

**SEPTEMBER 9, 2014**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, September 9, 2014, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Ross Portolese, Murray Winn, Don McCampbell, Nick Troiola, Victor Kasznia, and Rosemary Klaer. Absent: Gary West, Matt Lentsch, and Dale "Woody" Emmons. In addition to members of the public, the following were in attendance: David Bent, Ken Prince, Greg Shearon, and Kari Myers.

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Mr. Winn welcomed Victor Kasznia to the Plan Commission. He also asked Members to remember the passing of Commission member Edward Salyer who served for over 20 years.

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The Minutes of the August 12, 2014, meeting, were approved as distributed.

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Mr. Portolese declared a Conflict of Interest on Design Review #14-07. No other Conflict of Interest was declared.

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**PUBLIC HEARING:**

**PETITION #14-17** A petition submitted by Stephen J. Phillips requesting to rezone **1121 West Eighth Street** from I-2 Heavy Industrial District to C-1 General Commercial District.

Paul Crowley, Butler and Crowley, 726 E. Washington Street, attorney, appeared on behalf of the Petitioner. Mr. Crowley said Mr. Phillips purchased the old Regal Bowling Lanes and the property is zoned I-2 and its use is non-conforming.

Mr. Crowley said Mr. Phillips intends to use the property as an event center and skating rink and therefore wants to rezone to C-1 zoning.

Mr. Crowley said he had talked to Woody Emmons and he indicated he had some reservations about the color the building had been painted. Mr. Crowley read a letter from Mr. Phillips indicating he would be willing to repaint the building as some find the yellow color objectionable. The letter also indicated Mr. Phillips would be willing to discuss landscaping. He said staff has recommended approval, and asks the Commission for their favorable recommendation.

Mr. Winn closed the Public Hearing on Petition #14-17.

Mr. Portolese asked Mr. Prince if he was satisfied with the letter. Mr. Prince said yes, but we cannot place conditions on rezoning, but he thinks it's appropriate. He also said the color has no bearing on the rezoning request.

**Staff Recommendation**

The Planning Department recommends approval of Petition 14-17 to rezone property located at 1121 West 8<sup>th</sup> Street from I-2 Heavy Industrial to C-1 General Commercial. This recommendation is based upon the following findings of fact:

1. Given the property's close proximity to industrial and commercially zoned property the C-1 zoning would be compatible with the surrounding commercial and industrial properties.
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, its historical use as a bowling alley, and the potential of development as an industrial project, staff feels that the most desirable use for this property is the C-1 General Commercial zoning classification.
3. Because the parcel is located adjacent to commercial properties and adjacent to existing industrial uses, the C-1 zoning classification would be compatible and is a desirable use for this property.
4. The C-1 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 and bringing the non-conforming site into compliance with current commercial standards.
5. The City's Comprehensive Plan indicates industrial for this area. However, the proposed C-1 General Commercial zoning is consistent with the adjacent commercial zoned property and the historical commercial use of the property.

**MOTION:** Ross Portolese moved to forward Petition #14-17 to the Common Council with a favorable recommendation. Mr. McCampbell seconded; motion carried with a vote of 6-0.

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**PLAT #14-18** A request submitted by Costco Wholesale Corp. seeking approval of the two (2) lot Costco Wholesale Subdivision.

Dan Free, V3 Companies, 7325 Janes Avenue, Woodridge, IL, presented the request. He said Costco is requesting approval of the final plat for their new location. Mr. Free said easements have been added for water, sanitary sewer, and cross access easement.

Mr. Winn asked what Lot 2 would be. Mr. Free said Lot 1 is the Costco building and Lot 2 will be for future retail.

Mr. Prince asked about the status of the connection and cross easement. Mr. Free said Costco is willing to extend their easement farther to the south and keep the one you've seen in place.

Mr. Prince said for the public record, have you been unable to reach an agreement. Mr. Free said yes, Costco is providing an extension. Mr. Prince said the easement must be recorded prior to the building being occupied.

**Opposition**

Dennis Wolter, owner of Summer Place Apartments, said he isn't speaking for or against, but wanted a point of clarification. What will Lot 2 be used for? Mr. Prince said there is no proposed use for the lot, but it is zoned C-1 general commercial and allows a wide range of uses such as retail and restaurants.

Mr. Wolter asked if it could be used for parking. Mr. Prince said yes.

Mr. Wolter said his tenants have a problem with the lighting. He said one of the buildings is about 35' away and asked what Costco had planned for landscaping. Mr. Wolter said he was hoping they would plant trees so tenants won't have lights shining into their bedrooms on the 2<sup>nd</sup> floor.

Mr. Wolter said he is a resident of Beverly Shores, IN, and they have adopted "dark sky" ordinances and would hope that Costco would do the same on Lot 2.

Mr. Prince said the overall plan required landscaping all along that edge of the property; there will be an evergreen screen, the standard being 10'-12' in height. He also said that screening would be provided along Lot 2 as well. Mr. Prince also said the other element that Planning had requested as light fixtures be angled at 90%.

Mr. Winn closed the Public Hearing on Plat #14-18.

**Staff Recommendation**

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

**MOTION:** Victor Kasznia moved to approve Plat #14-18. Nick Troiola seconded; motion carried with a vote of 6-0.

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**REPLAT #14-19** A request submitted by Fountainview Mishawaka Acquisition LLC and CW, LLC, an Indiana Limited Liability Company seeking approval of the Third Replat of Healthquest-Grape Road Minor Subdivision.

Mike Danch, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, presented the request for Replat. He said they are asking for a slight adjustment of the property lines due to an existing sign directing folks to a parking lot and the sign will end up on Fountainview property.

Mr. Danch also said on the west side of Tanglewood, there are villas that are being put back on Tanglewood's lot.

Mr. Winn closed the Public Hearing on Replat #14-19.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Replat for Third Replat of Healthquest-Grape Road Minor 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:** Don McCampbell moved to approve Replat #14-19. Victor Kasznia seconded; motion carried with a vote of 6-0.

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**DESIGN REVIEW:**  
**DR #14-03**

A request submitted by Mishawaka Penn Public Library, **209 Lincolnway East** requesting a waiver from the Mishawaka City Design Review Ordinance Sections 105-170 Exterior Signage Colors, 105-175 Signage Quantity, and 105-176 Signage Clutter.

Dave Eisen, 1112 E. Third Street, Executive Director of the Mishawaka Penn Public Library, Mishawaka, said they are in the midst of rebranding of the library and they are replacing the existing exterior signs with solid signs instead of individual letters.

Mr. Eisen said the two (2) signs along Church Street should give better identification for the library.

Mr. Winn closed the Public Hearing on Design Review #14-03.

**Staff Recommendation**

*The Plan Staff recommends approval of Design Review Waiver #14-03 for Mishawaka-Penn-Harris Public Library to install the four (4) requested signs as submitted.*

**MOTION:** Rosemary Klaer moved to approve Design Review #14-03. Ross Portolese seconded; motion carried with a vote of 6-0.

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**DR #14-04**

A request submitted by Thomas Vickers, **109 South Main Street (Glass Roots)**, requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-170 Exterior Signage Colors to permit the installation of a blue awning.

The item was continued to the October 14, 2014 meeting as no one appeared to present the request.

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**DR #14-05**

A request submitted by TGM Properties requesting a waiver from the Mishawaka City Design Review Ordinance Sections 105-170 Exterior Signage Colors, and 105-176 Signage Clutter **for 117 South Main Street (Chocolate Café)**.

The item was continued to the October 14, 2014 meeting as no one appeared to present the request.

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**DR #14-06**

A request submitted by the City of Mishawaka requesting a waiver of the Mishawaka City Design Review Ordinance to permit oversized banners for Lineman Rodeo at Beutter Park.

Ken Prince, City Planner, said you might have seen the telephone poles that have been put up in Beutter Park. It's for the 2014 Lineman Rodeo being held in Mishawaka this year. He said the event makes good use of the space.

Mr. Prince said the banners, while huge, are appropriate for the event. He said the banners will go up this week and remain until a day or two after the event, but is asking the

Commission for a week to allow for complete clean up. Mr. Prince also said the telephone poles will be removed and the lawn restored.

Mr. Prince said the Rodeo is a wonderful event for Mishawaka and there could be 400-500 participants and their families in the park.

Mr. Winn closed the Public Hearing on Design Review #14-06.

Mr. McCampbell said many people have asked him while patrolling the Riverwalk if the poles will be removed.

**Staff Recommendation**

*The Plan Staff recommends approval of the requested waivers included in Design Review #14-06 to temporarily place signs for the IMEA (Indiana Municipal Electric Association) lineworker's skills and training rodeo event.*

**MOTION:** Rosemary Klaer moved to approve Design Review #14-06. Don McCampbell seconded; motion carried with a vote of 6-0.

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**DR #14-07**

A request submitted by Richard B. Nicholas requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-174 Signage Size Limitations **for 225 North Main Street.**

Doris Portolese, 528 W. 14<sup>th</sup> Street, said she was asking for a waiver for the lettering on Buzz's wall. She said in the past it's been used for political signage, by both parties.

Mr. Troiola asked if the sign will be painted over after the election. Ms. Portolese said yes, definitely.

Mr. Winn closed the Public Hearing on Design Review #14-07.

**Staff Recommendation**

*Given the long standing use of this wall for political signs, and the fact that the waiver is only for the letter height of "Portolese", The Plan Staff recommends approval of Design Review Waiver 13-07 as submitted.*

**MOTION:** Victor Kasznia moved to approve Design Review #14-07. Nick Troiola seconded; motion carried with a vote of 5-0 (Portolese abstained).

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Mr. Prince said Peg Strantz recently retired after 34 years with the City. He said he would like the Commission to be involved with hiring her replacement; as much as they are able.

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**ADJOURNMENT:** 7:29 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner

