

JULY 8, 2014

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, July 8, 2014, at 7:00 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, Don McCampbell, Nick Troiola, and Rosemary Klaer. Absent: Murray Winn and Edward Salyer. In addition to members of the public, the following were also in attendance: Ken Prince, Peg Strantz, and Kari Myers.

Mr. McCampbell explained the Rules of Procedure.

The Minutes of the May 13, 2014, meeting, was approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #14-10 A petition submitted by Mishawings, LLC, requesting to rezone **205 West Day Road** from C-4 Automobile Oriented Commercial District to C-7 Automobile Oriented Restaurant Commercial District.

Louis Schroyer, 2150 E. Lake Cook Road, Buffalo Grove, IL, appeared on behalf of the Petitioner. He said the former Hooter's building is currently vacant and they want to rezone to C-7 in order to allow for a drive-thru restaurant. Mr. Schroyer said they plan on a small addition to the building and will also divide the structure into two uses. One user will be a small retail, non-food, use; the remaining portion will consist of a restaurant with drive-thru window on the east side of the property.

Mr. Schroyer said the proposed site plan provides 80 parking spaces, as per code. He said if in the future the retail portion of the building is converted to a restaurant use, they may need a variance for parking spaces.

Mr. Schroyer said they have worked with the Planning staff on the plan and the Fire department on the new drive thru lane and staff is supportive of the plan.

Mr. Emmons asked if the restaurant will be fast food or family owned. Mr. Schroyer said the proposed business is Potbelly Sandwich Works and is a quick service restaurant based in Chicago that just went public. He said they specialize in hot sandwiches, soups, salads, and are very family oriented. They are "hot" in the Chicago area.

Mr. Emmons asked if it will be a non-smoking establishment. Mr. Schroyer said yes.

Mr. Emmons asked if it will be the first location in Indiana. Mr. Schroyer said he wasn't sure.

Mr. Emmons asked if it was a 7-day operation. Mr. Schroyer said yes.

Mr. Emmons asked what their hours of operation would be. Mr. Schroyer said 10:30 a.m. to about 9:00 p.m. He said 60-70% of their business is during lunch, with the balance in the evening. Mr. Schroyer said they just started the drive-thrus in the Chicago area. They have done 3 and are very successful.

Mr. Emmons asked when they plan to open. Mr. Schroyer said they hope to start construction in September and be open in January or February.

Ms. Klaer asked about the retail portion of the building. Mr. Schroyer said they are in discussion with multiple national retail stores. They are looking for a less intensive parking use next to the restaurant.

Mr. McCampbell closed the Public Hearing on Petition #14-10.

Staff Recommendation

The Planning Department recommends approval of Petition 14-10 to rezone property located at 205 West Day Road 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 adjacent to C-7 zoned property, the C-7 zoning would be compatible with the surrounding commercial properties and the existing drive-thru restaurant uses 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*
- 3. Because the parcel is located adjacent to commercial properties and along heavily traveled corridors, the C-7 zoning classification would be compatible and is a desirable use for this property;*
- 4. C-7 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-7 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial uses along Grape Road.*

MOTION: Ross Portolese moved to forward Petition #14-10 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 7-0.

PETITION #14-11 A petition submitted by William M. Wagner and George M. Wagner requesting to rezone **902 East Marion Street** from R-1 Single Family Residential District and I-1 Light Industrial District to R-1 Single Family Residential District.

William Wagner, 902 E. Marion Street, said he is asking to rezone the rear portion of his property. He said his parents owned the home in the 70's and it's never been rezoned and he can't get refinancing or sell the home unless he rezones all to R-1.

Mr. Lentsch asked if it's being used as a single family home. Mr. Wagner said yes, and he's in the process of refinancing.

Mr. Emmons asked if he was the only property owner rezoning now. Mr. Wagner said yes, his neighbors weren't interested in doing it now.

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

Staff Recommendation

*The Planning Department recommends **approval** of Petition 14-11 to rezone 902 East Marion Street from I-1 Light Industrial District and R-1 Single Family Residential to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

- 1. There are some industrial uses north of the property, but the neighborhood surrounding the property to the south, west, and east are used as single family dwellings, and its 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 an industrial project, staff feels that the most desirable use for this property is its historical single-family use;*
- 3. Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;*
- 4. As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,*
- 5. The City's Comprehensive Plan calls for industrial use, however, its historic use as a single family home is compatible and consistent with the historic residential uses in the area.*

MOTION: Rosemary Klaer moved to forward Petition #14-11 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

PLAT #14-12 A request submitted by Carl M. Fisher, Jr. and Jenifer C. Fisher seeking approval of the two (2) lot Fisher Elder Street Subdivision.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Fishers. He said they currently reside on Lot B and would like to build on

Lot A. Mr. Mosness said Mr. Fisher has been talking with Mishawaka Building Trades about building this next school year.

Mr. Lentsch asked what will be done with the current house. Mr. Mosness said they will sell once the new home is built.

Mr. Emmons said he is pleased to hear that Mishawaka Building Trades may be involved.

Mr. McCampbell closed the Public Hearing on Plat #14-12.

Staff Recommendation

The Planning Department recommends approval of the Preliminary and Final Plat for the (2) lot Fisher Elder Street Subdivision because the plat meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.

MOTION: Dale "Woody" Emmons moved to approve Plat #14-12. Matt Lentsch seconded; motion carried with a vote of 7-0.

SITE PLAN:

SP #14-D

A request submitted by Barack River Rock, LLC requesting final site plan approval of a 189,700 sqft "Mishawaka Grove Development" multi-family and retail project.

Greg Kil, Kil Architecture, 1126 Lincolnway East, South Bend, appeared on behalf of Barack River Rock, LLC. Mr. Kil said that Scott Sivan and Mike Bultinck were also in attendance to discuss the high density residential with retail use development.

Mike Bultinck, Lehman & Lehman, 510 Lincolnway East, Mishawaka, said the site is approximately 1.62 acres and is bounded by Grove Street to the north, Mishawaka Avenue on the south, Elizabeth Street to the west, and 7-11 and a used car lot to the east, and all but 3650 sqft will be developed. He said parking will be centrally located between the north and south buildings; 123 total spaces on site, with the rest on-street parking. Mr. Bultinck said they have been working with Planning and Engineering on how they will improve the surrounding streetscape as the project proceeds.

Mr. Bultinck said the site will employ subsurface retention for storm and sanitary sewer.

Mr. Emmons said the view shown on the overhead says one structure will be 4 stories and the second will be 5, but the staff report says all 5 stories. Mr. Kil said the building fronting on Mishawaka Avenue will have 5 stories, and the building fronting on Grove will have 4 stories. He said that is consistent with the scope of the project as submitted in June of 2013 with the exception of the south block being reduced from 6 stories to 5.

Mr. Emmons also said it looked like the penthouses have been removed. Mr. Kil said the 5th story on the south side is essentially the penthouses and reduced slightly in scale.

Ms. Klaer asked what the sqft of each apartment would be. Mr. Kil said sizes would range from 800 to 1150 sqft with the penthouses being 2 floors and may be up to 1600 sqft. He said it's a mix of one and two bedroom units with two bedroom units making up the majority.

Mr. Lentsch asked who marketing would be aimed at. Mr. Kil said professionals and folks who want to live downtown. He said there's a lot of focus and energy in Mishawaka and there's a lot of good things going on.

Mr. Troiola asked what the pricing would be. Mr. Kil said about \$900-\$1,500 with the 3 bedroom units being more, but no unit will be more than \$1,900. He said they will be market rate and for the professional of any age.

Mr. Portolese asked when construction would begin. Scott Sivan, managing partner, 300 S. St. Louis Boulevard, South Bend, said by the end of summer.

Mr. Emmons asked if the older apartment building on site is vacant. Mr. Sivan said it is vacant and will be removed just before construction.

Staff Recommendation

Provided a revised site plan is submitted and reviewed, Staff recommends that the request for final site plan for a multi-use development at the northeast corner of Mishawaka Avenue and Elizabeth Street be approval. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan Approval.

MOTION: Matt Lentsch moved to approve Site Plan #14-D. Ross Portolese seconded; motion carried with a vote of 7-0.

ADJOURNMENT: 7:25 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner