

MAY 9, 2012

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Wednesday, May 9, 2012, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Dale "Woody" Emmons, Murray Winn, Don McCampbell, Carol Sergeant, Edward Salyer, and Rosemary Klaer. Absent: Gary West, Matt Lentsch, and Ross Portolese. 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 March 13, 2012, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #12-07 A request submitted by the Foundation for the Center for Hospice and Palliative Care, Inc. requesting to vacate a portion of Madison Street and north alleys.

Chris Chockley, Wightman-Petrie, 412 S. Lafayette, South Bend, appeared on behalf of the Petitioner. He said they are requesting to vacate a spur of Madison Street and an alley that hasn't been used in a while. They are also working with Lawson-Fisher to establish improvements on Madison and the road to go thru the park and also working to develop boundaries.

Mr. Chockley said the majority of the buildings in the Hospice campus area have been removed and vegetation has been cleared to make way for development. He also said one house will be demolished later in May.

Mr. Winn closed the Public Hearing on Petition #12-07.

Staff Recommendation

The Staff recommends in favor of Petition 12-07 to allow for the vacation of portion of Madison Street west of Pine Street and alleys southwest of Pine Street and Fish Ladder Lane. 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: Rosemary Klaer moved to forward Petition #12-07 to the Common Council with a favorable recommendation. Woody Emmons seconded; motion carried with a vote of 6-0.

PLAT #12-08 A request submitted by Meijer Distribution, Inc., seeking approval of the one (1) lot subdivision of Meijer Outlet "A".

No one appeared to speak on behalf of the request. The Commission moved to continue the item to the June meeting.

PETITION #12-09 A request submitted by Memorial Health Systems to annex and zone approximately 28.29 acres located near the northwest corner of Capital Avenue and Toll Road to S-2 Planned Unit Development to allow uses within the C-1 General Commercial district.

Daryl Knip, Abonmarche Consultants LLC, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioner. He said there are no immediate plans for development of the 28 acres. The intent is to establish the allowable uses on the property.

Mr. Emmons asked Mr. Prince if there are going to be cut offs coming in from Capital after the property is annexed. Mr. Prince said the entrance opposite the Toll Road entrance is intended to serve the whole property. There will be a spine road from Fir Road that the City is currently designing. He said he anticipates the spine road will be similar to Edison Lakes Parkway with two lanes in each direction with sufficient turn lanes.

Mr. Emmons asked if there would be more traffic lights than there are now. Mr. Prince said there could be on the spine road. He said the entire area is 240 acres and is three times larger than the area of University Park Mall. Mr. Prince said there really should be a traffic impact study. Right now it's all speculative and he doesn't say there will be more lights.

Mr. Winn closed the Public Hearing on Petition #12-09.

Staff Recommendation

Staff recommends in favor of Petition # 12-09 to annex and establish zoning for a 28.29 Acre property to allow for the construction of a mixed use commercial development including all C-1 General Commercial uses and permitting developmental standards that allow for buildings to be a maximum of 70' within 500 feet of the Indiana Toll Road, subject to the following conditions:

Uses:

1. *Permitted uses shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.*

2. *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.*
3. *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 proposed roadway connecting The Indiana Toll Road interchange at Capital Avenue and Fir Road shall be designed and constructed to an Edison Lakes Boulevard standard. This shall require the commitment from the developer to create an association responsible for the perpetual maintenance of the median. This requirement for an Edison Lakes standard may be phased; modified, and/or reduced by the Planning Commission as part of any final planned unit development site plan submission should the use of Tax Increment Financing be restricted for the site.*
2. *Phasing of improvements, including internal collector drives associated with this project shall be as determined by the City Director of Engineering in coordination with other applicable jurisdictions.*
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, as may be determined necessary as part of future submissions, 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 properties. 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 by the State along Capital Avenue and SR 23. A sidewalk connection*

shall also be made to Fir 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, including those previously developed at the south west corner of the intersection of State Road 23 and Capital Avenue.*

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.*

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 30+ 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 Fir Road, SR 23, and Capital Avenue. If agreed to in writing by all affected landowners, development signage shall be allowed at these three intersections 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 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 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. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.*
3. *The maximum building height for the site shall be 70' within 500' of the right-of-way of the Indiana Toll Road. The remainder of the site shall be limited to a maximum of 48'*

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.*
2. *For large shopping areas where shopping carts are utilized, Cart corrals shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.*
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.*

MOTION: Don McCampbell moved to forward Petition #12-09 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 6-0.

REPLAT #12-10 A request submitted by Great Lakes Capital Development, LLC, seeking approval of the replat of Lots 1, 2, 3, 4, 5, 23, 25, and 26 of Toscana Park P.U.D. and a replat of Toscana Park P.U.D. Phase 2.

Daryl Knip, Abonmarche Consultants LLC, 750 Lincolnway East, South Bend, represented the Petitioner. Mr. Knip said this request consolidates several lots to create one large parcel for the apartment project. He said three of the five villa lots have been modified, but not much is different from the original plan.

Mr. Winn closed the Public Hearing on Replat #12-10.

Staff Recommendation

The Planning Department recommends approval of the Preliminary Replat and Final Replat of Toscana Park PUD Phase 3 (Replat #12-10) because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.

MOTION: Carol Sergeant moved to approve Replat #12-10. Don McCampbell seconded; motion carried with a vote of 6-0.

DESIGN REVIEW #12-3: A request submitted by Jay Primmer and Michael Williams seeking a waiver from the Mishawaka Design Review Ordinance Section 105-76 Architectural Materials for **406 East Fourth Street (aka 226 S. Union)**.

Jay Primmer, 830 E. 18th Street, said he is asking for a waiver of architectural materials because what the City requires in the C-3 zoning district is not cost effective for what they would like to do.

Mr. Emmons asked Mr. Primmer to explain what they want to do. Mr. Primmer said the City requires brick, slate, limestone, granite, etc. He said in the area where they are building, it isn't cost effective and are proposing to use Hardie cedar siding because it closely resembles shake siding and that the Planning staff had recommended approval of the material use.

Mr. Prince explained that this property is located across the street from the Family Dollar and the zoning happens to be C-3. The applicants are proposing a single family residence with a salon; it's a hybrid use and is appropriate to approve as a single family structure vs. commercial.

Mr. Prince said the hardie board is a higher quality product that the City uses on its first time homebuyer homes. He said while it's a higher quality material, it doesn't meet the standard for a commercial structure downtown where brick, glass, and stone would better blend. Mr. Prince said staff felt the hardie board material blends well with the adjacent residential uses. Mr. Primmer would live there and have his shop there.

Mr. Prince also said variances for setback were approved earlier this evening at BZA.

Mr. Winn closed the Public Hearing on DR #12-03.

Staff Recommendation

Staff recommends in favor of the Design Waiver to allow cement board siding. The proposed cement board siding is a quality and sturdy material that meets the intent of the Design Review Ordinance. Furthermore, the Planning Commission has approved several Design Waivers for other projects in the past that utilized this cement board siding.

MOTION: Don McCampbell moved to approve Design Review #12-3. Edward Salyer seconded; motion carried with a vote of 6-0.

SITE PLAN:

SP 12-B

A request submitted by Great Lakes Capital Development, LLC, requesting final PUD site plan for a 100 unit apartment complex in the Toscana Park PUD.

Daryl Knip, Abonmarche Consultants LLC, 750 Lincolnway East, South Bend, said they are requesting final site plan approval and what is shown is essentially the same plan as shown on the preliminary PUD site plan. He said all buildings will be two stories.

Mr. Knip said there are a few items in the staff report that are still being addressed and revised drawings were dropped off late this afternoon. He said widening of Gumwood Road needs to be worked on with the City Engineering Department and they have been working with the County as well and feel they are all on the same page.

Mr. Emmons asked if the development would be done in phases. Mr. Knip said the current plan was to start on the two south buildings and then move to the northeast corner and continue building one building after the other. They will continue to build even if other buildings are not filled.

Mr. Emmons said he thought the first two buildings would be three stories. Mr. Knip said they were approved to go up to three stories, but decided to go with two story buildings.

Mr. Emmons asked for a timetable of the project. Mr. Knip said they hope to start construction within 4-6 weeks with completion in about a year.

Mr. Winn said at an earlier meeting there was discussion about an entrance at the northwest corner of the property and was that building moved to create more room? Mr. Knip said the buildings were adjusted a bit to provide the 25' setback.

Staff Recommendation

The Planning Department recommends approval of Final PUD Site Plan 12-B for Toscana Park Apartments because it meets the requirements of Sec. 137-35 Final Site Plan Approval.

MOTION: Woody Emmons moved to approve Site Plan #12-B. Don McCampbell seconded; motion carried with a vote of 6-0.

ADJOURNMENT: 7:26 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner