

AGENDA

July 2, 2012

**Meetings of Standing Committees
Council Conference Room
6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
COUNCIL CHAMBERS/CITY HALL
7:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**

Minutes from the June 18, 2012, Meeting

5. Petitions, Communications, Remonstrance and Memorials

Petition No. 2012-14 - Vacation of Public Right of Way – East/West Alley North of Madison St. between Cedar and Pine Sts.

Petition No. 2012-16 - Rezone from S-1 Open Space to C-3 City Center Commercial – Fish Ladder Lane and a portion of Central Park

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**
- 8. Resolutions**
- 9. Ordinances on Second Reading**

P.O. NO 2012-12 - Rezone from R-1 to C-1 - 312 E.11th St and property East of 312 E. 11th St. (Assigned to Land Use Planning Committee)

P.O. NO 2012-13 - Rezone from C-1 to C-7 Auto Oriented Com - NE corner of Grape Rd & Edison Lakes Parkway (Panda Express) (Assigned to Land Use Planning Committee)

P.O. NO 2012-14 - Annex and Zone S-2 PUD - Mixed Use Commercial and Medical - SE corner of Main St. & Douglas Rd **No Vote**

- 10. Privilege of the Floor – Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**
- 13. Adjournment**

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

June 18, 2012

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday June 18, 2012 at 7:00 p.m. The meeting was called to order by President John Roggeman; and all were asked to stand for the Pledge of Allegiance.

Clerk Block's roll call showed the following:

Dale "Woody" Emmons 1st District Councilman – Absent

Mike Bellovich 2nd District Councilman – Present

John Reisdorf 3rd District Councilman – Present

Marsha McClure 4th District Councilman – Present

Michael Compton 5th District Councilman – Present

Ronald Banicki 6th District Councilman – Present

John Roggeman Councilman At Large – Present

Matt Mammolenti, Councilman At Large – Present

Dan Bilancio, Councilman at Large – Present

A quorum was obtained.

Others present; Mary Ellen Hazen Chief Deputy I, Linda Dotson, Chief Deputy II, and Council Attorney Mike Trippel.

The minutes from the June 4, 2012 meeting were approved as received from the Clerk's Office.

Cliff Zenor 911 Washington Avenue President of the Historic Preservation Commission presented a slide show honoring local homes presenting their owners with plaques of appreciation.

2012 Mishawaka Historic Preservation Awards were presented to:

Adaptive Reuse Award to Dr. Glenn Wheet for 900 LWW

Preservation Award to Gregory Kuharic for 417 Edgewater Drive

Restoration Award to Bruce and Pat Tassel for 120 N. Main Street

Heritage Home Awards to Mary Lou Morin, 522 Calhoun Street and to Forrest Dale & Imogene Morris for 554 W. Seventh Street

Service Award to Becky Emmons former writer/photographer for the South Bend Tribune.

Clerk Block read a letter from the Board of Zoning Appeals Recommendations from their June 12, 2012 public hearing.

APPEAL NO. 2012-17

An appeal submitted by McMahon LLC
requesting a Use Variance for 1275 and 1301

Industrial Drive and 1220 south Merrifield Avenue to allow bulk propane storage.

RECOMMENDED APPROVAL with the following conditions:

- This approval shall be limited two one (1) 1,000 gallon fuel storage tank. Any expansion shall require the submission, review, and approval of an additional Use Variance.

APPEAL NO. 2012-18

An appeal submitted by R & B Car Company on behalf of Sears Roebuck & Company requesting a use Variance for 6501 Grape Road to permit three (3) separate off-site Used Car Sales as follow: ten (10) days in July, ten (10) days in August, and ten (10) in September with temporary signage including banners and cold air balloons, mobile office facility for business transactions and securing of valuables.

RECOMMENDED APPROVAL with the following conditions:

TRANSIENT MERCHANTS LICENSE;

- A Transient Merchant's License shall be obtained from the Board of Public Works and Safety prior to the first sales event in July.

USES;

- The event shall be limited to the display and sales of automobiles and light trucks for ten (10) days in July, August, and September of 2012 as presented.

SITE PLAN;

- A site plan/layout shall be submitted identifying the location of display areas, visitor parking, tents portable toilets, temporary lighting, and other related temporary improvements subject to staff review and approval. Written approval of the site plan/layout shall be required from University Park Mall, LLC.

ACCESS/TRAFFIC CONTROL REQUIREMENTS;

- Access to the event use shall be through existing mall entrances. Additional restrictions may be requested by the City of Mishawaka the Director of Engineering as deemed appropriate as part of the review of a site plan/layout. The City of Mishawaka Police Department may also request any modifications to layout, parking, access, or attention devices during the event if it is deemed problematic to through traffic, or any safety issue is identified.

SETBACKS;

- All tents, display/parking areas, portable toilets and large inflatable ballons shall be set back a minimum of 25 feet from any road right-of-way and 10 feet from any internal access drive.

SIGNAGE/ATTENTION DEVICES:

- A plan identifying the location and type of all signage/attention devices shall be submitted subject to staff review and approval. A maximum of one (1) temporary sign no larger than 4' X 8' shall be permitted on Grape Road. A maximum of two (2) temporary signs shall be permitted along State Road 23. **No inflatable air balloons shall be permitted.** All signs and attention getting devices shall not flash or be animated where they are overtly distracting to the motoring public. Internal directional signs shall also be permitted as necessary provided they are not visible from surrounding major roadways.

PETITION NO. 2012-11 A petition submitted by Direct Line Communications to rezone 312 East Eleventh Street and property east of 312 East Eleventh Street from R-1 Single Family Residential District to C-1 General commercial District.

RECOMMENDED APPROVAL

PETITION NO. 2012-12 A petition submitted by Meijer Distribution, Inc., to rezone the northeast corner of Grape Road and Edison Lakes parkway from C-1 General Commercial District to C-7 Automobile Oriented Restaurant Commercial District.

RECOMMENDED APPROVAL

PETITION NO. 2012-13 A petition submitted by John Joseph coussens requesting to annex and zone the southeast corner of Main Street and Douglas Road to S-2 Planned Unit Development. **RECOMMENDED APPROVAL**
with the following conditions:

Southeast Corner of Main Street and Douglas Road

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts 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.

Traffic Impact:

1. Phasing of improvements, including the proposed internal collector drive (proposed street) shall be as determined by the City Director of Engineering.

2. The number and or type of curb cuts on any City Street and the internal access drive/street shall be as determined appropriate by the City Director of Engineering. Improvements shall take place consistent with an approved master plan as required herein.

Internal Road connections:

1. Private vehicular connections between this property and adjacent properties shall be required, the location and number of connections required shall be determined as part of future planned unit development site plan submissions. 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. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between properties. The exact location of these connection points shall be subject to review and approval by the City.

Stormwater Run-off/Utilities/Infrastructure:

1. The applicant/developer shall prepare a master plan to identify and provide for appropriate access and utility extensions. All improvements shall be subject to the review and approval of the City Director of Engineering.
2. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. The 75' Drainage Easement on the east side of the property shall remain vegetated. Any proposed encroachment into this easement shall require compensatory improvements to the vegetation and or ditch as may be directed by the City Director of Engineering, subject to the review and approval of the St. Joseph County Drainage Board.
3. All costs associated with the extension of utilities, road improvements, or other infrastructure 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.

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.
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 (given the large site) and to otherwise further the intent of this chapter as follows. No more than three freestanding site signs shall be located along Douglas Road, regardless of the number of lots proposed. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Each outlot/development parcel may be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 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 150 lineal feet.
 - b. One multi-tenant sign shall be permitted along Douglas Road (separate from the two outlots shown with Douglas Road Frontage). This sign shall be exclusively for properties that do not have a freestanding sign on Douglas Road. If constructed, this sign shall be constructed in a center landscape median within the proposed entry drive, or otherwise separated and made to be distinctly separate from the outlot signage located along Douglas Road. This sign shall be limited to 12' in height and contain a display area of no more than 60 square feet. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. The sign shall include a masonry base no less than 5' in height. All freestanding signs shall be separated from each other by a minimum of 150 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 buildings shall be constructed of 100% approved materials as identified within Section 105.76 of the City of Mishawaka Municipal code as amended, except that hardi-board maybe used as an accent material, not to exceed 1/3 of the area of any single building face. Materials and colors shall be varied to provide architectural interest.
2. For all 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. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.

3. The maximum building height for the site shall be 48', except for hotel uses that shall be permitted to construct a maximum of four stories not to exceed 70' in height.

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between internal lots/development parcels. A minimum 20' pavement setback shall be provided along all public right-of-way 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.
2. For large shopping areas where shopping carts are utilized, Cart corral's shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.
3. Earth mounding shall be provided along public road right-of-way, between parking areas and public streets. 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. All side property lines within 100' of Main Street right-of-way shall comply with the front yard landscaping standards identified within 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 public right-of-way and 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.*

The following proposed ordinance was given first reading, assigned to committee, and set for public hearing at the next regular meeting.

Clerk Block read **PROPOSED ORDINANCE NO. 2012-12** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-12

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

(Rezone from R-1 to C-1 – 312 East 11th Street and property East of 312 East 11th Street)
Assigned to Land Use Planning Committee

PROPOSED ORDINANCE NO. 2012-13

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

(Rezone from C-1 to C-7 Auto Oriented Com – North East Corner of Grape Road & Edison
Lakes Parkway (Panda Express)
Assigned to Land Use Planning Commission

PROPOSED ORDINANCE NO. 2012-14

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

(Annex and Zone S-2 PUD – Mixed-use commercial and Medical – SE corner of Main
Street & Douglas Road)
Assigned to Land Use Planning Commission

Clerk Block read **RESOLUTION NO. R2012-19** opening it for public hearing.

RESOLUTION NO. R2012-19

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
MISHAWAKA, INDIANA, INTRODUCING AN ORDINANCE FOR
ANNEXATION, ADOPTING A WRITTEN FISCAL PLAN, AND A DEFINITE
POLICE FOR ANNEXATION FOR THE PROPERTIES LOCATED AT:**

Northwest Capital Avenue and I-80/90 toll road
(Fiscal Plan for Northwest Capital Avenue and I-80/90 toll Road)

Ken Prince, City Planner said this property consists of 28.29 acres which was 66%
contiguous to the city. He said all city departments have reviewed it and find there would be

no problem servicing this area. Mr. Prince went on to say the infrastructure was the responsibility of the developer.

Question was called for at 7:31 p.m. on **RESOLUTION NO. R2012-19** the **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.

Mr. Emmons Absent

Clerk Block read **RESOLUTION NO. R2012-20** opening it for public hearing.

RESOLUTION NO. R2012-20

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

1275 & 1301 Industrial Drive and 1220 S. Merrifield Avenue,
(Use Variance to allow Bulk Propane Storage
1275/1301 Industrial Dr. & 1220 South Merrifield)

Ed Fisher, Fisher Land Surveyor 303 East 3rd St said he was representing Marian Products in their request for a Use Variance for a 1,000 gallon gas tank to service their fleet. He said they would have proper training on the usage and the Fire Department has approved it.

Mr. Mammolenti asked if this was an above ground unit. Mr. Fisher stated it was and it measured 41 ½ inches in diameter and was enclosed by an 8 foot high fence with access at each end of fence.

Mr. Roggeman asked if it was an 800 gallon tank. Mr. Fisher explained it was a 1,000 gallon tank allowing for an expansion of 200.

Question was called for at 7:34 p.m. on **RESOLUTION NO. R2012-20** the **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.

Mr. Emmons Absent

Clerk Block read **RESOLUTION NO. R2012-21** opening it for public hearing.

RESOLUTION NO. R2012-21

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

6501 Grape Road
(Use Variance to allow a Used Car Sales Event Sears at UP Mall 6501 Grape Road)

Brandon Cretacci President of R & B Car Company 3811 South Michigan Street, South Bend said he was asking for a Use Variance to allow a Used Car Sales Event in the Sears Parking Lot at UP Mall.

Mr. Banicki asked Mr. Cretacci if he had a letter of support from Sears. Mr. Cretacci said he did not have a letter to present but had a packet of information he received from Ken Prince, City Planner.

Mr. Banicki asked if he was aware that air balloons were not allowed. Mr. Cretacci stated he was. Mr. Banicki said he does have concerns regarding this as Gates also approached the Council stating they were tax payers owning their own property in Mishawaka and car dealers coming into the city renting mall property don't pay those kind of taxes and where does it stop when it comes to outside dealers. Mr. Cretacci said he was affiliated with Sears so he does pay taxes.

Mr. Banicki said Mishawaka would welcome them as a car dealership. Mr. Cretacci stated they were interested in putting a lot in Mishawaka but unable to find the right property to do so, they were interested in purchasing the old Franks Nursery site but Gates owns that and would not sell it to them. He said they would not be having their sale at the same time as Gates and R & B Car Company does use Gates to repair their older model vehicles.

Mr. Compton said the site plan says written approval of the mall was necessary. Mr. Kuls, Manager at Sears Automotive said Sears owns the property this sale would be held on therefore, they did not need to get permission from UP Mall. Mr. Banicki stated in the Resolution it is stated differently in two places, one says Sears and one says UP Mall. .

President Roggeman stated they did not need the approval in writing until after Council passage.

Mr. Prince said the UP Mall just wants to make sure there was no conflict of dates in regards to these two sales.

Question was called for at 7:50 p.m. on **RESOLUTION NO. R2012-22** the **Vote:** Motion passed (**summary:** Yes = 5, No = 3, Abstain = 0).

Yes: Mr. Bellovich, Mr. Bilancio, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman.

No: Mr. Banicki, Mr. Compton, Mrs. McClure.

Absent: Mr. Emmons.

Clerk Block read **RESOLUTION NO. R2012-22** opening it for public hearing.

RESOLUTION NO. R2012-22

**A RESOLUTION OF THE MISHAWAKA COMMON COUNCIL ADOPTING
AND APPROVING AN ANTI-NEPOTISM POLICY FOR THE
CITY OF MISHAWAKA, INDIANA
(Approving an Anti-Nepotism Policy)**

Geoff Spiess, Staff Attorney said the Anti-Nepotism Policy, mandated by state law, was to prevent a relative to be the direct supervisor of a related employee. He said this law would be in effect as of July 1, 2012.

Mr. Roggeman asked if there was a grandfather clause for current employees. Mr. Spiess said for elected officials there was a contracting part and it would not apply to them. He went on to explain people could be moved to other departments within the city under other supervision.

Question was called for at 7:51 p.m. on **RESOLUTION NO. R2012-22** the **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.**
Absent: Mr. Emmons.

Clerk Block read **RESOLUTION NO. R2012-23** opening it for public hearing.

RESOLUTION NO. R2012-23

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA HONORING
THE 40TH ANNIVERSARY OF THE SISTER CITY
RELATIONSHIP BETWEEN SHIOJIRI NAGANO, JAPAN AND
MISHAWAKA, INDIANA, USA
(Honoring the 40th Anniversary with our Sister City Shiojiri)**

Clerk Block read **RESOLUTION NO. R2012-23** in its entirety.

Clerk Block said Mr. Hun Building Inspector for the City of Mishawaka would be the City's representative and presenting a gift to our sister city from the Mayor and the Council.

Question was called for at 7:54 pm on **RESOLUTION NO. R2012-23** the **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**
Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.
Absent Mr. Emmons

Clerk Block read **PROPOSED ORDINANCE NO. 2012-10** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-10

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

(Annex S-2 PUD Mixed Use Medical and Commercial Development – NW Corner of Capital Avenue and the Indiana toll Road approximately 28.29 acres)

Mrs. McClure reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Banicki, the motion carried.

Question was called for at 7:56 pm on **PROPOSED ORDINANCE NO. 2010-10** the **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).**

Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.

Absent Mr. Emmons Thus it becomes Ordinance No. 5344

Clerk Block read **PROPOSED ORDINANCE NO. 2012-11** opening it for public hearing.

PROPOSED ORDINANCE NO. 2012-11

AN ORDINANCE DECLARING AN EMERGENCY AND DETERMINING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE YEAR ENDING DECEMBER 31, 2012

(Additional Funds – CEDIT - \$200,000.00)

Mr. Bellovich reported the Land Use Planning Committee recommended this proposed ordinance should be adopted and moved for acceptance of same, upon a second by Mr. Banicki, the motion carried.

Gary West, Director of Engineering said he was requesting these additional funds to secure a consultant to complete field surveys for approximately 300 miles of curb, ramps, and sidewalks in a report for a transition plan.

Mr. Reisdorf asked if there was federal funding for this. Mr. West said no He went on to explain this would be a blue print as the city goes forward and would help compile a list of priorities, saying the city was in its third year of safe routes to schools

Question was called for at 8:00 pm **Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).****Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Mammolenti, Mr. Reisdorf, Mr. Roggeman, Mrs. McClure.**

Absent Mr. Emmons. Thus it becomes Ordinance No. 5345

NEW BUSINESS

Mr. Mammolenti announced his Neighborhood Watch Meeting at Twin Branch Park Pavilion at 7:00 p.m. on July 18, 2012. He said Terry Zeller Park Superintendent would be the guest speaker.

Mr. Compton said in Mr. Emmons absence he would read his list of meetings for the next six months with the next meeting July 19, 2012 at St. Bavo School, 7:00 p.m. with Mr. James Elliott presenting the city's new ambulance..

President Roggeman announced the Mishawaka Summerfest would be this week-end at Merrifield Park. He said this tradition started in 1983.

There being no further business to come before the Council, President Roggeman adjourned the meeting at 8:04 p.m.

Debbie S. Block /s/
/s/ Debbie S. Block, IAMC, MMC
Officer City Clerk,

□ □ John J. Roggeman
John J. Roggeman, Presiding



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 18, 2012

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

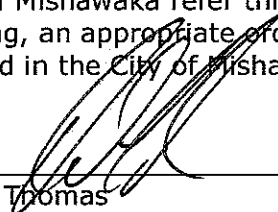
Re: Petition for Vacation of Public Right of Way

The undersigned City of Mishawaka Redevelopment Commission respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

The east/west alley measuring approximately 130-feet deep by 14-feet wide north of and adjacent to Lot 10 and south of and adjacent to Lot 11 Riverside Addition to the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana.

Petitioners further state they are the owners of the property immediately adjacent to the above-described right of way.

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 vacated the above described right of way located in the City of Mishawaka.


David Thomas
Community Development Director

CONTACT PERSON:

Name: Greg Shearon
Address: 600 East Third Street
Day Phone Number: 258-1625
Fax Number: 968-6999
Email: gshearon@mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC

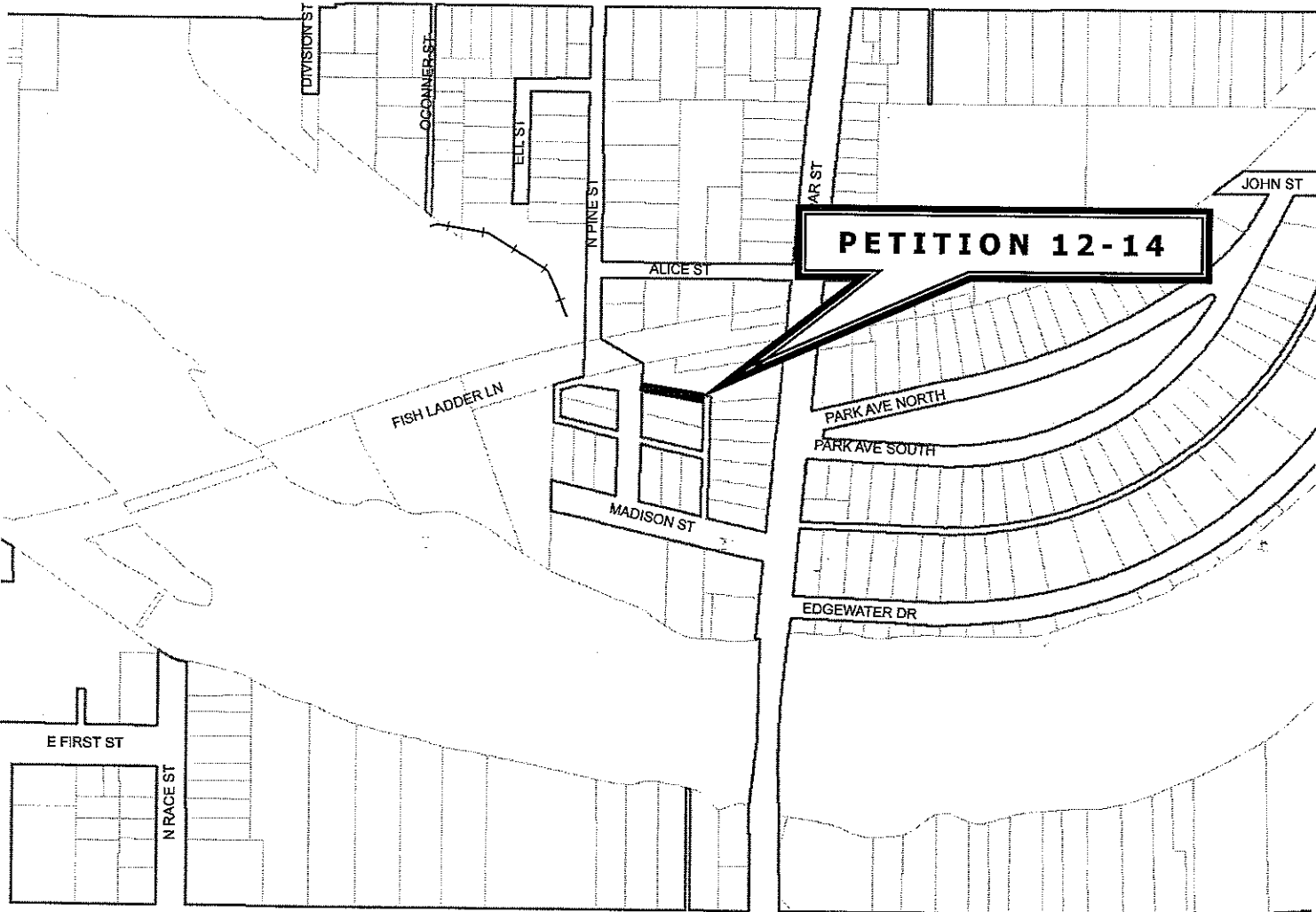
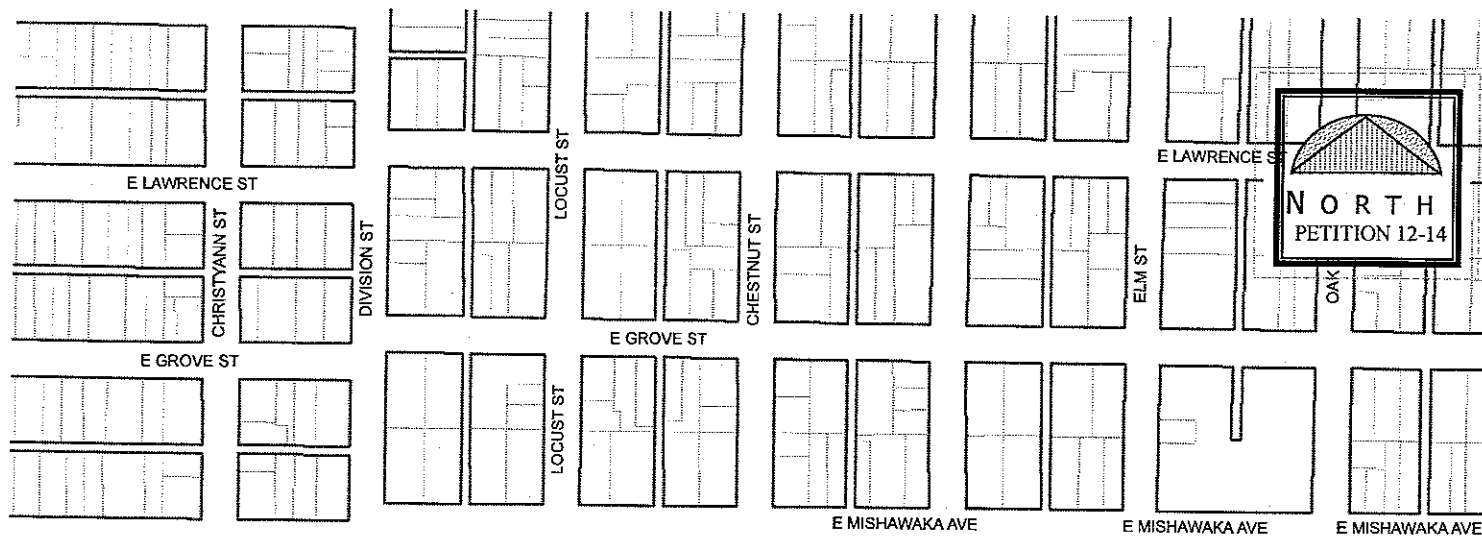
JUN 21 2012

CITY CLERK
MISHAWAKA, IN

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241
Building Phone: (574) 258-1607 Fax: (574) 968-6999
Community Development • Redevelopment • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999
Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

Pet 12-14

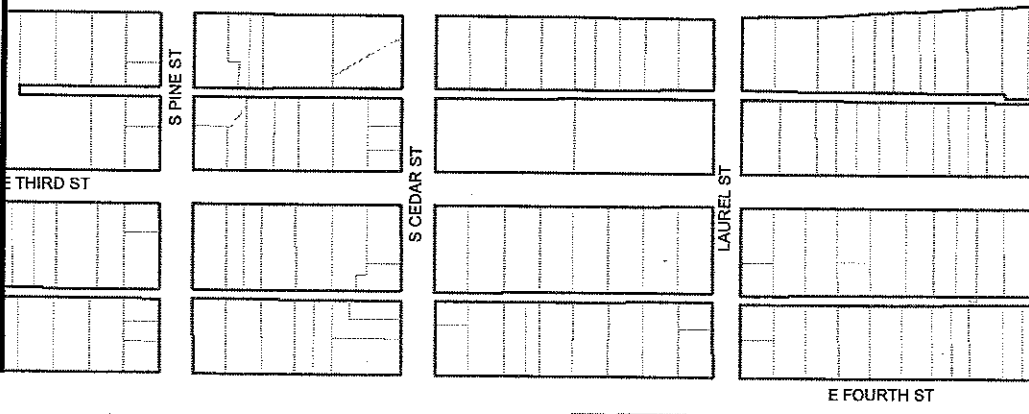


Location Map

PETITION 12-14

EAST/WEST ALLEY NORTH OF
MADISON ST. BETWEEN CEDAR
ST. & PINE ST.

VACATE ALLEY





CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF BUILDING, COMMUNITY DEVELOPMENT & PLANNING

June 20, 2012

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

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 21 2012

CITY CLERK
MISHAWAKA, IN

RE: PETITION TO REZONE

The undersigned City of Mishawaka 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:

Parcel 1:

A part of the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Northwest corner of said Section; thence South 0 degrees 03 minutes 55 seconds West 673.90 feet along the west line of said Section to the north line of that parcel land described in Deed Record 8912144, St. Joseph County Recorder's Office; thence North 70 degrees 41 minutes 40 seconds East 99.03 feet along said north line to the northeast corner of said Deed Record to the point of beginning of this description; thence North 69 degrees 18 minutes 34 seconds East 173.61 feet; thence easterly 226.81 feet along an arc to the right having a radius of 2,181.58 feet and subtended by a long chord having a bearing of North 72 degrees 17 minutes 16 seconds East and a length of 226.71 feet; thence southeasterly 106.74 feet along a non-tangent arc to the left having a radius of 212.00 feet and subtended by a long chord having a bearing of South 64 degrees 58 minutes 20 seconds East and a length of 105.61 feet; thence westerly 301.15 feet along a non-tangent arc to the left having a radius of 2,115.59 feet and subtended by a long chord having a bearing of South 73 degrees 23 minutes 15 seconds West and a length of 300.90 feet; thence South 69 degrees 18 minutes 34 seconds West 175.21 feet to the east line of that parcel of land described in Deed Record 8912144; thence North 19 degrees 18 minutes 20 seconds West 46.42 feet along said east line; thence North 19 degrees 18 minutes 20 seconds West 19.59 feet along said east line to the point of beginning and containing 0.65 acres, more or less.

Commonly known as Fish Ladder Lane

Parcel 2:

A part of the Northwest Quarter of Section 15, Township 37 North, Range 3 East, Penn Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the Northwest corner of said Section; thence South 0 degrees 03 minutes 55 seconds West 673.90 feet along the west line of said Section to the north line of that parcel of land described in Deed Record, St. Joseph County, Recorder; thence North 70 degrees 41 minutes 40 seconds East 99.03 feet along said north line to the northeast corner of said Deed Record; thence North 69 degrees 18 minutes 34 seconds East 82.43 feet to the point of beginning of this description; thence northeasterly 38.00 feet along an arc to the right having a radius of 120.00 feet and subtended by a long chord having a bearing of North 47 degrees 00 minutes 04 seconds East and a length of 37.84 feet; thence easterly 78.44 feet along an arc to the right having a radius of 150.00 feet and subtended by a long chord having a bearing of North 68 degrees 14 minutes 57 seconds East and a length of 77.55 feet; thence northeasterly 98.49 feet along an arc to the left having a radius of 123.79 feet and subtended by a long chord having a bearing of North 58 degrees 03 minutes 33 seconds East and a length of 95.91 feet; thence North 35 degrees 16 minutes 00 seconds East 34.80 feet; thence northeasterly 48.53 feet along an arc to the right having a radius of 125.78 feet and subtended by a long chord having a

BUILDING • PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT
ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

City Hall • 600 East Third Street • Mishawaka IN • 46544-2241

Building Phone: (574) 258-1607 Fax: (574) 968-6999

Community Development • Economic Development Phone: (574) 258-1609 Fax: (574) 968-6999

Planning • Historic Preservation Phone: (574) 258-1625 Fax: (574) 968-6999

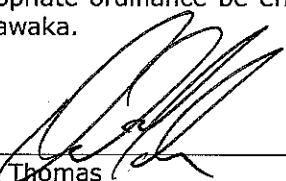
Per 12-16

bearing of North 46 degrees 19 minutes 11 seconds East and a length of 48.23 feet; thence South 76 degrees 53 minutes 32 seconds East 13.36 feet; thence South 31 degrees 53 minutes 32 seconds East 13.07 feet; thence southeasterly 69.03 feet along an arc to the left having a radius of 212.00 feet and subtended by a long chord having a bearing of South 41 degrees 13 minutes 14 seconds East and a length of 68.73 feet; thence westerly 226.81 feet along an arc to the left having a radius of 2,181.58 feet and subtended by a long chord having a bearing of South 72 degrees 17 minutes 16 seconds West and a length of 226.71 feet; thence South 69 degrees 18 minutes 34 seconds West 91.19 feet to the point of beginning and containing 0.23 acres, more or less.

Commonly known as a portion of Central Park

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-1 Open Space/Public and desires said real estate to be rezoned to C-3 City Center Commercial District.

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



Dave Thomas
Community Development Director

CONTACT PERSON:

Name: Greg Shearon
Address: 600 East Third Street
Day Phone Number: 258-1625
Fax Number: 968-6999
Email: gshearon@mishawaka.in.gov

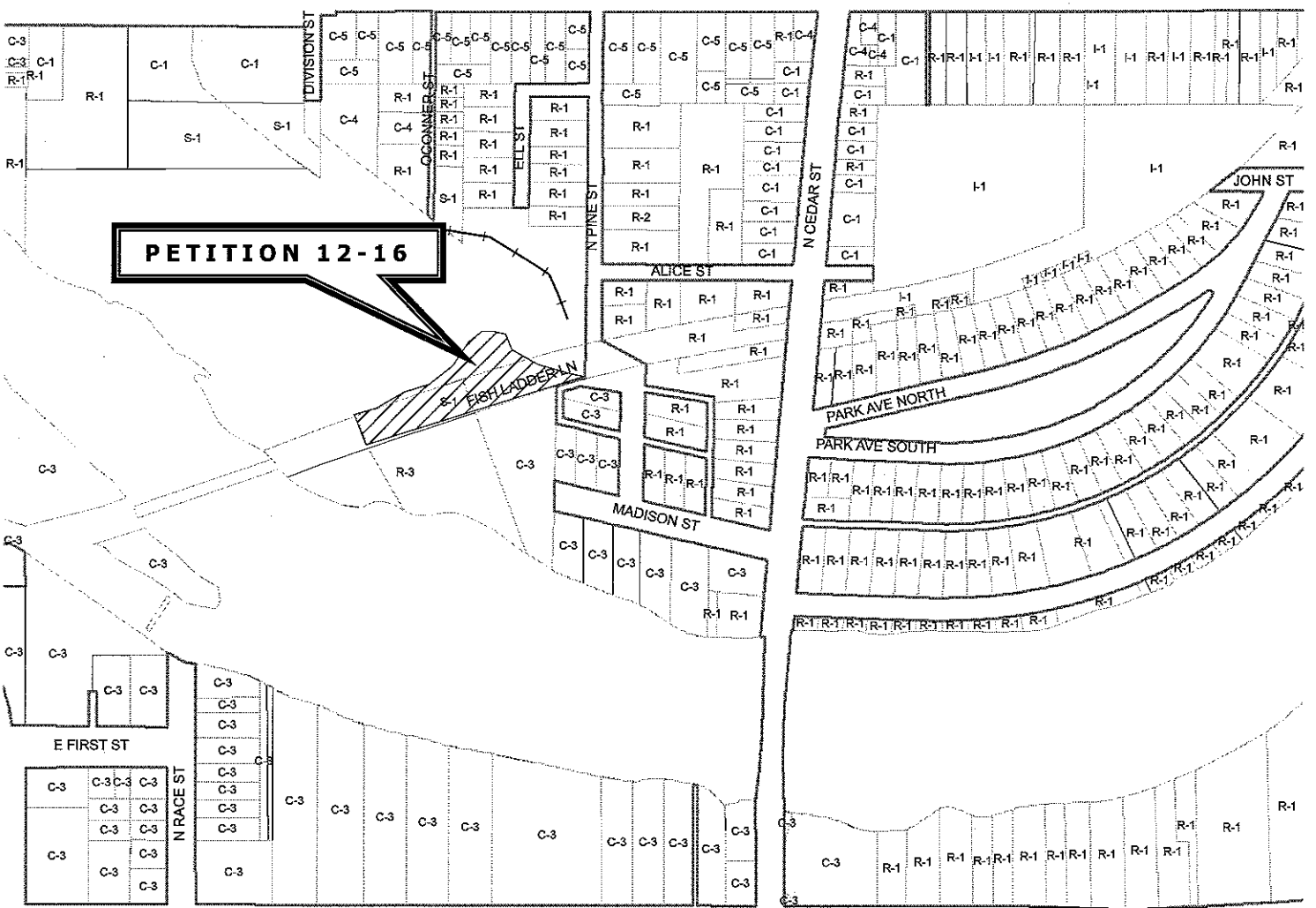
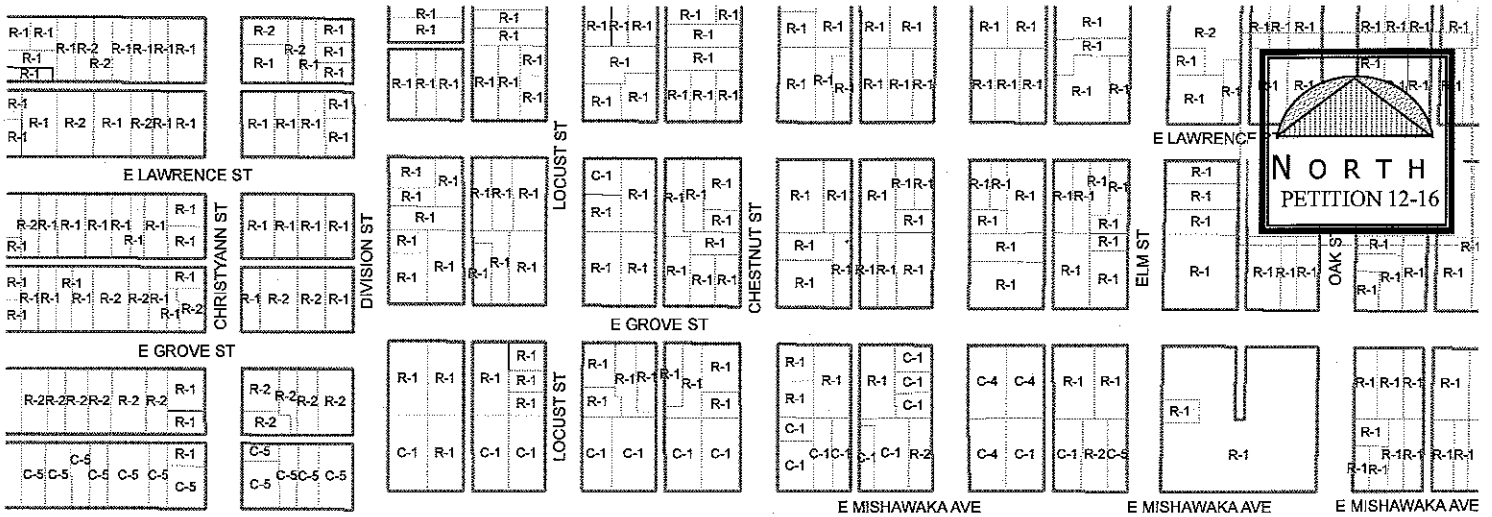
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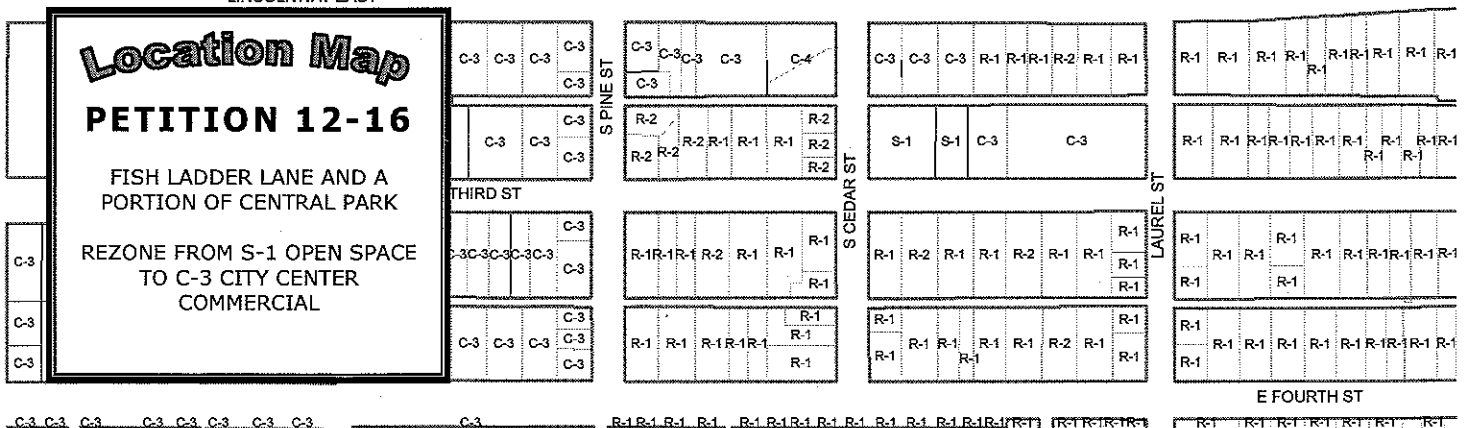


Location Map

PETITION 12-16

FISH LADDER LANE AND A
PORTION OF CENTRAL PARK

REZONE FROM S-1 OPEN SPACE
TO C-3 CITY CENTER
COMMERCIAL



PETITION 12-11

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-12

ORDINANCE NO. _____

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

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

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

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

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

Lot 109 and Lot 110, Gaylor's 3rd Plat

COMMON ADDRESS: 312 East Eleventh Street and property east of 312 East Eleventh Street

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

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

1. Given the property's close proximity to the existing commercial property located at the corner of 11th Street and Union Street, the C-1 zoning would be compatible with this commercial property.
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the presence of the existing commercial property, staff feels that the most desirable use for this property is the C-1 General Commercial use. Furthermore, appropriate screening measure will be implemented between adjacent residential property when the property is developed.

Proposed Ordinance No: _____

Ordinance No: _____

3. Because the parcel is located adjacent to commercial property, the C-1 zoning classification would be compatible or desirable. The rezoning to C-1 zoning is a desirable use for this property.
4. C-1 General Commercial classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding neighborhood by continuing an existing use within the area. Furthermore, rezoning will allow the development of additional off-street parking for the adjacent commercial property and reduce and/or eliminate parking on 11th Street
5. The proposed C-1 General Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial uses along this stretch of Union Street and at the intersection of Union Street and East 11th Street. The proposed use is consistent with the adjacent commercial property owned by the petitioner.

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 _____, 2012, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2012, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2012, at _____ o'clock _____.M.

David A. Wood, Mayor

PETITION 12-12

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-13

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 part of the Northeast Quarter of Section 33, Township 38 North, Range 3 East, Clay Township, Mishawaka, St. Joseph County, Indiana, being part of the lands described in Meijer Distribution, Inc. (Instrument #0053504), described as follows:

Commencing at a 3/4" Iron Pin at the Northwest corner of said Northeast Quarter of Section 33; Thence South 00°00'05" West (bearing assumed), along the west line of said Northeast Quarter of Section 33 and the centerline of Grape Road for a distance of 777.00 feet; Thence North 89°59'55" East, for a distance of 40.00 feet to the East right-of-way line of Grape Road; Thence South 00°00'05" West, along said East right-of-way line and parallel with the west line of said Northeast Quarter for a distance of 692.14 feet to the Point of Beginning; Thence South 89°04'29" East, for a distance of 276.73 feet; Thence South 06°24'26" West, for a distance of 229.82 feet to the north right-of-way line of Edison Lakes Parkway; Thence North 85°02'33" West, along said north right-of-way line for a distance of 227.00 feet; Thence North 42°31'14" West, along said north right-of-way line for a distance of 36.85 feet to the east right-of-way line of Grape Road; Thence North 00°00'05" East, along said east right-of-way line for a distance of 186.08 feet to the Point of Beginning. Containing 1.328 acres.

COMMON ADDRESS: Northeast corner of Grape Road and Edison Lakes Parkway

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

Proposed Ordinance No: _____

Ordinance No: _____

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

1. Given the property's close proximity to commercially zoned property, the C-7 zoning would be compatible with the surrounding commercial properties and the existing restaurant uses in the area.
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is the C-7 Automobile Oriented Restaurant Commercial.
3. Because the parcel is located adjacent to commercial properties and along heavily traveled corridors, the C-7 zoning classification would be compatible and is a desirable use for this property.
4. C-7 zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.
5. The proposed C-7 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial uses along 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 _____, 2012, at _____ o'clock ____ .M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2012, at _____ o'clock ____ .M.

Deborah S. Block, IAMC, MMC, City Clerk

Proposed Ordinance No: _____

Ordinance No: _____

APPROVED by me this _____ day of _____, 2012, at _____
_____o'clock _____.M.

David A. Wood, Mayor

PETITION #12-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2012-14

ORDINANCE NO. _____

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

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

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

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

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

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NUMBERED THIRTY-THREE (33), TOWNSHIP NUMBERED THIRTY-EIGHT (38) NORTH, RANGE NUMBERED THREE (3) EAST, CONTAINING THIRTY (30) ACRES, MORE OR LESS.

ALSO: BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER, A DISTANCE OF 660.40 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS WEAT ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST, A DISTANCE OF 82.27 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF DOUGLAS ROAD; THENCE CONTINUING NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST ALONG THE NORTH RIGHT OF WAY OF DOUGLAS ROAD, A DISTANCE OF 578.08 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 39 SECONDS EAST ALONG THE SAID EAST LINE, A DISTANCE OF 40.00

Proposed Ordinance No. _____

Ordinance No. _____

FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.61 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY 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 to allow for the construction of a mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for hotel buildings to be a maximum of 70', and one additional freestanding multi-tenant sign:

Uses:

1. Permitted uses shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts 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.

Traffic Impact:

1. Phasing of improvements, including the proposed internal collector drive (proposed street) shall be as determined by the City Director of Engineering.
2. The number and or type of curb cuts on any City Street and the internal access drive/street shall be as determined appropriate by the City Director of Engineering. Improvements shall take place consistent with an approved master plan as required herein.

Internal Road connections:

1. Private vehicular connections between this property and adjacent properties shall be required, the location and number of connections required shall be determined as part of future planned unit development site plan submissions. 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. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between properties. The exact location of these connection points shall be subject to review and approval by the City.

Proposed Ordinance No. _____

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Stormwater Run-off/Utilities/Infrastructure:

1. The applicant/developer shall prepare a master plan to identify and provide for appropriate access and utility extensions. All improvements shall be subject to the review and approval of the City Director of Engineering.
2. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. The 75' Drainage Easement on the east side of the property shall remain vegetated. Any proposed encroachment into this easement shall require compensatory improvements to the vegetation and or ditch as may be directed by the City Director of Engineering, subject to the review and approval of the St. Joseph County Drainage Board.
3. All costs associated with the extension of utilities, road improvements, or other infrastructure 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.

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.
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 (given the large site) and to otherwise further the intent of this chapter as follows. No more than three freestanding site signs shall be located along Douglas Road, regardless of the number of lots proposed. All freestanding signs shall otherwise be designed as per the applicable City requirements:
 - a. Each outlot/development parcel may be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 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 150 lineal feet.
 - b. One multi-tenant sign shall be permitted along Douglas Road (separate from the two outlots shown with Douglas Road Frontage). This sign shall be exclusively for properties that do not have a freestanding sign on Douglas Road. If constructed, this sign shall be constructed in a center landscape median within the proposed entry drive, or otherwise separated and made to

Proposed Ordinance No. _____

Ordinance No. _____

- be distinctly separate from the outlot signage located along Douglas Road. This sign shall be limited to 12' in height and contain a display area of no more than 60 square feet. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. The sign shall include a masonry base no less than 5' in height. All freestanding signs shall be separated from each other by a minimum of 150 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 buildings shall be constructed of 100% approved materials as identified within Section 105.76 of the City of Mishawaka Municipal code as amended, except that hardi-board maybe used as an accent material, not to exceed 1/3 of the area of any single building face. Materials and colors shall be varied to provide architectural interest.
2. For all 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. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.
3. The maximum building height for the site shall be 48', except for hotel uses that shall be permitted to construct a maximum of four stories not to exceed 70' in height.

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between internal lots/development parcels. A minimum 20' pavement setback shall be provided along all public right-of-way 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.
2. For large shopping areas where shopping carts are utilized, Cart corral's shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.
3. Earth mounding shall be provided along public road right-of-way, between parking areas and public streets. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives.

Proposed Ordinance No. _____

Ordinance No. _____

Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district. All side property lines within 100' of Main Street right-of-way shall comply with the front yard landscaping standards identified within 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 public right-of-way and 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.

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

1. Existing Conditions - The subject parcel is located adjacent to Douglas Road, an arterial roadway. Significant retail shopping areas have been proposed and developed on the north side of the City in reasonable proximity to the site. The site has been marketed and guided by the City's investment in infrastructure to commercial oriented development for many years.
2. Character of Buildings in Area - The area is predominantly commercial. The character of many of the buildings in the vicinity of this site are high quality commercial.
3. The most desirable/highest and best use - Because of the parcels' location and the significant commercial development on the north side of the City, serving as a regional area of commerce, combined with the proximity of Main Street, makes the most desirable use for the property a heavy mix of intensive commercial and professional office and service uses.
4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the vast majority of

Proposed Ordinance No. _____

Ordinance No. _____

- adjacent property is commercial. The proposed extension of City infrastructure as planned by the developer will increase property values.
5. Comprehensive Plan - This property has been guided as medium density residential as part of the City's 2000 Comprehensive Plan. This plan was developed in the early 1990's and doesn't reflect the major commercial construction that has taken place including the 350 million dollar St. Joseph Regional Medical Center

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 _____, 2012, at _____ o'clock ____M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ____ day of _____, 2012, at _____ o'clock ____M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ____ day of _____, 2012, at ____ o'clock ____M.

David A. Wood, Mayor