

JULY 13, 2010

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

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

Matt Lentsch explained the Rules of Procedure.

The Minutes of the June 8, 2010, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #10-11 A petition submitted by John G. and Judi M. LaViolette requesting to rezone **905 East Mishawaka Avenue**, from I-1 Light Industrial District to R-1 Single Family Residential District.

John Laviolette, 4036 Harrison Creek Court, Mishawaka, presented the Petition. He said he purchased the home 6-7 years ago for sister. She is now in the process of purchasing the home and the bank is requiring the home be rezoned to residential.

Matt Lentsch closed the Public Hearing on Petition #10-11.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 10-11 to rezone 905 East Mishawaka Avenue from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following Findings of Fact:*

- 1. Fourteen of the sixteen developed lots on this block fronting Mishawaka Avenue have residences on them. The R-1 Single Family Residential District is more residential friendly than the I-1 Light Industrial District; thus, affording 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 an industrial venture, 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 industrial development that could occur with its current zoning, rezoning this property 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,*
5. *The City's Comprehensive Plan calls for low density residential so the rezoning is consistent with the historic residential uses in the area.*

MOTION: Ross Deal moved to forward Petition #10-11 to the Common Council with a favorable recommendation. Carol Sergeant seconded; motion carried with a vote of 7-0.

PETITION #10-12 A petition submitted by Helman Commercial Realty LLC requesting to rezone **1017 East Jefferson Boulevard**, from I-1 Light Industrial District to C-1 General Commercial District.

Max Helman, 17299 Pencross, Granger, appeared. Dr. Helman said he is the owner of the property and wants to rezone from industrial to commercial. He also said he has gone thru many renters and he's been unable to keep them. Dr. Helman says he has someone who is really interested in using the building for BBQ take out. The gentleman presently has successful business on Hickory and wants to move his business to Mishawaka.

Gary West asked if this went forward, would he be modifying the building appropriation for a restaurant. Dr Helman said Mr. Weber, the man interested in renting the building, will take care of those things.

Ross Portolese said he knows Mr. Weber and he's a hard working businessman and feels this would be a good location for him.

Mr. Lentsch closed the Public Hearing on Petition #10-12.

Staff Recommendation

The Planning Department recommends approval of Petition 10-12 to rezone property at 1017 E Jefferson Blvd from I-1 Light Industrial to C-1 General Commercial. This recommendation is based upon the following findings of fact:

1. *Existing Conditions- The property is located along E Jefferson Blvd, a heavy traveled corridor which consists of many commercial properties. The small lot size and small building size are more appropriate for commercial type uses than for industrial uses.*
2. *Character of Buildings – Commercial buildings are located along E Jefferson Blvd. The existing building located on the property to be rezoned is consistent with other buildings in the area.*
3. *The most desirable/highest and best use - Because of the parcel's location on E Jefferson Blvd, the small size of the lot and building, the surrounding uses, and the historical uses of the property, 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 the proposed commercial zoning of the property will have a lesser impact on adjacent property than if the property were to be utilized for industrial uses, as is currently zoned.*

5. *Comprehensive Plan – The Comprehensive plan identifies this parcel for industrial uses. However, the proposed zoning is consistent the commercial uses in the area.*

MOTION: Ross Portolese moved to forward Petition #10-12 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 7-0.

SP #10-F A request submitted by JB Capital, LLC, for final site plan approval for a 19,028 sf Tractor Supply Company to be located in the **1000 block of East Ireland Road.**

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, represented JB Capital, LLC, and Tractor Supply Company. He said the request is to construct a Tractor Supply Co. on Ireland west of Bremen Highway and the site recently received various developmental and use variances. Mr. Ballard said they have been working with staff to address the outstanding items.

Rosemary Klaer asked Ken Prince how staff felt about the project. Mr. Prince said they're one of few companies wanting to build new commercial. He also said it's a good fit in that location.

Mr. West asked when construction would begin. Keith Carter, Bunnell Hill, said they should break ground in the next 7-10 days with an opening of early next year.

Staff Recommendation

Provided a revised site plan is submitted addressing the outstanding items, the Planning Department recommends approval of Site Plan 10-F for a 19,028 square foot Tractor Supply Company building because it meets the requirements of Sec. 137-35 Final Site Plan Approval.

MOTION: Ross Portolese moved to approve Site Plan 10-F. Gary West seconded; motion carried with a vote of 7-0.

Ken Prince said Murray Winn fell and suffered broken ribs and a concussion and thanked Mr. Lentsch for filling in in his absence.

ADJOURNMENT: 7:11 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner