000 SQUARE FEET OF GFA.
- A MINIMUM 5-FEET PARKING LOT SETBACK SHALL BE PROVIDED BETWEEN THE PROPERTY LINE AND EDGE OF THE PARKING LOT PAVEMENT.
- A MINIMUM 10-FEET PARKING LOT SETBACK SHALL BE PROVIDED BETWEEN ANY PUBLIC ROAD RIGHT-OF-WAY OR PRIVATE ACCESS EASEMENT AND THE EDGE OF PARKING LOT PAVEMENT.
- A MINIMUM 10-FEET PARKING LOT SETBACK SHALL BE PROVIDED BETWEEN THE SETBACK AREA AND THE EDGE OF THE PARKING LOT PAVEMENT.
- THE SETBACK AREA SHALL BE LANDSCAPED WITH VEGETATIVE GROUND COVER OR GRASS AND/OR DECORATIVE TREES OR SHRUBS.
- MINIMUM WIDTH OF PARKING LOT SHALL BE A MINIMUM OF 100 SQUARE FEET IN AREA WITH A MINIMUM WIDTH OF 10 FEET.
- PARKING LOTS SHALL BE PROPERLY GRADED AND DRAINED SO THAT STORMWATER DRAINAGE IS COLLECTED AND DISPOSED OF ON-SITE.

PROPOSED MIX

LOC/CT	LOT/CT				BTR/CT				DTR/CT				GRAND TOTAL			
	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT	LOT/CT		
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ENLARGED SITE PLAN
SCALE: 1" = 40' - 0"



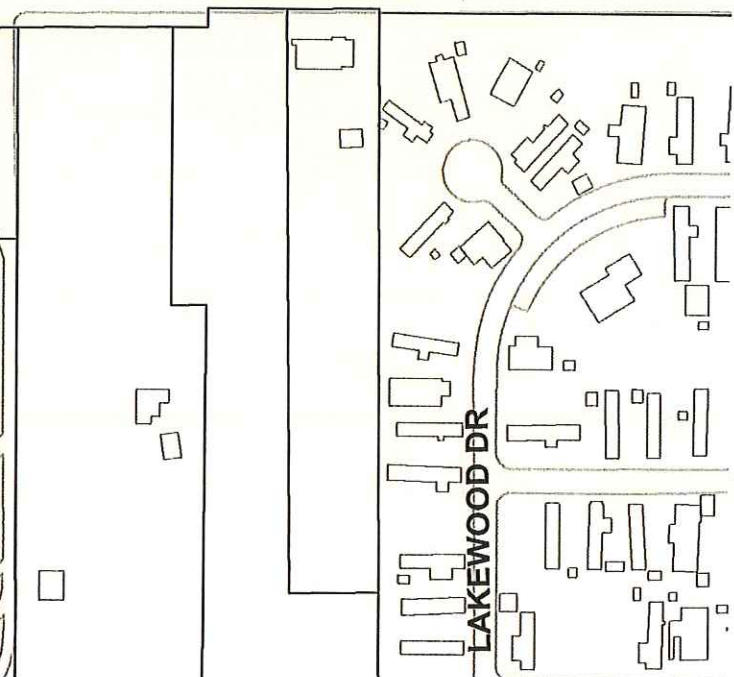
Location Map

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.

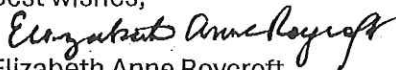
I have been a resident of 17125 Cherokee Drive for one year. The home is a mid century modern structure which I purchased from its original owner. I have invested over \$70,000 in updates and renovations to the home while also keeping with its historical quality. One key element of the home's design 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 Hadd		17135 Cherokee Dr	NO storage.	3-11-24
Sen Hart		17135 Cherokee		3/11/24
Angela Wynn	Angela Wynn	17145 Cherokee		3-11-24
Lois Schmidt	Lois 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 Cherokee Dr. South Bend, IN 46635	No Storage	3/12/24
Sabrina K.		17195 Cherokee Dr South Bend, IN 46635	No Storage	3/12/24
Adriana Levi Smith		17146 Cherokee Dr South Bend 46635	No Storage	3/12/24
Brian Jones		17120 Cherokee Dr	No Storage	3/14/24
Danny Reagan Reagan		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.

Proposed Ordinance No: 2024-06

Ordinance No: _____

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:

Proposed Ordinance No: 2024-06

Ordinance No: _____

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

Ordinance No: _____

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:

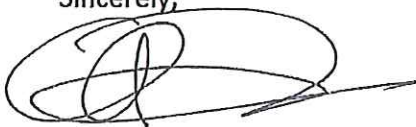
MISH RE LLC
14233 Cleveland Road
Granger, IN 46530

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 loop at the beginning 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

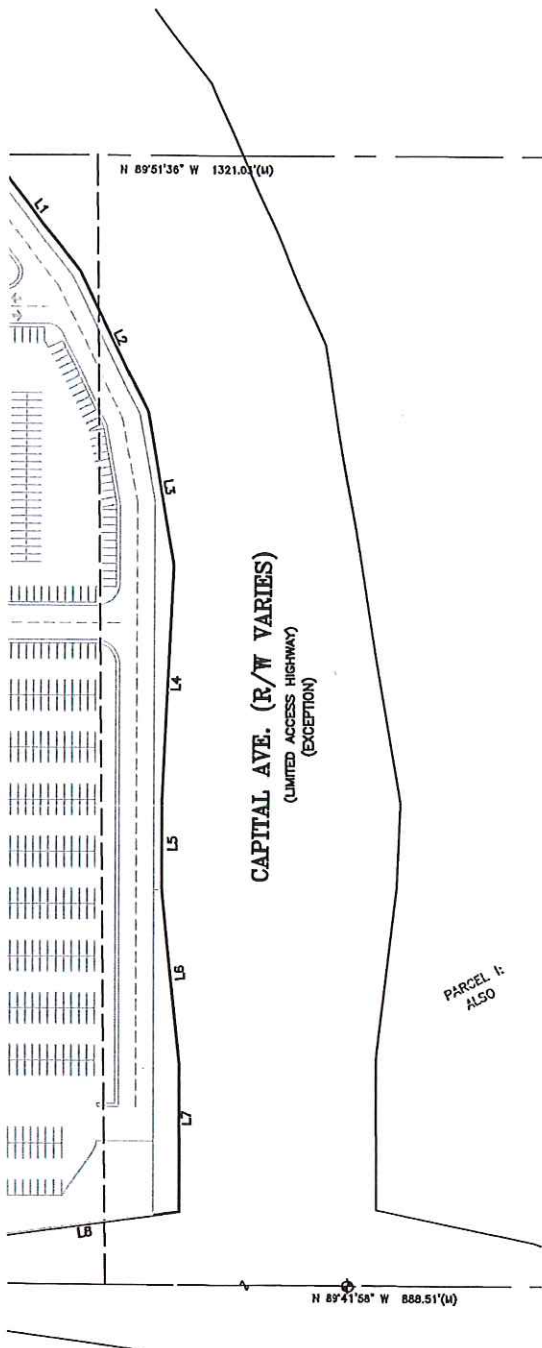
IN THE NORTHEAST QUARTER OF SECTION 26,
TOWNSHIP 10 N, RANGE 10 E, ST. JOSEPH COUNTY, INDIANA.

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



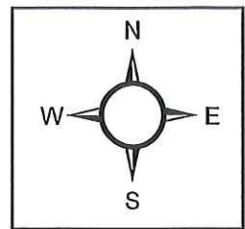
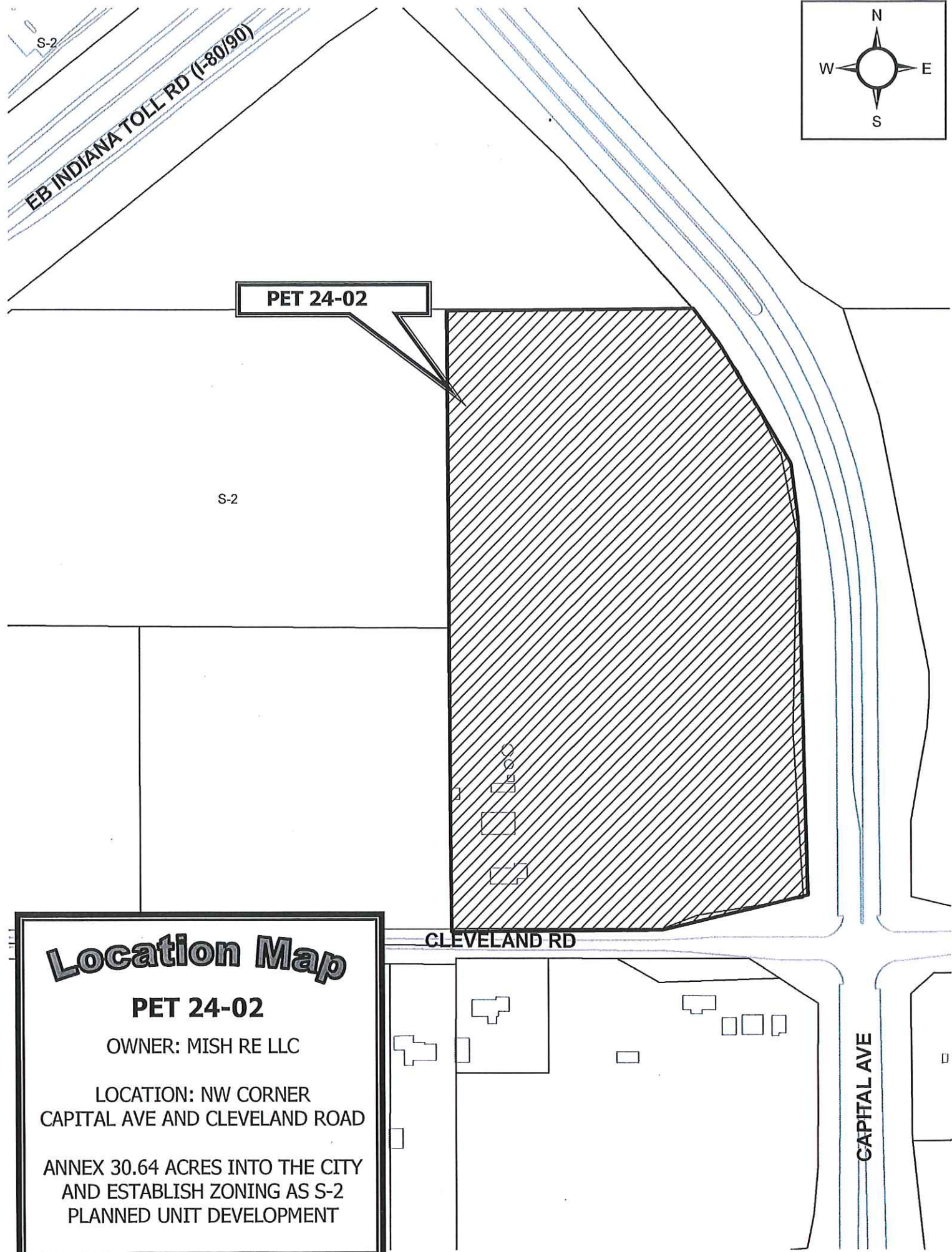
0 100' 200' 300'
SCALE 1" = 100'

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



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 Dagoon Trail. Bremen Highway, which is a heavily travelled principal arterial road, serves as the primary gateway into the city from the south. Dagoon 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 Dagoon Trail are primarily single-family residential. A church and a convenience store with fuel pumps/car wash are located at the Bremen Highway and Dagoon 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
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3. 35' or 2 ½ stories maximum height
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Other:

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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.
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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
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CONTACT PERSON

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St. Peter Lutheran Church

