

MAY 12, 2015

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, May 12, 2015, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Dale "Woody" Emmons, Murray Winn, Don McCampbell, Victor Kasznia, and Kathleen White-Gadacz. Absent: Gary West, Matt Lentsch, Ross Portolese, and Nick Troiola. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Christa Hill, and Kari Myers.

Mr. Winn explained the Rules of Procedure.

The Minutes of the April 14, 2015, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

REPLAT #15-12 A request submitted by Robert D. and John K. Calvin, Jr., seeking approval of the two (2) lot DeGroot's Subdivision Calvin Replat.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, appeared on behalf of the Petitioners. He said the Calvins own two lots and have a garage located in the middle of the property. The replat will reconfigure the property and put the garage on one lot and they'll build a new home on the other lot. Mr. Lang said both lots are just under an acre.

Mr. Winn asked how wide the narrowest part of the lot is. Mr. Shearon said about 25'. He said it's set up so there are appropriate setbacks for the garage for maintenance and allowed an easement for the driveway to go back to the lot.

Mr. Winn closed the Public Hearing on Replat #15-12.

Staff Recommendation

The Planning Department recommends approval of the Preliminary and Final Replat for Degroot's Subdivision, Calvin's Replat. 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 #15-12. Kathleen White-Gadacz seconded; motion carried with a vote of 5-0.

PETITION #15-13 A request submitted by Sorce USA Realty, Inc., to amend the University Marketplace Planned Unit Development (512 West Cleveland Road, Granger) to permit the construction of two (2) multi-tenant buildings containing a variety of retail uses, offices, and small restaurant shops.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioner. He said currently the site is Kowloon Bay Restaurant and long ago was Chi Chi's. The building is old and difficult to maintain and the current owner would like to demolish the building and parking and building two buildings; 15 unit shopping center.

Mr. Ballard said building one will be oriented north/south with 9 units with 12,600 sqft and building two will have up to 6 units totaling 7,800 sqft. He said uses would be retail, office, and restaurant. Mr. Ballard said parking would be to C-1 standards and they are showing 113 spaces where 102 are required.

Mr. Ballard said drainage of surface run-off would be handled through the use of an on-site French drain and any issues would be handled by that technique. He said capacity would be based on what's required by Engineering department.

Mr. Ballard said Planning did recommend approval with several conditions being pulled off the site plan. He said uses would adhere to C-2 zoning, setbacks are to code, and dumpster enclosure will be located behind the buildings. Mr. Ballard also said they don't have the 25' site triangle and will redesign the enclosure to include that.

Mr. Ballard said landscape screening complies with C-1 standards, and there'll be no landscaping along the north line since they are up against the property line.

Mr. Ballard said restaurants would include grease interceptors per engineering standards.

Mr. Ballard showed building elevations to show the quality of the architecture being designed. He said it kind of looks like what would be in Heritage Square and would be an upscale development. The building would have brick masonry features and the back of the building would also be a masonry product and not siding.

Mr. Emmons asked if there were any identified users or is the building being built on speculation or will they build when tenants are identified. Mr. Ballard said he isn't aware of specific tenants. He did say they want to move quickly and not wait for tenants. They have indicated two restaurant spots and he doesn't have any details beyond what's included in the amendment.

Mr. Emmons wants to know if it's just speculation and if it is, then wait. Mr. Ballard said they want to start building quickly.

In Favor

Loyd Weldy, 16657 Cleveland Road, South Bend, said he lives just across the driveway from the development and is the closest homeowner. He thinks this development would be a big improvement and hope it's successful.

Mr. Prince read Letters of Remonstrance from Baugo Creek Realty and Holladay Properties.

Rebuttal

Mr. Ballard said they are showing an access to the east to Mutual Bank parking lot. There is an elevation change of 2-3 feet and it would create a ramp situation and would ask for further advice from Planning to see if it's feasible; it could alter the site plan significantly.

Mr. Ballard said regarding trash pick-up, there would be a dumpster enclosure to the north of the building. It's a design issue that can be addressed if need be. Mr. Ballard said they

are showing 11 spaces more than what's required and if they need to use a few on the north side, they can do that.

Mr. Ballard said regarding water retention, if it's in bad shape now, a new development will correct that using new storage techniques. There is a retaining wall on the east side and he's not sure of the size, 6-7' and drops 2-3 feet, and that in itself is an issue with regarding and they can keep water off that retaining wall by correcting the issue.

Mr. Ballard said regarding signage, it is what it is and the developers have agreed to abide by the regulations. He said they are planning on using a monument style of sign vs. a pylon sign. It will be something of quality and class.

Mr. Ballard said regarding the comment made by Holladay Properties, the drive is an issue for everyone. It's in rough shape. He said he cannot speak for the developer, but he's sure that situation should be addressed in that matter and not addressed solely by the person developing this property.

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

Mr. Emmons asked Mr. Prince if the concerns outlined in the Letters of Remonstrance caused a problem for this development. Mr. Prince said he didn't think so. He said most concerns have been designed out and it theoretically could improve water retention. Mr. Prince said standards are much greater now than when the building was built.

Mr. Prince said they meet parking and signage requirement. He said the access drive is an issue and it's because it's commonly held by the association and should be addressed by them.

Staff Recommendation

Staff recommends in favor of amending University Marketplace PUD to allow for a multi-tenant development with the following amended PUD developmental stands/conditions:

USES:

1. *Uses shall be limited to those identified within the C-2 Shopping Center Commercial District.*

BUILDING SETBACKS:

1. *Minimum 50 ft front-yard building setback along Cleveland Rd.*
2. *Minimum 25-ft side-yard & rear-yard building setbacks.*

DUMPSTER ENCLOSURE:

1. *Minimum 5 ft. setback from any property line.*
2. *Enclosure must be located behind the buildings.*
3. *A 25-ft sight triangle shall be provided at internal drive and road/ingress-egress easement intersection.*

PARKING SETBACKS:

1. *Minimum 16 ft. front-yard setback along Cleveland Rd as indicated on the PUD preliminary site plan.*
2. *Minimum 5 ft. side-yard setback along east property line.*
3. *Minimum 10 ft. side-yard setback along west property line.*
4. *0 ft. along north property line with spaces having direct access to existing ingress-egress easement paved aisle way.*

LANDSCAPE/SCREENING:

1. Landscaping shall comply with the Commercial C-1 General Commercial Landscape Ordinance.
2. Required landscaping may be eliminated along the north property line to provide for parking areas off of the ingress/egress easement. However, landscaping shall be installed as shown on the PUD preliminary site plan.

GREASE INTERCEPTOR:

1. A grease interceptor shall be installed per the City Department of Engineering.

SIGNAGE:

1. Signage shall comply with the C-2 Shopping Center Commercial signage requirements/standards.

OTHER:

1. All other developmental standards not identified shall comply with the C-2 Shopping Center Commercial standards.

This recommendation is based upon the following findings of fact:

1. Existing Conditions - The proposal is in keeping with the existing area by maintaining commercial uses.
2. Character of Buildings in Area - The character of the buildings located in the area is commercial. The proposed facility will be commercial in nature.
3. The most desirable/highest and best use - Due to the presence of the commercial activity in the surrounding area, the most desirable/highest use is the proposed commercial use.
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 surrounding commercial area.
5. Comprehensive Plan - This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area.

MOTION: Victor Kasznia moved to forward Petition #15-13 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 5-0.

DESIGN REVIEW:

DR #15-03

A request submitted by P & B Properties, LLC, requesting a waiver from the Mishawaka City Design Review Ordinance Sections 105-76 Architectural Materials and 105-77 Architectural Color/Texture to utilize blue panels on the building at 1502 Union Street.

Brett Parks, owner and operator of Not Just A Garden Center presented the request. He said as discussed after last month's meeting, he had a time issue getting the siding installed on the building. Mr. Parks said it's been installed and the difference is like night and day.

Mr. Emmons said it's a vast improvement to the area. He said Mr. Parks has done a fine job of changing the outlook of the facility and he appreciates his efforts.

Mr. Winn closed the Public Hearing on Design Review #15-03.

Staff Recommendation

The Staff feels that the proposed building color and material scheme is appropriate. The Design Review is intended to create cohesiveness amongst commercial developments within commercial areas. This property is located within residential developed areas and not within a commercial area. Therefore, the proposed color and material scheme is consistent with the surrounding architecture in the area. In additional, after seeing the finished product, the architectural theme and improvements have greatly increased the aesthetics of the property from what was currently there.

MOTION: Victor Kasznia moved to approve Design Review #15-03. Dale "Woody" Emmons seconded; motion carried with a vote of 5-0.

**SITE PLAN:
SP #15-B**

A request submitted by Shamrock Hotels, LLC, requesting final site plan approval for a 4-story, 56,905 sqft Holiday Inn Express and Suites at Toscana Park, Granger.

Pete Gensic, Gensic Engineering, 311 Airport North Office Park, Ft. Wayne, appeared on behalf of Shamrock Hotels LLC. He said they are requesting approval of the hotel to be located in Toscana Park just south of Villa Macri.

Mr. Gensic said the PUD was recently approved and the site plan will finalize the engineering and architectural review process.

Mr. Gensic said they would be utilizing existing utilities, adding parking along the front, and connecting to sanitary storm and has a regional retention base for this facility.

Mr. Gensic said they needed to reroute a couple of sewers, but other than that it's a site ready for the hotel.

Staff Recommendation

Staff recommends that the request for final site plan for a Holiday Inn Express and Suites at the Toscana Park PUD. 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 #15-B. Victor Kasznia seconded; motion carried with a vote of 5-0.

ADJOURNMENT: 7:28 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner