

AGENDA

Monday, February 19, 2018

**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**

February 5, 2018

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendations from their February 03, 2018 meeting.

A letter from the City Plan Commission regarding recommendations from their February 13, 2018 meeting.

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2018-04 PUD Amendment to allow Microblading - 6910 N. Main St. Unit 21
& 22 University Gardens Office Park

8. Resolutions

R2018-03 Use Variance to allow Car Repair/Body & Paint Shop and Beauty Shop in I-1 Light Industrial - 1200 W. Sixth St.

R2018-04 Use Variance to allow expansion of JP'S Complete Auto Care in I-1 Light Industrial - 1802 W. Sixth St.

9. Ordinances on Second Reading

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

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 Geoffrey Spiess, ADA Coordinator, at (574) 258-1615.

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
February 5, 2018

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 February 05, 2018, at 7:00 p.m. The meeting was called to order by President Mammolenti all were asked to stand for the Pledge of Allegiance with a moment of silence for two young Mishawaka individuals Tyler Allman and Anthony Eddy.



Roll Call.

Present: Mrs. Voelker, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal.

Absent: Mr. Compton.

The minutes from the January 15, 2018 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the City Plan Commission and Board of Zoning Appeals regarding recommendations from their January 9, 2018 meeting.

Appeal No. 2018-02 Use Variance to allow Car Repair/Body & Paint Shop
and Beauty Shop in I-1 Light Industrial – 1200 W. Sixth St.

Appeal No. 2018-07 Use Variance to allow expansion of JP'S complete
Auto Care in I-1 light Industrial – 1802 W Sixth St.

Petition No. 2018-05 PUD Amendment to allow Microblading – 6910 N.
Main Unit 21 & 22

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

PROPOSED ORDINANCE NO. 2018-02

**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-7 to C-9 Auto Sales 3825 LWE)
(Assigned to the Land Use Planning Committee)

Mr. Tanner 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 motion carried.

Greg Shearon, Danch Harner & Associates represented petitioners. He said the petitioners were requesting approval for rezone of property at 3805 Lincoln Way East. Mr. Shearon continued to say the property was a drive-in restaurant for several years but was now vacant. He went on to discuss the petitioners plan to run an auto sales business. Mr. Shearon mentioned there were several auto sales in the area.

Mrs. Voelker said she seen a similar drive-in restaurant rezoned to auto sales on McKinley. She asked were there residence next door to the property, if so were they notified. Mr. Shearon replied yes, they were notified.

Mr. Tanner asked was this property Korbelli's Restaurant and was the property large enough for auto sales. Mr. Shearon replied yes, they were also going before the Board of Zoning to request a feet reduction in the pavement set back along the right-of-way to give more space for the vehicles along Ray Street and Lincoln Way East.

Mr. Mammolenti asked how many cars would be on the lot. Mr. Shearon said 15 to 20 cars.

Mrs. Voelker asked would they keep the existing building. Mr. Shearon said yes.

Mr. Canarecci asked would there be a service repair shop. Mr. Sharon answered no, it was not allowed in C-9 zoning, sales only.

Mr. Tanner expressed he was sorry to see Korbelli's go.

Questioned was called for at 7:09 P.M. for **PROPOSED ORDINANCE NO. 2018-02**  
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal. Thus, it becomes **ORDINANCE NO. 5610**

PROPOSED ORDINANCE NO. 2018-03

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.

(Assigned to the Land Use Planning Committee)

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

Brian McMorrow, Abonmarche Consultants spoke on the behalf of Gumwood Acquisitions LLC who owned the property known as Grandview located on the NW corner of Gumwood and Cleveland. Mr. McMorrow went on to say they appeared back in 2014 to for a Planned Unit Development for a full buildout for this property. He said they have returned to amend a portion

of the Grandview PUD to allow phase II to be higher end rentals instead of senior care that was previously approved. Mr. McMorrow explained Phase I of the 200 apartment rental units was made available and was completely occupied within a year. He said the market has shown the need for the high-end apartments, so the petitioners would like to add higher end rental units on Phase II of the property in place of the assisted living and nursing home facility. Mr. McMorrow mentioned efforts were made to negotiate with that type of land use over the last couple of years, no deals came forward. He said they felt it was best to continue the residential character and begin to introduce some retail and commercial on the ground floor of the building that would be closest to Gumwood.

Mrs. Voelker questioned the height and use of fiber cement of the building compared to the existing building. She also questioned the throat stacking of cars. Mr. McMorrow said the phase I building was three stories, they plan to add an additional story to the building just behind the building on Gumwood to give a cascade affect. He continued to say it would be consistent with other commercial development on Heritage Square and Toscana Park. Mr. McMorrow went on to say he did not believe they used fiber cement on the existing building but the use for the type of cement was becoming more common. He added they were at the beginning of the design phase, part of the build would be cement and the buildings would be comparable in color compared to the existing building but still be visually different. Mr. McMorrow explained the throat stacking was the main drive aisles into the properties from its various access points. He said they were proposing the written provision be essentially equal to what they built in phase I; they felt it was adequate given the traffic flow in and out of the property. Mr. McMorrow continued to say they would continue to use the entrance by the clubhouse and the second entrance would be at the signalize intersection on Gumwood on the south end. He mentioned they were going to eliminate a planned interim connection which would reduce the number of curb cuts to make it safer to travel on Gumwood.

Mr. Tanner mentioned concerns of pedestrians crossing on Gumwood. He asked was there any collaboration to coordinate pedestrians crossing along the corridor. Mr. McMorrow replied absolutely, they would be extending the walkway from Granger and they felt having pedestrian crossing at the signaled intersection on Gumwood would make it easier and safer to cross.

Question was called for at 7:17 P.M. for **PROPOSED ORDINANCE NO. 2018-03**  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Mammolenti, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Deal. Thus, it becomes **ORDINANCE NO. 5611**

NEW BUSINESS

Mr. Emmons announced the First District Neighborhood Meeting would be February 15, 2018 at St. Bavo's School at 7:00 P.M. The speaker would be Phil Blasko, Superintendent of Parks speaking on plans for the new Mary Gibbard Park. Mr. Emmons also mentioned there would not be a neighborhood meeting in March, they would continue in April.

Mr. Tanner announced, "The Oaks" Neighborhood Meeting would February 13, 2018 at Albright United Methodist Church at 6:00 P.M. He said meetings would be every other month on the second Tuesday of the month. Speakers were to be announced at a later date.

Mr. Deal and Mr. Mammolenti stated the Twin Branch Neighborhood Meeting would be February 21, 2018 at 7:00 P.M. The speaker would be Dean Huppert, Mishawaka Athletic Director.

ADJOURNMENT 7:26 P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

February 14, 2018

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 15 2018

Honorable Members of the Common Council
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

RE: Board of Zoning Appeals Recommendation
February 13, 2018, Public Hearing

Honorable Members:

A regular meeting of the Board of Zoning Appeals was held on the above referenced date at which time the following Use Variances were considered:

APPEAL #18-02 An appeal submitted by Ronald E. and Diana L. Quandt requesting a Use Variance for **1200 West Sixth Street** to allow car repair/body and paint shop, and beauty shop on I-1 Light Industrial zoned property.

The Board, with a vote of 3-0, recommended denial, but if approved staff recommends that it would be subject to the following conditions:

1. Use variance shall limit automotive maintenance, automotive body repair, and automotive painting, to the inside of the building. Salvage of parts and storage of non-repairable vehicles are prohibited. No outside storage of materials and/or vehicle parts will be permitted.
2. Exterior lighting shall be provided within the existing and expanding parking areas. Lighting shall be shielded/cut-off as to not shine unto the adjacent public right-of-way or residential properties.
3. All employees shall park on the property when possible, and not on the adjacent streets. When employees do park on the adjacent streets, the owner shall coordinate with the adjacent residents and make accommodations to move vehicles as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up shall be not stored in the street where they are located overnight.
4. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. Sidewalks shall not be blocked by parked unoccupied vehicles.
5. Overnight parking in the proposed lot to the east and visible to the street shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles.

6. Hours of operation for automotive repair work that creates noise heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
7. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments;
8. Temporary signage, other than directional signs, is prohibited. Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.
9. All proposed and existing parking areas, where to be resurfaced, shall be paved.
10. Additional landscaping and screening shall be provided in conformance with the I-1 Light Industrial District.
11. An administrative site plan shall be submitted and shall conform to all required developmental regulations including, but not limited to, storm water drainage, utility improvements, and landscaping/screening.

APPEAL #18-07

An appeal submitted by John and Jennifer Pieper requesting a Use Variance for **1802 West Sixth Street** to allow for an expansion of automobile repair use.

The Board, with a vote of 2 in favor and 1 against, forwarded no recommendation, but if approved staff recommends that it would be subject to the following conditions:

1. Use Variance shall be limited to automotive body repair and automotive maintenance is limited to indoors. No outside storage of materials and/or vehicle parts will be permitted. Salvage of parts and storage of non-repairable vehicles are prohibited. Disabled cars may be held on a temporary basis to resolve insurance related claims within the designated long term storage area. No parts or other outside storage is permitted within this area.
2. Exterior lighting shall be provided within the gated parking area. If lighting is not a cut-off type fixture, direct lighting away from residential properties.
3. All employees shall park within the fenced area on the property when possible, and not on adjacent streets. When employees do park on adjacent streets, the owner shall coordinate with adjacent residents and make accommodations to move vehicles as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up, shall not be stored in the street where they are located there overnight.
4. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. Sidewalks shall not be blocked by parked unoccupied vehicles.
5. Overnight parking in the fenced lot adjacent and visible to the street shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles. Within this parking area, a minimum of five parking spaces shall be reserved for continually rotating customers.
6. Hours of operation for repair work that creates noise that can be heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.

7. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments.
8. Temporary signage, other than directional signs, is prohibited. Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.
9. A long term storage area shall be created on the east side of the building between the current parking area and the alley. This area shall be completed by July 1, 2018. Long term storage is meant for the storage of cars with pending insurance litigation issues or other related issues that require them to be stored for weeks or months. Parking in this area should not exceed 18 months for any one individual vehicle. This area shall be fenced with an opaque fence that is 8' high. The surface of the area may be gravel or hard paved. Hard paving or other improvements shall be accomplished as necessary to prevent the migration of gravel on West 6th Street. At a minimum, one dry well shall be provided for this area. Surface drainage from this area shall be directed toward the drywell and away from neighboring property.
10. The future short term storage area, if constructed, shall be paved and shall be required to meet all C-1 general commercial standards, including but not limited to, landscaping and drainage.

Respectfully,



Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Ronald Quandt
Jon and Jennifer Pieper

STAFF REPORT

Location: 1200 W. Sixth Street

Date: February 14, 2018

Appeal: 18- 02

Prepared By: DJS

GENERAL INFORMATION

Applicant: Ronald E. & Diana L. Quandt

Status: Property Owner

Request: Use Variance to allow for an automobile service, body and paint shop, and a beauty shop

Zoning Classification: I-1 Light Industrial

Lot Size: Approximately 80' N/S x 280' E/W (0.5 Acre) - Lots 7 thru 13 of Manoka Place excluding railroad right-of-way

Applicable Regulations: Section 137-586 / I-1 Light Industrial Permitted Uses & Section 137-42 (4) / Board of Zoning Appeals

SPECIAL INFORMATION

Area Development Pattern: North: Norfolk Southern Railroad & R-1 Single Family Residential District (Residential) north of the railroad right-of-way
South: R-1 Single Family Residential District (Residential) & C-1 General Commercial District (Tavern/Jerry's Pub)
East: R-1 Single Family Residential District (Residential)
West: R-1 Single Family Residential District (Residential)

Thoroughfare: W. Sixth Street between S. Logan Street and Cleveland Street

School District: School City of Mishawaka

Township: Penn Township

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

Comprehensive Plan: The Mishawaka 2000 Comprehensive Plan identified a majority of the W. 6th Street corridor between S. Logan Street and S. West Street as Low Density Residential (Single Family Homes). However, the site is on the edge of a transitional area with a mix of existing residential and industrial uses between S. Logan Street and S. Ironwood Drive.

ANALYSIS

The Appellants, Ronald E. and Diana L. Quandt, are requesting a use variance for an automobile service, body and paint shop, and a beauty shop to be located at 1200 W: 6th Street. The approximate 0.5 acre site, excluding the railroad right-of-way, is on the north side of W. 6th Street between S. Logan Street and Cleveland Street and south of the Norfolk Southern Railroad.

The surrounding area is a mixed use neighborhood with single-family residences and tavern to south, and single-family residences to the west, east, and north across the Norfolk Southern Railroad. The W. 6th Street corridor to the west of the property from S. Logan Street to S. Ironwood Drive is a transitional area with primarily single-family residential uses to the south and a mix of both single-family residential and industrial uses to the north. A majority of the properties along this corridor are zoned R-1 Single-Family Residential District and I-1 Light Industrial District with a limited number of C-1 General Commercial District properties.

The site contains an existing 7,400 sq. ft. industrial/warehousing building that was originally constructed in 1960 to serve as a terminal for a bakery. The building has also been occupied by a commercial printing plant and most recently served as a warehouse and operational center for the Appellant's automatic door business. It has been largely vacant, except for a few sparse storage rentals, over the last 2 years.

According to the rough sketch provided by the Appellant, the structure is approximately 60 feet (north/south) by 130 feet (east/west) with a triangular cutout at the southeast corner. The building encompasses approximately one-third of the total property. There is one (1) overhead door on the west side of the building providing at-grade vehicular access, and one (1) overhead door on the east side at an elevated loading dock. Access to the site is via two (2) existing curb cuts along W. 6th Street.

In May 2004, a variance was granted to allow the existing building to be used for a self-storage facility within 250 feet of a residential area. All the improvements proposed at this time, which included but were not limited to, building additions for self-storage units, additional parking areas, paved access drives, and landscaping and screening were never constructed. The site improvements never occurred as the building was never expanded as proposed.

With this appeal, the Appellant is seeking a variance in use for the proposed automobile service, body, and paint shop, and beauty shop since these uses are not permitted in the I-1 Light Industrial District. ***Due to property's location in close proximity to existing residential uses and potential negative impact to the neighborhood, Staff is recommending denial for the proposed automobile service, body, and paint shop, and approval for the proposed beauty shop.*** Other locations exist throughout the city where use variances have been approved for automobile service that have caused negative impacts to the adjacent residential neighborhood.

If the use variance for the automobile service, body and paint shop is approved, Staff recommends the following conditions:

1. Use variance shall limit automotive maintenance, automotive body repair, and automotive painting, to the inside of the building. Salvage of parts and storage of non-repairable vehicles are prohibited. No outside storage of materials and/or vehicle parts will be permitted.
2. Exterior lighting shall be provided within the existing and expanding parking areas. Lighting shall be shielded/cut-off as to not shine unto the adjacent public right-of-way or residential properties.
3. All employees shall park on the property when possible, and not on the adjacent streets. When employees do park on the adjacent streets, the owner shall coordinate with the adjacent residents and make accommodations to move vehicles as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up shall be not stored in the street where they are located overnight.
4. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. Sidewalks shall not be blocked by parked unoccupied vehicles.
5. Overnight parking in the proposed lot to the east and visible to the street shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles.
6. Hours of operation for automotive repair work that creates noise heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.

7. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments;
8. Temporary signage, other than directional signs, is prohibited. Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.
9. All proposed and existing parking areas, where to be resurfaced, shall be paved.
10. Additional landscaping and screening shall be provided in conformance with the I-1 Light Industrial District.
11. An administrative site plan shall be submitted and shall conform to all required development regulations including, but not limited to, storm water drainage, utility improvements, and landscaping/screening.

All pertinent City Departments have reviewed and approved the request with the Engineering Department commenting that an oil/grit separator will be required for the proposed use.

RECOMMENDATION

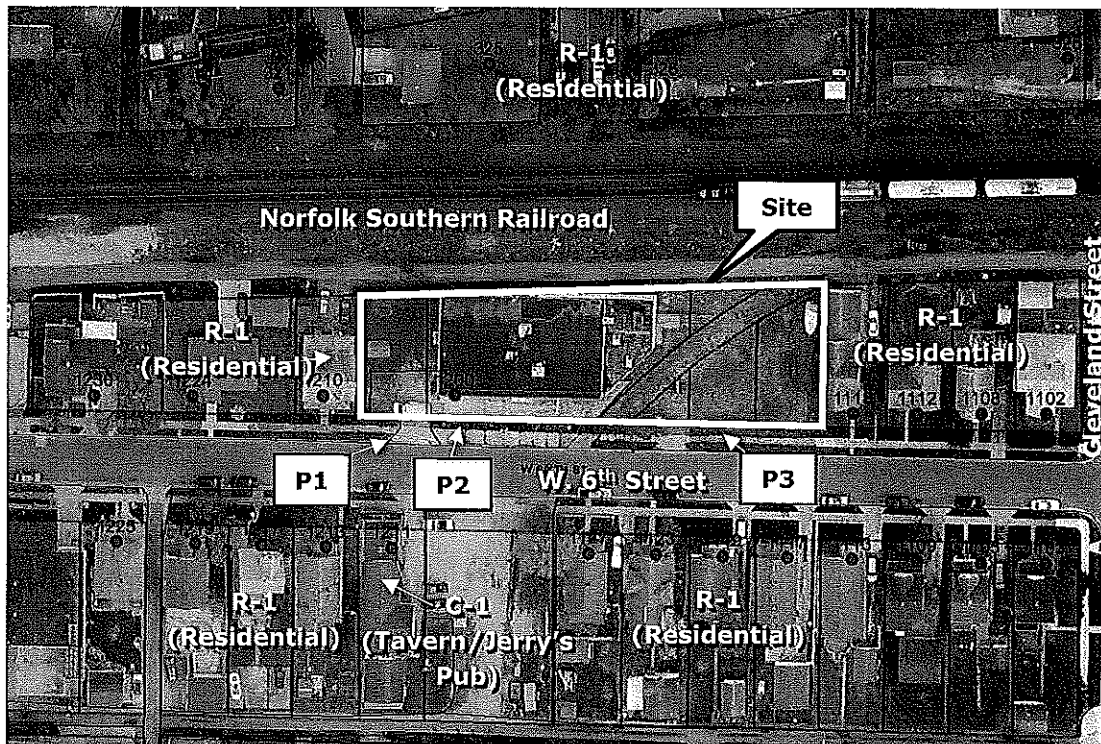
The Staff recommends **denial** of Appeal 18-02 to allow an automobile service, body, and paint shop, and at 1200 W. 6th Street.

This recommendation is based on the following reasons:

1. The approval for an automobile service, body and paint shop will be injurious to the public health, safety, morals, and general welfare of the community as these proposed uses, and potential expansion thereof, will have a negative impact on the surrounding residential uses.
2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner if the proposed automotive uses are permitted.
3. The need for the use variances arise due to the existing zoning classification not allowing for the proposed uses.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current I-1 Light Industrial zoning would not allow for the proposed automobile oriented commercial uses.
5. The approval for the automobile service, body and paint shop will interfere substantially with the goals and objectives of the Mishawaka 2000 Plan as these uses are not compatible in a primarily single-family residential neighborhood.

ATTACHMENTS

Aerial, Photographs, Appeal, Site Plan, Building Layout



Aerial Photograph
1200 W. 6th Street
Existing Industrial/Warehousing Building



P1. Looking northeasterly from W. 6th Street toward the site.



P2. Looking northerly toward the front of the building from W. 6th Street.



P3. Looking northwesterly from W. 6th Street toward the site.

STAFF REPORT

Location: 1802 West Sixth Street

Date: February 13, 2018

Appeal: 18 07

Prepared By: CH

GENERAL INFORMATION

Applicant: Jon Pieper and Jennifer Pieper / JP's Complete Auto Care Inc.

Status: Property Owner

Request: Use Variance

Zoning Classification: I-1 Light Industrial

Lot Size: 150' N/S by 310' E/W (1.07 Acres)

Applicable Regulations: Section 137-586 I-1 Uses
Section 137-42 (4) Board of Zoning Appeals**SPECIAL INFORMATION**Area Development Pattern: North: Norfolk Southern and R-1 Single Family Residential District
South: R-1 Single Family Residential District
East: I-1 Light Industrial
West: I-1 Light Industrial (residence)

Thoroughfare: West Sixth Street, between Alabama and Meridian

School District: Mishawaka School City

Township: Penn Township

Public Utilities: Available

Comprehensive Plan: Industrial

ANALYSIS

The Appellants, Jon and Jennifer Pieper, are requesting a use variance for 1802 West Sixth Street to expand their automotive body repair/maintenance business to the lot to the east, and amend the previously approved Resolution as follows (changes in *italics*):

1. Use Variance shall be limited to automotive body repair and automotive maintenance is limited to indoors. No outside storage of materials and/or vehicle parts will be permitted. *Salvage of parts and storage of non-repairable vehicles are prohibited. Disabled cars may be held on a temporary basis to resolve insurance related claims within the designated long term storage area. No parts or other outside storage is permitted within this area;*
- ~~2. The previously submitted landscape plan plantings shall be installed and the building shall be painted in 2012;~~
3. Exterior lighting shall be provided within the gated parking area. If lighting is not a cut-off type fixture, direct lighting away from residential properties.
4. All employees shall park within the fenced area on the property *when possible*, and not on adjacent streets. *When employees do park on adjacent streets, the owner shall coordinate with adjacent residents and make accommodations to move vehicles as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up, shall not be stored in the street where they are located there overnight.*

5. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. *Sidewalks shall not be blocked by parked unoccupied vehicles.*
6. Overnight parking in the fenced lot *adjacent and visible to the street* shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles. *Within this parking area, a minimum of five parking spaces shall be reserved for continually rotating customers.*
7. Hours of operation for repair work that creates noise that can be heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
8. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments;
9. Temporary signage, *other than directional signs*, is prohibited. *Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.*
10. *A long term storage area shall be created on the east side of the building between the current parking area and the alley. This area shall be completed by July 1, 2018. Long term storage is meant for the storage of cars with pending insurance litigation issues or other related issues that require them to be stored for weeks or months. Parking in this area should not exceed 18 months for any one individual vehicle. This area shall be fenced with an opaque fence that is 8' high. The surface of the area may be gravel or hard paved. Hard paving or other improvements shall be accomplished as necessary to prevent the migration of gravel on West 6th Street. At a minimum, one dry well shall be provided for this area. Surface drainage from this area shall be directed toward the drywell and away from neighboring property.*
11. *The future short term storage area, if constructed, shall be paved and shall be required to meet all C-1 general commercial standards, including but not limited to, landscaping and drainage.*

In October of 2010 a use variance was granted to allow an auto body repair and maintenance shop on the I-1 zoned property. In 2012, a use variance was granted to allow vehicles to park overnight and install a freestanding sign. The sign has not yet been installed.

All pertinent City Departments have reviewed this request and approved offering the following comments:

Fire: Fire Department access lane needs to be maintained in short term area to allow access to east side of building and long term parking.

Engineering:

- Oil/Sediment trap is required with land use. Provide information or install.
- The expanded short term storage area shall be paved.
- Proper drainage shall be provided with proposed parking runoff.

RECOMMENDATION

The Staff recommends approval of Appeal #18-07 to expand the automotive body repair/maintenance business at 1802 West Sixth Street to Lot 65 to the east, subject to the following conditions:

1. Use Variance shall be limited to automotive body repair and automotive maintenance is limited to indoors. No outside storage of materials and/or vehicle parts will be permitted. *Salvage of parts and storage of non-repairable vehicles are prohibited. Disabled cars may be held on a temporary basis to resolve insurance related claims within the designated long term storage area. No parts or other outside storage is permitted within this area;*
2. ~~The previously submitted landscape plan plantings shall be installed and the building shall be painted in 2012;~~
3. Exterior lighting shall be provided within the gated parking area. If lighting is not a cut-off type fixture, direct lighting away from residential properties.
4. All employees shall park within the fenced area on the property *when possible*, and not on adjacent streets. *When employees do park on adjacent streets, the owner shall coordinate with adjacent residents and make*

accommodations to move vehicles as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up, shall not be stored in the street where they are located there overnight.

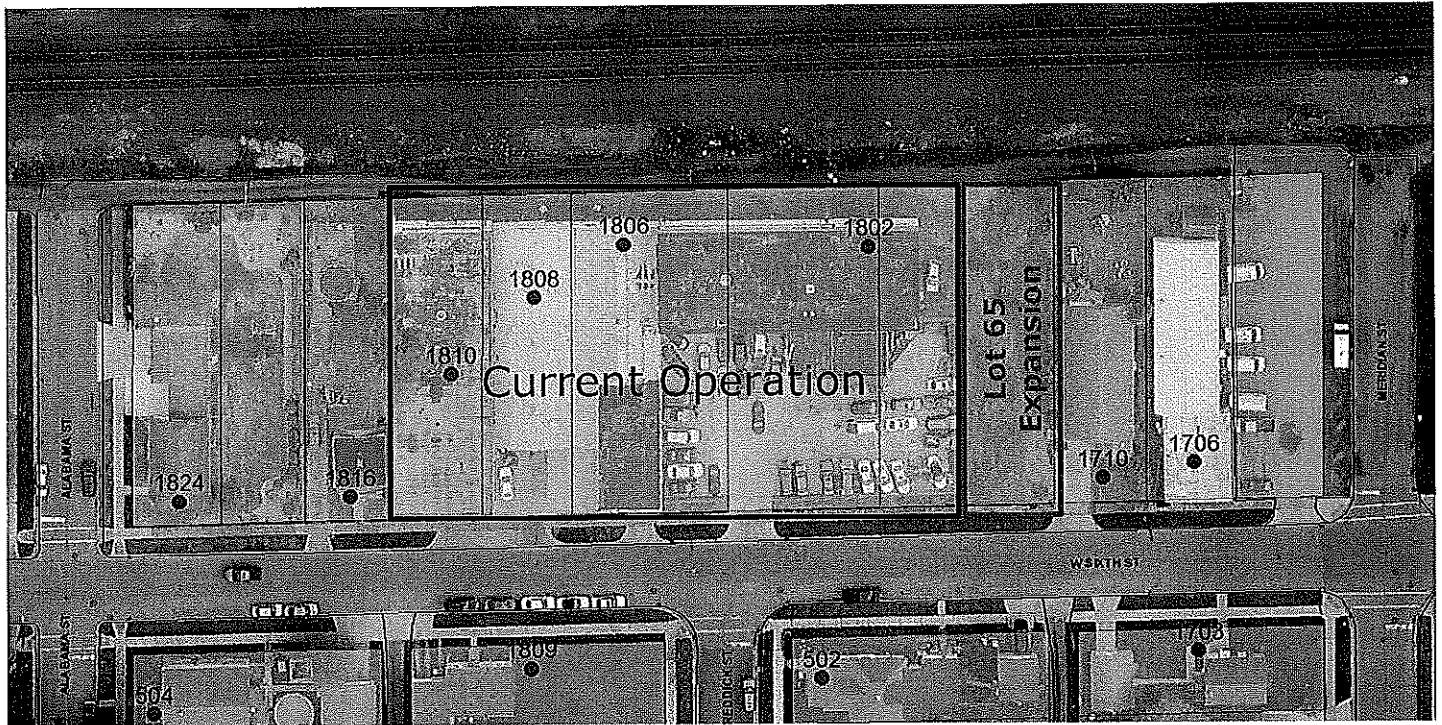
5. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. *Sidewalks shall not be blocked by parked unoccupied vehicles.*
6. Overnight parking in the fenced lot *adjacent and visible to the street* shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles. *Within this parking area, a minimum of five parking spaces shall be reserved for continually rotating customers.*
7. Hours of operation for repair work that creates noise that can be heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
8. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments;
9. Temporary signage, *other than directional signs*, is prohibited. *Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.*
10. *A long term storage area shall be created on the east side of the building between the current parking area and the alley. This area shall be completed by July 1, 2018. Long term storage is meant for the storage of cars with pending insurance litigation issues or other related issues that require them to be stored for weeks or months. Parking in this area should not exceed 18 months for any one individual vehicle. This area shall be fenced with an opaque fence that is 8' high. The surface of the area may be gravel or hard paved. Hard paving or other improvements shall be accomplished as necessary to prevent the migration of gravel on West 6th Street. At a minimum, one dry well shall be provided for this area. Surface drainage from this area shall be directed toward the drywell and away from neighboring property.*
11. *The future short term storage area, if constructed, shall be paved and shall be required to meet all C-1 general commercial standards, including but not limited to, landscaping and drainage.*

This recommendation is based on the following reasons:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed expansion will have no additional impact on the surrounding commercial and residential uses that currently exist. The proposed use is consistent with the existing industrial properties within the area;
2. 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 of the mixed commercial/industrial/residential nature of the area along the railroad tracks. The revised conditions will also ensure that the business will not negatively affect the residential neighborhood to the south and north;
3. The need for a variance arises from the nature of the area, where property owners are very protective of the intensive zonings of their properties. Previous resolutions allow the existing automobile use. The expansion will alleviate some of the on street parking and storage problems currently affecting the business while still protecting the industrial zoning for future use and also protecting the neighboring residential users;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the previously approved Resolutions do not include Lot 65, therefore denying the use of that lot for the automobile/commercial use;
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies the site as Industrial surrounding areas as Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

ATTACHMENTS

AERIAL, PHOTOGRAPHS, VARIANCE REQUEST, & LOCATION MAP



1806 West Sixth Street



Current Operation



Lot 65



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

February 14, 2018

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
February 13, 2018, Public Hearing
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed Ordinance was considered:

PETITION #18-05 A petition submitted by Thomas J. and Kathleen A. Herrman requesting to amend the University Gardens Planned Unit Development, **6910 North Main Street, Granger**, to allow for microblading services.

The Commission, with a vote of 5-0, recommended approval.

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed Ordinance regarding the above matter.

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Jennifer Gerber

RECEIVED
DEBORAH S. BLOCK, MMC

FEB 15 2018

CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location: 6910 N. Main Street, Units 21 and 22

Date: Feb. 13, 2018

Petition: 18 05

Prepared By: KM

GENERAL INFORMATION

Applicant: Thomas J. and Kathleen A. Herrman/Jennifer Gerber

Status: Property Owners/Tenant

Request: Amend University Gardens PUD to allow microblading services

Zoning Classification: S-2 Planned Unit Development

Lot Size: Irregular

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

SPECIAL INFORMATION

Area Development Pattern: North: S-2 Planned Unit Development
South: S-2 Planned Unit Development
East: R-3 Multi-Family Residential
West: S-2 Planned Unit Development

Thoroughfare: Southeast corner of Main Street and Cleveland Road (S.R. 23)

School District: Penn-Harris-Madison

Township: Harris

Public Utilities: All utilities are available to the site

Comprehensive Plan: Service Commercial

ANALYSIS

The petitioners are requesting to amend the University Gardens Office Park Planned Unit Development to allow for microblading services within one of the units. Microblading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

University Gardens Office Park PUD was established in 1980 as a professional and commercial development and the uses have generally followed the C-6 Linear Office Commercial District. The need to amend the PUD arises from the fact that a tattoo establishment is not an approved use within the C-6 zoning district. ***It should be noted that while microblading is a service that can be found in a spa or beauty salon, it is a form of tattoo and not specifically permitted within the zoning district or the PUD as established.***

Also, the requested amendment does not amend the entire PUD, but specifically Units 21 and 22 that the Petitioner owns.

All pertinent City Departments have reviewed this request and recommend approval.

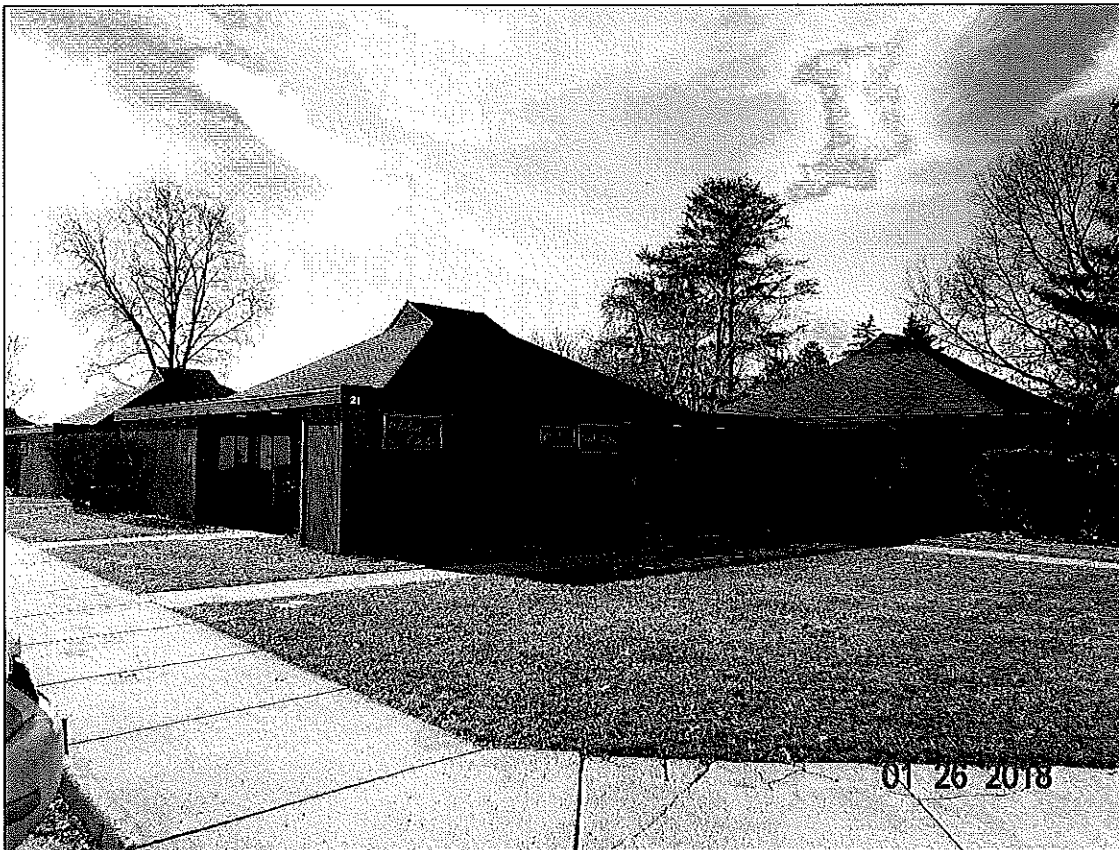
RECOMMENDATION

Staff recommends in favor of amending the University Gardens PUD to allow microblading services. This recommendation is based on the following findings of fact:

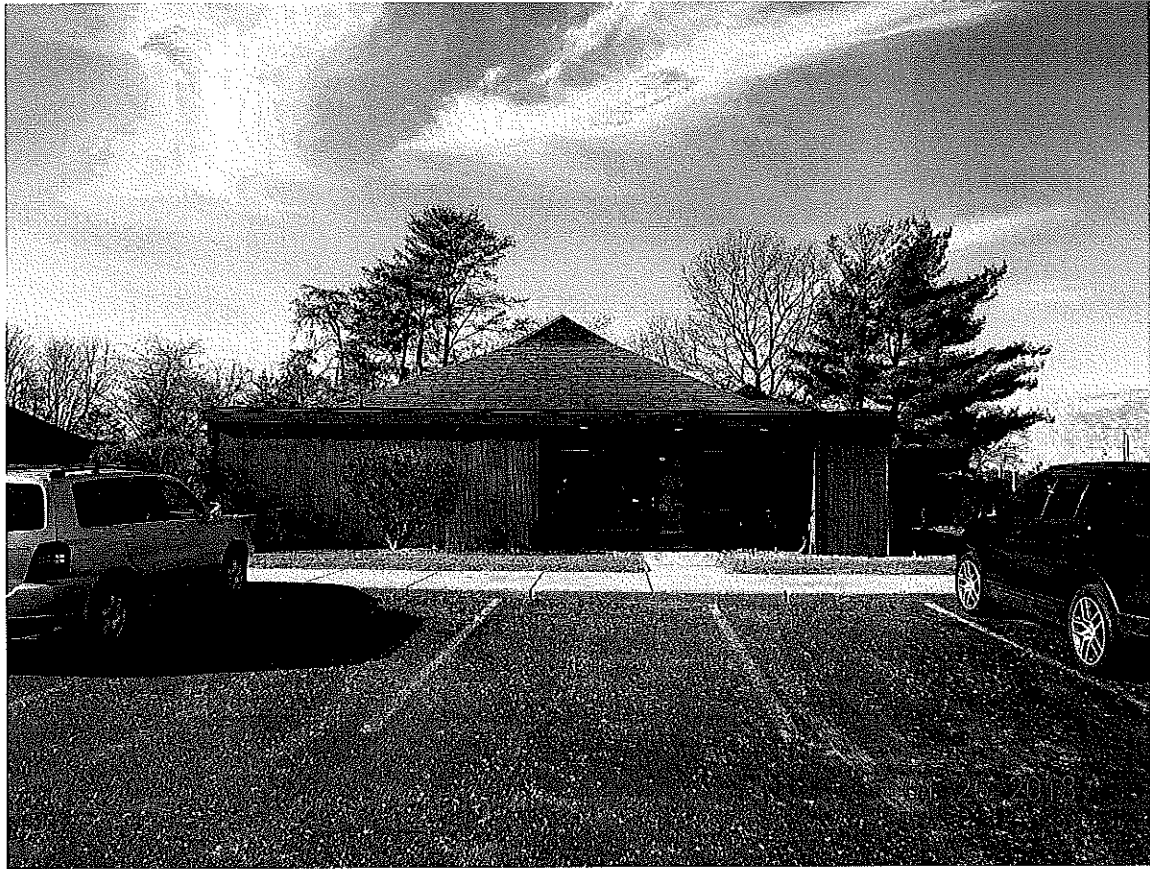
1. Existing Conditions – The use will be located in an existing building with other similar personal services/salon uses.
2. Character of Buildings in Area - The character of the buildings located within this development and the surrounding area are professional and commercial.
3. The most desirable/highest and best use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/personal services.
4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development.
5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

ATTACHMENTS

Photographs, Petition, Aerial, Location Map



View of Units 21 and 22



FEB 15 2018

PETITION 18-05

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-04

ORDINANCE NO. _____

CITY CLERK
MISHAWAKA, IN

1st Reading *2-19-18*
2nd Reading
Passed
Failed
Continued To

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

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

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

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

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

Unit 21 and 22, University Gardens Office Park

COMMON ADDRESS: 6910 North Main Street

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended to allow microblading services in Units 21 and 22 only.

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

1. Existing Conditions – The use will be located in an existing building with other similar personal services/salon uses.
2. Character of Buildings in Area – The character of the buildings located within this development and the surrounding area are professional and commercial.
3. The Most Desirable/Highest and Best Use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/professional services.
4. Conservation of Property Values – The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development.

Proposed Ordinance No: 2018-04

Ordinance No: _____

5. Comprehensive Plan – The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.

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 _____, 2018, at _____ o'clock _____.M.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____.M.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock _____.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 31 2018

CITY CLERK
MISHAWAKA, IN

January 23, 2018

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 Thomas J. and Kathleen A. Herrman 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 NUMBER: 71-04-27-102-023.000-036

LEGAL DESCRIPTION: UNIT 21 UNIVERSITY GARDENS OFFICE PARK

LEGAL ADDRESS: 6910 North Main Street, Unit 21, Granger, Indiana 46530

PARCEL NUMBER: 71-04-27-102-024.000-036

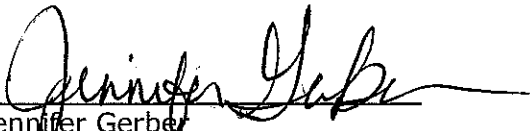
LEGAL DESCRIPTION: UNIT 22 UNIVERSITY GARDENS OFFICE PARK

LEGAL ADDRESS: 6910 North Main Street, Unit 22, Granger, Indiana 46530

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for commercial real estate/leased business space.

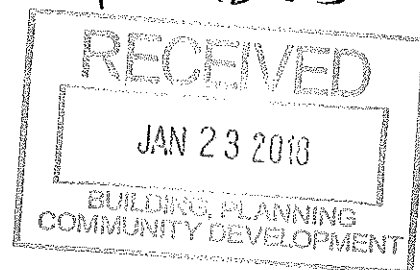
Petitioner desire said real estate to be amended to allow for microblading services.

Wherefore, the petitioner prays 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.


Jennifer Gerber

CONTACT PERSON:

Jennifer Gerber
15481 Brookstone Ct.
Granger, IN 46530
574-286-9158
jennifgerber1@gmail.com



University Gardens, Inc.

6910 N. Main St., Mishawaka, IN 46530

January 23, 2018

Regarding: City of Mishawaka Board of Zoning Filing Authorization

Members of the City of Mishawaka Board of Zoning;

This letter is being written on behalf of Jennifer Gerber and her business Brow Bar 574. As property owner of **University Gardens Office Park, located at 6910 North Main Street, Granger, Indiana 46530**, I authorize the aforementioned future tenant to file a petition to properly zone this property to suit the needs of her business. Your time and consideration regarding this matter is greatly appreciated.

PROPERTY INFORMATION

University Gardens, Inc

6910 North Main Street

Granger, IN 46530

UNIT 21

Parcel #71-04-27-102-023.000-036

Legal Description: UNIT 21 UNIVERSITY GARDEN OFFICE PARK

UNIT 22

71-04-27-102-024.000-036

Legal Description: UNIT 22 UNIVERSITY GARDEN OFFICE PARK

Thank you,



Kathleen A. Herrman

University Gardens, Inc.

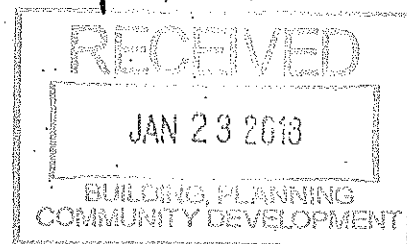
6910 N. Main Street

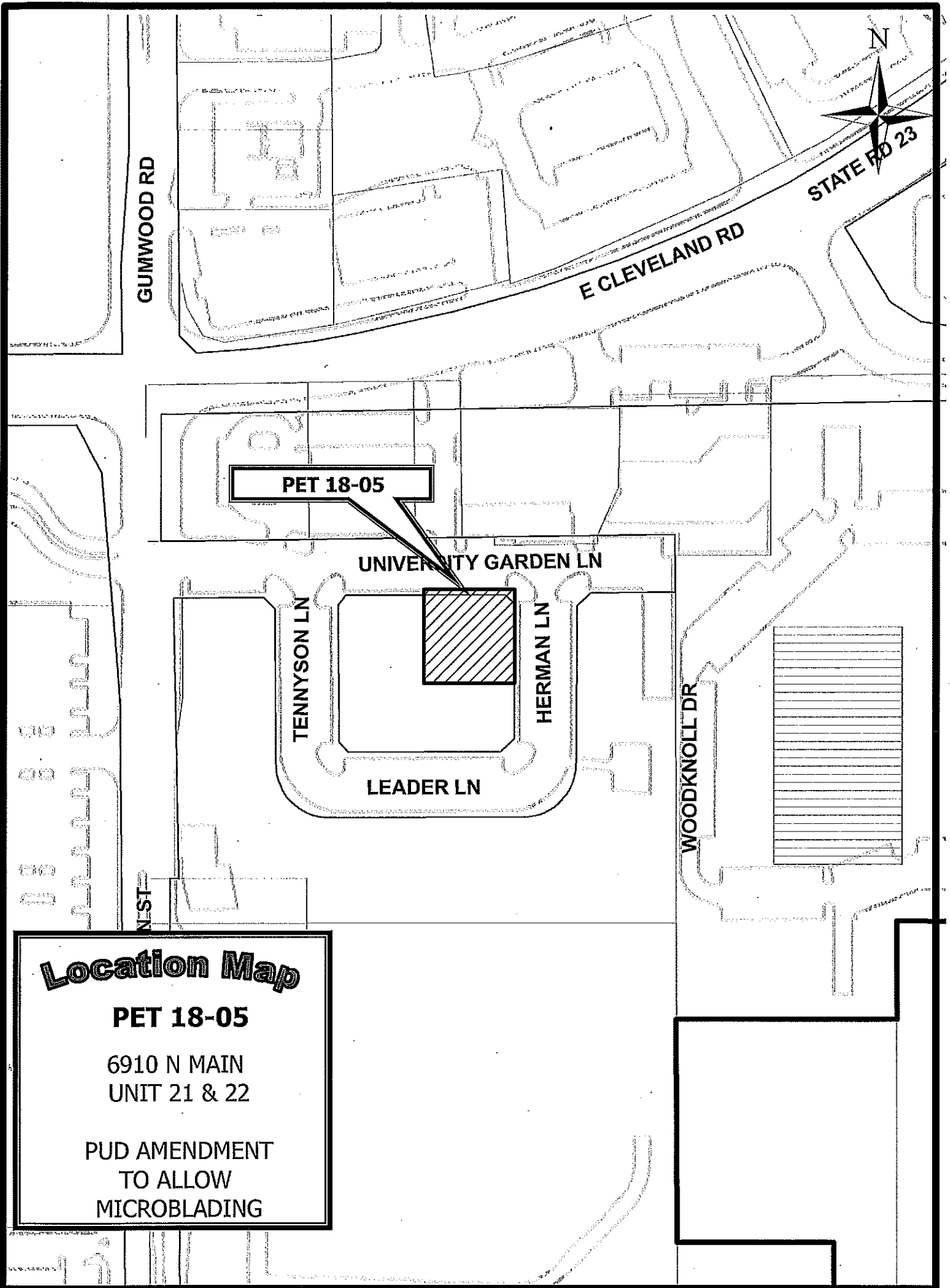
Unit 3

Granger, IN 46530

Phone 574-282-2596

Fax 574-237-6766





GUMWOOD RD

E CLEVELAND RD

STATE RD 23

PET 18-05

UNIVERSITY GARDEN LN

TENNYSON LN

HERMAN LN

LEADER LN

WOODKNOLL DR

Location Map

PET 18-05

6910 N MAIN
UNIT 21 & 22

PUD AMENDMENT
TO ALLOW
MICROBLADING

FEB 15 2018

APPEAL #18-02

RESOLUTION NO. 2018-03

CITY CLERK
MISHAWAKA, IN

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:

1200 West Sixth Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made an unfavorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

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

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **1200 West Sixth Street, Mishawaka, Indiana**, more particularly known and described as follows:

Lots 7, 8, 9, 10, 11, 12, and 13, Manoka Place, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance, if approved, will permit automobile service, body, and paint shop on I-1 Light Industrial zoned property subject to the following conditions:

1. Use variance shall limit automotive maintenance, automotive body repair, and automotive painting, to the inside of the building. Salvage of parts and storage of non-repairable vehicles are prohibited. No outside storage of materials and/or vehicle parts will be permitted.
2. Exterior lighting shall be provided within the existing and expanding parking areas. Lighting shall be shielded/cut-off as to not shine unto the adjacent public right-of-way or residential properties.
3. All employees shall park on the property when possible, and not on the adjacent streets. When employees do park on the adjacent streets, the owner shall coordinate with the adjacent residents and make accommodations to move vehicles as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up shall be not stored in the street where they are located overnight.
4. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. Sidewalks shall not be blocked by parked unoccupied vehicles.

5. Overnight parking in the proposed lot to the east and visible to the street shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles.
6. Hours of operation for automotive repair work that creates noise heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
7. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments;
8. Temporary signage, other than directional signs, is prohibited. Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.
9. All proposed and existing parking areas, where to be resurfaced, shall be paved.
10. Additional landscaping and screening shall be provided in conformance with the I-1 Light Industrial District.
11. An administrative site plan shall be submitted and shall conform to all required developmental regulations including, but not limited to, storm water drainage, utility improvements, and landscaping/screening.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval for an automobile service, body and paint shop will be injurious to the public health, safety, morals, and general welfare of the community as these proposed uses, and potential expansion thereof, will have a negative impact on the surrounding residential uses.
2. The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner if the proposed automotive uses are permitted.
3. The need for the use variances arise due to the existing zoning classification not allowing for the proposed uses.
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the current I-1 Light Industrial zoning would not allow for the proposed automobile oriented commercial uses.
5. The approval for the automobile service, body and paint shop will interfere substantially with the goals and objectives of the Mishawaka 2000 Plan as these uses are not compatible in a primarily single-family residential neighborhood.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2018, at _____ o'clock _____ .m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock _____ .m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at _____ o'clock _____ .m.

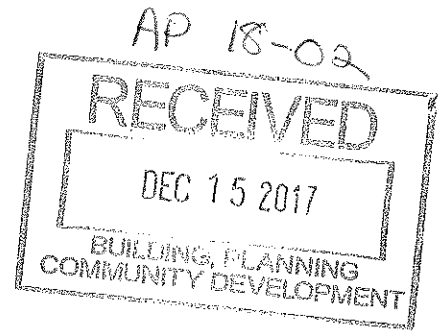
David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 31 2018

CITY CLERK
MISHAWAKA, IN

DECEMBER 8, 2017



TO: BOARD OF ZONING APPEALS
CITY OF MISHAWAKA, INDIANA

The undersigned appellant respectfully shows the Board:

1. Ronald E & Diana L Quandt, are joint owners in common of the following described real estate located within the City of Mishawaka, Penn Township, St Joseph County, State of Indiana, to-wit:

Lots 7, 8, 9, 10, 11, 12 and 13, Manoka Place, known as 1200 West Sixth Street, Mishawaka, Indiana 46544.

A. The above described real estate presently has a zoning classification of I - 1 District under the Zoning Ordinance of the City of Mishawaka.

B. Appellant proposes to occupy the above described property in the following manner:
Car Repair and Body and Paint Shop. *AND BEAUTY SHOP*

C. Appellant explains that under the present classification this type of usage is not approved.

D. The Zoning Ordinance of the City of Mishawaka requires the property to have a zoning change to C- 4 in order for proper usage to be utilized.

E. As the present zoning is I-1, in the past 24 months we have not been successful in locating a vendor that fits the present zoning requirement. In the past two years, we have contacted a wide array of vendors who would fit the present usage but have not been successful in our search.

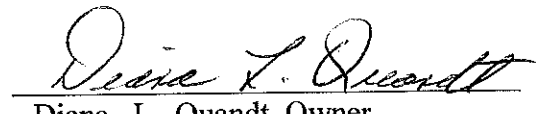
F. With the change of a usage variance, the property and the entity would not create a problem or be injurious to the public health of the community. It would not affect the safety of the public under the amended usage or the morals of the community. It would be adding a service to the people of the community and the surrounding area. The subject property has been improved during our tenure with a fence along the frontage of the property and a partial fence on the western boundary of the property. The property directly to the west is a rental property. The property has railroad tracks to the rear of the property. The number of trains that pass on a daily basis is certainly louder than any noise that would be coming from a paint and body shop. The painting is done in an approved Paint Module with a filter which prevents any paint from being sent through the area. This paint module is required by the State of Indiana and meets all state requirements. At the front of the property is a commercial building which is presently vacant. The property is covered by video inside & out. It also has access control with audit for approved entrance into the building. During our habitation and ownership of the property we have landscaped

the corners of the property and along the front of the property with rose bushes, barberry bushes, yellow euonymous and various other flowering shrubs. We have also planted evergreens on the western border and green shrubbery in the southwest corner of the property. This property being active with commercial life would enhance the other properties in the community and stabilize the tax basis rather than decreasing values from empty buildings (which are subject to vandalism and are very unsightly in a community). Empty buildings send bad vibes through an area for the resale of houses as well as the existing commercial properties. A vibrant retail business in this property would also generate Sales Tax for the City of Mishawaka. In addition there is room for expansion on this property and as a business thrives, it can attract several other business interests in the area to service the residents and the existing rental units. There is ample area for any cars waiting to be serviced or completed. Vehicles waiting for delivery would be stored inside the building. With freshly painted cars it is not advisable for autos to be sitting outside where they could be subject to vandalism & traffic and the degrading of the finished product.

2. Changing the variance for this property will not be adverse to either of the adjacent properties as the unit to the west is presently a rental unit and should encourage an upgrade in the existing property. The property to the east of the property is a family residence and they as well as several other residents use the additional lots of this property for storage of excess vehicles and recreational equipment.
3. The zoning change is necessary because the demand for industrial property in this area has diminished. The building was originally built to serve as a terminal for a bakery. It has also been a printing plant in its past and it recently served as a warehouse and operational center for our automatic door business for the past 12 years. It has been vacant except for a few sparse rentals in the past 24 months. Business needs change and so do communities. A Car Service Center in this area would benefit everyone concerned. We have had requests for car repair services that could be available to the community.
4. As a vacant building it is a hardship to any prospective owner unless there is a usage that can return revenue. Property values certainly decrease when the revenue sources are limited or depleted. Without changes in the usage capabilities of this property, valuations will continue to decrease. Vandalism and unsightly properties will degrade and devalue the area.
5. I am not informed on the Mishawaka 2000 Comprehensive Plan but I cannot imagine any increase in valuation of any of the properties if this zoning change should fail to get endorsement by the City Council.

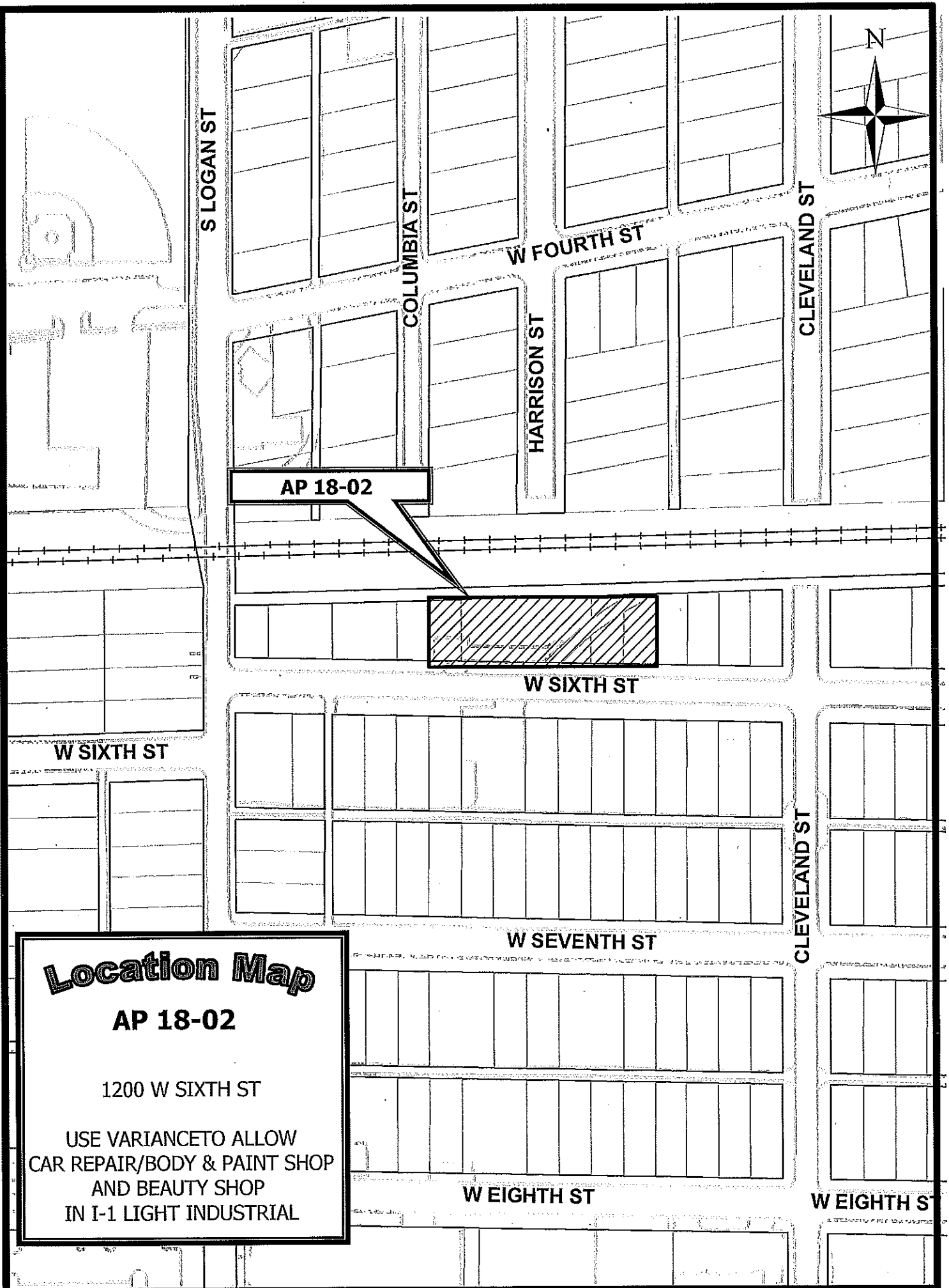
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


Ronald E Quandt, Owner


Diana L Quandt, Owner

CONTACT PERSON

RONALD E QUANDT
17680 HANSOM CT
SOUTH BEND, INDIANA 46635
Day phone Number 574 220-5165
Fax Number 574 277-1878



S LOGAN ST

COLUMBIA ST

HARRISON ST

CLEVELAND ST

W FOURTH ST

AP 18-02

W SIXTH ST

W SIXTH ST

W SEVENTH ST

CLEVELAND ST

W EIGHTH ST

W EIGHTH ST

Location Map

AP 18-02

1200 W SIXTH ST

USE VARIANCE TO ALLOW
CAR REPAIR/BODY & PAINT SHOP
AND BEAUTY SHOP
IN I-1 LIGHT INDUSTRIAL

FEB 15 2018

APPEAL #18-07

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. 2018-04

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:

1802 West Sixth Street, Mishawaka, Indiana

WHEREAS, the Indiana Code requires the Common Council to give notice of its
intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval;
and

WHEREAS, the Common Council must take action within sixty (60) days after the
Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on
such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made no recommendation,
pursuant to applicable state law, including the imposition of reasonable conditions, to wit,
the recommendations of the Department of City Planning.

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

Section I. The Common Council has provided notice of the hearing on the Petition
from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance
for property located at **1802 West Sixth Street, Mishawaka, Indiana**, more particularly
known and described as follows:

Lot Numbers 65-70, Milburn Place, and 60' vacated Reddick Street, City of
Mishawaka, Penn Township, St. Joseph County, State of Indiana

The Use Variance, if approved, will permit the expansion of automotive body
repair/maintenance business to the lot to the east subject to the following conditions:

1. Use Variance shall be limited to automotive body repair and automotive maintenance
is limited to indoors. No outside storage of materials and/or vehicle parts will be
permitted. Salvage of parts and storage of non-repairable vehicles are prohibited.
Disabled cars may be held on a temporary basis to resolve insurance related claims
within the designated long term storage area. No parts or other outside storage is
permitted within this area.
2. Exterior lighting shall be provided within the gated parking area. If lighting is not a
cut-off type fixture, direct lighting away from residential properties.
3. All employees shall park within the fenced area on the property when possible, and
not on adjacent streets. When employees do park on adjacent streets, the owner
shall coordinate with adjacent residents and make accommodations to move vehicles

as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up, shall not be stored in the street where they are located there overnight.

4. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. Sidewalks shall not be blocked by parked unoccupied vehicles.
5. Overnight parking in the fenced lot adjacent and visible to the street shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles. Within this parking area, a minimum of five parking spaces shall be reserved for continually rotating customers.
6. Hours of operation for repair work that creates noise that can be heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
7. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments.
8. Temporary signage, other than directional signs, is prohibited. Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.
9. A long term storage area shall be created on the east side of the building between the current parking area and the alley. This area shall be completed by July 1, 2018. Long term storage is meant for the storage of cars with pending insurance litigation issues or other related issues that require them to be stored for weeks or months. Parking in this area should not exceed 18 months for any one individual vehicle. This area shall be fenced with an opaque fence that is 8' high. The surface of the area may be gravel or hard paved. Hard paving or other improvements shall be accomplished as necessary to prevent the migration of gravel on West 6th Street. At a minimum, one dry well shall be provided for this area. Surface drainage from this area shall be directed toward the drywell and away from neighboring property.
10. The future short term storage area, if constructed, shall be paved and shall be required to meet all C-1 general commercial standards, including but not limited to, landscaping and drainage.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed expansion will have no additional impact on the surrounding commercial and residential uses that currently exist. The proposed use is consistent with the existing industrial properties within the area;
2. 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 of the mixed commercial/industrial/residential nature of the area along the railroad tracks. The revised conditions will also ensure that the business will not negatively affect the residential neighborhood to the south and north;
3. The need for a variance arises from the nature of the area, where property owners are very protective of the intensive zonings of their properties. Previous resolutions allow the existing automobile use. The expansion will alleviate some of the on-street parking and storage problems currently affecting the business while still protecting the industrial zoning for future use and also protecting the neighboring residential users;
4. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the previously approved Resolutions do not include Lot 65, therefore denying the use of that lot for the automobile/commercial use; and
5. The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies the site as Industrial surrounding areas as Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 2018, at _____ o'clock _____ m.

Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of _____, 2018,
at _____ o'clock _____ m.

Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of _____, 2018, at
_____ o'clock _____ .m.

David A. Wood, Mayor

DATE: January 8, 2018

JAN 8 1 2018

TO: Board of Zoning Appeals
City of Mishawaka, Indiana

CITY CLERK
MISHAWAKA, IN

JP's Complete Auto Care, Inc. is 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 Numbers 65-70 Milburn Place and 60' vacated Reddick Street.

The above-described real estate presently has a zoning classification of I-1 Light Industrial District under the Zoning Ordinance of the City of Mishawaka.

Appellant presently occupies the above-described property in the following manner: automotive body work shop and automotive repair shop per Resolution No. 2012-03.

Appellant desires to include Lot 65, and amend previously approved Resolution No 2012-03 as follows:

1. Use Variance shall be limited to automotive body repair and automotive maintenance is limited to indoors. No outside storage of materials and/or vehicle parts will be permitted. *Salvage of parts and storage of non-repairable vehicles are prohibited. Disabled cars may be held on a temporary basis to resolve insurance related claims within the designated long term storage area. No parts or other outside storage is permitted within this area;*
2. ~~The previously submitted landscape plan plantings shall be installed and the building shall be painted in 2012;~~
3. Exterior lighting shall be provided within the gated parking area. If lighting is not a cut-off type fixture, direct lighting away from residential properties.
4. All employees shall park within the fenced area on the property *when possible*, and not on adjacent streets. *When employees do park on adjacent streets, the owner shall coordinate with adjacent residents and make accommodations to move vehicles as may be necessary so that public parking spaces remain available along the street. Cars waiting on repair and pick-up, shall not be stored in the street where they are located there overnight.*
5. No car repairs shall be permitted outside of the enclosed building. Streets and sidewalks shall not be used for the staging or repair of vehicles. *Sidewalks shall not be blocked by parked unoccupied vehicles.*
6. Overnight parking in the fenced lot *adjacent and visible to the street* shall be limited to the temporary staging of cars being worked on. This lot shall not be used for the long term storage of vehicles. *Within this parking area, a minimum of five parking spaces shall be reserved for continually rotating customers.*
7. Hours of operation for repair work that creates noise that can be heard outside the building shall be limited to between the hours of 7:30am and 8:00pm.
8. Freestanding Signage on the site is limited to one non-internally illuminated monument style sign (up lighting is permitted) with a display area of no greater than four (4) feet high by eight (8) feet wide/ 32 square feet, and with a total sign height not to exceed five (6) feet and with permits secured from Building and Planning Departments;
9. Temporary signage, *other than directional signs*, is prohibited. *Directional signs shall be placed as necessary to mark designated customer and employee parking areas on site. Rigid directional signs may be located on fencing.*
10. *A long term storage area shall be created on the east side of the building between the current parking area and the alley. This area shall be completed by July 1, 2018. Long term storage is meant for the storage of cars with pending insurance litigation issues or other related issues that require them to be stored for weeks or months. Parking in this area should not exceed 18 months for any one individual vehicle. This area shall be fenced with an opaque fence that is 8' high. The surface of the area may be gravel or hard paved. Hard paving or other improvements shall be accomplished as necessary to prevent the migration of gravel on West*

AP 18-07

6th Street. At a minimum, one dry well shall be provided for this area. Surface drainage from this area shall be directed toward the drywell and away from neighboring property.

11. The future short term storage area, if constructed, shall be paved and shall be required to meet all C-1 general commercial standards, including but not limited to, landscaping and drainage.

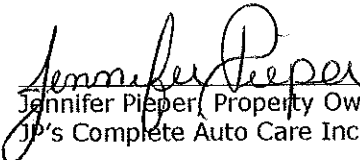
The Zoning Ordinance of the City of Mishawaka requires no automotive uses in I-1 Light Industrial District. The existing automotive use was permitted under a previous use variance.

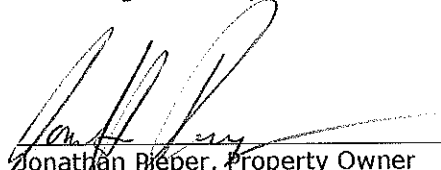
Explain why strict adherence to the Ordinance requirements would create an unusual hardship.

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? *YES OR NO and explain your reason why.*
- (2) Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? *YES OR NO and explain your reason why.*
- (3) Does the need for the variance arise from some condition peculiar to the property involved? *YES OR NO and explain your reason why.*
- (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 OR NO and explain your reason why.*
- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? *YES OR NO and explain your reason why.*

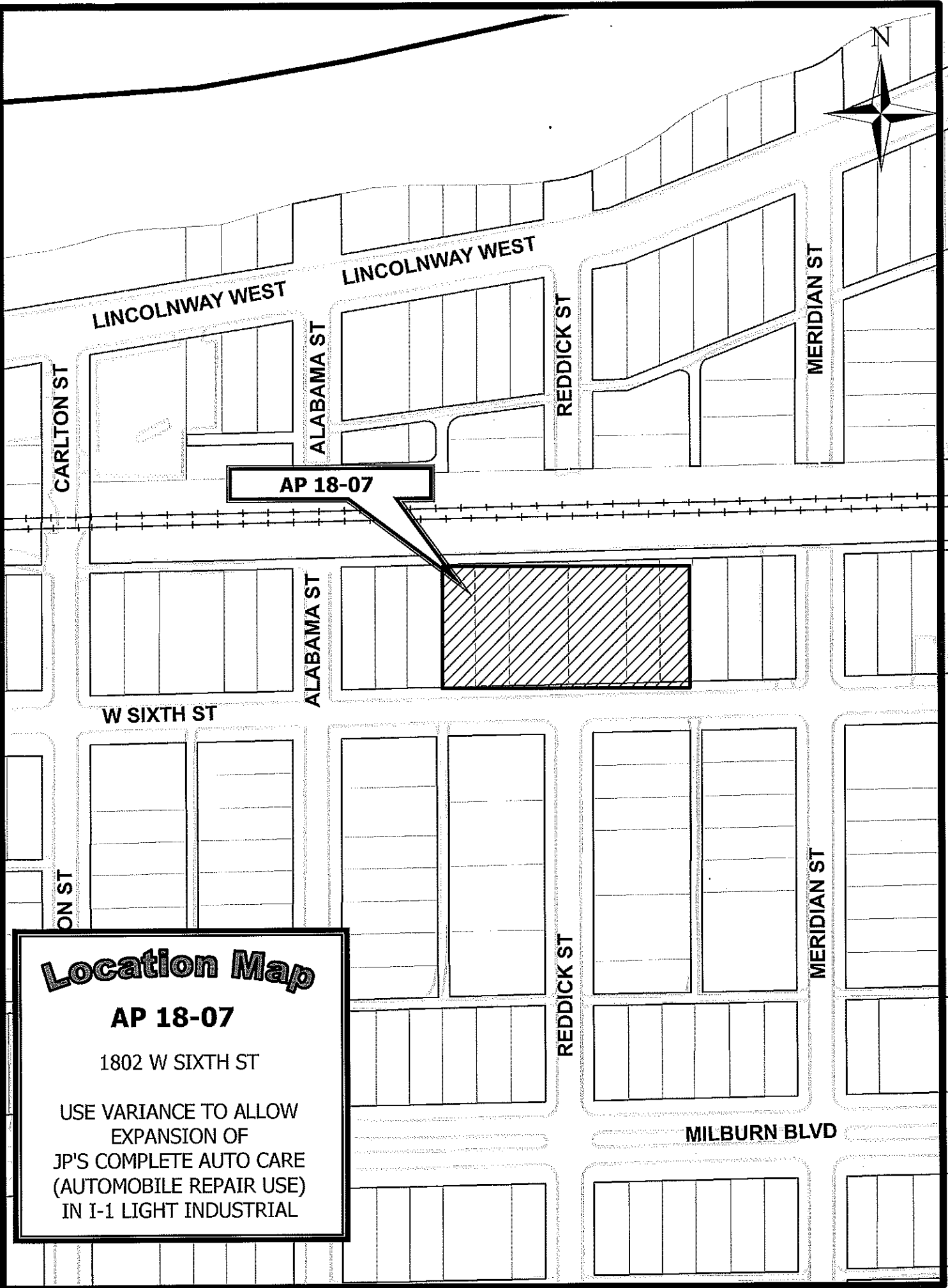
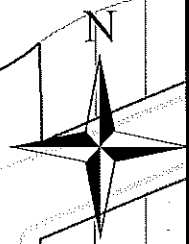
WHEREFORE, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.


Jennifer Pieper, Property Owner
JP's Complete Auto Care Inc


Jonathan Pieper, Property Owner
JP's Complete Auto Care Inc

CONTACT PERSON:

Name:
Address:
Day Phone Number:
Fax Number:
Email:



Location Map

AP 18-07

1802 W SIXTH ST

USE VARIANCE TO ALLOW
EXPANSION OF
JP'S COMPLETE AUTO CARE
(AUTOMOBILE REPAIR USE)
IN I-1 LIGHT INDUSTRIAL