

AGENDA

Monday, June 18, 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**

June 04,2018

5. Petitions, Communications, Remonstrance and Memorials

A letter from the Board of Zoning Appeals regarding recommendation from their June 12,2018 meeting

A letter from the City Plan Commission regarding their recommendations from their June 12, 2018 meeting

6. Report of Special Committee

7. Ordinances on First Reading

P.O. NO. 2018-14 Rezone from C-1 to R-1 Residential for an Existing House 1028 S. Ironwood Dr.

P.O. NO. 2018-15 PUD Amendment for Permitted Uses & Developmental Standards Part of Walker PUD & NW Capital - Toll Road PUD - NW corner of Capital Ave. and Beacon Parkway

8. Resolutions

R2018-13 Developmental Variance for number of Parking Spaces for New Restaurant & Use Variance to Permit Residential Use in C-1 Commercial 426 E. Mishawaka Ave. (Petitioner Requesting Continuance to the July 16, 2018 meeting)

9. Ordinances on Second Reading

P.O. NO. 2018-13 Additional Funds CREDIT \$808,472.50 Local Major Moves \$823,573.24 Sidewalk & Curb Repair \$3,266.20 (Assigned to Budget and Finance Committee)

10. Privilege of the Floor - Non-Agenda Items

11. Unfinished Business

P.O. NO. 2018-12 Rezone from C-1 General Commercial to C-4 Auto Oriented Commercial for Car Wash Vacant Property East of 1030 W. Edison Road. (Petitioner Requesting Continuance to the August 6, 2018 Meeting)

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
May 21, 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 May 21, 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.



Roll Call.

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

Presentation of the D.A.R.E. City Champion Essays

Ava Atkinson Liberty Elementary

Tony Wang Queen of Peace

DA.R.E. Officer Lieutenant Williams was honored to present the two city champions for the Mishawaka D.A.R.E. Program who would represent the city in the state championship. He hoped one of them would be the 5th state champion.

Mayor Wood acknowledged DA.R.E. Officer Lieutenant Williams for his service. He continued to say in his 20 years of being in public service in Mishawaka; he never met anyone who had as big of an impact on the lives of Mishawaka youth as Lieutenant Williams. Mayor Wood said by the State of Indiana Lieutenant Williams was recognized as D.A.R.E Officer of the year. He continued to say Lieutenant Williams made Mishawaka and their future a better place.

Chief Deputy Clerk Hazen the following Appeal and Petitions to the council, who referred them to the Board of Zoning Appeals and City Plan Commission for their recommendations.

APPEAL NO. 2018-15

Developmental Variance for number of Parking Spaces for
New Restaurant & Use Variance to Permit Residential
Use in C-1 Commercial 426 E. Mishawaka Ave.

PETITION NO. 2018-16

Rezone from C-1 Commercial to R-1 Residential
For an Existing House 1028 S. Ironwood Dr.

PETITION NO. 2018-18

PUD Amendment for Permitted Uses & Development
Standards Part of Walker PUD & NW Capital-
Toll Road PUD – NW corner of Capital Ave. and
Beacon Parkway

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

PROPOSED ORDINANCE NO. 2018-13

**AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2018**
(Add. Funds – CEDIT - Local Major Moves -Sidewalk & Curb repair)
(Assigned to Budget and Finance Committee)

Chief Deputy Clerk Hazen read the following resolution by title and was opened for public hearing.

RESOLUTION NO. 2018-12

**A RESOLUTION OF THE CITY OF MISHAWAKA COMMON COUNCIL
ESTABLISHING A MUNICIPAL RIVERFRONT DEVELOPMENT
PROJECT AREA WITHIN THE RECENTLY DESIGNATED
REDEVELOPMENT PROJECT AREA**

Geoff Spiess, Corporate Counsel stated the legal process was finished. He said if the council approved there would be a new expanded Riverfront District established. Mr. Spiess continued to say the boundaries were drawn to be expansive as possible under the state statute; they tried to include as many establishments as much as they could. He said realized at the previous meeting he made a mistake regarding the cost of the municipal permit, the permit was \$1,000 not \$5,000.

Mayor Wood encouraged councils support. He said there had been a result of hard work, years of effort and a lot of research from the Planning and Legal Department. Mayor Wood believed this was in the best interest of Mishawaka; this was a great opportunity for business to come in to the city. He said they have had and knew of developments opportunities missed because of the limitations the State of Indiana placed in an artificial market on obtaining a liquor license. Mayor Wood continued to say they felt this would be the opportunity to expand out to the full extent to make it more accessible for those who wish to open a business in Mishawaka. He said this has been before the council multiple times, the Plan Commission, and the Redevelopment Commission. Mayor Wood said the final step was going before the Board of Public Works on June 5th to establish guidelines for the liquor license. He thanked everyone for their patients and hard work in this process.

Mr. Deal thanked everyone involved in the process. He asked in regard to the states cap on the number of licenses based on population was there any move by the administration to address the issue of population based caps. Mayor Wood said the power of that issue rest on the legislator. He believed this year there would be a study committee to take a look at all of Indiana's liquor license requirements and guidelines, which he hoped they would make some recommendations to bring it to the 21st century, he felt the cap was stuck in the 19th century. Mayor Wood said ultimately it would have to go before the General Assembly for their input and action. He said they were a little encourage because the state was looking at it holistically but at the end of the day he felt they needed to take the opportunity they had available. Mayor Wood continued to say

if the state did not take action at all, he knew they were looking at restricting the definition of a river earlier this year. He said taking a look at Juday Creek, they question whether it was river or not, the definition was loosely defined by the state statue. Mayor Wood said there was an attempt to make sure all rivers were navigable by a boat of a three-foot draft. He continued to say he knew several rivers around the state with liquor license attached to those that did not fit the qualification. Mayor Wood said they think by doing this the state could not come to essentially legislate a business out of business. He went on to say they also hoped the state would comprehensively look at the full range of liquor incenses and bring Mishawaka in to what the neighboring states had and to make Mishawaka competitive.

Mr. Tanner asked were there any major guidelines for consideration. Mayor Wood replied yes, the three major guidelines were hours of operations to be limited to 1:00AM, dinning would be required and none smoking. He said this was specifically for the riverfront license. Mayor Wood said they would also have to pay the fine of \$1,000 for the permit and receive a letter of support from the Mayor's Office, which was required by the state.

Pat Perri, 914 Division Street spoke on behalf of the Diloreto Club. He expressed it was good to get to this point, he thanked everyone for all their efforts for bringing this back to the city. Mr. Perri said as a small a business this would mean a lot. He hoped the proposal would go well down state. Mr. Perri continued to say as the city grew and became more business friendly, this was good for the City of Mishawaka.

Questioned was called for at 7:31 P.M. for **RESOLUTION NO. 2018-12**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.**

Chief Deputy Clerk Hazen read the following proposed ordinances by title and were opened for public hearing.

PROPOSED ORDINANCE NO. 2018-10

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 I-1 to R-1 Single Family – 1111 Webster)
(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.

Brittany Conard, 3617 Vistula Road Mishawaka explained they were selling the property at 1111 Webster, the buyer wanted to occupy the property as a single-family residence. She said the bank would not lend a mortgage without the property being zoned R-1 Single Family.

Mrs. Voelker asked would the buyer live in the house. Mrs. Conard replied yes.

Questioned was called for at 7:34 P.M. for **PROPOSED ORDINANCE NO. 2018-10**, 
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 9). **Yes:** Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5617**

PROPOSED ORDINANCE NO. 2018-11

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

(Rezone from C-1 to R-1 Single Family 421 & 501 S. Capital Ave.)
(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.

James Vance, 71093 Dawn Dr. Union Michigan represented his parents and two sisters. He said his parents recently passed, the property was a family business called Vance refrigeration which closed in 2005. Mr. Vance explained they were planning on selling the property. He said the property was zoned residential before the business, and they would like to rezone it back to R-1 Single family. Mr. Vance said there were two homes, with two stall garages and a shop on the properties. He continued to say since Elm Road came in, Capital Avenue turned into a dead-end street, the family felt there was no use in putting another commercial property.

Mr. Tanner asked were the two homes going to be sold as a package including the accessory buildings. Mr. Vance answered yes.

Questioned was called for at 7:38 P.M. for **PROPOSED ORDINANCE 2018-11**  **Vote:**
Motion carried by unanimous roll call vote (summary: Yes = 9). Yes: Mrs. Voelker, Mr. Compton, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5618**

PROPOSED ORDINANCE NO. 2018-12

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

(Rezone C-1 to C-4 Auto Oriented Commercial for Car Was E. of 906 W. Edison)
(Assigned to the Land Use Planning Committee)

Chief Deputy Clerk Hazen read a letter from the petitioner requesting for **PROPOSED ORDINANCE NO.2018-12** to be tabled until the June 18, 2018 meeting.

Mr. Compton made a motion to table **PROPOSED ORDINANCE NO. 2018-12** until the June 18, 2018 meeting second by Mr. Banicki motion carried.

UNFINISHED BUSINESS

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 Amend- Apartment Development S. of Vistula, E. of Bittersweet)
(Assigned to the Land Use Planning Committee)

Chief Deputy Clerk Hazen read a letter from the petitioner requesting to withdraw **PROPOSED ORDINANCE NO.2018-07**.

Mr. Compton made a motion to withdraw **PROPOSED ORDINANCE NO. 2018-07** June 04, second by Mr. Banicki motion carried.

NEW BUSINESS

Mrs. Voelker announced there would be a Historic District meeting on June 5th at 7:00PM at the Center for Hospice to explore options for the Edgewater, Park Ave., John St. & Cedar St. area.

Mr. Emmons announced the St. Bavos Neighborhood Meeting would be June 21st at 7:00PM. The speaker will be Ken Prince, City Planner speaking on the Beutter Park Development.

ADJOURNMENT 7:43 P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

June 13, 2018

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Board of Zoning Appeals Recommendation
June 12, 2018, Public Hearing

Honorable Members:

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

APPEAL #18-15 An appeal submitted by Marianne Parker, owner, and Donald Mawhorter, purchaser, requesting a Use Variance for **426 East Mishawaka Avenue** to allow a residence in C-1 General Commercial zoning, and a Developmental Variance for a reduction in parking spaces for a new restaurant.

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

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner
Secretary, Board of Zoning Appeals

cc: Dion Mawhorter

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2018

CITY CLERK
MISHAWAKA, IN

STAFF REPORT

Location: 426 E Mishawaka

Date: June 12, 2018

Appeal: 18 15

Prepared By: CH

GENERAL INFORMATION

Applicant: Estate of Richard Parker/Donald Mawhorter

Status: Property Owner / Contingent Purchaser

Request: Use variance to allow a single family residence in C-1 General Commercial District and a developmental variance for a reduction in the number of required parking spaces from 6 to 0.

Zoning Classification: C-1 General Commercial

Lot Size: 0.20 acres

Applicable Regulations: Section 137-42 / (5) Board of Zoning Appeals – Developmental Variance;
Section 137-301 / C-1 District - Uses
Section 137-302 / C-1 District – Height, area and developmental regulations

SPECIAL INFORMATION

Area Development Pattern: North: R-1 Single Family Residential (single family home)
South: C-5 Neighborhood Commercial (single family homes/duplex)
East: C-1 General Commercial (single family home)
West: C-1 General Commercial (single family home)

Thoroughfare: Mishawaka Avenue

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: Low Density Residential

ANALYSIS

The Appellant is requesting a use variance to allow a single family residence in the C-1 General Commercial District and a parking variance for a restaurant from 6 spaces to 0.

The proposed building is located on the northwest corner of Mishawaka Avenue and Locust Street; the former Parker's Central Bait Shop. The contingent purchaser intends to run Scoobies Restaurant in the former bait shop area and maintain the single family home. The home will be lived in by the owner, or a family member. The former owner personally occupied the property as his residence and business, according to a 1995 variance for an addition. However, since the site has been vacant for more than six months, the property has lost its legal non-conforming status. Single family homes are not a permitted use in the C-1 General Commercial District.

In addition to the use variance, the Appellant is also requesting a developmental variance to reduce the number of parking spaces from 6 to 0. The Appellant's business will use the driveway for employee/delivery driver parking. Customer parking will be on street parking. The area between the sidewalk and the building only allowed for a row of angled parking with a one-way aisle. This would have caused two additional curb cuts on Locust, reducing the amount of on street parking available. The property has approximately 130' of frontage on Locust Street.

Scoobies business is primarily take-out. The hours of operation are Monday and Tuesday from 10:30am to 5pm; Wednesday thru Friday, 10:30am to 8pm; Saturday 11am to 4pm; and closed on Sunday.

The Engineering Department has no comment on the variances but the Applicant should be aware with the change of use to restaurant, a grease interceptor is required to be installed to City standards.

All other pertinent departments reviewed the request and had no comments.

RECOMMENDATION

The Planning Staff recommends approval of Appeal 18-15 to allow a use variance for a single family residence in C-1 General Commercial District at 426 E. Mishawaka. This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction;
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 the adjacent properties are also being used as residential, even though they may be zoned otherwise;
3. The need for the variance arises from some condition peculiar to the property in that the property was used as a single family home with a business attached for many years;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the building was built as a single family home;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

The Planning Department recommends approval of Appeal 18-15 for a developmental variance to allow for a reduction in parking variance from 6 to 0 spaces at 426 E. Mishawaka. This recommendation is based on the following finding of fact:

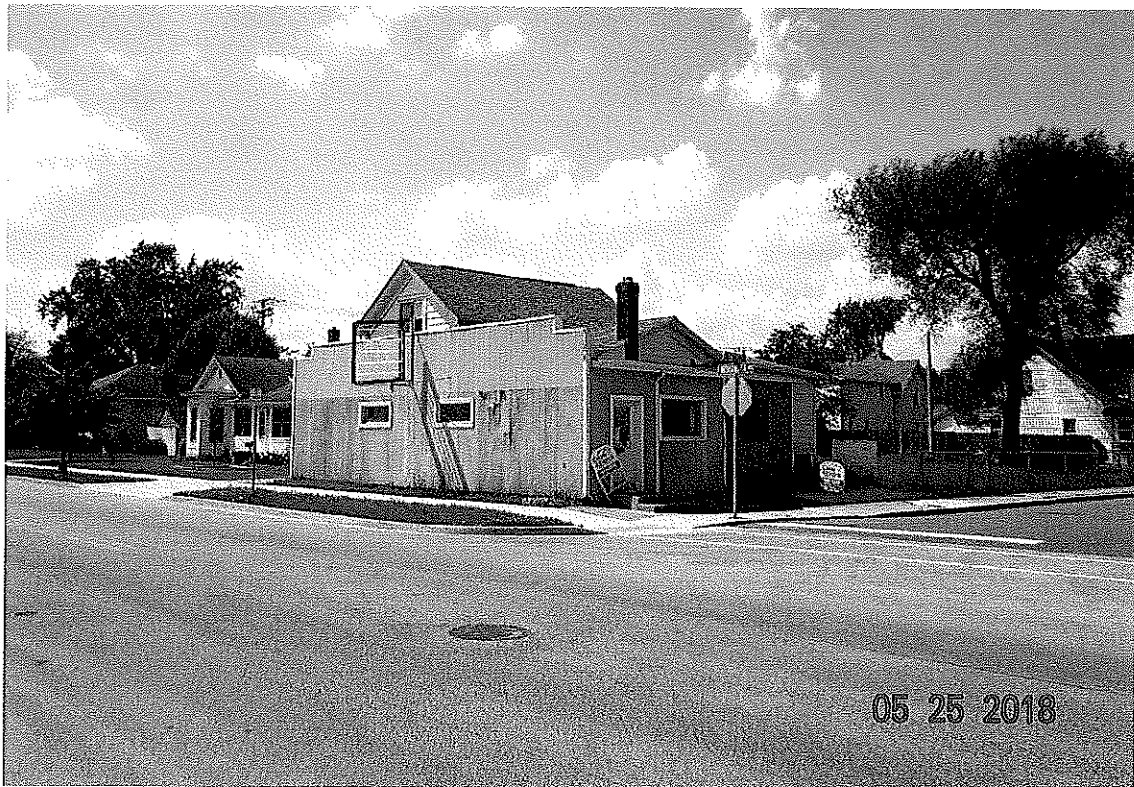
1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The parking generated by the new restaurant, whose business is primarily take-out, will be for a short period of time during the restaurant's business hours.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the site will not change substantially.
3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property as it would not allow an existing vacant structure to be re-occupied.

ATTACHMENTS

Photographs, Appeal, Site Plan, Location Map



2017 Aerial Photography



The house (white siding with gray roof) and business (blue siding) at 426 E Mishawaka Ave.



A view from Locust Street



City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

June 13, 2018

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
June 12, 2018, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

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

PETITION #18-16 A petition submitted by Dittrich Properties LLC requesting to rezone **1028 South Ironwood Drive** from C-1 General Commercial District to R-1 Single Family Residential District.

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

PETITION #18-18 A request submitted by Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC, requesting to amend the Walker Planned Unit Development and Northwest Capital-Toll Road Planned Unit Development (northwest corner of Capital Avenue and Beach Parkway, Granger) to amend permitted uses and developmental standards.

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

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

Respectfully,

Kari Myers, Administrative Planner
Secretary, Mishawaka Plan Commission

cc: Michael Williams
Phil Panzica

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2018

CITY CLERK
MISHAWAKA, IN

PETITION #18-18
Conditions of Approval

Uses:

1. Permitted uses shall be limited to hospitals; medical office buildings, surgery centers and related medical patient care; medical support services, diagnostics, imaging and all related medical practice types and needs; pharmacy, compounding and related drug preparation or drug therapy practices; professional office buildings providing medical, billing, scheduling, tele-med or similar medical support offices; retail uses; restaurant uses with a drive-thru; and medical and dental laboratories.
2. Permitted accessory uses shall include ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital.

Building & Parking Setbacks:

1. Required building setbacks shall include a 50' along Beacon Parkway, 40' along Capital Avenue, 40' from the interior private collector drives, and 10' from all other interior property lines.
2. Parking setbacks shall be 0' along Capital Avenue adjacent to the former Evergreen Road right-of-way. A 25' setback shall be maintained along all other portions of Capital Avenue.

Parking Space Requirements:

1. Parking spaces shall be provided at a ratio of 3 spaces per 1000 sq. ft. of gross floor area for any medical-related use.

Lighting:

1. Light poles shall be limited to a maximum height of 28' including a 3' base.
2. Use of ornamental light standards similar to lighting on Beacon Parkway is allowed.

Landscaping/Screening:

1. A 3' high earth mound shall not be required along the Capital Avenue frontage from Beacon Parkway to 675' to the north.
2. Landscaping consisting of either overstory or understory trees shall be provided at rate per Section 137-815 (1) (g) along Capital Avenue. Flexibility will be permitted in the spacing of required number of trees.
3. Generators, tanks, and other appurtenant structures shall be fully enclosed in a structure constructed with appropriate architectural materials as identified in Section 161.41 of the City Municipal code, as amended.

Architectural Materials:

1. A pre-cast linear embossed brick texture material with stain finish shall be permitted as an appropriate architectural material.

Temporary Signage:

1. Temporary signage to be placed on construction fencing shall be limited to maximum size of 1,200 sq. ft. with a maximum height of 10'.
2. Stand-alone temporary signage shall be limited to one construction sign with a maximum size of 128 sq. ft. and 10' in height.

Permanent Signage:

All permanent signage shall comply with the freestanding sign corridor overlay districts per Section 129-74 of the on-premises sign standards, unless otherwise noted below.

1. Capital Avenue frontage signage at the southeast corner of Beacon Parkway for Beacon's signs (shown as "corner campus sign & pylon" on the preliminary site plan):
 - a. Maximum monument height of 15'.
 - b. Maximum signage allowed with a total display area of 150 sq. ft.
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on two faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency".
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lit.
 - g. Signage shall be a minimum of 100' from the "Welcome to City of Mishawaka" sign and a minimum of 10' from the right-of-way.
2. Beacon Parkway frontage at the two entry drives for Beacon signage:
 - a. Signage shall have a maximum monument signage height of 15'.
 - b. Monument signage allowed with a total display area of 150 sq. ft. and a total copy area of 100 sq. ft. for each sign.
 - c. Signage base shall be landscaped.
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lit.
3. East side of west entry drive for retail outlot(s):
 - a. Signage shall have a maximum monument signage height of 8'
 - b. One monument sign shall be permitted for each outlot or building.
 - c. Signage shall be double faced.
 - d. Monument signage allowed with a total display area of 60 sq. ft. with a maximum display height of 5' and a maximum display width of 12'.
 - e. Signage base shall be landscaped.
 - f. Signs may be internally or externally lit.
4. Directional signage on interior private roads of Beacon property:
 - a. Maximum monument sign height of 10'
 - b. Maximum monument sign display area of 60 sq. ft. for each face.
 - c. Maximum number of monument signs not to exceed four (4) units, double faced.
 - d. Signs can be externally or internally lit.
5. Front canopy pier on hospital for "Emergency" signage:
 - a. Maximum pier height of 48'.
 - b. Maximum display area of 280 sq. ft. and copy area of 180 sq. ft. at each face, total of two faces.
 - c. Signage base shall be landscaped.

- d. Signage may be a bold red color.
 - e. Signage may be externally or internally lit.
 - f. Signage shall be connected to a part of the building and is not permitted to be freestanding sign.
6. Future development buildings with internal signage at each building to allow:
- a. Signage shall have a maximum monument signage height of 15'.
 - b. Allow one monument sign with a display area of 150 sq. ft. and a copy area of 100 sq. ft. at each sign.
 - c. Signage base shall be landscaped.
 - d. Signs may be internally or externally lit.
 - e. Allow two (2) internal drive directional signs per building similar to (4) above.

For the outlot(s) located along Beacon Parkway:

Uses:

- 1. Permitted uses include all C-1 General Commercial District, C-2 Shopping Center Commercial District, and C-7 Auto-Oriented Restaurant Commercial Districts uses excluding off-premise signs.

Building & Parking Setbacks:

- 1. Required building setbacks shall include a 50' front yard setback along Beacon Parkway, a 30' side yard setback, and a 25' rear yard setback.
- 2. Required parking setbacks shall include a 30' front yard setback along Beacon Parkway, a 10' side yard setback, and a 10' rear yard setback.

Parking Space Requirements:

- 1. Parking spaces shall be provided at a ratio of 10 spaces per 1000 sq. ft. of gross floor area for any restaurant with drive-thru use, 8 spaces per 1000 sq. ft. of gross floor area for a dine-in restaurant with no-drive thru, and 4 spaces per 1000 sq. ft. of gross floor area for all other permitted uses.

For both the Beacon Health Systems property and outlot(s):

- 1. All other previously approved PUD standards shall be adhered to.

STAFF REPORT

Location: 1028 S. Ironwood Dr.

Date: June 12, 2018

Petition: 18 16

Prepared By: KM

GENERAL INFORMATION

Applicant: Dittrich Properties LLC

Status: Property Owner

Request: Rezone from C-1 General Commercial District to R-1 Single Family Residential District

Zoning Classification: C-1 General Commercial District

Lot Size: 41' X 116'

Applicable Regulations: Sec. 137-164 Residential R-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

SPECIAL INFORMATION

Area Development Pattern: North: C-1 General Commercial District (residential)
South: C-7 Automobile Oriented Restaurant Commercial District
East: R-1 Single Family Residential District
West: City of South Bend

Thoroughfare: Ironwood Drive north of Ewing Avenue

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: Low Density Residential

ANALYSIS

The Petitioners are requesting to rezone 1028 S. Ironwood Drive from C-1 General Commercial District to R-1 Single Family Residential District. The property is located on Ironwood Drive north of Ewing Avenue and is surrounded on the north and east by residential uses and south and west by commercial uses.

Prior to the 1980's residential uses were permitted in the C-1 General Commercial District. Around 1986 the Zoning Ordinance was amended to prohibit residential uses in certain commercial zoning districts. Originally constructed as a private residence in 1969, the home served as a barber shop for awhile, but historically has remained residential in its use. The Petitioners state they would like to sell the property and banks are hesitant to loan on homes with commercial zoning.

Pertinent City Departments reviewed and approved the request.

RECOMMENDATION

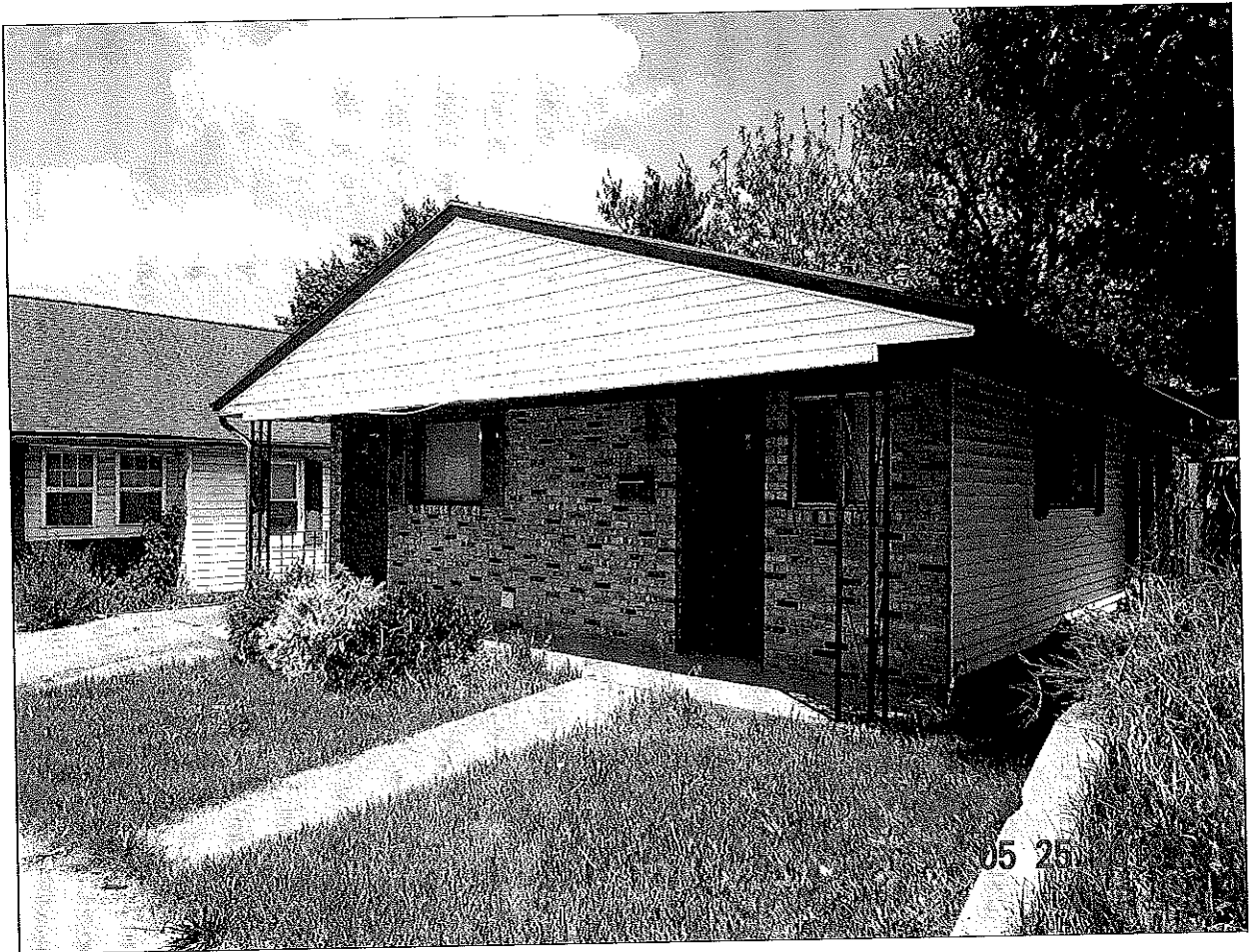
The Planning Department recommends **approval** of Petition #18-16 to rezone 1028 S. Ironwood Drive to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. Many of the properties in the immediate vicinity are residential in use. Its historic use as a single family dwelling would be compatible to the area;

2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with the current zoning, rezoning this parcel to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,
5. The City's Comprehensive Plan identifies the area as Low Density Residential and their historical use as single-family homes is consistent with the Plan.

ATTACHMENTS

PHOTOGRAPHS, PETITION, AERIAL, LOCATION MAP



View of 1028 S. Ironwood Dr.

STAFF REPORT

Location: Northwest corner of Capital Avenue & Beacon Parkway

Date: June 12, 2018

Petition: 18- 18

Prepared By: DJS

GENERAL INFORMATION

Applicant: Capital Avenue Properties LLC & Capital Avenue Properties II LLC

Status: Property Owner

Request: Amend part of the Walker Planned Unit Development and Northwest Capital – Toll Road Planned Unit Development to allow for changes in the permitted uses, and development standards

Zoning Classification: S-2 Planned Unit Development

Lot Size: Approximately 19.1 acres

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: Unincorporated St. Joseph County (Commercial/ Multi-tenant Strip Center & Vacant/ Undeveloped Land) & Capital Avenue
South: S-2 Planned Unit Development (Health & Fitness Facility / Beacon Health & Fitness & Vacant/ Undeveloped Land)
East: Unincorporated St. Joseph County (Vacant/ Undeveloped Land), Capital Avenue & an Indiana Toll Road entrance
West: S-2 Planned Unit Development (Commercial / C-1 General Commercial Uses)

Thoroughfare: Capital Avenue & Beacon Parkway

School District: Penn-Harris-Madison School Corporation

Township: Harris

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

Comprehensive Plan: Not specifically identified in the Mishawaka 2000 Comprehensive Plan. The Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka identifies this parcel as an area for Commercial Growth.

ANALYSIS

The applicant proposed to amend a part of the Walker Planned Unit Development and Northwest Capital – Toll Road Planned Unit Development to allow for changes in the permitted uses, and the development standards.

The amendment is applicable to both a larger parcel on which Beacon Health Systems is proposing to construct a 30,700 sq. ft. acute care hospital and an approximate 1.7 acre (225'x325') outlot(s) along Beacon Parkway.

The following analysis, which outlines the permitted uses and development standards, are applicable to the Beacon Health Systems property and future development areas, excluding the outlot(s):

The property is proposed to be developed in multiple phases with the first phase being the one-story 30,700 sq. ft. acute care hospital, parking areas with a minimum of 93 spaces (3 spaces per 1000 sq. ft. of gross floor area), two private access drives from Beacon Parkway and internal drives providing access to all adjacent properties, and two surface stormwater retention basins.

Permitted uses for this property are proposed to include hospitals; medical office buildings, surgery centers and related medical patient care; medical support services, diagnostics, imaging and all related medical practice types and needs; pharmacy, compounding and related drug preparation or drug therapy practices; professional office buildings providing medical, billing, scheduling, tele-med or similar medical support offices; retail uses; restaurant uses with a drive-thru; and medical and dental laboratories. Permitted accessory uses shall include ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital. Such generators, tanks, and other appurtenant structures shall be fully enclosed in a structure constructed with appropriate architectural materials as identified in Section 161.41 of the City Municipal code, as amended.

The development standards for this property are proposed to be amended for building and parking setbacks, parking space requirements, lighting, landscaping, architectural materials, and temporary and permanent signage.

The proposed building setbacks are 50' along Beacon Parkway, 40' along Capital Avenue, 40' from the interior private collector drives, and 10' from all other interior property lines. The approved setbacks of the PUD require a minimum setback of 75' from all public right-of-ways and private collector drives. Staff supports these requested setbacks, since per the proposed development of the site, adequate space will be maintained for parking, drives, and landscaping. The proposed setbacks are also consistent with those approved for the Beacon Health & Fitness property to the south.

A parking setback of 0' is proposed along Capital Avenue from Beacon Parkway to 675' to the north. This setback will allow for the parking areas to be located up to an adjoining right-of-way that was formerly a part of Evergreen Road. Staff recommends further limiting the 0' setback adjacent to only the former Evergreen Road right-of-way. The applicant's architect has contacted INDOT officials on the possibility of acquiring this portion of right-of-way since it is unimproved and no longer needed for access or public right-of-way. All other previously approved parking setbacks, including 25' along the remainder of Capital Avenue, 25' from Beacon Parkway, and 5' from all other interior property lines are applicable.

The approved parking space standards required a minimum of 4 parking spaces per 1000 sq. ft. of gross building area. A reduced ratio of 3 parking spaces per 1000 sq. ft. of gross floor area is proposed for any medical-related use. This reduction provides for better overall usage of the site without having to provide more parking than needed. In addition, this parking reduction is consistent with what was approved for the Beacon Health & Fitness property to the south.

The approved standards for lighting requires that light poles be limited to a maximum 25' height with 90-degree cut-off shielded fixtures. The amended request proposes that the light poles be placed on 3' tall bases which would raise the maximum height to 28'. The amended standards would also allow for the use of ornamental lights that would be similar in design to those used by the city along Beacon Parkway. Staff supports these amended standards as all on-site lighting will be limited to a maximum of 3 foot-candles at the property lines.

The previously approved landscaping standards require a minimum 3' high earth mound along all public right-of-ways and internal collector drives with a maximum 3' horizontal to 1' vertical slope. The amended standards propose to eliminate the earth mound along the Capital Avenue frontage from Beacon Parkway to 675' to the north adjacent to the INDOT-owned parcel. Staff supports this request as limited space is

available for a mound between the proposed parking areas, drives, retention basin and Capital Avenue right-of-way. However, Staff is recommending that landscaping consisting of either overstory or understory trees be provided per Section 137-815 (1) (g) along this portion of Capital Avenue. Flexibility will be permitted in the spacing of the required trees. However, the required number of trees shall be adhered to. All other C-1 General Commercial landscape standing shall be applicable to the property.

The existing standards for architectural materials require that "all buildings be constructed with 100% approved materials as identified in Section 161.41 of the City Municipal code, as amended. Materials and colors shall be varied as to provide architectural interest." The amended standards propose to allow materials to include a pre-cast concrete liner panel with an embossed brick texture and 25-year pigmented stain finish. This material is considered to be a "synthetic material" which is discouraged as an appropriate architectural material and not permitted under the PUD conditions of approval. Staff has reviewed the proposed material and feels that it is of high quality that meets the intent of the original PUD. Furthermore, the PUD was previously amended to allow same material to be used on the Beacon Health & Fitness building to the south.

For temporary signage, the requested amendment is to allow a maximum 2,000 sq. ft. with a maximum 10' height. Temporary signage can be stand-alone signage or signage placed on fencing and can be made of fabric, wood, plastic or equal materials. Temporary signage may remain in place from the commencement of site construction until the issuance of the occupancy permit for the facility. Staff recommends further limiting all temporary signage placed upon construction fencing to a maximum size of 1,200 sq. ft. (8'x150'). This is a similar size to what was permitted for the Beacon Health & Fitness building. Stand-alone signage not located on construction fencing shall be limited to one construction sign with a maximum size of 128 sq. ft. and 10' in height.

For permanent signage, the requested amendment for both the Beacon property and the outlot(s) is to allow the following:

1. Capital Avenue frontage signage at the southeast corner of Beacon Parkway for Beacon's signs (shown as "corner campus sign & pylon" on the preliminary site plan):
 - a. Maximum monument height of 40'.
Staff is recommending that the maximum height for the monument sign be 15' which is the same height that was permitted for the Beacon Health & Fitness facility to the south.
 - b. Maximum signage allowed with a total display area of 500 sq. ft. and a total copy area of 300 sq. ft.
Staff is recommending a maximum display area of 150 sq. ft. which is the maximum area that was permitted for the Beacon Health & Fitness facility to the south.
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on two faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency".
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lit.
 - g. Staff is recommending that the sign be located a minimum of 100' from the "Welcome to the City of Mishawaka" sign and minimum of 10' from the right-of-way.
2. Beacon Parkway frontage at the two entry drives for Beacon signage:
 - a. Signage shall have a maximum monument signage height of 20'.
Staff is recommending a maximum sign height of 15' which is the height that was permitted for the Beacon Health & Fitness Center to the south. There are no visual obstructions along Beacon Parkway that would prevent emergency services vehicles from seeing these signs.
 - b. Monument signage allowed with a total display area of 150 sq. ft. and a total copy area of 100 sq. ft. for each sign.
 - c. Signage base shall be landscaped.
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lit.
3. East side of west entry drive for retail outlot:
 - a. Signage shall have a maximum monument signage height of 15'

Staff is recommending a maximum height of 8' which is the permitted height for a monument sign in the freestanding sign corridor overlay districts. One monument sign shall be permitted for each outlot or building.

- b. Signage shall be double faced.
- c. Monument signage allowed with a total display area of 150 sq. ft. and a total copy area of 100 sq. ft. for each face.

Staff is recommending a maximum total display area of 60 sq. ft. with a maximum display height of 5' and a maximum display width of 12'. These standards are consistent with the freestanding sign corridor overlay district.

- d. Signage base shall be landscaped.
- e. Signs may be internally or externally lit.

4. Directional signage on interior private roads of Beacon property:

- a. Maximum monument sign height of 8'
Staff is recommending a maximum height of 10'. This is consistent with the approved directional signage permitted for the Beacon Health & Fitness facility and the St. Joseph Regional Medical Center campus along Douglas Road.
- b. Maximum monument sign display area of 100 sq. ft. and copy area of 80 sq. ft. for each face.
Staff is recommending a maximum display area of 60 sq. ft. This is consistent with the approved directional signage permitted for the Beacon Health & Fitness facility and the St. Joseph Regional Medical Center campus along Douglas Road.
- c. Maximum number of monument signs not to exceed four (4) units, double faced.
- d. Signs can be externally or internally lit.

5. Front canopy pier on hospital for "Emergency" signage:

- a. Maximum pier height of 40'.
Staff is recommending a maximum height of 48' which is the maximum building height for the property.
- b. Maximum display area of 280 sq. ft. and copy area of 180 sq. ft. at each face, total of two faces.
- c. Signage base shall be landscaped.
- d. Signage may be a bold red color with white letters "Emergency".
- e. Signage may be externally or internally lit.
- f. Sign shall be connected to the canopy and shall be considered part of the building.

6. Future development buildings with internal signage at each building to allow:

- a. Signage shall have a maximum monument signage height of 20'.
Staff is recommending a maximum sign height of 15' which is the height that was permitted for the Beacon Health & Fitness Center to the south.
- b. Allow one monument sign with a display area of 150 sq. ft. and a copy area of 100 sq. ft. at each sign.
- c. Signage base shall be landscaped.
- d. Signs may be internally or externally lit.
- e. Allow two (2) internal drive directional signs per building similar to (4) above.

7. Building façade signage:

- a. Signage allowed on building façades equal to 30% of the total square footage of each façade.
- b. Emergency signage not to be included in the calculation of the allowed façade signage.

8. Incidental signage for hospital uses:

- a. Site bollards:
 - i. Shall be a maximum height of 4'.
 - ii. May be internally lit.
 - iii. Shall have a minimum spacing of 100'.

The following analysis, which outlines the permitted uses and development standards, are applicable to the outlot(s):

The preliminary site plan submitted with the PUD amendment shows the potential of two commercial/retail structures on the outlot(s). No specific users have been identified so the outlot(s) could be developed in a significantly different manner.

The uses allowed for the outlot include all C-1 General Commercial District, C-2 Shopping Center Commercial District, and C-7 Auto-Oriented Restaurant Commercial District permitted uses.

The proposed building setbacks include a 50' front yard setback along Beacon Parkway, a 30' side yard setback, and a 25' rear yard setback. Staff supports these requested setbacks, since per the preliminary site plan, adequate space will be maintained for parking, drives, and landscaping.

The proposed parking lot setbacks include a 30' front yard setback along Beacon Parkway, an 8' side yard setback, and a 10' rear yard setback. Staff is recommending a 10' side yard setback for parking which is consistent with the minimum setback between a private access easement and edge of parking lot pavement per the C-1 General Commercial standards. Staff supports these requested setbacks since they are more than adequate for providing landscape areas.

The proposed parking space ratios include 10 spaces per 1000 sq. ft. of gross floor area for any restaurant with drive-thru use, 8 spaces per 1000 sq. ft. of gross floor area for a dine-in restaurant with no drive-thru, and 4 spaces per 1000 sq. ft. of gross floor area for all other permitted uses. Although these ratios are less than what is normally required for the proposed uses, adequate parking should be provided on the outlot(s).

Additional development standards include a maximum of two buildings on the outlot(s) with a maximum of three (3) tenants in the proposed 4,000 sq. ft. building and one (1) tenant in the proposed 2,000 sq. ft. building.

RECOMMENDATION

Staff recommends approval of Petition 18-18 to amend part of the Walker Planned Unit Development and Northwest Capital – Toll Road Planned Unit Development to allow for changes in the permitted uses, and development standards:

For the Beacon Health Systems property and future development areas, excluding the outlot(s):

Uses:

1. Permitted uses shall be limited to hospitals; medical office buildings, surgery centers and related medial patient care; medical support services, diagnostics, imaging and all related medical practice types and needs; pharmacy, compounding and related drug preparation or drug therapy practices; professional office buildings providing medical, billing, scheduling, tele-med or similar medical support offices; retail uses; restaurant uses with a drive-thru; and medical and dental laboratories.
2. Permitted accessory uses shall include ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital.

Building & Parking Setbacks:

1. Required building setbacks shall include a 50' along Beacon Parkway, 40' along Capital Avenue, 40' from the interior private collector drives, and 10' from all other interior property lines.
2. Parking setbacks shall be 0' along Capital Avenue adjacent to the former Evergreen Road right-of-way. A 25' setback shall be maintained along all other portions of Capital Avenue.

Parking Space Requirements:

1. Parking spaces shall be provided at a ratio of 3 spaces per 1000 sq. ft. of gross floor area for any medical-related use.

Lighting:

1. Light poles shall be limited to a maximum height of 28' including a 3' base.
2. Use of ornamental light standards similar to lighting on Beacon Parkway is allowed.

Landscaping/Screening:

1. A 3' high earth mound shall not be required along the Capital Avenue frontage from Beacon Parkway to 675' to the north.
2. Landscaping consisting of either overstory or understory trees shall be provided at rate per Section 137-815 (1) (g) along Capital Avenue. Flexibility will be permitted in the spacing of required number of trees.
3. Generators, tanks, and other appurtenant structures shall be fully enclosed in a structure constructed with appropriate architectural materials as identified in Section 161.41 of the City Municipal code, as amended.

Architectural Materials:

1. A pre-cast linear embossed brick texture material with stain finish shall be permitted as an appropriate architectural material.

Temporary Signage:

1. Temporary signage to be placed on construction fencing shall be limited to maximum size of 1,200 sq. ft. with a maximum height of 10'.
2. Stand-alone temporary signage shall be limited to one construction sign with a maximum size of 128 sq. ft. and 10' in height.

Permanent Signage:

All permanent signage shall comply with the freestanding sign corridor overlay districts per Section 129-74 of the on-premises sign standards, unless otherwise noted below.

1. Capital Avenue frontage signage at the southeast corner of Beacon Parkway for Beacon's signs (shown as "corner campus sign & pylon" on the preliminary site plan):
 - a. Maximum monument height of 15'.
 - b. Maximum signage allowed with a total display area of 150 sq. ft.
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on two faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency".
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lit.
 - g. Signage shall be a minimum of 100' from the "Welcome to City of Mishawaka" sign and a minimum of 10' from the right-of-way.
2. Beacon Parkway frontage at the two entry drives for Beacon signage:
 - a. Signage shall have a maximum monument signage height of 15'.
 - b. Monument signage allowed with a total display area of 150 sq. ft. and a total copy area of 100 sq. ft. for each sign.
 - c. Signage base shall be landscaped.
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lit.
3. East side of west entry drive for retail outlot(s):
 - a. Signage shall have a maximum monument signage height of 8'

- b. One monument sign shall be permitted for each outlot or building.
 - c. Signage shall be double faced.
 - d. Monument signage allowed with a total display area of 60 sq. ft. with a maximum display height of 5' and a maximum display width of 12'.
 - e. Signage base shall be landscaped.
 - f. Signs may be internally or externally lit.
4. Directional signage on interior private roads of Beacon property:
- a. Maximum monument sign height of 10'
 - b. Maximum monument sign display area of 60 sq. ft. for each face.
 - c. Maximum number of monument signs not to exceed four (4) units, double faced.
 - d. Signs can be externally or internally lit.
5. Front canopy pier on hospital for "Emergency" signage:
- a. Maximum pier height of 48'.
 - b. Maximum display area of 280 sq. ft. and copy area of 180 sq. ft. at each face, total of two faces.
 - c. Signage base shall be landscaped.
 - d. Signage may be a bold red color.
 - e. Signage may be externally or internally lit.
 - f. Signage shall be connected to a part of the building and is not permitted to be freestanding sign.
6. Future development buildings with internal signage at each building to allow:
- a. Signage shall have a maximum monument signage height of 15'.
 - b. Allow one monument sign with a display area of 150 sq. ft. and a copy area of 100 sq. ft. at each sign.
 - c. Signage base shall be landscaped.
 - d. Signs may be internally or externally lit.
 - e. Allow two (2) internal drive directional signs per building similar to (4) above.

For the outlot(s) located along Beacon Parkway:

Uses:

- 1. Permitted uses include all C-1 General Commercial District, C-2 Shopping Center Commercial District, and C-7 Auto-Oriented Restaurant Commercial Districts uses excluding off-premise signs.

Building & Parking Setbacks:

- 1. Required building setbacks shall include a 50' front yard setback along Beacon Parkway, a 30' side yard setback, and a 25' rear yard setback.
- 2. Required parking setbacks shall include a 30' front yard setback along Beacon Parkway, a 10' side yard setback, and a 10' rear yard setback.

Parking Space Requirements:

- 1. Parking spaces shall be provided at a ratio of 10 spaces per 1000 sq. ft. of gross floor area for any restaurant with drive-thru use, 8 spaces per 1000 sq. ft. of gross floor area for a dine-in restaurant with no-drive thru, and 4 spaces per 1000 sq. ft. of gross floor area for all other permitted uses.

For both the Beacon Health Systems property and outlot(s):

- 1. All other previously approved PUD standards shall be adhered to.

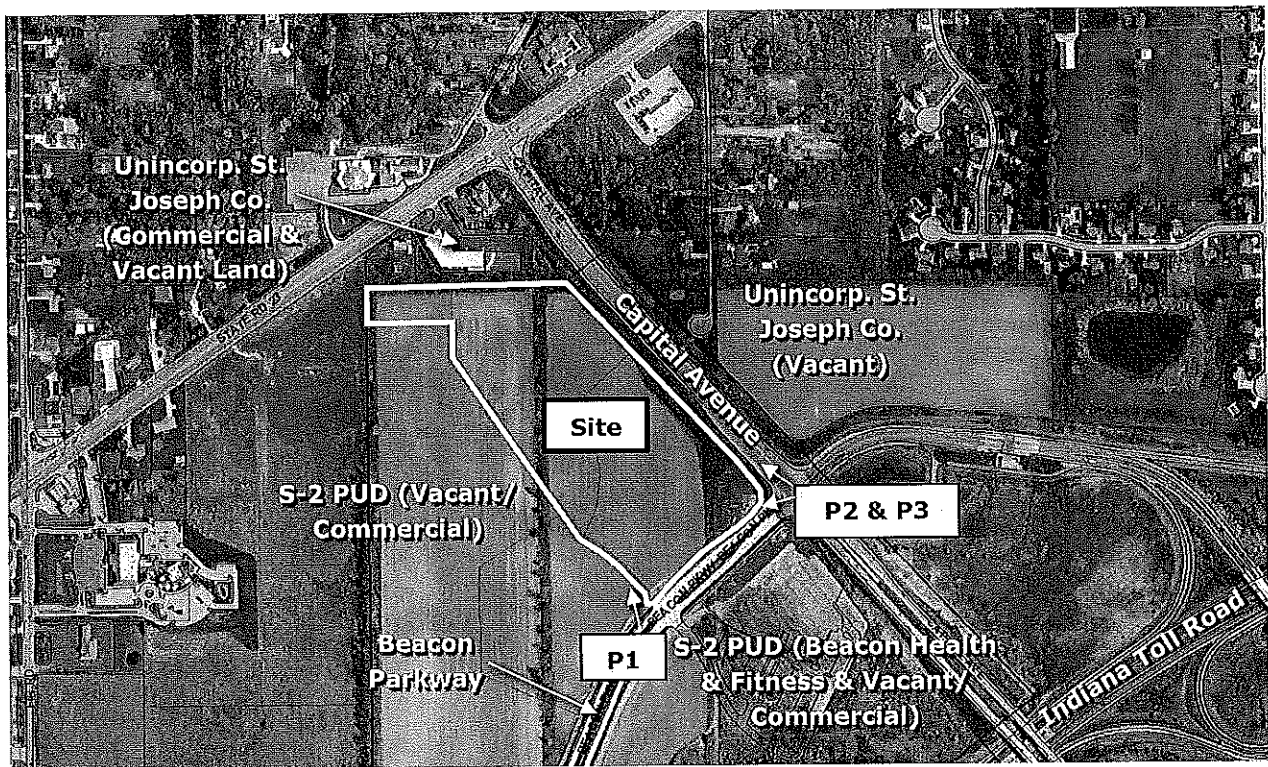
This recommendation is based upon the following findings of fact:

- 1. Existing Conditions – The proposal is consistent with the existing area and future proposed developments by maintaining commercial uses.

2. Character of Buildings in Area- The character of the buildings located in the area will be commercial. All proposed buildings will be commercial in nature.
3. The most desirable/highest and best use- Due to the presence of the commercial activity in the surrounding area, and the surrounding approved Planned Unit Developments, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values- The proposed amendment will not be injurious to property values in the surrounding area because the proposal will be compatible with the surrounding commercial developments in the area.
5. Comprehensive Plan- This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka

ATTACHMENTS

Photographs, Petition, Plan, Location Map



Aerial Photograph

Northwest Corner of Beacon Parkway & Capital Avenue
Vacant Land being a part of the Walker PUD and Northwest Capital – Toll Road PUD



P1. Looking northerly into the site from Beacon Parkway and the existing curb cut at the southwest corner of the property.



P2. Looking westerly into the site from the Beacon Parkway and Capital Road intersection.



P3. Looking northwesterly into the site from the Beacon Parkway and Capital Road intersection.

1st Reading 6-18-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-16
CITY OF MISHAWAKA, INDIANA
PROPOSED ORDINANCE NO. 2018-14
ORDINANCE NO. _____

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2018

CITY CLERK
MISHAWAKA, IN

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

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

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

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

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

Lot 66, Lafayette Pl, exe W 15' to City for right-of-way

COMMON ADDRESS: 1028 South Ironwood Drive

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

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

1. Many of the properties in the immediate vicinity are residential in use. Its historic use as a single family dwelling would be compatible to the area;
2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;
3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. As opposed to the range of potential commercial development that could occur with the current zoning, rezoning this parcel to the R-1 Single Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property

Proposed Ordinance No: 18-14

Ordinance No: _____

values in the immediate and surrounding residential neighborhood; and will allow the property owner to sell the home; and,

5. The City's Comprehensive Plan identifies the area as Low Density Residential and their historical use as single- family homes is consistent with the Plan.

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:

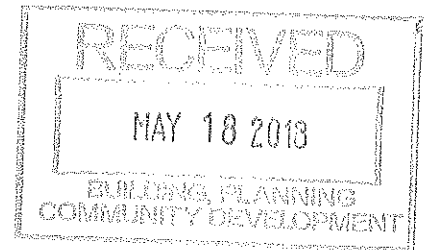
Deborah S. Block, IAMC, MMC, City Clerk

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



Date 5/18/2018

Honorable members of the
common council

City of Mishawaka and

Mishawaka City Plan commission City of Mishawaka Indiana

Re: Petition to rezone

Pet 18-16
RECEIVED
DEBORAH S. BLOCK, MMC
MAY 30 2018
CITY CLERK
MISHAWAKA, IN

The undersigned Dittrich Properties respectfully show that they are owners of the following described real estate located in the city of Mishawaka, county of St Joseph, state of Indiana, to wit

1028 S. Ironwood Mishawaka Indiana 46544

Lot 66 Lafayette Pl exc. 15 feet to city for R-W wd 70429-20-96

Parcel number 710917356 013. 00-023

Petitioners own 100% of the above described parcel of land which carries a zoning classification of Commercial Said property is a 3 bedroom home.

Petitioners desire said real estate to be rezoned to R-1 residential district.

Petitioners further state that they intend to use the property as a residential home. Would like to sell property but banks are hesitant to loan on commercial property.

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

Dittrich Properties LLC - Pat D. Dittrich
Dittrich Properties LLC

Contact person Michael Williams or Jay Primmer 404 E 4th St Mishawaka, In

Ph. 574 220 6828 email mustang-mike@comcast.net

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 13 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 6-18-18
2nd Reading
Passed
Failed
Continued To

PETITION 18-18

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-15

ORDINANCE NO. _____

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

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

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

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

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

A Part of Section 23, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East (All Bearings assumed) along the East line of the Northwest Quarter of said Section 23, 2,325.75 feet more or less to the point of beginning, said point being the intersection of the North & South Quarter Line of said Section 23 and the Northerly Right-of-Way line of Beacon Parkway; thence along said Northerly right-of-way line for the next two (2) courses, South 48°15'13" West a distance of 271.87 feet more or less and around a 1060.00 foot more or less radius curve to the left an arc distance of 78.00 feet more or less; thence North 43°44'30" West a distance of 361.29 feet more or less; thence North 35°00'28" West a distance of 715.48 feet more or less; thence South 90°00'00" West a distance of 330.00 feet more or less to a point on the West line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence North 00°00'00" West along said West line, a distance of 135.96 feet more or less to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along said North line, North 89°56'37" East a distance of 776.60 feet more or less to the Westerly Right-of-Way line of Capital Avenue; thence along said West line for the next Nine (9) courses, around a 2009.86 foot more or less radius curve to the left an arc distance of 75.24 feet more or less and South 42°34'41" East a distance of 379.94 feet more or less and South 47°25'19" West a distance of 40.00 feet more or less and South 42°34'41" East a distance of 341.03 feet more or less and South 00°33'26" East a distance of 139.82 feet more or less and North 89°55'48" East a distance of 90.00 feet more or less and North 48°15'42" East a distance of 58.00 feet more or less and South 42°23'12" East a distance of 147.00 feet more or less and South 00°33'26" East a distance of 30.00 feet more or less to a point of intersection with the Northerly Right-of-Way line of said Beacon Parkway; thence along said Northerly line South 48°15'42" East a distance of 250.00 feet more or less to the point of beginning and excepting therefrom any property owned by Bayer Healthcare, LLC as identified by St. Joseph

Proposed Ordinance No: 18-15

Ordinance No: _____

County, Indiana Tax Key No. 030-1008-010006 in the records of said Auditor's office. Containing 19.1 acres, more or less, and subject to any easements, covenants, and right-of-ways of record.

COMMON ADDRESS: Northwest corner of Capital Avenue and Beacon Parkway

which real estate is now classified as S-2 Planned Unit Development District shall hereafter be amended as follows:

Uses:

1. Permitted uses shall be limited to hospitals; medical office buildings, surgery centers and related medial patient care; medical support services, diagnostics, imaging and all related medical practice types and needs; pharmacy, compounding and related drug preparation or drug therapy practices; professional office buildings providing medical, billing, scheduling, tele-med or similar medical support offices; retail uses; restaurant uses with a drive-thru; and medical and dental laboratories.
2. Permitted accessory uses shall include ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital.

Building & Parking Setbacks:

1. Required building setbacks shall include a 50' along Beacon Parkway, 40' along Capital Avenue, 40' from the interior private collector drives, and 10' from all other interior property lines.
2. Parking setbacks shall be 0' along Capital Avenue adjacent to the former Evergreen Road right-of-way. A 25' setback shall be maintained along all other portions of Capital Avenue.

Parking Space Requirements:

1. Parking spaces shall be provided at a ratio of 3 spaces per 1000 sq. ft. of gross floor area for any medical-related use.

Lighting:

1. Light poles shall be limited to a maximum height of 28' including a 3' base.
2. Use of ornamental light standards similar to lighting on Beacon Parkway is allowed.

Landscaping/Screening:

1. A 3' high earth mound shall not be required along the Capital Avenue frontage from Beacon Parkway to 675' to the north.
2. Landscaping consisting of either overstory or understory trees shall be provided at rate per Section 137-815 (1) (g) along Capital Avenue. Flexibility will be permitted in the spacing of required number of trees.
3. Generators, tanks, and other appurtenant structures shall be fully enclosed in a structure constructed with appropriate architectural materials as identified in Section 161.41 of the City Municipal code, as amended.

Proposed Ordinance No: 18-15

Ordinance No: _____

Architectural Materials:

1. A pre-cast linear embossed brick texture material with stain finish shall be permitted as an appropriate architectural material.

Temporary Signage:

1. Temporary signage to be placed on construction fencing shall be limited to maximum size of 1,200 sq. ft. with a maximum height of 10'.
2. Stand-alone temporary signage shall be limited to one construction sign with a maximum size of 128 sq. ft. and 10' in height.

Permanent Signage:

All permanent signage shall comply with the freestanding sign corridor overlay districts per Section 129-74 of the on-premises sign standards, unless otherwise noted below.

1. Capital Avenue frontage signage at the southeast corner of Beacon Parkway for Beacon's signs (shown as "corner campus sign & pylon" on the preliminary site plan):
 - a. Maximum monument height of 15'.
 - b. Maximum signage allowed with a total display area of 150 sq. ft.
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on two faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency".
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lit.
 - g. Signage shall be a minimum of 100' from the "Welcome to City of Mishawaka" sign and a minimum of 10' from the right-of-way.
2. Beacon Parkway frontage at the two entry drives for Beacon signage:
 - a. Signage shall have a maximum monument signage height of 15'.
 - b. Monument signage allowed with a total display area of 150 sq. ft. and a total copy area of 100 sq. ft. for each sign.
 - c. Signage base shall be landscaped.
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lit.
3. East side of west entry drive for retail outlot(s):
 - a. Signage shall have a maximum monument signage height of 8'
 - b. One monument sign shall be permitted for each outlot or building.
 - c. Signage shall be double faced.
 - d. Monument signage allowed with a total display area of 60 sq. ft. with a maximum display height of 5' and a maximum display width of 12'.
 - e. Signage base shall be landscaped.
 - f. Signs may be internally or externally lit.
4. Directional signage on interior private roads of Beacon property:
 - a. Maximum monument sign height of 10'
 - b. Maximum monument sign display area of 60 sq. ft. for each face.
 - c. Maximum number of monument signs not to exceed four (4) units, double faced.
 - d. Signs can be externally or internally lit.

Proposed Ordinance No: 18-15

Ordinance No: _____

5. Front canopy pier on hospital for "Emergency" signage:
 - a. Maximum pier height of 48'.
 - b. Maximum display area of 280 sq. ft. and copy area of 180 sq. ft. at each face, total of two faces.
 - c. Signage base shall be landscaped.
 - d. Signage may be a bold red color.
 - e. Signage may be externally or internally lit.
 - f. Signage shall be connected to a part of the building and is not permitted to be freestanding sign.
6. Future development buildings with internal signage at each building to allow:
 - a. Signage shall have a maximum monument signage height of 15'.
 - b. Allow one monument sign with a display area of 150 sq. ft. and a copy area of 100 sq. ft. at each sign.
 - c. Signage base shall be landscaped.
 - d. Signs may be internally or externally lit.
 - e. Allow two (2) internal drive directional signs per building similar to (4) above.

For the outlot(s) located along Beacon Parkway:

Uses:

1. Permitted uses include all C-1 General Commercial District, C-2 Shopping Center Commercial District, and C-7 Auto-Oriented Restaurant Commercial Districts uses excluding off-premise signs.

Building & Parking Setbacks:

1. Required building setbacks shall include a 50' front yard setback along Beacon Parkway, a 30' side yard setback, and a 25' rear yard setback.
2. Required parking setbacks shall include a 30' front yard setback along Beacon Parkway, a 10' side yard setback, and a 10' rear yard setback.

Parking Space Requirements:

1. Parking spaces shall be provided at a ratio of 10 spaces per 1000 sq. ft. of gross floor area for any restaurant with drive-thru use, 8 spaces per 1000 sq. ft. of gross floor area for a dine-in restaurant with no-drive thru, and 4 spaces per 1000 sq. ft. of gross floor area for all other permitted uses.

For both the Beacon Health Systems property and outlot(s):

1. All other previously approved PUD standards shall be adhered to.

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

Proposed Ordinance No: 18-15

Ordinance No: _____

1. Existing Conditions – The proposal is consistent with the existing area and future proposed developments by maintaining commercial uses.
2. Character of Buildings in Area- The character of the buildings located in the area will be commercial. All proposed buildings will be commercial in nature.
3. The most desirable/highest and best use- Due to the presence of the commercial activity in the surrounding area, and the surrounding approved Planned Unit Developments, the most desirable/highest use is the proposed commercial use.
4. Conservation of property values- The proposed amendment will not be injurious to property values in the surrounding area because the proposal will be compatible with the surrounding commercial developments in the area.
5. Comprehensive Plan- This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of _____, 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

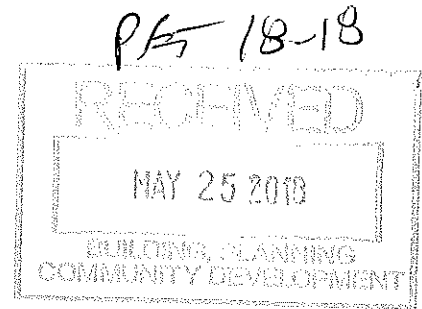
RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2018

CITY CLERK
MISHAWAKA, IN

Date: May 23, 2018

To The: Honorable Members of the Common Council
City of Mishawaka, Indiana



RE: Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC,
Petition for an Amended PUD:

The undersigned, Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC, the Petitioners, respectfully shows that they are the owners of the following described real estate located in the City of Mishawaka, Penn Township, St. Joseph County, Indiana:

A Part of Section 23, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East (All Bearings assumed) along the East line of the Northwest Quarter of said Section 23, 2,325.75 feet more or less to the point of beginning, said point being the intersection of the North & South Quarter Line of said Section 23 and the Northerly Right-of-Way line of Beacon Parkway; thence along said Northerly right-of-way line for the next two (2) courses, South 48°15'13" West a distance of 271.87 feet more or less and around a 1060.00 foot more or less radius curve to the left an arc distance of 78.00 feet more or less; thence North 43°44'30" West a distance of 361.29 feet more or less; thence North 35°00'28" West a distance of 715.48 feet more or less; thence South 90°00'00" West a distance of 330.00 feet more or less to a point on the West line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence North 00°00'00" West along said West line, a distance of 135.96 feet more or less to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along said North line, North 89°56'37" East a distance of 776.60 feet more or less to the Westerly Right-of-Way line of Capital Avenue; thence along said West line for the next Nine (9) courses, around a 2009.86 foot more or less radius curve to the left an arc distance of 75.24 feet more or less and South 42°34'41" East a distance of 379.94 feet more or less and South 47°25'19" West a distance of 40.00 feet more or less and South 42°34'41" East a distance of 341.03 feet more or less and South 00°33'26" East a distance of 139.82 feet more or less and North 89°55'48" East a distance of 90.00 feet more or less and North 48°15'42" East a distance of 58.00 feet more or less and South 42°23'12" East a distance of 147.00 feet more or less and South 00°33'26" East a distance of 30.00 feet more or less to a point of intersection with the Northerly Right-of-Way line of said Beacon Parkway; thence along said Northerly line South 48°15'42" East a distance of 250.00 feet more or less to the point of beginning and excepting therefrom any property owned by Bayer Healthcare, LLC as identified by St. Joseph County, Indiana Tax Key No. 030-1008-010006 in the records of said Auditor's office.

Containing 19.1 acres, more or less, and subject to any easements, covenants, and right-of-ways of record.

Also, commonly known as the Northwest corner of Capital Avenue and Beacon Parkway, Granger, Indiana 46530.

The above described parcel of land is presently zoned "S-2" Planned Unit Development District under the City of Mishawaka zoning development codes.

The Petitioners desire to amend the existing standards for the previously approved "S-2" Planned Unit Development District, known by Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186. The requested amended standards would be for the above described real estate portion of the previously approved "S-2" Planned Unit Development District. More specifically the Petitioners are requesting amended standards for Permitted Uses, Prohibited Uses, Lighting, Building Setbacks Limitations/Architecture, Temporary and permanent Signage, Parking setback/Landscaping and Parking reduction. Also included are standards for future use of the Outlot along Beacon Parkway.

With regards to Permitted Uses, the following permitted uses on Beacon property would be allowed:

- a). Hospital
- b). Medical Office Buildings, Surgery Centers and related medical patient care.
- c). Medical Support Services, Diagnostics, Imaging and all related medical practice types and needs.
- d). Pharmacy, Compounding and related drug preparation or drug therapy practices.
- e). Professional Office Buildings providing medical, billing, scheduling, tele-med or similar medical support offices.
- f). Retail Uses;
- g). Restaurant uses with a drive-thru;
- h). Medical and Dental Laboratories;

Standards for the Retail Outlot along Beacon Parkway would be as following uses as enumerated by Mishawaka Zoning Ordinances:

Sec. 137-300. - Intent.

The purpose of the Retail Outlot is to provide ~~limited~~ retail and/or service type establishments that may be an attractive amenity to support the medical campus ~~without competing with the campus services.~~ The Retail Outlot area is designed to provide for freestanding commercial uses ~~which require limited comparison shopping.~~ Customers may include users of the medical campus and impulse transient users arriving by automobile.

- a). Commercial C-1 Uses
- b). Commercial C-2 Uses
- c). Commercial C-7 Uses

RETAIL OUTLOT SETBACK REQUIREMENTS:

Building Front Yard Setback: minimum 50'-0" to property line
 Building Side Yard Setbacks: minimum 30'-0" to property line
 Building Rear Yard Setbacks: minimum 25'-0" to property line

Front Yard Paving & Parking Setbacks: minimum 30'-0" to property line
 Side Yard Paving & Parking Setbacks: minimum 8'-0" to property line
 Rear Yard Paving & Parking Setbacks: minimum 10'-0" to property line

Maximum (2) two buildings on the Retail Outlot
 Maximum (3) tenants in a +/- 4,000 sf Building
 Maximum (1) tenant in a +/-2,000 sf Coffee Shop

RETAIL OUTLOT PARKING REQUIREMENTS:

Drive-Thru: Provide 10 cars per 1,000 SF of gross tenant or gross building area.

Restaurant: Provide 8 cars per 1,000 SF of gross tenant area.

Office/Service: Provide 4 cars per 1,000 sf of gross tenant area.

Standards for entire site:

With regards for site Lighting, the previously approved Ordinance standards requires lighting poles limited to a maximum height of 25 feet and having 90-degree cut-off shielded fixtures. The amended request would allow fixtures to be placed on 3'-0" tall bases which would limit light poles with base to a maximum height of 28'-0" feet. The fixtures will still have 90-degree cut-off shielding. The lighting plan submitted would still limit maximum footcandles at property line to 3 footcandles. The amended standard would also allow for the use of ornamental light standards that would be similar in design to those used by the City for Beacon Parkway. The submitted final site plan would provide specifications for all planned site lighting which will allow for full review by the Planning staff.

With regards for Building Setbacks Limitations/Architecture, the previously approved Ordinance standards require buildings to be constructed of 100% approved materials as identified within Section 161.41 of the City Municipal Code as mended. Materials and colors shall be varied to provide architectural interest. The amended request would allow for materials to include pre-cast linear embossed brick texture with a 25-year pigmented stain finish. This amendment would still allow for varying building materials and at the same time providing for architectural interest. The submitted final site plan would provide color building elevations with specifications for all planned building materials which will allow for full review by the Planning staff.

Also under Building Limitations/Architecture, the previously approved Ordinance standards require buildings to be setback a minimum 75 feet from public right-of-ways and private collector drives. The amended request would allow for a minimum setback of 50 feet along Beacon Parkway and 40 feet along Capital Avenue. This 50' foot building setback would still maintain a visual and physical setback

of approximately 70'-0" from Beacon Parkway pavement and over 90 feet from the Capital Avenue pavement. The amended building setbacks along the public right-of-ways should provide a more than adequate open space along the public street frontages. In regard to the building setback from the private collector drives, in most instances, any proposed development done along the private collectors, a 40 foot building setback should be more than adequate, except at noted for Retail Outlot. Interior sites typically place parking in front of the proposed building, which results in buildings being further back from the private collector drives.

With regards to temporary and permanent site signage, the requested amendment is to allow an increase in the total square footage for temporary and permanent site signage. For temporary site signage the maximum total square footage allowed would be 2,000 square feet with a maximum height of 10 feet. Said temporary signage can be a stand-alone type signage or signage placed on fencing. Materials can be fabric, wood, plastic or equal materials. Temporary signage may remain in place from the commencement of site construction until the issuance of an occupancy permit for the facility constructed.

Permanent site signage would allow the following:

- 1). Capital Avenue frontage signage at southeast corner at Beacon Parkway for Beacon signs:
 - a. Maximum monument height 40'-0"
 - b. Maximum signage allowed display area 500 sf and copy area 300 sf. total
 - c. Monument sign with flanking Pier Sign or Pylon with graphics on (2) faces.
 - d. Pier or Pylon may be a bold red color with white letters "Emergency"
 - e. Signage base shall be landscaped.
 - f. Signage may be internally or externally lite.
- 2). Beacon Parkway frontage at (2) entry drives for Beacon signage:
 - a. Signage shall have maximum monument signage height of 20'-0"
 - b. Monument signage allowed display area 150 sf and copy area 100 sf at each sign
 - c. Signage base shall be landscaped
 - d. Signage may use red bold color.
 - e. Signs may be internally or externally lite.
- 3) East side of west entry drive for Retail Outlot:
 - a. Signage shall have maximum monument signage height of 15'-0".
 - b. Signage shall be (1) sign, double faced
 - c. Monument signage allowed display area of 150 s.f. and copy area of 100 sf at each face.
 - d. Signage base shall be landscaped.
 - e. Signs may be internally or externally lite
- 4). Directional Signage on interior private roads of Beacon property;
 - a). Maximum monument sign height of 8'-0".
 - b). Maximum monument sign display area 100 s.f. and copy area of 80 sf each face.
 - c). Maximum number of monument signs not to exceed (4) units, double faced.
 - d). Signs can be externally or internally lite.

- 5). Front canopy pier on hospital for "Emergency" signage:
 - a. Maximum pier height of 40'-0"
 - b. Maximum display area 280 sf and copy area 180 sf at each face, total (2) faces
 - c. Signage base shall be landscaped
 - d. Signage may be a bold red color with white letters "Emergency"
 - e. Signage may be externally or internally lite.
- 6) Future development buildings with internal signage, at each building allow:
 - a. Signage shall have maximum monument signage height of 20'-0"
 - b. Allow (1) Monument signage with display area 150 sf and copy area 100 sf at each sign
 - c. Signage base shall be landscaped
 - d. Signs may be internally or externally lite.
 - e. Allow (2) internal drive directional signs per building similar to item #4 above.
- 7). Building façade signage:
 - a. Signage allowed on building façades equal to 30% of the total square footage of each facade.
 - b. Emergency signage not included in calculation of allowed façade signage.
- 8). Incidental signage for Hospital Uses:
 - a). Site bollards: Maximum height 4'-0"
 - b). May be internally lighted;
 - c). Spacing: minimum 100 ft.

With regards to Parking setback/Landscaping, the previously approved Ordinance standards require placement of a minimum three (3) foot high earth mound along all public right-of-ways and internal collector drives, maximum 3' horizontal to 1' vertical slope. The amended request would eliminate the requirement of the earth mound along the Capital Avenue frontage from Beacon Parkway on the South and running North along said right-of-way frontage for a length of 675 feet and a zero (0) foot parking/driveway setback along this portion of the Capital Avenue frontage. There is a large right-of-way width along this portion of Capital Avenue which will provide for a buffer for any proposed drives or parking. Landscape screening for drives and parking is not required along this portion of the Capital Avenue frontage.

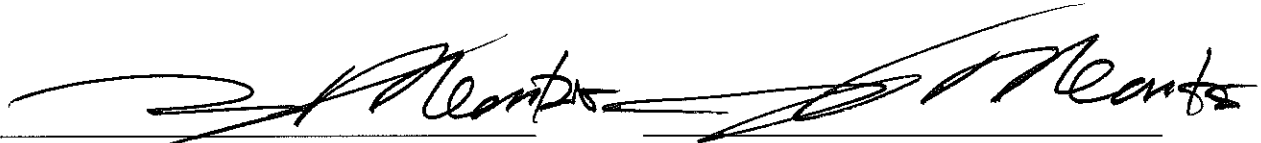
With regards to parking ratios the request is to allow parking to be provided at a ratio of 3 parking spaces per 1,000 square foot of gross floor area for any medical office use. The previously approved standard for parking was 4 spaces per 1,000 square foot other retail gross floor area. The requested slight adjustment would allow for better usage of property without having to provide more parking than needed. Excessive parking leads to less open space and creating a more intense heat island affect for paved areas.

Allow ground mounted, hospital code mandated, backup generators, above grade backup fuel source tanks, oxygen tanks and related medical support needs at back-of house to the hospital.

These requested amended changes to the PUD Development standards are shown on the attached preliminary site plan.

All other previously approved PUD standards for Mishawaka Petition # 08-27, Proposed Ordinance No. 2008-39, Ordinance No. 5186, shall be adhered to for the development of the above described property.

Wherefore, the Petitioners 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 the rezoning the above described parcel of real estate located in the City of Mishawaka, Indiana.



Capital Avenue Properties, LLC
2400 Miracle Lane
Mishawaka, Indiana 46545
574-259-2580

Capital Avenue Properties II, LLC
2400 Miracle Lane
Mishawaka, Indiana 46545
574-259-2580

Contact person:
Philip E. Panzica, RA, NCARB
President / Principal Architect
Panzica Architecture Group
416 East Monroe Street, Suite 320
South Bend, Indiana 46601
(574) 234-1123
e-mail: pepanzica@panzica.net

May 23, 2018

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

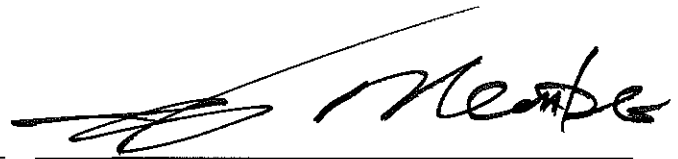
RE: Capital Avenue Properties, LLC and Capital Avenue Properties II, LLC,
Petition for an Amended PUD:

Dear Council Members and Plan Commission Members,

This letter is to inform the Board Members that we have granted authority to Panzica Architecture Group to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Amended PUD Request will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 574-647-3699.

Sincerely,

	
Capital Avenue Properties, LLC 2400 Miracle Lane Mishawaka, Indiana 46545 574-259-2580	Capital Avenue Properties II, LLC 2400 Miracle Lane Mishawaka, Indiana 46545 574-259-2580

LEGAL DESCRIPTION

A Part of Section 23, Township 38 North, Range 3 East, Harris Township, City of Mishawaka, St. Joseph County, Indiana, being more particularly described as follows: Commencing at the North Quarter corner of said Section 23; thence South 00°33'26" East (All Bearings assumed) along the East line of the Northwest Quarter of said Section 23, 2,325.75 feet more or less to the point of beginning, said point being the intersection of the North & South Quarter Line of said Section 23 and the Northerly Right-of-Way line of Beacon Parkway; thence along said Northerly right-of-way line for the next two (2) courses, South 48°15'13" West a distance of 271.87 feet more or less and around a 1060.00 foot more or less radius curve to the left an arc distance of 78.00 feet more or less; thence North 43°44'30" West a distance of 361.29 feet more or less; thence North 35°00'28" West a distance of 715.48 feet more or less; thence South 90°00'00" West a distance of 330.00 feet more or less to a point on the West line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence North 00°00'00" West along said West line, a distance of 135.96 feet more or less to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along said North line, North 89°56'37" East a distance of 776.60 feet more or less to the Westerly Right-of-Way line of Capital Avenue; thence along said West line for the next Nine (9) courses, around a 2009.86 foot more or less radius curve to the left an arc distance of 75.24 feet more or less and South 42°34'41" East a distance of 379.94 feet more or less and South 47°25'19" West a distance of 40.00 feet more or less and South 42°34'41" East a distance of 341.03 feet more or less and South 00°33'26" East a distance of 139.82 feet more or less and North 89°55'48" East a distance of 90.00 feet more or less and North 48°15'42" East a distance of 58.00 feet more or less and South 42°23'12" East a distance of 147.00 feet more or less and South 00°33'26" East a distance of 30.00 feet more or less to a point of intersection with the Northerly Right-of-Way line of said Beacon Parkway; thence along said Northerly line South 48°15'42" East a distance of 250.00 feet more or less to the point of beginning and excepting therefrom any property owned by Bayer Healthcare, LLC as identified by St. Joseph County, Indiana Tax Key No. 030-1008-010006 in the records of said Auditor's office.

Containing 19.1 acres, more or less, and subject to any easements, covenants, and rights-of-way of record.



STATE RD 23

CAPITAL AVE

CAPITAL AVE

CAPITAL AVE

PET 18-18

BEACON PKWY

BEACON PKWY

BEACON PKWY

JUDAY CREEK

INDIANA TOLL RD

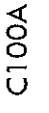
Location Map

PET 18-18

CAPITAL AVENUE
PROPERTIES LLC & CAPITAL
AVENUE PROPERTIES II LLC

PART OF WALKER PUD & NW
CAPITAL-TOLL ROAD PUD

AMEND PERMITTED USES &
DEVELOPMENT STANDARDS



**"DON'T
DIS-
GUIS-
E
YOUR
BLIND"**



Call two working days
before you dig!
1 800 382-5544
WITHIN INDIANA
FROM OUTSIDE INDIANA
1 800 428-5200

Christa Hill

From: Donald Mawhorter <dmawhorter@sbcglobal.net>
Sent: Thursday, June 14, 2018 4:25 PM
To: Christa Hill
Subject: RE: RE:

After talking with you and Ken Prince this morning, I have decided to postpone the Re-zoning of the property located at 426 E. Mishawaka Ave until July 16th....

Dion Mawhorter

Sent from Yahoo Mail on Android

On Thu, Jun 14, 2018 at 10:53 AM, Christa Hill
<chill2@mishawaka.in.gov> wrote:

Dion,

Attached are the follow up letters for the Use Variance, which will go before the Council next Monday June 18 (not the 25 like I had told you previously). If you are not ready to proceed on Monday, just ask for a continuance until their next meeting.

Christa Hill

Associate Planner

574-258-1625

Chill2@mishawaka.in.gov

From: Donald Mawhorter [<mailto:dmawhorter@sbcglobal.net>]
Sent: Wednesday, June 13, 2018 10:41 AM
To: Christa Hill
Subject: RE:

Okay... I'll come in tomorrow at 9

Sent from Yahoo Mail on Android

On Wed, Jun 13, 2018 at 10:25 AM, Christa Hill

RECEIVED
DEBORAH S. BLOCK MMC

JUN 14 2018

CITY CLERK
MISHAWAKA, IN

JUN 13 2018

APPEAL #18-15

RESOLUTION NO. 2018-13

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:

426 East Mishawaka Avenue, 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 a favorable 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 **426 East Mishawaka Avenue, Mishawaka, Indiana**, more particularly known and described as follows:

Lot 4, G W R Fowlers 1st, City of Mishawaka, Penn Township, St. Joseph County, State of Indiana

COMMON ADDRESS: 426 East Mishawaka Avenue

The Use Variance, if approved, will allow a single-family residence in C-1 General Commercial District.

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. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction;

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 the adjacent properties are also being used as residential, even though they may be zoned otherwise;
3. The need for the variance arises from some condition peculiar to the property in that the property was used as a single family home with a business attached for many years;
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the building was built as a single family home;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

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

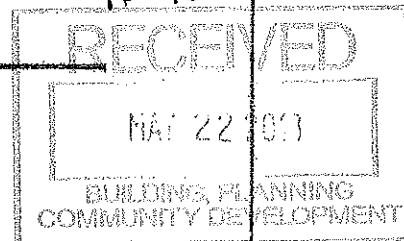
RECEIVED
DEBORAH S. BLOCK, MMC

MAY 30 2018

CITY CLERK
MISHAWAKA, IN

DATE: May 14, 2018

TO: Board of Zoning Appeals
City of Mishawaka, Indiana



The undersigned appellant respectfully shows the Board:

1. I, SEE ATTACHED PURCHASE AGREEMENT, am the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

426 E Mishawaka Ave., Mishawaka, IN. 46545-6820, St. Joseph County

LOT 4 G W R FOWLERS 1ST (71-09-10-359-010.000-023)

(PROVIDE ACCURATE LEGAL DESCRIPTION AND ALSO THE COMMON ADDRESS--A TAX KEY NUMBER IS NOT A LEGAL DESCRIPTION)

2. The above-described real estate presently has a zoning classification of C1-Commercial District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property in the following manner: Restaurant
4. Appellant desires to

Run and operate Scoobies Restaurant in the above mentioned property. Zoning requirements state that 10 parking spots are required for every 1,000 sq. ft. of space. The current office space that is being planned to be used for the restaurant is 600 sq. ft. thus requiring a minimum of 6 parking spots. The property lot size does not accommodate the requirements needed for parking. Requesting a zero parking space requirement. Rezone property to mixed use where the front portion of the property is to be zoned and used commercially for restaurant use and the main structure to be zoned residential to be lived in by owner.

5. The Zoning Ordinance of the City of Mishawaka requires

Zoning ordinance requires 5 parking spaces. Requesting zero parking spaces. Parking to be on the street with use of the driveway for employees/delivery driver's vehicles. Requesting property to be zoned commercial and residential.

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

At the current time there is not any room for parking lots/spaces to be installed. 2 driveways opposed to one. Lot cannot accommodate the parking requirements thus impeding the business from normal operating day to day functions. Applicant is also requesting to be able to live in the requested main portion of the home in order not to have to pay for multiple mortgages.

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

(1) Will approval be injurious to the public health, safety, morals or general welfare of the community? **YES OR NO** and explain your reason why.

No approval of this variance and rezoning to commercial/residential will not injure public health, safety, morals or general welfare of the community. Parking variance is being requested for the business hours of Monday-Tuesday 10:30 am to 5:00 pm; Wednesday-Friday 10:30 am to 8:00 pm; Saturday 11:00 am to 4:00 pm; Sunday Closed.

RECEIVED

MAY 22 2013

BUILDING PLANNING
COMMUNITY DEVELOPMENT

- (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.

No the use and value of the area to the adjacent property will not be affected in an adverse manner. It is the believe that it will help values of surrounding properties. The main home if approved to be zoned residential will be lived in and not vacant.

- (3) Does the need for the variance arise from some condition peculiar to the property involved? YES OR NO and explain your reason why.

Yes; the current property does not have the required area to install a proper parking space with driveways as well as currently zoned commercial where the property could not be lived in by the owner.

- (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.

Yes, there will be a monetary and business hardships if both the parking variance and use variance are not approved. Business and property cannot accommodate major construction of a parking lot and proposed owner will not be able to afford two mortgage payments.

- (5) Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan? YES OR NO and explain your reason why.

None Seen.

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

Signature

Signature

RICHARD PARKER ESTATE

Print Name Here

MARIANNE PARKER

Print Name Here

CONTACT PERSON:

Name: Michael Worden

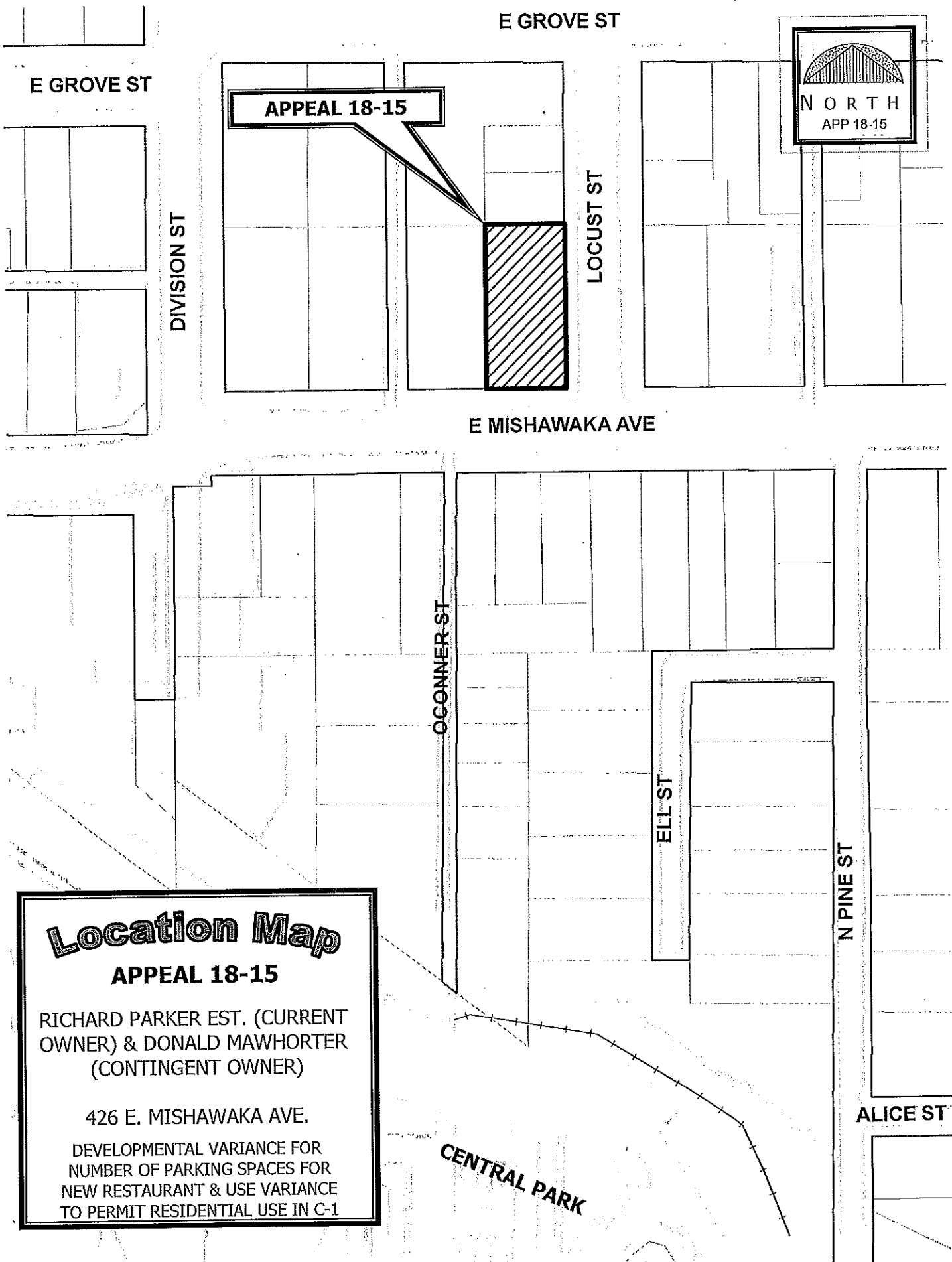
Address: 1539 N. Ironwood Dr., South Bend, In. 46635

Day Phone Number: 574-292-1513

Fax Number: 574-273-0024

Email: michaelwordensha@gmail.com

Dion Mawhorter
dmawhorter@sbcglobal.net



Location Map

APPEAL 18-15

RICHARD PARKER EST. (CURRENT OWNER) & DONALD MAWHORTER (CONTINGENT OWNER)

426 E. MISHAWAKA AVE.

DEVELOPMENTAL VARIANCE FOR
NUMBER OF PARKING SPACES FOR
NEW RESTAURANT & USE VARIANCE
TO PERMIT RESIDENTIAL USE IN C-1

MAY 25 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 6-4-18
2nd Reading
Passed
Failed
Continued To

PROPOSED ORDINANCE NO. 2018-13

ORDINANCE NO. _____

AN ORDINANCE DECLARING AN EMERGENCY AND
DETERMINING THE EXPENDITURE OF ADDITIONAL
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2018

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA
INDIANA, THAT:

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2018 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the CEDIT fund of the City of Mishawaka the sum of \$808,472.50 for assignment as follows:

CEDIT

<u>Capital Outlays</u>		
430-50-442-04	Street/Sewer/Sdwlk/Curb	\$ 8,472.50
430-50-442-11	Splash Pad (Mary Gibbard)	\$ 650,000.00
430-50-445-17	Park Improvements (Twin Branch)	<u>\$ 150,000.00</u>
	Total	\$ 808,472.50

Section 3. There is hereby appropriated from the Local Major Moves fund of the City of Mishawaka the sum of \$823,573.24 for assignment as follows:

Local Major Moves

<u>Capital Outlays</u>		
403-50-460-01	12 th Street Reconstruction	\$ 823,573.24

Section 4. There is hereby appropriated from the Sidewalk and Curb Repair fund of the City of Mishawaka the sum of \$3,266.20 for assignment as follows:

Sidewalk and Curb Repair

Capital Outlays

220-50-442-04

Street/Sewer/Sdwlk/Curb

\$ 3,266.20

Section 5. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

On this _____ day of _____, 2018 at _____ o'clock, _____. M.

Matt Mammolenti, Presiding Officer

ATTEST:

Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on 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



CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE
Rebecca S. Miller, Controller
Kurtis D. Vardaman, Deputy Controller

Date: May 24, 2018
To: Honorable Members of the Common Council
From: Rebecca Miller
Re: **Additional – CEDIT – Local Major Moves –
Sidewalk/Curb Funds**

For first reading on June 4th I have numerous requests for additional appropriations.

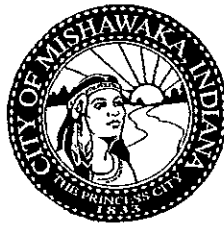
As you may recall, I had to move money from different project lines to cover health insurance costs at year-end. The CEDIT appropriation for the Mary Gibbard Splash pad and Twin Branch park improvements will add the necessary funds back to those account lines.

With construction continuing on 12th Street, there is a need to appropriate the remaining funds from Local Major Moves to supplement this project.

Lastly, our concrete work for sidewalks and curbs has a very tight budget so we are appropriating funds received from the 50/50 sidewalk/curb projects and a reimbursement received from the Railroad.

Please contact me with any questions.

c: David A. Wood – Mayor
Phil Blasko – Park Director
Christine Jamrose – Director of Engineering



CITY OF MISHAWAKA

Deborah S. Block, IAMC, MMC City Clerk

FACSIMILE COVER LETTER

TO: _____ From: Mary Ellen

Attn: _____ Fax: 574-258-1728

Fax: _____ Date: June 4th

Re: PO # 2018-13 Pages: including cover

Notice to Jappayer

Please Post Until June 18th

*Mish Penn Library
Bittersweet
City Clerk
Babell Cr 258-1736*

Mary Ellen Hazen, Chief Deputy Raven Boston, Deputy

City Hall 600 East Third Street, Mishawaka, IN 46544 (574) 258-1616 (574) 258-1728

* * * Communication Result Report (Jun. 4. 2018 2:04PM) * * *

1) MISH Clerks Office
2)

Date/Time: Jun. 4. 2018 1:42PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0981 Memory TX	Bittersweet Library Mishawaka Cnty Clerk Mishawaka Library	P. 2	OK OK OK	

Reason for error

M. 1) Hang up or line fail
M. 2) No answer
M. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection
E. 6) Destination does not support IP-Fax



CITY OF MISHAWAKA

Deborah S. Block, IAMC, MMC City Clerk

FACSIMILE COVER LETTER

TO: _____ From: Mary EllenAttn: _____ Fax: 574-258-1728Fax: _____ Date: June 4thRe: PO # 2018-13 Pages: including coverNotice to payorPlease Post Until June 18th

Mary Ellen Hazen, Chief Deputy Raven Boston, Deputy

City Hall 600 East Third Street, Mishawaka, IN 46544 (574) 258-1616 (574) 258-1728

* * * Communication Result Report (Jun. 4. 2018 4:10PM) * * *

1) MISH Clerks Office
2)

Date/Time: Jun. 4. 2018 4:09PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0985 Memory TX	92581736	P. 2	OK	

Reason for error

E. 1) Hang up or line fail
E. 2) No answer
E. 3) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection
E. 6) Destination does not support IP-Fax



CITY OF MISHAWAKA

Deborah S. Block, IAMC, MMC City Clerk

FACSIMILE COVER LETTER

TO: _____ From: Mary EllenAttn: _____ Fax: 574-258-1728Fax: _____ Date: June 4thRe: PO# 2018-13 Pages: including coverNotice to PayerPlease Post Until June 18thMishawaka LibraryButterworthCity ClerkDeborah S. Block 258-1736

Mary Ellen Hazen, Chief Deputy Raven Horton, Deputy

City Hall 600 East Third Street, Mishawaka, IN 46544 (574) 258-1616 (574) 258-1724

DHA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009

1643 Commerce Drive ■ South Bend, IN 46628

City of Mishawaka Common Council
Attn: Mr. Matt Mammolenti- Council President
600 East Third Street
Mishawaka, Indiana 46544

June 11, 2018

RE: Proposed Ordinance No. 2018-12, Plan Commission Petition No. 18-14
Rezoning located West of and adjacent to 906 West Edison Road,
Mishawaka, Indiana:

Dear Mr. Mammolenti:

On behalf of our clients, we are requesting a tabling of Proposed Ordinance No. 2018-12, Plan Commission Petition No. 18-14, for property located West of and adjacent to 906 West Edison Road, Mishawaka, Indiana until the August 6, 2018 Common Council meeting. This tabling will allow our clients to address issues that were brought up at the Mishawaka Plan Commission meeting.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch

Michael J. Danch
President
Danch, Harner & Associates, Inc.

Cc: Donald & Patricia Cressy Foundation
Anthony Zappia

MAY 16 2018

CITY CLERK
MISHAWAKA, IN

1st Reading 5-21-18

2nd Reading

Passed

Failed

Continued To 6-18-18
8-6-18

PETITION 18-14

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2018-12

ORDINANCE NO. _____

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

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has forwarded an unfavorable recommendation regarding the reclassification of the zoning as herein set forth of the real estate hereinafter described.

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

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

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

The parcel is legally described as: A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT #1 OF THE PLAT OF "FAMILY EXPRESS MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 1614939 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 00°45'56" WEST (BEARING ASSUMED) A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 88°51'23" EAST A DISTANCE OF 166.67 FEET MORE OR LESS TO THE EAST LINE OF PROPERTY OWNED BY THE DONALD AND PATRICIA CRESSY FOUNDATION; THENCE ALONG SAID EAST LINE SOUTH 00°45'56" EAST A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE SOUTH 89°14'04" WEST ALONG SAID NORTH LINE A DISTANCE OF 166.67 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 1.50 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

COMMON ADDRESS: Vacant property east of 1030 West Edison Road

which real estate is now classified as C-1 General Commercial District shall hereafter be within and a part of that District known as C-4 Automobile Oriented Commercial District designated in "The Zoning Ordinance of 1966" as amended.

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

1. Existing Conditions – The subject property consists of a vacant parcel of land located near the intersection of W. Edison Road and Hickory Road. These arterial roads are

Proposed Ordinance No: 2018-12

Ordinance No: _____

highly travelled corridors providing major north-south and east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include a vacant parcel zoned for commercial use to the north, a recently developed convenience store with gas station and car wash to the west, a government office and commercial/retail use to the south, and a bank to the east.

2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial.
3. The most desirable/highest and best use – Because of the parcel's location and the existing commercial development along W. Edison and Hickory Road, the most desirable use for the property is commercial.
4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The proposed carwash facility use and other permitted C-4 Auto Oriented Commercial uses are compatible with the adjacent existing uses.
5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.

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

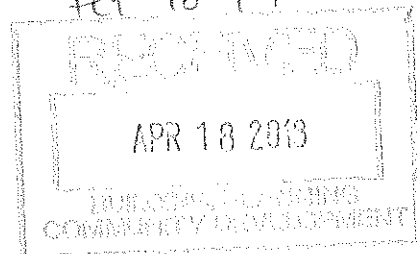
PRESENTED by me to the Mayor this _____ day of _____, 2018, at _____ o'clock ____ M.

Deborah S. Block, IAMC, MMC, City Clerk

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

David A. Wood, Mayor

Pet 18-14



Date: April 15, 2018

To The: Honorable Members of the
Common Council of the
City of Mishawaka, Indiana

RE: Donald & Patricia Cressy Foundation
Petition for Rezoning:

The undersigned, respectfully show that they are the owners of the following described real estate located in the City of Mishawaka, St. Joseph County, Indiana:

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 1 OF THE PLAT OF "FAMILY EXPRESS MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 1614939 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 00°45'56" WEST (BEARINGS ASSUMED) A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 88°51'23" EAST A DISTANCE OF 166.67 FEET MORE OR LESS TO THE EAST LINE OF PROPERTY OWNED BY THE DONALD AND PATRICIA CRESSY FOUNDATION; THENCE ALONG SAID EAST LINE SOUTH 00°45'56" EAST A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE SOUTH 89°14'04" WEST ALONG SAID NORTH LINE A DISTANCE OF 166.67 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 1.50 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

Also, commonly known as the vacant land West of and adjacent to 906 West Edison Road, Mishawaka, Indiana 46545.

The above described parcel of land is presently zoned "C-1" Commercial District.

The Petitioners desire said real estate, to be rezoned to the "C-4" Commercial District classification. The purpose for the rezoning is to allow for the real estate to be purchased by an interested party who desires to build a carwash facility on the site.

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

M. Rose Meissner

Name: M. Rose Meissner, Secretary/Treasurer

For the Donald & Patricia Cressy
Foundation
574-271-4060

Contact person:
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574) 234-4003

RECEIVED
DEBORAH S. BLOCK MMC

MAY 01 2018

CITY CLERK
MISHAWAKA, IN

LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF MISHAWAKA, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT # 1 OF THE PLAT OF "FAMILY EXPRESS MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NUMBER 1614939 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE ALONG THE WEST LINE OF SAID LOT, NORTH 00°45'56" WEST (BEARINGS ASSUMED) A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 88°51'23" EAST A DISTANCE OF 166.67 FEET MORE OR LESS TO THE EAST LINE OF PROPERTY OWNED BY THE DONALD AND PATRICIA CRESSY FOUNDATION; THENCE ALONG SAID EAST LINE SOUTH 00°45'56" EAST A DISTANCE OF 390.82 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF EDISON ROAD; THENCE SOUTH 89°14'04" WEST ALONG SAID NORTH LINE A DISTANCE OF 166.67 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 1.50 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, AND EASEMENTS, AND RESTRICTIONS OF RECORD.

PETITIONERS:

Donald & Patricia Cressy Foundation
205 W. Jefferson Blvd, Suite 610
South Bend, Indiana 46624

LAND SURVEYOR:

Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
(574) 234-4003

REZONING REQUEST:

REZONING FROM "C-1" COMMERCIAL DISTRICT TO "C-4" COMMERCIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A CARWASH FACILITY ON THE SITE.

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

April 15, 2018

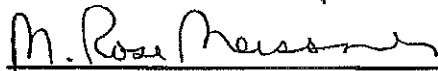
RE: Donald & Patricia Cressy Foundation
Rezoning & Subdivision Request:

Dear Council Members and Plan Commission Members,

This letter is to inform the Board Members that we have granted authority to Danch, Harner & Associates to represent us at the Mishawaka Plan Commission and Mishawaka Common Council meetings at which our Rezoning Request and subdivision will be heard.

If you have any questions concerning this matter, please feel free to give me a call at 271-4060.

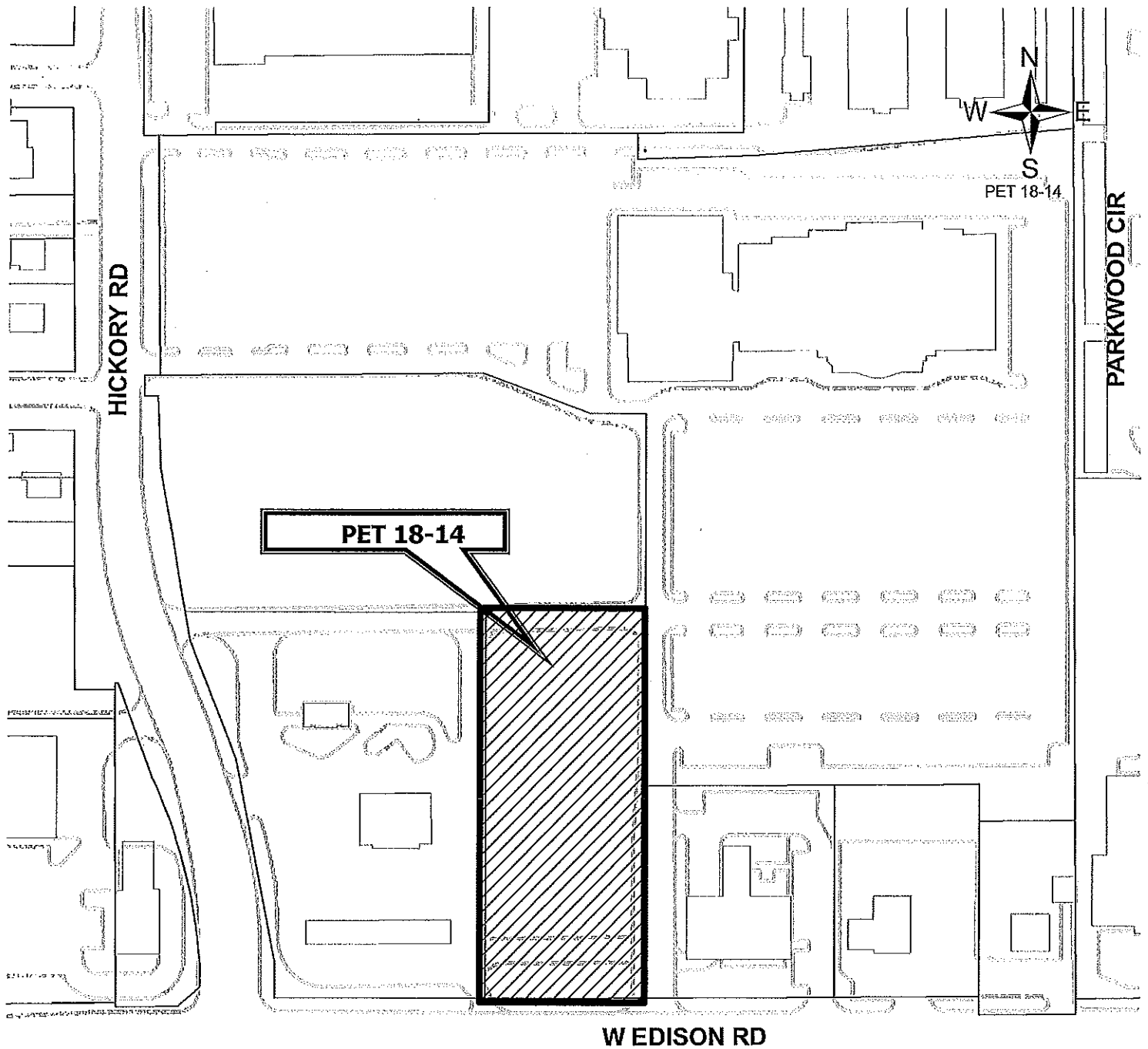
Sincerely,



Name: M. Rose Meissner, Secretary/Treasurer

For the Donald & Patricia Cressy Foundation
(574) 271-4060

File No. Edison Carwash "C" Md.



Location Map

PET 18-14

REZONE FROM
C-1 GENERALCOMMERCIAL
TO C-4 AUTOMOBILE ORIENTED
COMMERCIAL FOR CAR WASH

EAST OF 906 W EDISON

DHA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009

1643 Commerce Drive ■ South Bend, IN 46628

City of Mishawaka Common Council
Attn: Mr. Matt Mammolenti- Council President
600 East Third Street
Mishawaka, Indiana 46544

May 18, 2018

RE: Proposed Ordinance No. 2018-12, Plan Commission Petition No. 18-14
Rezoning located West of and adjacent to 906 West Edison Road,
Mishawaka, Indiana:

Dear Mr. Mammolenti:

On behalf of our clients, we are requesting a tabling of Proposed Ordinance No. 2018-12, Plan Commission Petition No. 18-14, for property located West of and adjacent to 906 West Edison Road, Mishawaka, Indiana until the June 18, 2018 Common Council meeting. This tabling will allow our clients to address issues that were brought up at the Mishawaka Plan Commission meeting.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch

Michael J. Danch
President
Danch, Harner & Associates, Inc.

Cc: Donald & Patricia Cressy Foundation

RECEIVED
DEBORAH S. BLOCK, MMC

JUN 04 2018

CITY CLERK
MISHAWAKA, IN