

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 David Spalding, MD and for the tragedy in Florida school shooting.



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

Chief Deputy Clerk Hazen read a letter from the City Plan Commission and Board of Zoning Appeals regarding recommendations from their February 13, 2018 meeting.

APPEAL NO. 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 NO. 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.

PETITION NO. 2018-05 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.

Chief Deputy Clerk Hazen read the following proposed ordinance by title and was set for public hearing at next council meeting.

PROPOSED ORDINANCE NO. 2018-04
**AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE
CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME
AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF
THE CITY OF MISHAWAKA, INDIANA**
(PUD to Amend Micro blading - 6910 N. Main Street)
(Assigned to Land Use Planning Committee)

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 L. Quandt owners of property 1200 West Sixth street said the potential leaser Alex Jones would like to run a paint and body shop for high end cars. Mr. Quandt requested the resolution be postponed to the March 5th meeting due to Mr. Jones absences. He said Mr. Jones could not attend the meeting due to an emergency. Mr. Quandt felt it was best for the council to hear from Mr. Jones to explain his operations.

Mr. Tanner made a motion to postponed **RESOLUTION NO. 2018-03** to the March 05, 2018 meeting with a second by Mr. Banicki motion carried.

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

Mr. Banicki made a motion to continue public hearing for **RESOLUTION 2018-04** on April 02, 2018 and to hold a Land Use Planning Committee meeting in March to receive input from the neighbors with a second by Mr. Tanner motion carried.

NEW BUSINESS

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 7:13 P.M.

Mary Ellen Hazen /s/
Mary Ellen Hazen, Chief Deputy Clerk

Matt Mammolenti /s/
Matt Mammolenti, President