REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
March 19, 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 March 19, 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 lead by Andrew Madland, Troop 572.

Roll Call.
Present: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.
Absent: Mr. Compton, Mr. Emmons.

The minutes from the March 05, 2018 meeting were approved as received from the City Clerk's Office.

Clerk Block read a letter from the Board of Zoning Appeals and the City Plan Commission regarding recommendations from their March 13th Meeting.

APPEAL No. 2018-09 An appeal submitted by Grape Road BMC Partners, L.P. requesting a Use Variance for **7121 Grape Road, Granger**, to allow outside storage containers.

The Board, with a vote of 4-1, recommended approval.

PETITION No. 2018-06 A petition submitted by City of Mishawaka and Lindy's, Inc., requesting to annex and zone approximately 138 acres near the northeast corner of Fir and Douglas Roads, Mishawaka, Indiana, to S-2 Planned Unit Development.

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

PETITION #18-07 A petition submitted by the City of Mishawaka requesting to amend the Penn Planned Unit Development to allow for a golf course, golf maintenance, municipal wellfield and water production facilities, and regional recreational facility.

The Commission, with a vote of 7-0, recommended approval subject to the attached conditions.

Uses:

1. Outside sale display for loose items shall be prohibited.
2. Off-premise signs/billboards shall be prohibited.

Internal Road connections:

1. Private collector road connections shall be provided through the site and connected to adjacent properties where deemed appropriate. Applicable private road connections shall be dedicated within easements as part of 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.

2. At a minimum, internal sidewalks shall be provided within the property connecting to the adjacent roadways. *This walk shall connect to any sidewalk that may be provided along Veteran's Parkway or any other future adjacent public right-of-way.* Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.

3. Internal access connections shall be provided to all adjacent parcels of land.

Stormwater Run-off/Utilities:

1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.

2. Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.

3. All costs associated with the extension of utilities shall be the responsibility of the applicant/developer of each final planned unit development site plan. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.

4. A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.

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. 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 100 lineal feet.

2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.

Building Limitations/Architecture:

1. All building façades visible from the public right-of-way shall be constructed with 50% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended.

2. For all parcels, there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.

3. The maximum building height for any buildings within the development shall be 60'.

Parking/Landscaping:

1. A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.

3. A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual development parcel shall comply with the landscape requirements of the C-1 General Commercial zoning district.

4. Sidewalks and utilities may be provided within the required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.

5. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.

6. All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives

PETITION #18-09 A petition submitted by In Good Company on behalf of Mervin D. Lung Revocable Trust to amend the Bercado Planned Unit Development to allow for a 27 building, 205-unit apartment complex.

The Commission, with a vote of 6-1, recommended approval subject to the attached conditions.

Uses:

1. Permitted uses shall be limited to a 205 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, playground, dog park, and detached parking garages.

Utilities:

1. The developer shall connect to the City of Mishawaka sanitary sewer, water, and electric as directed by applicable codes, the City Director of Engineering, the Manager of the Water Division, and the Manager of the Electric Division. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.
2. The extension of all other utilities to and throughout the site shall be applicant/developer's cost and expense.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Landscaping:

1. Landscaping/screening shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.

Signage:

1. One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.

Road Improvements/Right-of-Way Dedication:

1. Road improvements along Vistula Road shall be installed as determined by the Department of Engineering.
2. Additional right-of-way and/or easements may be required along Vistula Road as determined by review of the City Director of Engineering and City Planner. If required, the right-of-way and/or easements shall be dedicated as a part the subdivision plat.

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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.

Parking:

1. Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.

Architectural Requirements:

1. Building materials and colors shall comply with the C-1 General Commercial Zoning District

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the south side of Vistula Road within the dedicated right-of-way and along the entire property frontage.

Other:

1. All other developmental standards not identified shall comply with the R-3 Multiple-Family Residential standards.

Clerk Block read the following proposed ordinance by title and was set for public hearing at next meeting.

PROPOSED ORDINANCE NO. 2018-05

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

(Annex and zone 137.89 acres E. of Fir S. of Toll Road- Juday Creek)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-06

AN ORDINANCE AMENDING CHAPTER137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, FROM TIME TO TIME AMENDED, COMMONLY KNOW AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA

(PUD Amd -Penn PUD- Lot 2- Juday Creek Business Park)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-07

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.

(PUD Amd -Apartment Complex S. of Vistula Rd. E. of Bittersweet)
(Assigned to Land Use Planning Committee)

Clerk Block read the following Resolution by title and was opened for public hearing.

RESOLUTION NO. 2018-05

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:

7121 Grape Road, Granger, Indiana

Matthew Smith with Anchor Construction and tenant of Grape Road LLC spoke on behalf of the applicant. He went on to say they were a design/build general contractor for commercial and industrial construction projects. Mr. Smith said they did not typically self-perform much work, sometime minor carpentry but they were primarily a professional service business. He went on to discuss the storage container use for storing their tools and materials they use on projects they self-perform. Mr. Smith said the type of tools and materials they use were not suitable for in office storage. He felt the containers were well screened around the premises, on the residential side on the west and north, the containers were screened by solid wood fence and trees, on the south and east side, the containers were screened by existing buildings. Mr. Smith also mentioned the containers were located 400 feet away from any public right of way. He hoped to receive the council's approval.

Mrs. Voelker questioned whether the containers were stationary. She also mentioned the conversation she had with Mr. Smith regarding linking the variance with the business; she asked would he be comfortable with linking the variance. Mr. Smith replied yes, they were stationary containers; they grab the materials they need. He continued to say they were in a 10-year lease agreement, the business started in 2014, and they were now 4 years into their lease. Mr. Smith said he was comfortable linking the variance to the lease. He said they were not going to extend their lease after the 10 years as they were beginning to outgrow the facility.

Mr. Mammolenti asked if Mr. Smith knew the reasoning of the board member in opposition. Mr. Smith believed he was opposed to having containers in commercial districts. He said the board member mentioned if the building was not conducive for storage, then perhaps they needed to find another building.

A motion was made by Mrs. Voelker to amend **RESOLUTION NO. 2018-05** by adding the Use Variance to allow two (2) outside storage containers for the length of the tenant's occupancy with a second by Mr. Deal motion carried.

Question called for at 7:12 P.M. for **RESOLUTION NO. 2018-05 AS AMENDED** Vote: Motion carried by unanimous roll call vote (summary: Yes = 7). Yes: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

UNFINISHED BUSINESS

Clerk Block read the following Resolution by title and was opened for public hearing.

RESOLUTION NO. 2018-03

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

Ronald and Diana Quandt, owners of 1200 W. Sixth Street apologized for his potential tenant's absence. He assumed Mr. Jones absence was due to an emergency. Mr. Quandt went on to say his potential tenant Alex Jones was a Mishawaka resident for 15 years. He continued to say Mr. Jones worked at an auto body shop for years but he did not like where he was renting. Mr. Quandt said he spoke to Mr. Jones early in the day; he was unsure why he did not attend the meeting. He mentioned he made an agreement with Mr. Jones that he would asphalt the west and east entrance and in front of the building, which would improve the curb appeal of the building. Mr. Quandt said he would also put green canopies over the windows to make the building to give the business a retail look. He said Mr. Jones work was beautiful, he mostly works on vintage and sports cars, and he also did some insurance work. Mr. Quandt went on to say Mr. Jones can work and store 8 to 10 cars and would keep them all inside the building.

Mr. Deal questioned the smell of a paint shop, which was issue in the west end area and a concern. Mr. Deal said he could not support the resolution without verification from the tenant. Mr. Quandt said he spoke with paint shops regarding the smell of paint, there was a filter for fumes to go out through the roof. Mr. Deal expressed he needed to hear from Mr. Jones.

Mr. Bellovich questioned the hours of operation. He also was concerned the shops door would be open during the summer. Mr. Quandt believed hours would be from 10:00 A.M. to 6:00 P.M. He said the building has always been air conditioned and was recently replaced 4 years ago; there was no need to work with doors opened.

Mr. Mammolenti asked would the tenant be responsible to pay the utility bill. Mr. Quandt replied yes. Mrs. Quandt said before they sold their business back in 2004, their utility bill in the summer was around $400 a month.

Mr. Canarecci said his biggest concern was the smell from paint. He continued to say he expects Mr. Jones to have a good filtration to reduce the smell of paint. Mr. Canarecci questioned the type of business Mr. Quandt ran. Mr. Quandt said he ran a commercial pedestrian automatic door business. He continued to say the building was used as a warehouse. Mr. Canarecci also asked Mr. Quandt if he would be comfortable living near an auto body paint shop. Mr. Quandt replied it would not bother him at all, 90% of the time the wind would blows from the SW

toward the railroad tracks. Mr. Canarecci said they were already combating unpleasant smells in the area; he would hesitate to add more.

Mr. Mammolenti questioned Mr. Jones communication and reliability. He also asked how long the building was vacant. Mr. Qaundt said in the past he has had good communication with Mr. Jones. He went on to say the past few weeks Mr. Jones had family emergencies but for the most part he was reliable. Mr. Quandt said the building had been vacant since January of 2016 but it was not completely vacant. Mr. Qaundt said he had several opportunities to lease the property for car repair shops; this was the first paint and body shop. Mr. Qaundt continued to say he was so impressed with Mr. Jones work; he was clean and did great work. Mr. Mammolenti questioned why Mr. Quandt declined the repair shops. Mr. Quandt said he wanted good tenants.

Mr. Tanner referred to the application requesting for a Beauty Shop. He asked if the property has ever been on the market for sale or lease. Mr. Quandt said Mr. Jones wife runs a Beauty Shop and was looking to relocate. He went to say he had the property marketed for both sale and lease; he was waiting for the right tenant. Mr. Tanner asked what the other space of the building was being used for. Mr. Qaundt said they built storage units inside, he rents them out.

Mr. Banicki asked where Mr. Jones was currently working and the potential business hours on weekends. Mr. Quandt said Mr. Jones worked at a shop on Byrkit south of Lippert Components building. He believed Mr. Jones did not work on weekends. Mr. Banicki also questioned the number of employees and was Mr. Jones planning on expanding his employee base. Mr. Quandt said Mr. Jones has not indicated that he would hire more employees; he has one employee he believed was part time.

Mr. Bellovich asked for the address of Mr. Jones current working location. Mr. Qaundt believed the address was 428 Byrkit. Mr. Bellovich said he would like to ask Mr. Jones some questions and have an opportunity to look at his operation. Mr. Quandt replied that was fair.

Mr. Mammolenti informed Mr. Quandt they were pushing the limit postponing the resolution for the second time, the council needed to take action 60 days prior to the BZA meeting. Mr. Quandt appreciated the council's patients.

A motion was made by Mrs. Voelker to postpone **RESOLUTION NO. 2018-03** to the next council meeting with a second by Mr. Tanner motion carried.

NEW BUSINESS

Mr. Deal announced the Twin Branch Neighborhood Meeting would be March 21st at 7:00PM at Fire Station #4. He said guess speaker would be Chris Jamrose, City Engineer speaking about the next phase of the 12th street widening project as well at other projects in the city.

Mrs. Voelker made a motion to suspend council rule to change the next meeting from April 02, 2018 to April 09, 2018 with a second Mr. Banicki motion carried.

Mr. Banicki announced there would be a Land Use Planning Committee Meeting on March 26th at 7:00 P.M. at City Hall regarding Piper Auto Repair 1802 W. Sixth Street.

Mrs. Voelker commended the city workers great job on cleaning the parks. She stated March 24th would be Clean-up in the Parks and were asking for volunteers.

ADJOURNMENT 7:33 P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President