

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL
June 18, 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 June 18, 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. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti.

Absent: Mr. Compton.

Minutes of the Regular Meeting of June 04, 2018 were approved as received from the Clerk's Office.

Clerk Block read letters from the Board of Zoning Appeals and City Plan Commission regarding their recommendations from their June 12, 2018 meeting.

APPEAL NO. 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.

PETITION No. 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 NO.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.

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.

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

PROPOSED ORDINANCE NO. 2018-14

**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 1028 Ironwood Dr.)
(Assigned to Land Use Planning Committee)

PROPOSED ORDINANCE NO. 2018-15

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

(PUD Amd - NW corner Capital Ave & Beacon Pkwy)
(Assigned to Land Use Planning Committee)

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

RESOLUTION NO. 2018-13

**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

Clerk Block read a letter from the petitioner requesting continuance for **RESOLUTION NO. 2018-13** until the July 16, 2018 meeting.

Mrs. Voelker made a motion to continue **RESOLUTION NO. 2018-13** to the July 16, 2018 meeting, second by Mr. Banicki motion carried.

Clerk Block read the following proposed ordinances by title and opened the public hearings.

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)

Mr. Bellovich reported the Budget and Finance Committee recommended this proposed ordinance should be adopted and moved for acceptance of same upon a second by Mr. Canarecci motion carried.

Rebecca Miller, City Controller asked for approval of additional on a number of line items. She said last year she moved money from the CEDIT Park Projects to an Insurance line to pay for health insurance cost at the end of the year. Ms. Miller continued to say the additional of \$800,000 would go back in the lines of Mary Gibbard and Twin Branch, this appropriates it to continue spending it on projects they set for last year. She went on to say also in CEDIT, in the Street, Sidewalk and Curb line there was a small amount of funds they were reimbursed last year, it needed to be appropriated for spending for this year. Ms. Miller said lastly, they were appropriating the balance from Local Major Moves of \$823,573.24 to have an appropriation to continue funding the 12th street reconstruction.

Questioned was called for at 7:09 P.M. for **PROPOSED ORDINANCE NO. 2018-13** 
Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Mrs. Voelker, Mr. Tanner, Mr. Deal, Mr. Banicki, Mr. Emmons, Mr. Bellovich, Mr. Canarecci, Mr. Mammolenti. Thus, it becomes **ORDINANCE NO. 5619**

PRIVILEGE OF THE FLOOR

Ogechi Ike, Granger resident spoke in regard to the newly effective internet neutrality rules. She asked the council to consider repealing.

UNFINISHED BUSINESS

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)

Clerk Block read a letter from the petitioner requesting continuance for **PROPOSED ORDINANCE NO. 2018-12** to the August 06, 2018 meeting.

Mr. Banicki made a motion to continue **PROPOSED ORDINANCE NO. 2018-12** to the August 06, 2018 meeting second by Mr. Deal motion carried.

NEW BUSINESS

Mr. Emmons announced the 1st District Neighborhood meeting would be June 21, 2018 at 7:00 P.M. He said the speaker would be Ken Prince, City Planner.

ADJOURNMENT 7:20 P.M.

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

Matt Mammolenti /s/
Matt Mammolenti, President