

MARCH 13, 2012

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, March 13, 2012, 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 Portolese, Murray Winn, Carol Sergeant, Edward Salyer, and Rosemary Klaer. Absent: Dale "Woody" Emmons and Don McCampbell. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Kari Myers, and Joe Dits of the South Bend Tribune.

Murray Winn explained the Rules of Procedure.

The Minutes of the February 14, 2012, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #11-28

PETITION #11-29

PETITION #11-30 Petitions submitted by Larry J. and Becky L. Penn requesting to annex and zone property on the north side of Douglas Road, east of Fir Road to S-2 Planned Unit Development to allow for commercial and residential uses.

Bernie Feeney, Lang Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioners.

Mr. Feeney said the first petition is for a small area of land located near the corner of Fir and Douglas Roads and is the smallest of the three parcels of land and it complies with the required 12.5% contiguity with the City. Annexation #2 (Pet 11-29) is a larger parcel, and Annexation #3 (Pet 11-30_ is the largest and all three total in excess of 250 acres.

Mr. Feeney said he has met with the property owners over the course of the last 3-4 years and those meetings have resulting in different plans being considered. He said originally they had a typical plan showing buildings, roads and such, but the Planning Staff urged them to proceed in this manner and that's what is being shown.

Mr. Feeney, referring to the large drawings being shown, said they have kept business and commercial uses along Douglas Road. The border of the property that touches adjacent owners, they have kept the uses as low impact as possible. In the area adjacent to existing residential, they have proposed residential in the general layout. That is for the people who already have invested in this area as their home. Mr. Feeney said there are different types of business that will flow throughout the entire development and lend itself to an overall street plan (shown).

Mr. Feeney also said that Staff has indicated certain requirements that they ask them to adopt that would help regulate the property as it goes forward. He said the property owners have

generally agreed with the overall conditions and said they find this plan adequately and accurately reflect those discussions. He also said the developers are aware of their responsibilities to construct roads to City standards and utilities as well.

Matt Lentsch asked if they were in agreement with Staff's conditions. Mr. Feeney said they were in agreement.

Mr. Lentsch asked if they generally or specifically agreed with the conditions. He said they cannot specifically agree because they do not yet know what the uses specifically will be, but they will comply with the ordinance.

Ken Price said the PUD establishes the uses within the development. Any change in the conditions would require an amendment to be filed and approval by the Planning Commission.

Ross Portolese asked if Juday Creek ran through the property. Mr. Feeney said yes.

Mr. Portolese asked if it would be protected. Mr. Feeney replied absolutely and the property can be developed with it affecting the creek.

Mr. Prince said it was adequately addressed in the report. Mr. Feeney said DNR will take a very active interest in any development near Juday Creek.

Carol Sergeant asked if anyone has expressed interest in the property. Mr. Feeney said he was unaware of that process.

In Favor

Ryan White, Grubb Ellis Cressy Everett, said they have had general interest in the property. One use being United Federal Credit Union and it could be a viable option for them if part of the City.

Mr. Portolese asked if they would develop the property. Mr. White said yes, they would own the property and build maybe a 100,000 sqft office building.

Mr. Portolese asked if the Penn's were the developer of the property itself. Mr. White said no, they were looking to sell to a developer.

Mr. Winn closed the Public Hearing on Petition #11-28.

MOTION: Matt Lentsch moved to forward Petition #11-28 to the Common Council with a favorable recommendation. Carol Sergeant seconded; motion carried with a vote of 7-0.

Mr. Prince said by law, they have to have at least 12.5% contiguity with the City and each petition (#11-28, #11-29, #11-30) would have to be consecutively annexed.

Mr. Prince also asked that the testimony above be replicated for Petition #11-29 and #11-30 and asked if anyone wanted to supplement it.

Mr. Winn closed the Public Hearing on Petition #11-29.

MOTION: Carol Sergeant moved to forward Petition #11-29 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 7-0.

Mr. Winn asked if anyone had any comment on Petition #11-30.

Richard Bennett, 14154 Cleveland, lives at the corner of Cleveland and Capital and asked where the road extension would run.

Mr. Prince said at this point it's speculative and has not been engineered. Because of the size of the development it makes sense to have internal collector roads. He said the idea is to have that road continue to Cleveland.

Barry Leichtman, 53227 County Kerry. He said they want to make low impact and residential, but what they are saying is they could put anything on this property up near the Juday Creek golf course. He said the plans show residential, but it could have any kind of commercial.

Mr. Prince said the PUD provides the zoning. In the plan it shows residential abutting Juday Creek and business abutting the golf course, single family homes facing Juday Creek. If the plans were modified, they would have to come back and amend the PUD. There are other uses on the property, but not adjacent to Juday Creek.

Mr. Leichtman asked about the uses abutting the golf course. Mr. Prince said it is shown as single family and from a planning perspective it's all about impact and they try and lump those uses together.

Mr. Winn said if any of that changes, then they come back to the Planning Commission for approval of the changes.

Rebuttal

Mr. Feeney said they have attempted to provide a buffer for the people who are already there. The commercial development is separated from the homes by at least 300' with the driving range being between residential and commercial.

Mr. Winn closed the Public Hearing on Petition #11-30.

Staff Recommendation

- 1) *Staff recommends in favor of PET 11-28 to annex 16.23 acres of land and zone to S-2 Planned Unit Development to allow for the construction of a mixed use commercial development including uses identified in the C-1 General Commercial, C-5 Neighborhood Commercial, C-7 Restaurant Oriented Commercial, and C-8 High Density Suburban Commercial districts, subject to the following conditions.*
- 2) *Staff recommends in favor of PET 11-29 to annex 77.11 acres of land and zone to S-2 Planned Unit Development to allow for the construction of a mixed use commercial development including uses identified in the C-1 General Commercial, C-5 Neighborhood Commercial, C-7 Restaurant Oriented Commercial, C-8 High Density Suburban Commercial districts, and C-6 Linear Office Commercial districts subject to the following conditions.*
- 3) *Staff recommends in favor of PET 11-30 to annex 156.28 acres of land and zone to S-2 Planned Unit Development to allow for the construction of a mixed use commercial and residential development including uses identified in the C-1 General Commercial, C-5 Neighborhood Commercial, C-6 Linear Office Commercial, and R-1 Single Family Residential districts subject to the following conditions.*

Conditions of Approval

Uses:

1. *Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.*
2. *Off-premise signs/billboards shall be prohibited.*

Traffic Impact:

1. *The following general conditions shall apply. More specifics and refinements shall be made with each planned unit development plan submission following the completion of a Traffic Impact Study. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering. Improvements shall be based on but not limited to a Traffic Impact Study provided by the applicant and reviewed/approved by the City Director of Engineering. The City Director of Engineering reserves the right to review and comment upon PUD or Site Plan submittal regarding access-drive, right-of-way improvements, and donation of right-of-way for these improvements.*
2. *Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering.*
3. *The number and or type of curb cuts on all proposed drives shall limited based on Traffic Impact Study and as determined appropriate by the City Director of Engineering.*

Internal Road connections:

1. *Private collector road connections shall be provided through the site and connected to adjacent properties as conceptually depicted on the planned unit development site plan. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between property. The exact location of these connection points shall be subject to review and approval by the City and shall generally be based on the information received from the required traffic impact study.*
2. *A hierarchy of the internal vehicular road network shall be provided. Turning lanes within the site are a necessity. Internal stacking and turning movements at intersections shall be provided and protected accordingly. This hierarchy shall be reviewed as part of each subsequent final planned unit development site plan submission.*
3. *At a minimum, internal sidewalks shall be provided throughout the development connecting parcels and adjacent roadways. This walk shall connect to any sidewalk that may be provided along Douglas Road. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.*

4. *Internal access connections shall be provided to all adjacent parcels of land.*

Stormwater Run-off/Utilities:

1. *The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.*
2. *Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.*
3. *All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.*
4. *A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.*

Lighting:

1. *All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.*
2. *A lighting plan shall be submitted with each subsequent planned unit development plan submission.*
3. *Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.*

Signage:

1. *Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large 250 acre site) and to otherwise further the intent of this chapter as follows. All freestanding signs shall otherwise be designed as per the applicable City requirements:*
 - a. *The applicant shall coordinate with the other undeveloped properties so that the entire area contains development signage on Douglas Road. If agreed to in writing by all affected landowners, development signage shall be allowed as follows. Two development signs per entry with a maximum sign display area shall be limited to 150 square feet per sign. Each sign may not exceed 15' in height and shall include a masonry base. Animated/Electronic Reader boards shall be prohibited for these signs.*
 - b. *Each outlot/development parcel may also be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.*

2. *Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.*
3. *General façade and directional signage standards shall be submitted concurrently with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.*

Building Limitations/Architecture:

1. *All proposed commercial buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended. Materials and colors shall be varied to provide architectural interest.*
2. *For all commercial development parcels- there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.*
3. *The maximum building height for any commercial building within the development shall be 60'*

Parking/Landscaping:

1. *A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.*
3. *A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.*
4. *Sidewalks and utilities may be provided within required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.*
5. *Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.*
6. *All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.*

Phasing:

1. *The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first planned unit*

development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.

This recommendation is based on the following findings of fact:

- 1. Existing Conditions- The subject parcel is located adjacent to Capital Avenue and the Douglas Road, two highly traveled corridors. Douglas Road is a major through road off of Capital Avenue to significant commercial development. Commercial projects have been approved for the area around the Fir Road and Douglas Road intersection.*
- 2. Character of Buildings in Area- The area is predominantly undeveloped. The single family homes in the area will likely be redeveloped as commercial over time given the character and development potential of the property. The character of many of the buildings on the north side of the City are commercial.*
- 3. The most desirable/highest and best use- Because of the parcels' location and the significant commercial development on the north side of the City and along Douglas Road combined with the proximity of Capital Avenue makes the most desirable use for the majority of property a heavy mix of intensive commercial and professional office uses.*
- 4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the vast majority of adjacent property remains undeveloped. The extension of City infrastructure to service this development along Douglas Road will actually add value to adjacent properties.*
- 5. Comprehensive Plan- This specific property was not apart in the City of Mishawaka Comprehensive Plan. However, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The continued change and expansion of the commercial areas of the City are commensurate to the City's status as a regional area of commerce. The substantial residential growth that occurred in the unincorporated County (the unincorporated area of Granger) also contributes to the need/demand for services that are proposed this development.*

PETITION #12-04 A petition submitted by the City of Mishawaka Redevelopment Commission requesting to rezone the **southeast corner of Jefferson Boulevard and Main Street** from R-1 Single Family Residential to C-6 Linear Office Commercial District.

Jeff Ballard, Danch Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Redevelopment Commission.

Mr. Ballard said there are several remnant properties leftover from the underpass project and this rezoning will streamline the process for anyone wanting to purchase the property. He said the property is approximately 50' X 280' and the City has determined that the highest and best use of the property is C-6 Linear Office Commercial zoning. The concept drawing shows a 2,700 sqft bldg and is pushed to the north end of the property and the south end will be left for parking. They plan to utilize the existing landscaping to act as a buffer on the west side of the property. Also, landscaping will be located on the east side that will provide additional buffer.

Mr. Ballard said there are currently no construction plans or bidders and the City at this point are trying to define the property. The C-6 zoning would also permit a single family home to be

built. He said that earlier this evening the Board of Zoning Appeals approved several Developmental Variances to allow this type of development.

Gary West said this request is the first of several over the next few months. This is one of several properties that the City acquired as part of the underpass project and the City looked at this and thought it would have limited residential potential because of the double frontage and is very linear at 280' deep. The easement along the west edge of the property would preclude anything being built there due to the easement for the geotextile fabric the retaining wall sets on. Mr. West said the C-6 zoning would provide the ultimate protection for the neighborhood. The lot did not lend itself to a true residential type of development and if not sold, then the property could be offered for construction of a single family home. Mr. West said due to the traffic pattern and its proximity to the intersection, it lends itself more to commercial development.

Opposition

Brian Gordon, 116 E. Stanley, asked what kind of buffer. Would it be a sound barrier? And what is being buffered and by whom?

Mr. Ballard said the landscaping would buffer against traffic noise. He also said the office use lends itself to a residential neighborhood as the hours of operation, roughly 8-5, are hours when homeowners would be at work and in the evening no one should be in the office. Any building would conform to developmental standards and would blend well in the neighborhood.

Mr. Gordon said the greenspace is a nice buffer and he would think that grass and dirt would be a better buffer than asphalt and concert. He said he's an insurance agent and he wouldn't put his office there and feels it would blight the corner. He also said he knows that business 9-5 is more like 707 and frankly they can put all types of restrictions on the business, but this is a residential area. Mr. Gordon also said he doesn't want to look out his front door and see cars and parking lots and thinks this is a poor use of the property.

Mr. Prince read a Letter of Remonstrance from Dan Sexton and Lonny Curtis Sexton, 125 Stanley Street.

Dan Sexton, 125 Stanley Street, said to Gary West that one of his concerns is what it would look like and said he promised his wife a beautiful view. The land should remain with trees and grass and shouldn't cost the City too much to keep it up. He said they are not concerned with the sound.

Mr. Sexton said they don't want to look out their new enclosed front porch and see a big strip of pavement and it would interrupt the neighborhood with additional traffic. He also said you cannot guarantee that a business would have hours of 9-5.

Mr. West said this is only a concept in order to consider the possible sale of the property. The City asked what size building would fit and what possible variances would be required. Again, this is a concept only. He said it could be a smaller building with less parking.

Mr. Sexton said it would block their view. Mr. West indicated the previous homes were blocking the view before.

Mr. Sexton said the point is they do not want to see this petition go forward. Mr. West said Mr. Sexton had his opportunity to voice his opposition and it is on the record. It ultimately goes to the Common Council for a final vote and Mr. and Mrs. Sexton will again have the opportunity to voice their opinion at that meeting.

Mr. Winn closed the Public Hearing on Petition #12-04.

Staff Recommendation

The Planning Department recommends approval of Petition 12-4 to rezone 0.37 acres located at the southeast corner of Main Street and East Jefferson Blvd from R-1 Single Family Residential District to C-6 Linear Office Commercial. This recommendation is based upon the following findings of fact:

- 1. Given the property's close proximity R-1 zoned property, the C-6 zoning would be compatible with the surrounding residential properties by providing opportunity for residential development or light office uses.*
- 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, staff feels that the most desirable use for this property is the C-6 Linear Office use.*
- 3. Because the parcel is located adjacent to residential properties and along a heavily traveled corridor, the C-6 zoning classification would be compatible or desirable. The rezoning to C-6 Linear Office is a desirable use for this property;*
- 4. C-6 Linear Office classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood by providing a sensible buffer between the heavily traveled Main Street and the residential properties to the east.*
- 5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial uses along Main Street, and the existing residential uses located within the area.*

MOTION: Matt Lentsch moved to forward Petition #12-04 to the Common Council with a favorable recommendation. Mr. Portolese seconded; motion carried with a vote of 7-0.

PETITION #12-05 A petition submitted by the City of Mishawaka Redevelopment Commission requesting to vacate the first east/west alley south of Jefferson Boulevard and a 55' deep by 50' wide portion of Stanley Street.

Jeff Ballard, Danch Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioners. Mr. Danch said this is a continuation of the last item. This request is to vacate the remnant of alley and Stanley Street left from the reconfiguration of Stanley Street. This request will make this property whole and complete.

Mr. Prince noted the Letter of Remonstrance from Dan Sexton and Lonny Curtis Sexton, 125 Stanley Street.

Mr. Winn closed the Public Hearing on Petition #12-05.

Staff Recommendation

The Staff recommends in favor of Petition 12-05 to allow for the vacation of a portion of Stanley Street and east/west alley between Main Street and Stanley Street.

- 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 public right-of-way 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: Rosemary Klaer moved to forward Petition #12-05 to the Common Council with a favorable recommendation. Ed Salyer seconded; motion carried with a vote of 7-0.

PETITION #12-06 A petition submitted by the City of Mishawaka Redevelopment Commission requesting to rezone **2321 North Main Street** from C-1 General Commercial District to R-1 Single Family Residential District.

Jeff Ballard, Danch Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Redevelopment Commission. He said this property is also a remnant piece of property leftover from Main Street widening project and the property owner to the north is interested in purchasing the property. This property would be used solely as access to the rest of the owner's property. They want to build a new garage and use this property as access to it.

Mr. Prince said the muffler shop was located on the northwest corner of Main and McKinley and a church was to the north. He said if the interested property owner doesn't buy the land, then it will be included in the rest of the property just to the south. It also isn't possible to build a home on such a narrow piece of property.

Mr. West said there is a 30' storm sewer easement on the north side of the property and a non-access easement across the entire south side of the property and you would not be able to gain access to Main Street from the property to the south.

In Favor

Judi Dahlgren, 2333 N. Main Street, said she owns the property just to the north and she's the one requesting the buffer. She wanted the buffer, but doesn't want all of the land. She said she's under the impression the corner must remain solid curbing. Ms. Dahlgren said the only two people who would be interested in the property would be her and the car dealership.

Ms. Dahlgren asked if she purchased the property, would she be able to put a fence along the rear property line that adjoins the car dealership. Mr. West said yes she would be able to put up a fence. She said you can't access the rear of her property without driving through her yard and doesn't want to put up a fence if someone can remove it and drive back there.

Mr. West also said that if any business were to purchase the corner lot they would not be able to use her driveway to access their property.

Mr. Winn closed the Public Hearing on Petition #12-06

Staff Recommendation

The Planning Department recommends approval of Petition 12-06 the north 40-ft of lot south of 2333 N Main Street from C-1 General Commercial 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 commercial development, staff feels that the most desirable use for this property is single-family use;*
- 3. Because the parcel is located south of a residential neighborhood and consists of a small lot size that is not sufficient for commercial development, the rezoning to R-1 Single-Family Residential 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 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 2000 Comprehensive Plan identifies the area for general commercial use. However, the property is located with residential development to the north and west. Therefore, the residential rezoning would be consistent with the existing residential uses in the area.*

MOTION: Carol Sergeant moved to forward Petition #12-06 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 7-0.

DESIGN REVIEW:

DR #12-02

A request submitted by TGM Properties, LLC, **111 South Main Street**, requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-174 Signage Size Limitations, Section 105-175 Signage Quantity, and Section 105-176 Signage Clutter.

Doug Merritt, 115 S. Main St., Ste 203, Mishawaka, appeared on behalf of the property owner and he is quite pleased the storefronts are fully occupied; the Beanery is now open, Arkos has moved in, and now Posh Alley and Peace Body Therapy. He said both business owners are unfamiliar with the design review process and obtaining necessary permits for their owning and he apologized for not handing in the proper manner.

Mr. Merritt said the existing awning will be reused and it will identify both users. He indicated the Peace Body Therapy design preferred by the owner is the lineal design and not the stacked one. The awning has no external illumination and the letter size and design is in scale to the storefront.

Mr. Winn closed the Public Hearing on Design Review #12-02.

Staff Recommendation

The Plan Staff recommends approval of Design Review Waiver 12-02 for Posh Alley Boutique and Peace Body Therapy at 111 So. Main to allow:

- *The bold pink canopy*
- *The 32" height of the Posh Alley figure/symbol*
- *The 30" height of the Peace Body Therapy figure/symbol*
- *Two individual building signs on the canopy*

MOTION: Matt Lentsch moved to approve Design Review #12-02. Mr. West seconded; motion carried with a vote of 7-0.

ADJOURNMENT: 8:05 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner