

SEPTEMBER 14, 2010

PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA

A regular meeting of the Mishawaka Plan Commission was held Tuesday, September 14, 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, Murray Winn, Don McCampbell, Carol Sergeant, Edward Salyer, and Rosemary Klaer. In addition to members of the public, the following were also in attendance: John Gourley, Ken Prince, Greg Shearon, Peg Strantz, and Kari Myers.

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Murray Winn explained the Rules of Procedure.

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The Minutes of the August 10, 2010, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**PETITION #10-15** A petition submitted by Cindy J. Rice to rezone **1304 North Willow Street**, from I-1 Light Industrial District to R-1 Single Family Residential District.

Cindy Rice, 1304 N. Willow Street, said she needed to rezone her property to residential in order to refinance her home.

Matt Lentsch asked if she planned to continue to live there. Ms. Rice said yes, it is her home.

Murray Winn closed the Public Hearing on Petition #10-15.

**Staff Recommendation**

*The Planning Department recommends **approval** of Petition 10-15 to rezone 1304 N Willow Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

- 1. The lot is surrounded by industrial zoned properties. However, there is a single-family residential home located adjacent to the north and a single-family residential home located to the southwest. This property's proximity to existing single-family residential uses and 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 the residential use is existing, and given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use.*
- 3. Because the parcel is located in close proximity to other residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property; and the*

*existing structure is residential in nature and is consistent with the architectural residential structures located to the north and to the southwest.*

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 neighborhood; and, would allow the historic residential use to continue on the property.*
5. *The City's Comprehensive Plan calls for industrial use for this area. However, the proposed rezoning is consistent with the historic residential use of the property.*

**MOTION:** Rosemary Klaer moved to forward Petition #10-15 to the Common Council with a favorable recommendation. Ross Deal seconded; motion carried with a vote of 9-0.

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**PETITION #10-16** A petition submitted by the Fraternal Order of Eagles Aerie 2083 to rezone the **900 block of South Merrifield Avenue**, from C-1 General Commercial District to R-3 Multi-Family Residential District.

Jeffrey Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, represented the petitioners. Mr. Ballard said the property is currently vacant and the prospective buyer is AHEPA. He indicated that Angela Magrames would speak later regarding the project.

Mr. Ballard said the project will be developed in two phases. The first phase will be a three story building with 50 one-bedroom units. Phase two will also be a three story building with 40 one-bedroom units. He said the parking will be broken up to allow for additional landscaping and buffering.

Mr. Ballard said earlier, the Board of Zoning Appeals approved a Developmental Variance to reduce the number of required parking spaces because only approximately 25% of the residents drive. He said in-house transportation is provided for residents for shopping. Also, there will be a sidewalk connecting the development to Kroger, so residents will be able to walk to the grocery store.

Mr. Ballard said the surrounding uses would support this development. The facility will be low intensity/low impact project with quality architecture and landscaping. The two retention ponds will be an amenity and create an outdoor setting. He also said the proposed residential zoning would be more acceptable to nearby residents across Merrifield than commercial.

Angela Magrames, AHEPA, said she belongs to the Daughters of Penelope which is the sorority part of AHEPA. She said they have been active in the area since 1937.

Mrs. Magrames said they propose to build housing for low income senior citizens. She said when they approached South Bend, they weren't helpful. Mishawaka, however, has been extremely helpful with their process of looking for suitable property to build on. She also said because the project will be federally funded, there were certain parameters that they needed to follow.

Mrs. Magrames said the building will be "V" shaped which will be less intrusive to the neighborhood. She said the ends of the building will be tiered to give the building a more pleasing look.

Mrs. Magrames said the units will be rented on a first come first serve basis and the incoming level will be set at \$22,000 and the amount of rent paid by residents will be based on a sliding scale. She said some of the amenities offered will be laundry, community room, library, and a patio with gazebo in the back. They are working to make it place people will want to live.

Mrs. Magrames also said AHEPA will have a room to use for meetings. There are only 30 members and they carpool so it won't strain the parking.

Gary West asked what the age limits were. Mrs. Magrames said it's for seniors 62 and older.

Mr. Lentsch asked if it was independent living. Mrs. Magrames said the first phase will be independent living. Phase two may possibly be assisted living. The first phase will not have a meal program.

Mr. Lentsch asked if the Daughters of Penelope will manage the facility. Mrs. Magrames said management will be handled by a company in Indianapolis. There will be an on-site manager on premises from 9-5 every day plus part time maintenance.

Ross Deal asked if there will be any extraordinary security features. Mrs. Magrames said all visitors will have to be buzzed in and the residents will have video showing who is requesting to enter. There will also be video in the hallways for security and each resident will have a key and can enter the facility via key only.

Ross Portolese asked about rent and how much the government would subsidize. Mrs. Magrames said rent would be approximately \$950 per month and if a resident pays \$400 the government would subsidize \$550. If you make more than \$22,000 you won't be able to get in.

Mr. Lentsch asked if this will be a for profit organization. Mrs. Magrames said no.

Mr. Winn closed the Public Hearing on Petition #10-16.

### **Staff Recommendation**

*The Planning Department recommends approval of Petition 10-16 to rezone property located at the 900 block of S Merrifield Avenue from C-1 General Commercial to R-3 Multi-Family Residential. This recommendation is based upon the following findings of fact:*

- 1. Existing Conditions- The property is amongst a variety of uses and zoning districts including single-family residential, commercial, and industrial. The proposed multi-family use is an appropriate 'transitional' use between the more intense commercial/industrial uses and the single-family residential uses.*
- 2. Character of Buildings – The buildings in the area consist of commercial, industrial and residential. The proposed development will be consistent with the character of the residential buildings in the area.*
- 3. The most desirable/highest and best use - Because of the development parcel's close proximity to the shopping plaza to the south and the opportunity to provide a pedestrian connection between the proposed development and the commercial uses along with and the existing residential uses the west, the most desirable/highest and best use for the property is R-3 Multi-Family Residential.*
- 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 multi-family residential. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-3 Multi-Family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate residential neighborhood to the west.*

5. *Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan guided industrial uses for this property. However, given the existing commercial and the residential uses in the area, a multi-family residential use is more appropriate and consistent with the development within the area than the industrial use.*

**MOTION:** Carol Sergeant moved to forward Petition #10-16 to the Common Council with a favorable recommendation. Matt Lentsch seconded; motion carried with a vote of 9-0.

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**ADJOURNMENT:** 7:20 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner