

JUNE 14, 2011

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, June 14, 2011, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Gary West, Ross Deal, Ross Portolese, Murray Winn, Edward Salyer, and Rosemary Klaer. Absent: Matt Lentsch, Don McCampbell, Carol Sergeant. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Peg Strantz, and Kari Myers

Murray Winn explained the Rules of Procedure.

The Minutes of the May 10, 2011, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PLAT #11-09

A request submitted by Parkview Terrace Apartments Limited Partnership seeking the approval of the five (5) lot Parkview Terrace Subdivision.

Ed Fisher, Fisher Land Surveying Services, 303 E. Third Street, Mishawaka, represented the Petitioner. The property is being replatted from one large lot and dividing up a little-used parking lot on the western portion of the property. The four smaller lots will be used for single family homes built by Habitat for Humanity. The replat also addresses some right of way that was never dedicated.

Mr. Prince said the additional right of way is for a future project to straighten out the "s" curve as 12th Street transitions into 13th Street. Mr. Prince said the agreement with the apartments is the west parking lot will be removed and four lots will be created and donated to Habitat for Humanity for new homes. He said two should be built this year and two next year.

Mr. Prince said meetings were held with residents on what improvements to make to Hillis Hans Park and at those meetings there were problems that were identified. He said it was determined visitors to the apartments, not the residents, were the problem who would park in the neighborhood and walk to the apartments. Mr. Prince said the question was how could this be addressed?

Mr. Prince said a management company is looking to buy the apartment complex and apply for tax credits to reinvest in the facility. He said the City's suggestion was to eliminate the far west parking lot, because it wasn't used, and it would provide a better blend in the neighborhood to build single family homes on the property. The proposed four lots were included in their application and it also included funding for Habitat.

Mr. Prince said the funding for improvements will include fencing between the new lots and the complex along with landscaping. He said an ornamental picket fence will be provided along the street as well. All pedestrian traffic will be through one point. Mr. Prince said because of the fence, it will discourage people visiting the apartments from parking on the side streets. He

also said it's important to note that the apartments will be providing additional security cameras and a tot lot on their property. The current mid-block crossing from the apartments to the park will be removed and moved to the corner. He said all of the improvements will be a great enhancement to the neighborhood and should start in September.

Mr. Winn closed the Public Hearing on Plat #11-09.

Staff Recommendation

The Planning Department recommends approval of the Preliminary Plat and Final Plat of the Parkview Terrace subdivision (Plat #11-09) because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.

MOTION: Ross Portolese moved to approve Plat #11-09. Ross Deal seconded; motion carried with a vote of 6-0.

REPLAT #11-10 A request submitted by Clarence and Carol Boyer and Michael and Jill Norton seeking approval of the R. E. Perkins Addition, First Replat.

Terry Lang, Lang, Feeney & Assoc., 715 S. Michigan St., South Bend, appeared on behalf of the Petitioners. Mr. Lang said the petitioners purchased the vacant home between their houses and had the house demolished. They are requesting to divide the lot and add yard space to their properties. The replat will be a benefit to both neighbors.

Mr. Winn closed the Public Hearing on Replat #11-10.

Ken Prince read a letter of support from James McDonald, property owner of 126 W. 8th St.

Staff Recommendation

The Planning Department recommends that the Petitioners' request for preliminary and final Replat approval of the R.E. Perkins Addition First Replat be approved. This recommendation is based on the fact that the Plat meets all the requirements of Section 133-107 (Preliminary Replat) & Section 133-110 (Final Replat).

MOTION: Edward Salyer moved to approve Replat #11-10. Rosemary Klaer seconded; motion carried with a vote of 6-0.

PETITION #11-11 A request submitted by Mishawaka Indiana Congregation of Jehovah's Witnesses, South Unit, to rezone **123 Bain Avenue** from R-1 Single Family Residential District to C-1 General Commercial District.

Bill Owen, Bosh Design Group, Osceola, appeared on behalf of the Petitioner. Mr. Owen said in order to make the property sellable to the Moose, they are requiring the property be rezoned to General Commercial. He said the Moose is working with the City and the redevelopment of their current property and they need a new facility. He said this facility has adequate off street parking.

Mr. Owen said the Loyal Order of Moose has been in Mishawaka nearly 100 years and it appears they will be permanent residents in town. They are primarily a social club and provides community-minded functions. They do have activities for families, has a member's bar, and provides games such as cards within the facility.

Mr. Owen said regarding the letter of remonstrance from William Hummer who resides at 214 Bain Avenue who had concerns about traffic in the neighborhood, he said he didn't think there would be more traffic than the existing facility generates. He said typical parking at the Moose would be approximately 30 cars, but not more than 50. He said the Moose does have a liquor license and said activities can go past 10:00 p.m., but mainly on the weekend.

Mr. Owen said the Kingdom Hall is dated in appearance, but has been well-kept. He said the new facility will be upgraded, and provided three letters of support from members.

Gary West asked about existing setbacks. Mr. Prince said those can be talked about at some future point in time.

Ross Deal asked if the facility will be available to rent. Mr. Owen said yes, it could be rented for weddings and such, but members are given first priority.

Mr. Deal asked if the Moose would require security if rented for events. Mr. Owen said yes.

Mr. Deal asked if it was open 7 days per week. Mr. Owen said yes.

Mr. Deal asked what the hours of operation would be. Mr. Owen said usually 4:00 p.m. to 10:00 p.m. but can go until midnight.

In Favor

Vanessa Gilman, representing Spiderworks Fireworks 2915 Lincolnway East, said as a local business they would welcome the Moose Lodge. She feels it would be well-kept. She said she isn't a member, but thinks it would be family friendly and not increase traffic.

Mr. Winn closed the Public Hearing on Petition #11-11.

Mr. Prince acknowledged the letters of support provided by Mr. Owen from various residents in the general area.

Mr. Deal said this has been difficult for him because there's a lot to like about this. It appears the Moose Lodge is a family-friendly organization and would fit well within the neighborhood. He said his concern is more with the potential to rent the hall. Mr. Deal said he drove down Bain and it's plain to see it's a well-kept neighborhood and people are obviously proud of their properties and he appreciates that. He said there are few things in a city that are more important than neighborhoods.

Mr. Deal said if it weren't for the letters of support, he would probably vote against this to err on the side of caution, but aside from the one letter, there was no strong remonstrance so he said he will be voting in favor. He also said he will keep an eye on this property and hopes the Moose Lodge will be good neighbors as they say they will be. The ball is in their court.

Staff Recommendation

The Planning Department recommends approval of Petition 11-11 to rezone 123 Bain Avenue from R-1 single family residential to C-1 General Commercial. This recommendation is based on the following findings of fact:

- 1. Existing Conditions- Although the property is located along Bain Avenue, a predominantly residential street, the property is adjacent to massive AEP overhead electric transmission lines and the Norfolk Southern Railroad corridor, both detract from residential uses. The property was previously developed as a place of worship and has the necessary parking and infrastructure in place to support a commercial use.*

2. *Character of Buildings – The existing building is a 5,000 square foot single story building that lends itself to a commercial re-use. Commercial buildings are located along Lincolnway East located in close proximity to the property to be rezoned.*
3. *The most desirable/highest and best use - Because of the development parcel's close proximity to the high tension power lines, railroad, and commercial businesses located along Lincolnway East, the most desirable/highest and best use for the property is C-1 General 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 property was already developed for a non-single family residential use. The rezoning would allow for the adaptive re-use of infrastructure that was previously built. The existing building has been vacant for a period of time, the rezoning will help insure that the property will continue to be maintained.*
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: Ross Deal moved to forward Petition #11-11 to the Common Council with a favorable recommendation. Ross Portolese seconded; motion carried with a vote of 6-0.

ADJOURNMENT: 7:25 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner