

APRIL 9, 2013

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, April 9, 2013, at 7:15 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Gary West, Matt Lentsch, Dale "Woody" Emmons, Ross Portolese, Murray Winn, Don McCampbell, Nick Troiola, Edward Salyer, and Rosemary Klaer. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, and Kari Myers.

Murray Winn explained the Rules of Procedure.

The minutes of the February 12, 2013, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PLAT #13-04

A request submitted by Meijer Stores Ltd. Partnership seeking approval of the one (1) lot McDonald's Minor Subdivision.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioners. He said they were requesting preliminary and final approval for the one lot subdivision which will create a separate ownership lot from Meijer. Mr. Ballard said the lot contains all the appropriate easements.

Mr. Ballard said as of today Engineering has indicated they need to include an ingress/egress easement to the south. He also said that utilities are in the process of being relocated.

Mr. Emmons asked if it would have a playground. Mr. Ballard said no, restaurant and drive-thru only.

Opposition

Susan Wozniak, 15907 Ireland Road, asked how the flow of traffic would be improved or managed with the addition of the McDonald's. She said as it is, you have to make a quick left jog onto Ireland Road from Fulmer and they have trouble now.

Mr. West said there will be a right turn lane from westbound Fulmer Road and they will be using the access drive that's being built into the site; there aren't any other changes planned. He also said they are working to realign the drive along the north edge of the fuel dispensing area and then construct a connector on the south to the signalized intersection. Mr. West said they are trying to give them an alternate route south instead of having all traffic exit north; we're aware of it, but there's not a lot that can be done and will do the best they can.

Ms. Wozniak also asked who owns the fence because it's in a state of disrepair with sections lying on the ground.

Mr. Winn closed the Public Hearing on Plat #13-04.

Staff Recommendation

The Planning Department recommends approval of the Preliminary Plat and Final Plat for McDonald's Minor Subdivision because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.

MOTION: Matt Lentsch moved to approve Plat #13-04. Rosemary Klaer seconded; motion carried with a vote of 9-0.

DESIGN REVIEW:

DR #13-03

A request submitted by Mishawaka Housing Authority requesting a Waiver from the Mishawaka City Design Review Ordinance Section 105-169 Exterior Signage Materials and Section 105-171 Signage Form for **402 Lincolnway West**.

Ken Prince, City Planner, appeared on behalf of the Housing Authority. He said there was miscommunication between he and the Housing Authority and a banner was put up before being approved.

Mr. Prince said they had a successful open house in December and have 7 or 8 of the 32 units occupied and they are looking for additional exposure to let folks know it's now available. He also said there has been an increase in inquiries since the banner went up and will be removed by the end of the year or when the units are all leased; whichever comes first.

Mr. Emmons asked if the banner was in front of an apartment. Mr. Prince said it's in front of the library.

Mr. Winn closed the Public Hearing on Design Review #13-03.

Staff Recommendation

Staff recommends approval of Design Review Waiver 13-03 for the Mishawaka Housing Authority for 402 Lincolnway West to allow a 3' x 10' "Now Leasing" banner to be placed flush mounted to the face of any side of the building limited to the duration of the lease up.

MOTION: Rosemary Klaer moved to approve Design Review #13-03. Don McCampbell seconded; motion carried with a vote of 9-0.

DR #13-04

A request submitted by Imogene Robinson requesting a Waiver from the Mishawaka City Design Review Ordinance Section 105-169 Exterior Signage Materials and Section 105-178 Signage Style Considerations for **514 Lincolnway East**.

Steve Depositor, Art Works Sign Company, 55581 Currant Road, Mishawaka, and Imogene Robinson, 514 Lincolnway East, appeared to present the request.

Ms. Robinson said she is the owner of Gallery East and wants people to know it's an art gallery and she feels the sign will attract customers and invite artists and create more traffic. She said she would like a hand up, not a hand out.

Mr. Troiola asked if people park on the street or in a parking lot. Ms. Robinson said they park down the street by the high rise apartments.

Ms. Klaer asked how many days a week is the gallery open. Ms. Robinson said right now 4 days but if business picks up it could be 6 days a week.

Mr. Winn closed the Public hearing on Design Review #13-04.

Staff Recommendation

Staff recommends approval of Design Review Waiver 13-04 for 514 Lincolnway East to allow for a 5'-4" high, free standing wood sign. The sign measures 78" x 38", and will have approximately 24 square feet of display area. The sign includes a small changeable copy sign that measures 8" x 42".

MOTION: Gary West moved to approve Design Review #13-04. Edward Salyer seconded; motion carried with a vote of 9-0.

SITE PLAN:

SP #13-B

A request submitted by McDonald's USA, LLC, for final site plan approval of a 4,340 sqft McDonald's restaurant in the **3600 block of South Bremen Highway**.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioners to request final site plan approval for the McDonald's restaurant. He said the appropriate zoning is now in place and also received variances for parking, landscaping, and signage. Mr. Ballard said utilities are being moved and they are working around Bremen Highway Improvements and have worked to revise the shared access to Bremen Highway. Another access to the site will be from Fulmer Road.

Mr. Ballard said the building will have masonry brick and architectural stone and metal with signage being incorporated into the architecture.

Mr. West said the plan in the packets does not show the road being shifted so as to get better alignment. The right-in/right-out can be eliminated and traffic can go south across the front of the gas station to get to the signalized intersection to minimize traffic congestion on the site.

Mr. Emmons asked if the restaurant will have outdoor seating. Mr. Ballard said it may be optional and if they decide to go forward, it will have perhaps 20-30 seats at the north end of the building similar to the restaurant on Ironwood Drive. He said they'll make provisions for it but may not open with it.

Staff Recommendation

The Planning Department recommends that the Petitioner's request for site plan approval for the Bremen Hwy McDonald's be approved. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan Approval.

MOTION: Don McCampbell moved to approve Site Plan #13-B. Matt Lentsch seconded; motion carried with a vote of 9-0.

Mr. Prince said there is a staff conflict for the May meeting and would like the meeting date changed to Wednesday, May 15. Mr. West moved to approve the change of date. Mr. Lentsch seconded; motion carried.

ADJOURNMENT: 7:41 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner