

SEPTEMBER 13, 2011

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, September 13, 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, Don McCampbell, Carol Sergeant, Edward Salyer, and Rosemary Klaer. Absent: Matt Lentsch. 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 August 9, 2011, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #11-14 A request submitted by the City of Mishawaka Redevelopment Commission to vacate the north/south alley between 402 Lincolnway West and 414 Lincolnway West, Mishawaka, Indiana.

Ken Prince, City Planner, presented the petition on behalf of the Redevelopment Commission. He said the property is the future home of Mishawaka River City Apartments, also the old Main Junior High School. Mr. Prince said the City acquired Mishawaka Furniture and the parcel on the other side of the alley. They also purchased the tailor shop at 414 Lincolnway West. Mr. Prince said the attorney's office has purchased a small portion of the property for their office parking.

Rosemary Klaer asked if it was feasible to use the bricks elsewhere. Mr. Prince said it was highly unlikely and bricks saved from Uniroyal still haven't been used anywhere. He said they look nice but are extremely labor-intensive.

Mr. Winn closed the Public Hearing on Petition #11-14.

Staff Recommendation

The Staff recommends in favor of Petition 11-14 to allow for the vacation of the North/South alley between Lincolnway West, First St, West St, & Hill St. This recommendation is based upon the following findings of fact:

- 1. The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.*
- 2. The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.*

3. *The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;*
4. *The proposed vacation will not hinder the use of any public way, utility or place.*
5. *This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.*

MOTION: Ross Portolese moved to approve Petition #11-14. Rosemary Klaer seconded; motion carried with a vote of 8-0.

REPLAT #11-15 A request submitted by the City of Mishawaka Redevelopment Commission seeking approval of the two-lot Taylor and Seventh Replat.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said the Community Development Department has worked to acquire substandard structures and they purchased and demolished a home on the corner of Taylor and 7th Street. Mr. Prince said 808 W. 7th Street will get part of the Taylor street lot and the house on the corner will also get part of the lot to make a complete lot for possible use as a Habitat for Humanity home build.

Mr. Winn closed the Public Hearing on Replat #11-15.

Staff Recommendation

The Planning Department recommends that the Petitioners' request for preliminary and final Replat approval of the Taylor and Seventh Replat. 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: Ross Deal moved to approve Replat #11-15. Edward Salyer seconded; motion carried with a vote of 8-0.

PLAT #11-17 A request submitted by J. D. Enterprises, LLP, requesting approval of the one-lot J. D. Enterprises 7th Street Subdivision.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioners. He said the owners just found out that there's a problem on taxation on these six parcels. Mr. Lang said the property to the west is owned by the City and had been transferred to JD Enterprises for assessment purposes and JD Enterprises is being taxed on the property. He said to alleviate the problem they are platting the property by merging all properties into one so there will only be on tax key number. The problem will be rectified and can recoup the taxes from the City.

Mr. Winn closed the Public Hearing on Plat #11-17.

Staff Recommendation

The Planning Department recommends approval of the Preliminary Plat and Final Plat of the J.D. Enterprise 7th Street Subdivision (Plat #11-17) because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.

MOTION: Don McCampbell moved to approve Plat #11-17. Rosemary Klaer seconded; motion carried with a vote of 8-0.

PETITION #11-18 A request submitted by the City of Mishawaka requesting to annex and zone property west of Hums Elementary School to R-1 Single Family Residential.

Gary West, Director of Engineering, presented the Petition. He said after eight years of study and evaluation of the districts regarding response time, a site has been selected for new fire station #4. He said fire station #4 is now located on Lincolnway near Capital Avenue, has only one bay, is two-story, and has no off-street parking. Mr. West indicated DLZ was present and they have prepared the site plan and the project is currently out to bid with the opening at next Tuesday's Board of Public Works meeting.

Mr. West said this site which is located next to Hums Park is less than 8 acres and is currently farmland. He said they are working with School City to meet with area residents and the school board to acquire a corner cut of the adjacent lot at the property line. Mr. West said this will allow for the extension of Bennington Drive north of 12th Street to enter into the fire station site to allow the circulation of fire trucks so they won't have to back into the station from 12th Street.

Mr. West continued by saying the new station will have three bays and be approximately 14,000 sqft. He said this area will be the nexus of construction over the next few years. Mr. West said Bennington Drive should be extended next year; the fire station will be completed in about a year; and Capital Avenue should be open and the City can assign personnel from other stations who can better respond to fires in the eastern end of the City.

Ms. Klaer asked what the plans were for the old fire station. Mr. West said he presumes it will be declared as surplus and sold. He said it's very attractive from the outside, but a support system had to be built in the basement to make sure the truck loaded with water wouldn't collapse the floor.

Mrs. Sergeant asked where Bennington will end when it crosses 12th Street. Mr. West said it will terminate at a cul-de-sac at the north end of the City's property and there will be no thru traffic near the park. He said in the future it could possibly be a signalized intersection to enhance traffic at the school.

Mr. Deal asked if the fire trucks will enter from a private drive. Mr. West said no, the front of the station will face 12th Street, but the bays will load from the rear.

Mr. Deal asked how far the signal would be located from the school. Mr. West said approximately 200'.

Mr. Deal asked if there was an advantage to having the trucks no stop traffic. Mr. West said a light may be installed to announce that vehicles are responding to an emergency, but the traffic on 12th Street isn't that heavy. Mr. Deal disagreed with that statement.

Mr. Winn closed the Public Hearing on Petition #11-18.

Staff Recommendation

Staff recommends in favor of rezoning Petition # 11-18 to annex approximately 8 acres located northwest of Bennington Street along Harrison Road into the City of Mishawaka with a zoning of R-1 Single-Family Residential. This recommendation is based on the following findings of fact:

1. *Existing Conditions-* The proposed property to be annexed is located within an area of single-family residential developments and community oriented service uses, such as

- schools and parks. The proposed residential zoning and fire station use will be consistent with the existing uses and conditions in the area.*
- 2. Character of Buildings – The character of the buildings within the surrounding area is single family residential and community institutional (school). The design of proposed building will be consistent with the buildings in the area.*
 - 3. The most desirable/highest and best use – Because of the parcel's location amongst residential and community oriented service uses, the most desirable use for the property is residential and the proposed fire station use.*
 - 4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because residential uses already exist in close proximity to annexation area and the proposed fire station will provide needed services to properties within the surrounded area.*
 - 5. Comprehensive Plan – The proposed annexed area is identified for medium density residential uses in the Comprehensive Plan. The proposed zoning to R-1 Single-Family Residential and fire station is consistent with the Comprehensive Plan by providing residential appropriate uses in the area.*

MOTION: Carol Sergeant moved to forward Petition #11-18 to the Common Council with a favorable recommendation. Ross Deal seconded; motion carried with a vote of 8-0.

PETITION #11-19 A request submitted by the City of Mishawaka Redevelopment Commission requesting to rezone **413 North Cedar Street and 421 North Cedar Street** from I-1 Light Industrial to R-1 Single-Family Residential.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said the City purchased these two industrial properties and demolished the structures. Mr. Prince said Alice and Cedar Street will likely remain green space.

Mr. Winn closed the Public Hearing on Petition #11-19.

Staff Recommendation

The Planning Department recommends approval of Petition 11-19 to rezone 413 & 421 N. Cedar Street from I-1 Light Industrial to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

- 1. The property's proximity to R-1 Single Family Residential District zoned properties would be compatible to the area and provide a strong sense of single family residential;*
- 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 project, staff feels that the most desirable use for this property is single-family use;*
- 3. Because the parcel is located within a residential neighborhood, 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'*

5. *The City's Comprehensive Plan calls for industrial for a portion of this property. However, the proposed R-1 Single Family Residential zoning is consistent with the existing prominent residential neighborhood.*

MOTION: Ross Deal moved to forward Petition #11-19 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 8-0.

PETITION #11-20 A request submitted by the City of Mishawaka Redevelopment Commission seeking to vacate the north/south alley located between West Front Street, West First Street, North Hill Street, and North Spring Street.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said a few months ago the Redevelopment Commission entered into a memorandum of understanding to develop the site into a grocery store and they want some things accomplished before considering the site. One of which is vacating the alley running through the property; there are no utilities in the corridor.

Mr. Winn closed the Public Hearing on Petition #11-20.

Mr. Prince read a Letter of Support from Prime Development.

Staff Recommendation

The Staff recommends in favor of Petition 11-20 allowing for the vacation of the North/South alley between W .Front St., W. First St., N. Hill St., & N. Spring St. . This recommendation is based upon the following findings of fact:

1. *The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.*
2. *The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.*
3. *The alley does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;*
4. *The proposed vacation will not hinder the use of any public way, utility or place.*
5. *This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.*

MOTION: Edward Salyer moved to approve Petition #11-20. Rosemary Klaer seconded; motion carried with a vote of 8-0.

PETITION #11-21 A request submitted by the City of Mishawaka Redevelopment Commission requesting to rezone various parcels east of Main Street and north of the St. Joseph River from C-1 General Commercial District to C-3 City Center Commercial District.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said the City felt it was best to "clean up" and rezone these properties to C-3 City Center Commercial to allow them to be marketed in the future.

Mr. Prince read a Letter of Remonstrance from Merna Holloway, 203 E. Mishawaka Avenue. Mr. Prince said he had spoken with Ms. Holloway and staff has no objections to her rezoning her properties, however, it could not be included with this petition.

Mr. Prince said her main issue was with odor from the pumping station and it was his understanding she was in touch with the Engineering Department's consultants.

Mr. Deal said he is a property manager for Ms. Holloway and he asked counsel if it was appropriate that he vote on this petition. David Bent said it was ok for him to vote.

Mr. Winn closed the Public Hearing on Petition #11-21.

Staff Recommendation

The Planning Department recommends approval of Petition 11-21 to rezone property located east of N. Main Street and north and adjacent to the St. Joseph River from C-1 general Commercial to C-3 City Center Commercial. This recommendation is based upon the following findings of fact:

- 1. The property's proximity to C-3 City Center Commercial District zoned properties and the Riverwalk would be compatible to the area and provide a strong sense urban mixed-use development that is desired within the downtown area.*
- 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 commercial projects, staff feels that the most desirable use for this property is C-3 City Center Commercial;*
- 3. Because the parcel is located within the downtown area, the rezoning to C-3 City Center Commercial is a desirable use for this property;*
- 4. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the C-3 City Center classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding neighborhood'*
- 5. The City's Comprehensive Plan calls for open space for a portion of this property. However, the proposed C-3 City Center Commercial zoning is consistent with the overall development plan for the downtown area.*

MOTION: Ross Portolese moved to forward Petition #11-21 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 8-0.

PETITION #11-22 A request submitted by the City of Mishawaka Redevelopment Commission requesting to rezone various parcels between the blocks of W. Front Street, W. 1st Street, N. Spring Street, and N. Hill Street from I-1 Light Industrial District and I-2 Heavy Industrial to C-3 City Center Commercial District.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said this was another zoning "clean up" of property that was formerly industrial that over time the City has acquired.

Mr. Winn closed the Public Hearing on Petition #11-22.

Staff Recommendation

The Planning Department recommends approval of Petition 11-22 to rezone various properties located between N. Mill Street & N. West Street and W. Front Street & W. First Street from I-1 Light Industrial and I-2 Heavy Industrial to C-3 City Center Commercial. This recommendation is based upon the following findings of fact:

- 1. The property's proximity to C-3 City Center Commercial District zoned properties would be compatible to the area and provide a strong sense urban mixed-use development that is desired within the downtown area.*
- 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 industrial projects, staff feels that the most desirable use for this property is C-3 City Center Commercial;*
- 3. Because the parcel is located within the downtown area, the rezoning to C-3 City Center Commercial 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 C-3 City Center classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding neighborhood'*
- 5. The City's Comprehensive Plan calls for general commercial for these properties. The proposed C-3 City Center Commercial zoning is consistent with the Comprehensive Plan and the overall development plan for the downtown area.*

MOTION: Rosemary Klaer moved to forward Petition #11-22 to the Common Council with a favorable recommendation. Ross Deal seconded; motion carried with a vote of 8-0.

ADJOURNMENT: 7:41 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner