

**JULY 9, 2013**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, July 9, 2013, at 7:00 p.m. in the council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Gary West, Dale "Woody" Emmons, Ross Portolese, Murray Winn, Don McCampbell, Nick Troiola, 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, and Kari Myers.

---

Murray Winn explained the Rules of Procedure.

---

The Minutes of the June 11, 2013, meeting, were approved as distributed.

---

Conflict of Interest was not declared.

---

**PUBLIC HEARING:**

**PETITION 13-16** A petition submitted by Terry L. Symon, Linda D. Johnson, and Karen M. Hiatt to rezone property at **309 Smith Street** from C-1 General Commercial District to R-1 Single-Family Residential District.

Karen Hiatt, 25781 Grant Road, South Bend, presented the Petition. She said her mother passed away and the property is no longer used for commercial purposes; only residential.

Mr. Emmons asked if a family member still lived in the home. Mrs. Hiatt said yes, her niece lives there.

Mr. Portolese asked if the home will be sold. Mrs. Hiatt said no.

Mr. Winn closed the Public Hearing on Petition #13-16.

**Staff Recommendation**

*The Planning Department recommends **approval** of Petition 13-16 to rezone 309 Smith Street from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

- 1. There are multiple zonings in the immediate vicinity and many of the structures are residential in use. This property's historic use as a single family dwelling would be compatible to the 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 a commercial project, staff feels that the most desirable use for this property is its historical single-family use;*

3. *The character of the majority of buildings extending to the north and west of the subject property is predominantly residential in nature providing a strong sense of a single-family residential neighborhood;*
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 and will allow the property owner to make improvements to the property; and,*
5. *This section of Smith Street is identified as General Commercial in the Mishawaka 2000 Comprehensive Plan. Prior to 1986 residential uses were permitted in the Industrial and Commercial Districts. The properties in this city block are, and in all probability will continue to be, predominately residential in their use.*

**MOTION:** Ross Portolese moved to forward Petition #13-16 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 8-0.

---

**PETITION 13-09** A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property at the intersection of **Main Street and McKinley Avenue** from C-4 Automobile Oriented Commercial and C-1 General Commercial District to C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial District.

Ken Prince, City Planner, presented the first of several requests and gave an overview relative to the excess properties along Main Street. He said he would speak on the individual items as they come up for the specific properties.

Mr. Prince said he was representing the Redevelopment Commission, owner of record of the properties they are looking to dispose of. In order to do so, the properties need to be rezoned, platted, and alleys vacated. He said the properties are leftover from the widening of Main Street, underpass project, redevelopment of Grove and former Fire Station #4. A vast number of the properties are associated with Main Street widening and overpass project.

Mr. Prince said the projects started with an objective, such as widen Main Street or replace a fire station and this is the end of the process that started a decade ago. He said part of the Sarah Street tunnel project was drainage for the underpass. Mr. Prince said the logistics, utilities, and impact on the neighborhoods and cemetery established the framework of the design. There was also the general intent to reduce dead end streets such as Stanley and Marion.

Mr. Prince said Mr. West reviewed each proposed acquisition and determined how much property was needed to make the project work. Take for instance Clark Metalast, the project could have been done without that building, but the result would be truck traffic would be required to go thru a residential neighborhood.

Mr. Prince also said the project identified roads and alleys no longer needed, legal descriptions were established the for excess properties and at that point time, the Board of Public Works and Safety transferred the properties to the Redevelopment Commission who,

by law, has more flexibility to dispose of the properties. He said the job of the Redevelopment Commission is to redevelop and not just sell land to speculators. They can establish conditions and do not need to sell the property to the highest bidder. For instance, someone could bid on the Fire Station and want to tear it down or someone could propose to turn it into an office building. The Redevelopment Commission can choose whom to sell it to.

Mr. Prince said the process by which to sell a property requires the City to obtain two (2) appraisals and then put out to bid. He said there is excess right-of-way adjacent to the cemetery that could theoretically be transferred to them because they are a not-for-profit entity. Mr. Prince also said the Redevelopment Commission has entered into an agreement with Habitat for Humanity of St. Joseph County to building nine homes in the Northwest TIF area.

Mr. Prince said last year, as a trial process, property at Jefferson and Main was put up for rezoning. He said that was a learning process and helped us make the decision that the City should put all properties together and submit for evaluation at one time instead of property-by-property so all could see the context of the project. He said originally C-6 Linear Office Commercial was requested for that property, but tonight R-1 Single Family Residential is being requested.

Mr. Prince said prior to advertising, we did our homework and went through all of the pieces, conferred with Common Council to get feedback and the opinion was to seek public input and see how the process would play out. He said they went property by property and determined the highest and best zonings for the properties. Mr. Prince said there are no specific projects planned for these properties, only reviewing of the zoning this evening. He said if anyone has any interest in bidding on any property; that will likely happen in the fall. Appraisals will need to be ordered and packets assembled for bidding. He said if there was anyone in attendance interested in any property, to contact him and he would put their name on a list.

### **In Favor**

Larry Scheibelhut, 51925 Elm Road, Mishawaka, said he wasn't for or against the project, but wondered how the southwest corner of Main and McKinley would be zoned. Mr. Prince said they are proposing C-7 Automobile Oriented Restaurant Commercial District which matches Fiesta Tapatia which is zoned for drive-thru restaurant and that will not change.

Ken Scritchfield, Hall Chrysler, asked if the zoning of northwest corner of Main and McKinley would be changed. Mr. Prince said it wasn't all zoned C-4 Automobile Oriented Commercial District. The church was zoned C-1 General Commercial.

Mr. Winn closed the Public Hearing on Petition #13-09.

### **Staff Recommendation**

*The Planning Department recommends approval of Petition 13-09 to rezone property located at the northwest corner of Main Street and McKinley Avenue from C-1 General Commercial and C-4 Automobile Oriented Commercial to C-4 Automobile Oriented Commercial; and to rezone property located at the southeast corner of Main Street and McKinley Avenue from C-4 Automobile Oriented Commercial to C-7 Automobile Oriented Restaurant Commercial. This recommendation is based upon the following findings of fact:*

1. *Given the property's close proximity to commercially zoned property and heavily traveled corridors, the C-4 Automobile Oriented Commercial and C-7 Automobile*

*Oriented Restaurant Commercial zoning would be compatible with the surrounding commercial properties and the existing C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoned properties in the 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, staff feels that the most desirable use for this property is the C-7 Automobile Oriented Restaurant Commercial and the C-4 Automobile Oriented Commercial zoning classification.*
3. *Because the parcel is located adjacent to commercial properties and along heavily traveled corridors, the proposed C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning classification would be compatible and is a desirable use for this property;*
4. *The C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.*
5. *The proposed C-4 Automobile Oriented Commercial and C-7 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.*

**MOTION:** Dale "Woody" Emmons moved to forward Petition #13-09 to the Common Council with a favorable recommendation. Gary West seconded; motion carried with a vote of 8-0.

---

**PETITION 13-10** A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property along the **1600 to 1800 block of North Main Street** from C-6 Linear Office Commercial, C-5 Neighborhood Commercial, and R-1 Single-Family Residential District to C-6 Linear Office Commercial District.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission and said the intent of this block of properties was to match the development pattern of Trevino Insurance and the dental offices to the north. He said that any new development would front on the side streets with no curb cuts on Main Street. He also noted that the C-6 zoning district permits single and two family residential uses; although he feels the highest use would be office.

Mr. Emmons asked if there would be curb cuts on Main Street as the neighbors have concerns. Mr. Prince said the intent is to limit the curb cuts on Main and ultimately it will be up to Engineering. We've spent a lot of money to serve the properties from the side streets.

Mr. Winn closed the Public Hearing on Petition #13-10.

#### **Staff Recommendation**

*The Planning Department recommends approval of Petition 13-10 to rezone property located east of Main Street along the 1600-1800 blocks from C-6 Linear Office Commercial,*

C-5 Neighborhood Commercial, and R-1 Single Family Residential to C-6 Linear Office Commercial. This recommendation is based upon the following findings of fact:

1. Given the properties' close proximity to the heavily traveled Main Street corridor and the existing office uses currently along the corridor, the C-6 Linear Office Commercial zoning would be compatible with the surrounding 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 zoning classification;
3. Because the parcels are located along a heavily traveled corridor and adjacent to residential property, the proposed C-6 Linear Office zoning classification is a desirable use for these properties;
4. The C-6 Linear Office Commercial zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing an appropriated transitional use buffer between the heavily traveled Main Street corridor and the adjacent residential area..
5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.

**MOTION:** Ross Portolese moved to forward Petition #13-10 to the Common Council with a favorable recommendation. Mr. McCampbell seconded; motion carried with a vote of 5-0.

---

**PETITION 13-11** A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property along the **1400 to 1500 block of North Main Street** from C-1 General Commercial District to R-1 Single-Family Residential District and C-6 Linear Office Commercial District.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said similar to the previous request the intent is to extend the C-6 down to Borley Street.

**Opposition**  
Cheryl Barnes, 121 E. Borley Avenue, Mishawaka, said she had concerns because when Borley was destroyed, they lost their access to Main Street. Not only is it now a dead end, but is narrower and people park on both sides of the street and trash trucks cannot get through. She said the City gave them nice alleys, but will they be utilized? What will happen to Borley Avenue? She said they would the street would tie into Donaldson. She also said that this needs more study.

**Rebuttal**  
Mr. Prince said the plan is to extend the street.

Mr. West said right-of-way was purchased to make the connection. The little office was used as the construction office and we're finishing Phase VI and we're still using the office. He said as the project finishes up, the goal is to remove the office building and then we'll make the connection from Borley to Donaldson.

Mr. Winn closed the Public Hearing on Petition #13-11.

**Staff Recommendation**

*The Planning Department recommends approval of Petition 13-11 to rezone property located east of Main Street between East Donaldson Avenue and East Borley Avenue from C-1 General Commercial to C-6 Linear Office Commercial, and to rezone property located east of Main Street between East Borley Avenue and East Jefferson Blvd from C-1 General Commercial to R-1 Single-Family Residential. This recommendation is based on the following findings of fact:*

- 1. Given the properties' close proximity to the heavily traveled Main Street corridor and the existing office uses currently along the corridor, the C-6 Linear Office Commercial zoning would be compatible with the surrounding office uses; and the narrow lot size of the property to be rezoned residential would be most compatible to R-1 Single Family Residential development;*
- 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 zoning classification and R-1 Single Family Residential;*
- 3. Because the parcels are located along a heavily traveled corridor and adjacent to residential property, the proposed C-6 Linear Office zoning classification and R-1 Single Family Residential zoning classification is a desirable use for these properties;*
- 4. The C-6 Linear Office Commercial and R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing an appropriated transitional use buffer between the heavily traveled Main Street corridor and the adjacent residential area, and by continuing the existing residential use within the area;*
- 5. The proposed C-6 Linear Office Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.*

**MOTION:** Edward Salyer moved to forward Petition #13-11 to the Common Council with a favorable recommendation. Ross Portolese seconded; motion carried with a vote of 8-0.

---

**PETITION 13-12** A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property along the **1200 to 1300 block of North Main Street** from C-1 General Commercial, C-5 Neighborhood Commercial, R-1 Single-Family Residential, and C-4 Automobile Oriented Commercial District to R-1 Single-Family Residential District.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said based on the concerns by the Council, the request is to rezone to R-1 instead of C-6 Linear Office Commercial.

Mr. Troiola asked if there was interest from Habitat for Humanity in this area. Mr. Prince said yes, but we wanted to go thru the process before talking about specific parcels.

**In Favor**

Brian Gordon, 116 Stanley, Mishawaka, said his property is just to the east. He’s lived there 30 plus years and wants it to be kept unimproved and he would be happy to purchase it. He said he maintains the small parcel of land that is adjacent to his home, he’s happy to do it, and thinks it’s great just as a grassy area.

Mr. Winn closed the Public Hearing on Petition #13-12.

**Staff Recommendation**

*The Planning Department recommends approval of Petition 13-12 to rezone property located east of Main Street between East Jefferson Blvd and the railroad tracks from C-1 General Commercial, C-5 Neighborhood Commercial, C-4 Automobile Oriented Residential Commercial, and R-1 Single Family Residential Commercial to R-1 Single-Family Residential. This recommendation is based on the following findings of fact:*

- 1. Given the property’s close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential 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 R-1 Single Family Residential zoning classification;*
- 3. Because the parcels are located adjacent to residential property and the majority of the property is currently zoned R-1 Single Family Residential, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;*
- 4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area;*
- 5. The proposed R-1 Single Family Residential zoning is consistent with the City’s Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.*

**MOTION:** Don McCampbell moved to forward Petition #13-12 to the Common Council with a favorable recommendation. Dale “Woody” Emmons seconded; motion carried with a vote of 8-0.

---

**PETITION 13-13** A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property **Northwest of Broadway Street and North Main Street, and south of the Grand Trunk Railroad** from C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial District to R-1 Single-Family Residential District.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said this request is similar to the previous petition and the request is to rezone all the properties to R-1.

Mr. Portolese asked if these would be single lots. Mr. Prince said yes and there would be probably 4 or 5 lots on the west side of Main Street.

Mr. Winn closed the Public Hearing on Petition #13-13.

### **Staff Recommendation**

*The Planning Department recommends approval of Petition 13-13 to rezone property located east & west and adjacent to North Main Street between the railroad tracks and Marion Street from C-1 General Commercial, I-1 Light Industrial, and I-2 Heavy Industrial to R-1 Single-Family Residential. This recommendation is based on the following findings of fact:*

- 1. Given the property's close proximity to the existing residential uses, the R-1 Single Family Residential zoning classification would be compatible with the surrounding residential 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 R-1 Single Family Residential zoning classification;*
- 3. Because the parcels sizes are small and not appropriate for commercial and/or industrial development, the proposed R-1 Single Family Residential zoning classification is a desirable use for these properties;*
- 4. The R-1 Single Family Residential zoning classifications will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by continuing the existing residential use within the area;*
- 5. The proposed R-1 Single Family Residential zoning is consistent with the City's Comprehensive Plan which indicated Low Density Residential for this area. The proposed R-1 Single Family Residential zoning classification is consistent with the existing residential uses in the area.*

**MOTION:** Rosemary Klaer moved to forward Petition #13-13 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 8-0.

---

**PETITION 13-14** A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property located between **West Mishawaka Avenue and West Grove Street, and North Main Street and Elizabeth Street** from C-1 General Commercial and C-4 Automobile Oriented Commercial District to C-3 City Center Commercial District.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission and the Barak Group, the existing owner of the apartment building facing Mishawaka Avenue. He said the Redevelopment Commission has entered into a development agreement with the

Barak Group for a mixed use development project with condos and apartment and some commercial uses along Mishawaka Avenue.

Mr. Prince said the zoning is in question tonight and not the development agreement. He said the developer has a period of time in which to conduct their due diligence for the project.

Mr. Prince said the C-3 zoning matches historic downtown, the townhouses across the street and C-3 is the appropriate zoning for the fringe and this is the last property that would be appropriate for the zoning.

Mr. Prince said parking for the project, like Ivy Quad, would be terraced decks with parking underneath. The open area would be a plaza for the residents.

Mr. Emmons asked if there are any plans for the City or the developer to purchase the 7-Eleven. Mr. Prince said no plans were brought forth.

Mr. Portolese asked if there would be any commercial uses in the project. Mr. Prince said yes, the building along Mishawaka Avenue could have service commercial uses. They don't want condos on the first floor and it would be a perfect spot for an artist, yoga studio, dry cleaner, or another niche use.

### **In Favor**

Dave Hammond, 58805 Beech Road, Mishawaka, said he has owned a home on Elizabeth Street since 1984 and operates an office out of the 2<sup>nd</sup> floor and said he can see nothing wrong with this project. He said it is step one in a multi-faceted process and he sees no reason not to go forward with it. Mr. Hammond said he can't think of any complex that once managed properly, would cause any problems for a City and this would be an incredible asset to the City and encourages the Commission to move forward.

Mr. Winn closed the Public Hearing on Petition #13-13.

### **Staff Recommendation**

*The Planning Department recommends approval of Petition 13-13 to rezone property at the northeast corner of Mishawaka Avenue and Grove Street to C-3 City Center Commercial. This recommendation is based on the following findings of fact:*

- 1. Given the properties' close proximity to the historic Downtown and the existing C-3 City Center zoning adjacent to the south, the proposed zoning is compatible with the surrounding mix of commercial and residential 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, and the potential for millions of dollars of new investment, staff feels that the most desirable use for this property is the C-3 City Center Commercial;*
- 3. Because the parcels are located along a heavily traveled corridor (Mishawaka Avenue) and near Main Street and the downtown redevelopment area, the proposed C-3 City Center zoning permits a desirable uses and development standards for these properties;*

4. *The C-3 City Center zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing for the appropriate redevelopment of properties that historically were having a negative influence on the neighborhood;*

5. *The proposed C-3 City Center Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.*

**MOTION:** Rosemary Klaer moved to forward Petition #13-14 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 3-0.

---

**PETITION 13-15** A petition submitted by The City of Mishawaka Redevelopment Commission to rezone property at **2319 Lincolnway East** from R-1 Single-Family Residential District to C-6 Linear Office Commercial District.

Ken Prince, City Planner, appeared on behalf of the Redevelopment Commission. He said this is a unique property in that it isn't associated with a road or redevelopment project. This is the former Fire Station #4, originally built as a fire station and has historical significance. He indicated a letter of remonstrance from Susan Rupchock was included in the packets and she has a passion for not zoning the property commercial.

Mr. Prince said there are many single family homes along Lincolnway that have been converted to office use. He said if you look at traffic along Lincolnway our job as a City is to do the best as we can with the neighborhoods in encouraging safe development. He said there have been several who expressed interest in the property and he said the role of the Redevelopment Commission is to determine what is best for the building and the neighborhood. Mr. Prince said does it lead to the demolition of the building if no bids are received; he doesn't think that will happen.

Mr. Prince said it will not be a cheap endeavor to take on as a single family residence; replacement of the roof cost over \$70,000, and said to go to a functional location, that may be best served as an office. He said if someone comes forward for an owner occupied single family residential that would be an ideal use of that building.

Mr. Emmons asked if the zoning were changed to C-6, would the Redevelopment Commission accept an offer of single family residential. Mr. Prince said yes, C-6 zoning permits R-1 uses.

Mr. Troiola asked would it pass an inspection for a single family home in its current condition. Mr. Prince said that was beyond his level of expertise, but it was built in the 1920's.

**In Favor**

Brenda Michaelis, 2330 Homewood, said she can't say if she's in favor or against. Her concern is does C-6 permit alcohol sales or pornography? Mr. Prince said no. Mrs. Michaelis said then she's in favor of it.

## **In Opposition**

James Meier, 2426 Riviera Drive, Mishawaka, said he has lived in his home, which is in a historic district, for 25 years. He said the fire station and the Christian Church are the only two non-residential entities in the neighborhood but are permitted in the district.

Mr. Meier said he is a professional engineer, Purdue graduate, and said his problem with this is from the state highway aspect because they have made it illegal to turn east onto Riviera Drive. He said he can't turn north onto Riviera but must go around and that's ridiculous. Mr. Meier also said he is a member of Queen of Peace Church and he has to turn west in order to go to his church. He said the traffic backs up way past Brook Street during rush hour and you can't get in or out. And he said that isn't the only problem. You can't turn into Fisherman's park from the east and you can't turn into the motel going east; and going west you can't turn into McDonald's. It's dangerous.

Mr. Winn asked how this affected the rezoning of the fire station. Mr. Meier said it affects it because of the traffic generated and the use outside of the historic district. He said he would like to see it turned into a single family home and it would be dangerous to add more commercial.

George Proctor, 102 Downey Avenue, said he lives four houses away from the fire station and said if it's rezoned it should be with the understanding that it be left in its current condition. The old library was sold as a historic building and is now a single family home. He said the fire station has been well maintained and should not be changed.

Mr. Proctor said he moved back to the area in 2007 after spending 24 years in the military and 24 years in civil service and wants to see the building stay no matter what the zoning.

Susan Rupchock, 2403 E. Third Street, said she has lived there 40 years and loves the building the way it is. Her concern would be parking if it were to be converted to an office. Would they need to pave the back yard because if they parked on both sides of Brook, you would be hard pressed to get a car through. She said it wouldn't be bad if it were a 2 person office with no public coming and going, but if it's someplace where people come and do business, that may prove to be a problem.

Mr. Winn closed the Public Hearing on Petition #13-15.

Mr. Troiola asked if this were to be approved, could they put in the stipulation that the building be left as is. Mr. Prince said no. He also said the Historic Preservation Commission has already expressed interest in designating the property so the exterior wouldn't be changed. He said the Redevelopment Commission will want to know very specifically what will be done with the building, but can't put a condition on the rezoning.

Mr. Troiola said if approved, could the building be demolished. Mr. Prince said not really, there are now more options in the long run and a very limited office could work in that area.

## **Staff Recommendation**

*The Planning Department recommends approval of Petition 13-15 Rezone former City Fire Station #4 at 2319 Lincolnway East to C-6 linear office district. This recommendation is based on the following findings of fact:*

1. *Given the properties' location on Lincolnway and the historic non-single family residential use as a fire station, the proposed office zoning is compatible with the surrounding residential 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, and the potential on going new investment new investment, the highest and best use for this property is C-6 Linear Office Commercial;*
3. *Because the parcel is located along a heavily traveled corridor (Lincolnway), the proposed C-6 zoning permits a desirable limited number of commercial uses along with single family residential;*
4. *The C-6 classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding area by providing for the appropriate adaptive re-use of a historic City Fire Station;*
5. *The proposed C-6 Commercial zoning, with its limited commercial uses and single family residential uses are reasonably consistent with the City's Comprehensive Plan which indicated low density residential for this area.*

**MOTION:** Ross Portolese moved to forward Petition #13-15 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 8-0.

---

**PETITION 13-17** A petition submitted by the City of Mishawaka to vacate public right of way(s) being the First North-South Alley East of Main Street, running from McKinley Ave. South to Russ Ave.

Ken Prince, City Planner, appeared on behalf of the City said this is a small 7' wide right of way that runs between Dairy Queen and the Main Street expansion.

Mr. Winn closed the Public Hearing on Petition #13-17.

**Staff Recommendation**

*Staff recommends in favor of Petition 13-17 to vacate the first North-South Alley East of Main Street, running from McKinley Ave. South to Russ Ave.*

- 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:** Dale "Woody" Emmons moved to forward Petition #13-17 to the Common Council with a favorable recommendation. Rosemary Klaer seconded; motion carried with a vote of 8-0.

---

**PETITION 13-18** A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of the first East-West Alley South of Omer Ave. running east from Main Street for approximately 105 feet.

Ken Prince, City Planner, appeared on behalf of the City. He said this is an east/west alley between Lowell and Omer, east of Main Street and is deemed unnecessary.

Mr. Winn closed the Public Hearing on Petition #13-18.

**Staff Recommendation**

*Staff recommends in favor of Petition 13-18 to vacate the a portion of the first East-West Alley South of Omer Ave. running East from Main Street for approximately 105 feet.*

- 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:** Nick Troiola moved to forward Petition #13-18 to the Common Council with a favorable recommendation. Rosemary Klaer seconded; motion carried with a vote of 8-0.

---

**PETITION 13-19** A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of the first East-West Alley South of Jefferson Blvd. running from Main Street East approximately 59 feet; and a portion of Stanley Street running east from Main Street for approximately 48 feet.

Ken Prince, City Planner, appeared on behalf of the City. He said these parcels are two small sections of dead end right-of-ways at the retaining wall and cannot physically be connected. The vacation will change nothing that exists.

Mr. Winn closed the Public Hearing on Petition #13-19.

**Staff Recommendation**

*Staff recommends in favor of Petition 13-19 to vacate public right of way(s) being a portion of the first East-West Alley South of Jefferson Blvd. running from Main Street East*

*approximately 59 feet; and a portion of Stanley Street running east from Main Street for approximately 48 feet;*

- 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 forward Petition #13-20 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

---

**PETITION 13-20** A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of Borley Street running East from Main Street for approximately 65 feet; and a portion of Borley Street running East from Main Street for approximately 65 feet; and a portion of the first North-South Alley East of Main Street running from Jefferson Blvd. North to an existing East-West Alley.

Ken Prince, City Planner, appeared on behalf of the City. He said the request is to vacate a portion of the first north/south alley east of Main, north of Jefferson north to an existing east/west alley and a portion of Borley east from Main. Mr. Prince said ultimately Borley will be extended north to Donaldson and that section of Borley will no longer be necessary.

### **In Opposition**

Cheryl Barnes, 121 E. Borley, said her property butts up to an alley and that's what they use as their street. She said she's confused about what alley is to be vacated. Mr. West said the existing alley will remain and everything will stay the same. He said the pavement has been removed and the right-of-way will go away; it exists on paper only.

### **Staff Recommendation**

*Staff recommends in favor of Petition 13-20 to vacate a portion of Borley Street running East from Main Street for approximately 65 feet; and a portion of the first North-South Alley East of Main Street running from Jefferson Blvd. North to an existing East-West Alley. This recommendation is based on 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 #13-20 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 8-0.

**PETITION 13-21** A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of the first East-West Alley North of Marion Street running from Main Street East approximately 193 feet.

Ken Prince, City Planner, appeared on behalf of the City. He said this is an east/west alley north of Marion Street that is no longer necessary because it runs into the retaining wall. Mr. Prince also said the existing alley will remain in place.

**Staff Recommendation**

*Staff recommends in favor of Petition 13-21 to vacate public right of way being a portion of the first East-West Alley North of Marion Street running from Main Street East approximately 193 feet. This recommendation is based on 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:** Dale "Woody" Emmons moved to forward Petition #13-21 to the Common Council with a favorable recommendation. Ross Portolese seconded; motion carried with a vote of 8-0.

**PETITION 13-22** A petition submitted by the City of Mishawaka to vacate public right of way(s) being a portion of Marion Street running West from Main Street for approximately 110 feet; and a portion of the first East-West Alley North of Broadway Street running from Main Street West approximately 74 feet; and a portion of the second East-West Alley North of Broadway Street running West from Main Street for

approximately 135 feet; located in the City of Mishawaka, St. Joseph County, Indiana.

Ken Prince, City Planner, appeared on behalf of the City. He said the request is to vacate Marion Street west of Main and the first east/west alley north of Broadway. Mr. Prince said this request is virtually identical to the one previous. They are non-existent roadway connections.

### **In Opposition**

Susan Bradford, 203 W. Marion Street, Mishawaka, said she doesn't understand. She said they have a vacated alley near her home and it's a horrendous bother and it's a dead end alley and not convenient at all. She also asked where people will park when the new houses are built; it's hard to get through now. Ms. Bradford also asked if they can address off-street parking.

### **Rebuttal**

Mr. Prince said any new homes that are built will have driveways and garages. He also said that you can't tell people they can't use the street for parking; especially if someone were to have a party. Public streets will still be used for parking.

Mr. Winn closed the Public Hearing on Petition #13-22.

### **Staff Recommendation**

*Staff recommends in favor of Petition 13-22 to vacate a portion of Marion Street running West from Main Street for approximately 110 feet; and a portion of the first East-West Alley North of Broadway Street running from Main Street West approximately 74 feet; and a portion of the second East-West Alley North of Broadway Street running West from Main Street for approximately 135 feet. This recommendation is based on 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:** Don McCampbell moved to forward Petition #13-23 to the Common Council with a favorable recommendation. Gary West seconded; motion carried with a vote of 8-0.

---

**PETITION 13-23** A petition submitted by the City of Mishawaka to vacate public right of way(s) being the First East-West Alley South of Grove Street, running from Elizabeth Street East approximately 269 feet.

Ken Prince, City Planner, appeared on behalf of the City. He said this is an east/west alley south of Grove Street and is the section referenced during the rezoning request. He said the alley terminates at the back wall of the 7-Eleven.

Mr. Winn closed the Public Hearing on Petition #13-12.

**Staff Recommendation**

*Staff recommends in favor of Petition 13-23 vacating a portion of the east-west alley between Grove Street and Mishawaka Avenue, west of Main Street. This recommendation is based on 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) Provided the limit of the vacation is the west end of the 7-11 property to maintain access to the existing 7-11 Dumpster and allow with access to the adjacent car rental sales lot, the vacation of the established alley 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) Provided the City is able to work with applicable utilities to relocate the existing infrastructure, 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 #13-23 to the Common Council with a favorable recommendation. Ross Portolese seconded; motion carried with a vote of 8-0.

---

**PLAT 13-24** A request submitted by the City of Mishawaka seeking approval of the Main-McKinley Subdivision.

Ken Prince, City Planner, appeared on behalf of the City. He explained this process takes the properties just discussed and puts into groups according to their natural uses. This plat is the various lots at Main and McKinley.

Mr. Winn closed the Public Hearing on Plat #13-24.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Plat for Main – McKinley Subdivision because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.*

**MOTION:** Gary West moved to approve Plat #13-24. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

---

**PLAT 13-25** A request submitted by the City of Mishawaka seeking approval of the Main Street Corridor First Subdivision.

Ken Prince, City Planner, appeared on behalf of the City. He said this combines the properties from Russ to Jefferson.

Mr. Winn closed the Public Hearing on Plat #13-25.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Plat for Main Street Corridor 1<sup>st</sup> Subdivision because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.*

**MOTION:** Ross Portolese moved to approve Plat #13-25. Edward Salyer seconded; motion carried with a vote of 8-0.

---

**PLAT 13-26** A request submitted by the City of Mishawaka seeking approval of the Main Street Corridor Second Subdivision.

Ken Prince, City Planner, appeared on behalf of the City. He said this plat encompasses the area from Jefferson south to the railroad tracks. There are four individual pieces.

Mr. West said what this accomplishes is it takes away all the little parcels and makes them one lot with new lot dimensions so we don't have to sell 30' of four lots and cleans up existing lines.

Mr. Winn closed the Public Hearing on Plat #13-26.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Plat for Main Street Corridor 3rd Subdivision because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.*

**MOTION:** Nick Troiola moved to approve Plat #13-26. Edward Salyer seconded; motion carried with a vote of 8-0.

---

**PLAT 13-27** A request submitted by the City of Mishawaka seeking approval of the Main Street Corridor Third Subdivision.

Ken Prince, City Planner, appeared on behalf of the City. He said this request is similar to the one just previous and it covers the area from Broadway north to the tracks, dividing up into logical lots.

Mr. Winn closed the Public Hearing on Plat #13-27.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Plat for Main Street Corridor 3<sup>rd</sup> Subdivision because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.*

**MOTION:** Rosemary Klaer moved to approve Plat #13-27. Don McCampbell seconded; motion carried with a vote of 8-0.

---

**PETITION 13-28** A request submitted by the Michiana Tennis Association, LLC, seeking approval to amend the Fir Road Athletic Club PUD located at 5800 block Fir Road, Mishawaka, Indiana to allow a nursing care facility.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioner. He said he has met with Planning and has agreed with the conditions set forth and have addressed the conditions. He also said he would like to clarify that the developer would be Place Builders and not the one listed on the plans.

Mr. Emmons said he doesn't understand. Would the nursing care facility be built around the tennis facility? Mr. Mosness said this request replaces the offices originally planned. He said the tennis facility may be built at some point in the future, but now they are focusing on the nursing facility.

Mr. Emmons asked why the tennis facility has been dropped. Mr. Mosness said the owner indicated it was due to the economy and that interest for the tennis facility just wasn't there.

Mr. Emmons asked what kind of nursing facility would it be. Mr. Mosness said it would be 24 hour skilled care, three shifts, very similar to the one constructed on Douglas Road near WSBT.

Mr. Emmons asked how many beds the facility would have. Mr. Mosness said 84.

Mr. Portolese asked who would run the facility. Mr. Mosness said that is still being worked out. This is the first step and there are still things that need to be worked out.

Mr. Emmons said he gets upset when folks come in and speculate and then a few months later with a whole new request. He said they need to get their ducks in a row before they come to us and then all of a sudden change it. Mr. Mosness said if approved, they would like to break ground in the fall.

**In Favor**

John Piraccini, Coldwell Banker, said he represents the land owner and developer. He said the owner had a partner he allowed a special situation and hoped to build the tennis facility and it was never developed due to the financial demand of it. Mr. Piraccini said the owner is leaving the option open for another year. Mr. Piraccini said this development is a go. The owner will solicit a user; it's not a whim but a \$14 million deal and will more than likely seek tax abatements.

Mr. Piraccini said this facility will be locally owned and a blended use. He said it will accept Medicare, Medicaid and VA. He said that's the reason will look for tax abatements and support so they can get an operator of the facility. Mr. Piraccini said the use will allow a mixture for folks to stay in longer if needed. He said yes, it's a business, but it allows

people to be able to afford to stay longer once their Medicare runs out. Mr. Piraccini said it's nothing like what you think of as a nursing home. It's a serious development and two are under construction in Ft. Wayne.

Mr. McCampbell asked if it will be a local owner. Mr. Piraccini said yes and probably the only one in the community.

Mr. Winn closed the Public Hearing on Petition #13-28.

### **Staff Recommendation**

*Staff recommends in favor of amending the Michiana Tennis Association PUD to allow for a skilled care nursing facility with the following amended PUD developmental stands/conditions:*

- 1. A 10-foot wide minimum buffer area may be provided along the south property line of the proposed nursing facility. This area shall contain a continuous opaque privacy fence, and trees spaced at a minimum of 60-feet. The trees shall be a combination of new and existing where possible. All uses, except the nursing care facility, within this PUD shall adhere to the original PUD standards for buffering along the south property line.*
- 2. Earth mounding and required screening along the east property line of the proposed skilled care nursing facility may not be provided. However, a minimum 25-foot pavement setback shall be provide along Fir Road and shall be planting with tree plantings as identified within the Commercial Landscape Ordinance.*
- 3. The drive providing access to future development to the west within the PUD shall be a minimum of 24-ft in width and shall consist of no parking bays off the drive.*

*This recommendation is based on the following findings of fact:*

- 1. Existing Conditions- The area along this portion of Fir Road consists of low density residential uses on large acre lots. The proposal is in keeping with the existing area by maintaining a low to medium density residential use within the area.*
- 2. Character of Buildings in Area- The character of many of the buildings located along Fir Road is residential. The proposed facility will be residential in nature.*
- 3. The most desirable/highest and best use- Due to the presence of the commercial activity to the north, south and west of the area, the traffic along this Fir corridor has been increased significantly in recent years. With the new hospital and development along Douglas Road, which is located just south of this area, this corridor will become even more heavily utilized and most likely will be developed for commercial type uses. However, there is currently a large presence of low density residential uses in the area. The proposed care facility is an appropriated transitional use between the existing residential uses in the area and the likely future commercial development of the area.*
- 4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area, because the proposed use is compatible with the surround area.*
- 5. Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan has identified this area for low density residential.*

**MOTION:** Dale "Woody" Emmons moved to forward Petition #13-28 to the Common Council with a favorable recommendation. Edward Salyer seconded; motion carried with a vote of 8-0.

**REPLAT 13-29** A request submitted by Steve M. & Andrea M. Gordon seeking approval of the Replat of Lots 1 and 5 in the Replat of Powell Major Subdivision.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioners. He said this relocates an internal lot line and creates a larger lot for the home.

Mr. Winn closed the Public Hearing on Replat #13-29.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Replat for the Replat of Lots 1 and 5 in the Replat of Powell Major Subdivision. This recommendation is based on the fact that the Replat meets all the requirements of Section 158.50 – Section 158.60 (Subdivision Replats).*

**MOTION:** Rosemary Klaer moved to approve Replat #13-29. Edward Salyer seconded; motion carried with a vote of 8-0.

---

**DESIGN REVIEW:**

**DR #13-05** A request submitted by Darden Restaurants, 3930 North Main Street, Mishawaka, Indiana, requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-77 Architectural/Color Texture to allow for the use of corporate colors on the façade of the building.

Morty Laub, Red Lobster General Manager, 3930 North Main Street, said Red Lobster is rebranding and updating their existing restaurants and is seeking approval for their updated color scheme of grey and barn red.

Mr. Emmons asked when this would take place. Mr. Laub said this is slated for September and it's a three month remodel. He also said the restaurant will not close during the remodel and the work will be done at night.

Mr. Winn closed the Public Hearing on Design Review #13-05.

**Staff Recommendation**

*The Staff feels that the proposed building color scheme is appropriate and meets the intent of the Design Review Ordinance standards and recommends approval of the Design Waiver.*

**MOTION:** Edward Salyer moved to approve Design Review #13-05. Gary West seconded; motion carried with a vote of 8-0.

---

**DR #13-06** A request submitted by Richard B. Nicholas, 225 North Main Street, Mishawaka, Indiana, requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-170 Exterior Signage Colors, Section 105-174 Signage Size Limitations, Section style Considerations, and Section 105-176 Signage Clutter to allow an oversized wall mural.

Doug Smith, Smith Graphics, 317 Capital Avenue, Mishawaka, presented the request. He said Home Comfort Experts came to him to obtain approval for a mural on Buzz's wall. Mr.

Smith said it's not a board, but digitally printed vinyl designed for wall murals and will be applied directly to the wall.

Mr. Winn closed the Public hearing on Design Review #13-06.

Mr. Emmons asked if this was part of the downtown development signage recently approved by Council. Mr. Prince said no, this is separate and this sign also isn't a banner. He said this has historically had signs on it and every time someone requests a new mural in this location, it requires approval.

Mr. Emmons asked if there would be a time limit on the mural. Mr. Prince said no, but past practice has been that the wall is rented for a period of time and when the lease is up, the wall is repainted.

Ms. Klaer said she is concerned because it is located across the street from the "Mishawaka Historic Downtown" sign and doesn't fit within the historic area. She agreed it's good publicity, but it will stand out.

Mr. Troiola said he doesn't see anything wrong with the sign. He said he thinks it cleans up the area and makes it look nicer.

Mr. Emmons said to him it looks like the cigar store signage and won't get his approval. It would look out of place.

Mr. Prince said we try to work with everyone and if you look at the first submittal, you can see the evolution of the design.

Mr. Troiola asked if the graphic can be made to look like a square or a rectangle. Mr. Prince said staff asked for a decorative border.

### **Staff Recommendation**

*The Plan Staff recommends Denial of Design Review Waiver 13-06 as submitted, but can recommend approval with the following revisions:*

1. *Shrink the "79" to 24".*
2. *Change border color from blue to black.*
3. *Add a decorative border around entire sign.*

**MOTION:** Ross Portolese moved to deny Design Review #13-06. Rosemary Klaer seconded; motion carried with a vote of 5-3.

---

### **DR #13-07**

A request submitted by Dental Care Alliance requesting a Design Review Waiver from Section 105-172 Window Signage for 112 Ironworks Avenue, Mishawaka, Indiana, to permit temporary window signage that covers more than 25% of the window area.

Charles Rosenbaum, DDS, owns the Dental Center on Third Street and is moving his practice to the Ironworks building and will start seeing patients on July 22. He said he would like to place signs in two of the windows to help folks find their way there.

Mr. Emmons asked if the sign colors were the ones shown. Dr. Rosenbaum said yes.

Mr. Emmons asked how long the signs would be in place. Dr. Rosenbaum said several months.

Mr. Winn closed the Public Hearing on Design Review #13-07.

Mr. Prince said this is more in line with the intent of the downtown banners. These signs are significantly smaller than the previous mural on the wall. He said the approval time is no longer than one year whereas the mural could be left up in perpetuity. Mr. Prince said they needed some immediate temporary advertising.

Ms. Klaer said we should take into consideration that the building has been vacant for a long time and if it's temporary, then we should approve it.

**Staff Recommendation**

*The Plan Staff recommends approval of Design Review Waiver 13-07 to allow 30" by 44" temporary signs on the inside of two windows for the Dental Center marketing at 112 Ironworks Avenue for a time period not to exceed one (1) year.*

**MOTION:** Don McCampbell moved to approve Design Review #13-07. Gary West seconded; motion carried with a vote of 7-1 (*Portolese*).

---

**SITE PLANS:**

**SP #13-C**

A request submitted by SEC Investment, LLC, for Final Site Plan approval for 34,453 sqft, three (3) unit, office development located at **1710 and 1802 Day Road.**

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of SEC Investments. Mr. Lang said he has worked with Planning and Engineering departments addressing their concerns with utilities on site and those corrections have been incorporated into the plan.

Mr. Lang said these will be office buildings and almost identical to the ones to the west. Colors will be identical and the offices next door are 100% occupied.

Mr. Emmons asked when this would take place. Mr. Lang said as soon as it's approved it may begin construction within a month.

**Staff Recommendation**

*The Planning Department recommends that the Petitioner's request for site plan approval for the Plaza at Day and Fir Phase 3 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:** Dale "Woody" Emmons moved to approve Site Plan #13-C. Rosemary Klaer seconded; motion carried with a vote of 8-0.

---

**SP #13-D**

A request submitted by Max Helman for Final Site Plan approval for 5,152 sqft building located at the southeast corner of Jefferson Boulevard and Willow Street.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioner. He said modifications have been made to the building and the

parking variance was not necessary as it's being reduced in size. Mr. Lang said the use will be similar to what exists in the area; it will be a brand new building built by Yoder Construction.

Mr. Emmons asked if it will be a metal building. Mr. Lang said 60% along the façade will be cut block and the other portion will be metal with roof. Mr. Prince said 2/3 of the building facing the right-of-way would be block.

**Staff Recommendation**

*Provided architectural elevations are submitted and approved, the Planning Department recommends that the Petitioner's request for site plan approval for an automotive sales, service and repair facility 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.*

*Provided architectural elevations are submitted and approved, the Planning Department recommends that the Petitioner's request for site plan approval for an automotive sales, service and repair facility 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-D. Edward Salyer seconded; motion carried with a vote of 8-0.

---

Mr. Prince said Peg's brother was killed in a car accident on Sunday. Services will be held at Vineyard Church at 11:00 a.m. Saturday.

---

**ADJOURNMENT:** 8:58 p.m.

---

Kenneth B. Prince, City Planner

---

Kari Myers, Administrative Planner