

APRIL 13, 2010

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, April 13, 2010, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Matt Lentsch, Ross Portolese, Murray Winn, Don McCampbell, Carol Sergeant, Edward Salyer, and Rosemary Klaer. Absent: Gary West and Ross Deal. In addition to members of the public, the following were also in attendance: John Gourley, Ken Prince, Greg Shearon, Peg Strantz, and Kari Myers.

Murray Winn explained the Rules of Procedure.

The Minutes of the March 9, 2010, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #10-04 A petition submitted by Garatoni Holdings, Limited Partnership V, requesting to rezone property **north of 4343 Grape Road**, from R-3 Multi-Family Residential District to C-1 General Commercial District.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioner. Mr. Ballard said the Petitioner is requesting to rezone the property from R-3 Multi-Family Residential to C-1 General Commercial to allow for a potential future retail building. When constructed, it will follow design standards.

Ross Portolese asked if there was an existing retention basin. Mr. Ballard said yes and it will be maintained.

Murray Winn closed the Public Hearing on Petition #10-04.

Staff Recommendation

The Planning Department recommends approval of Petition 10-04 to rezone property north of 4343 Grape Rd from R-3 Multi-Family Residential to C-1 General Commercial. This recommendation is based upon the following findings of fact:

- 1. Existing Conditions- The property is located along Grape Rd, a heavy traveled commercial corridor. The property is located adjacent to commercial properties to the north, south, and east.*
- 2. Character of Buildings – Commercial buildings are located along Grape Road and adjacent to the property to be rezoned. The proposed retail building will be consistent with the buildings in the area.*
- 3. The most desirable/highest and best use - Because of the development parcel's location on Grape road and the surrounding commercial uses, the most desirable use for the property is commercial.*

4. *Conservation of property values- 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, staff feels that the most desirable use for this property is the commercial zoning.*
5. *Comprehensive Plan – The proposed rezoning is consistent with the 2000 Mishawaka Comprehensive Plan, created in 1990, which guided commercial uses for this area.*

MOTION: Matt Lentsch moved to forward Petition #10-04 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 7-0.

PETITION #10-05 A petition submitted by Elmer E. and Linda L. Bailey requesting to rezone **4202 Lincolnway East**, from C-1 General Commercial District to R-1 Single Family Residential District.

Jim Eichorst, VanDyk Mortgage, 126 LWE, Mishawaka, represented the Petitioners. Mr. Eichorst said the prospective buyer is moving back to the area from Texas and needs the property rezoned to single family residential in order to obtain financing.

Matt Lentsch asked what the intended use would be. Mr. Eichorst said residential.

Mr. Lentsch asked if it would be a rental. Mr. Eichorst said no.

Don McCampbell asked how long the property had been vacant. Mr. Eichorst said approximately one to two years.

Mr. Winn closed the public hearing on Petition #10-05.

Staff Recommendation

*The Planning Staff recommends **approval** of Petition 10-05 to rezone 4202 Lincolnway East from C-1 General Commercial District to R-1 Single-Family Residential District. This recommendation is based on the following findings of fact:*

1. *The R-1 Single Family Residential District is more restrictive than the C-1 General Commercial District and therefore, affords more protection to the single family residences in the immediate vicinity;*
2. *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 single family residential;*
3. *The character of many of the buildings in the vicinity are residential in nature providing a strong sense of a residential neighborhood;*
4. *The most desirable use for the property is residential, given its location on Lincolnway East among other residential uses, and the fact that the petitioner wishes to use as a single family residence;*

5. *The City's Comprehensive Plan calls for General Commercial development, but this rezoning will not be inconsistent with the historic residential uses already in the area.*

MOTION: Rosemary Klaer moved to forward Petition #10-05 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 7-0.

SITE PLAN:

SP #10-C

A request submitted by Stoyan Stoyanov for final site plan approval of a 4,000 square foot building for a used car sales facility located at **1500 E. McKinley Avenue.**

Steve Ryno, Progressive Engineering, 58640 State Road 15, Goshen, IN, appeared on behalf of the Petitioner. Mr. Ryno said Mr. Stoyanov had been working on plans for this property for nearly a year and a half. Part of the property was located in the county and part in the city. The property located in the county has been annexed into the city and they hopefully now have a plan that meets with the City's approval.

Rosemary Klaer asked Ken Prince how staff feels about it and asked Mr. Ryno if he had building elevations to show. Mr. Ryno did not have elevations available and Mr. Prince said he would need to see the building elevations prior to issuing any permits.

Mr. Prince said the proposed building is metal and it will need EFIS on the front of the building and on three sides with acceptable building materials. One third of the building can be metal siding.

Staff Recommendation

Provided a revised site plan is submitted addressing the outstanding items, the Planning Department recommends approval of Site Plan 10-C for a new use car sales/detailing facility because it meets the requirements of Sec. 137-35 Final Site Plan Approval.

MOTION: Ross Portolese moved to approve Site Plan #10-C. Matt Lentsch seconded; motion carried with a vote of 7-0.

ADJOURNMENT: 7:12 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner