

**JULY 14, 2015**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, July 14, 2015, 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, Nick Troiola, Victor Kasznia, and Kathleen White-Gadacz. Absent: Matt Lentsch and Don McCampbell. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Christa Hill, and Kari Myers.

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Mr. Winn explained the Rules of Procedure.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**PETITION #15-19** A petition submitted by SLM Management LLC requesting to rezone **1725 East McKinley Avenue (former Dog N Suds)** from C-7 Automobile Oriented Restaurant Commercial District to C-4 Automobile Oriented Commercial District.

Frank Massa, SLM Management, 51194 CR 3, Elkhart, represented SLM Management and handed out information about the company that will purchase the property.

Mr. Massa said SLM Management does propose to purchase the property. He said the company was started by him in 2001 and they are basically a holding company and are involved with owner-occupied real estate. He said most of the real estate is occupied by a sister company. Mr. Massa said they have property in South Bend, Goshen, Kokomo, and Florida and have just over \$2.5 million in commercial real estate. They also have residential properties in the same areas that are used as residential and student housing.

Mr. Massa said Image Motors would be a tenant of the property, which was also started by him in 2003. He said the location at 902 S. Mayflower Road in South Bend is the one they are moving to the McKinley location and will sell that property. They also have a location at 2117 S. Nappanee Street in Elkhart.

Mr. Massa said they have the opportunity for bank financing on the property if rezoned. They are also prepared to put \$50,000 worth of remodeling into the facility. He said it has been vacant for years and has fallen into a state of disrepair (he showed a rendering of what the site should look like after renovation). Mr. Massa said they will re-pave the lot, re-landscape, and remodel the building for offices.

Mr. Massa introduced Daniel Mackowiak, Adam Meller, and Rob Snodgrass. He said they are well-respected in their industry and have many years of experience and will run this office.

Mr. Massa said they put together sales projections for 2015, 2017, and 2018 in respect to cars sold and the anticipated price of cars sold. This site would be more of a mid-priced to high-end lot and that area is right for a lot like this.

Mr. Massa provided copies of the purchase agreement, and Letter of Intent from First State Bank of Middlebury to purchase and remodel. He said they could improve the condition of the property and that would be a positive change for property that has been vacant for many years and hopes the Commission would see it that way as well.

Mr. Troiola asked when they would be open. Mr. Massa said sometime in September of this year following a 30-day renovation schedule.

Mr. Emmons told Mr. Massa his plan sounds great, but he said he is leery of auto places because they aren't well-maintained. He's not looking forward to approving another auto facility unless it is going to be well-maintained. Mr. Emmons said you provided pictures of what it will look like, but wants some guarantee it will look like that.

Mr. Massa said their current location on Mayflower was a former 7-11 store and if you are familiar with that corner you know they moved across the street and they left the building as it was. He said they came in and remodeled it, repaired HVAC issues, water issues and landscaping that 7-11 had let slide; and have been there 12 years.

Mr. Massa said their location at 2117 S. Nappanee in Elkhart was a car lot that had been in the same family for many years. The fellow got tired, was older, and had fallen into bad health and the building also fell into disrepair. Mr. Massa said they purchased the property, remodeled the building, repaved the parking lot; they have good road frontage and a good sign. He also said just last month 2 ½ acres of property to the north of that location became available and they just closed on that property and they'll do the same with that property. There's a track record.

Mr. Massa said they are a relatively young company with lots of energy and enthusiasm. He also said they know what happens to their business when lots fall into disrepair. They are not used to allowing their facilities to fall into disrepair and they want to keep all their properties up. Mr. Massa said they aren't concerned what others do with their property.

Mr. Emmons asked how many vehicles would be on the lot. Mr. Massa said the immediate plan would be 25-30 and that could grow through the years.

Mr. Emmons asked Mr. Prince if there was a limit on the number of cars. Mr. Prince said it's important to note that they bring the property up to code. They'll need to relocate the sign, landscape, etc. Mr. Prince said they'll have to submit a site plan and the site plan will dictate how many cars. The site plan will identify the pavement that exists, etc.

Mr. Emmons said he doesn't want it to look like a stock yard.

Mr. Emmons asked about the \$50,000 renovation. Dan Mackowiak, 1607 Riverside Drive, South Bend, said the proposed renovation is to be offices; gutting the inside, replacing windows, the sign is going to be changed and will be moved out of the right-of-way. He said they'll repaint the canopy, remove the speakers and cement bumps and then scrape the blacktop and resurface. Mr. Mackowiak said it's so late in the year, that will happen in spring of 2016, but they will keep the lot nice thru the winter.

Mr. Emmons said it's guaranteed to be done because many people come in and say they'll do something, but don't do it. Mr. Mackowiak said absolutely.

Mr. Emmons said he appreciates that. Mr. Mackowiak said all of their properties are well-maintained. They have their own staff who keeps it up.

Mr. Emmons asked what the hours of operation would be. Mr. Mackowiak said the hours at all their locations are 9-6 Monday thru Friday, 9-2 on Saturday, closed on Sunday.

Mr. Emmons said he hopes you keep your word and he'll be keeping an eye on this location.

Mr. Massa said they have their own maintenance crews for lawn and buildings and have logs and checklists to go thru. They make sure everything works; lights, downspouts, etc. He said they can do these things better internally than hiring outside to do the work.

Mr. Emmons asked if all cars would be drivable. Mr. Massa said yes and will be in the \$9,000 to \$11,000 price range. He said there is some competition in the area in the \$2,000 to \$3,000 price range, but that's not who they want to be.

Mr. Winn closed the Public Hearing on Petition #15-19.

### **Staff Recommendation**

*The Planning Department recommends approval of Petition 15-19 to rezone 1725 E McKinley from C-7 Automobile Oriented Restaurant Commercial to C-4 Automobile Oriented Commercial. This recommendation is based upon the following findings of fact:*

- 1. There are several other C-4 Automobile Oriented Commercial zonings along McKinley, so the additional car sales use 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, staff feels that the most desirable use for this property is commercial;*
- 3. Because the parcel is located in an area of commercial uses, rezoning to C-4 Automobile Oriented Commercial is a desirable use for this property;*
- 4. Rezoning this property to the C-4 Automobile Oriented Commercial classification will match other zoning in the neighborhood, conserving property values in the immediate neighborhood; and,*
- 5. The City's Comprehensive Plan calls for general commercial, therefore, rezoning is compatible and consistent with the City's Comprehensive Plan.*

**MOTION:** Nick Troiola moved to forward Petition #15-19 to the Common Council with a favorable recommendation. Victor Kasznia seconded; motion carried with a vote of 7-0.

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**PETITION #15-20** A petition submitted by Terry Schock requesting to rezone **3626 Lincolnway East** from C-1 General Commercial District to R-1 Single Family Residential District.

Terry Shock, 3626 Lincolnway East, Mishawaka, presented the request. He said his property has been zoned C-1 forever and simply wants to rezone to R-1 for refinancing.

Mr. Portolese asked if he lived there. Mr. Schock said yes, for 42 years.

Mr. Emmons asked if he planned on continuing to live there. Mr. Schock said yes.

Mr. Winn closed the Public Hearing on Petition #15-20.

**Staff Recommendation**

*The Planning Department recommends **approval** of Petition 15-20 to rezone 3626 Lincolnway East 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 commercial zonings with residential uses to the east and south of this property, but the neighborhood surrounding the property 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 history as a single family residence, staff feels that the most desirable use for this property is 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 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,*
- 5. The City's Comprehensive Plan calls for general commercial but its historic use as a single family home is compatible and consistent with the historic residential uses in the area.*

**MOTION:** Kathleen White-Gadacz moved to forward Petition #15-20 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 7-0.

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**DESIGN REVIEW:**

**DR #15-04**

A request submitted by Philip McCarthy and Ann McCarthy requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-171 to allow the use of an electronic digital display sign with automatic changing images and copy at **802 Lincolnway West**.

Ann McCarthy, 2210 Trail Ridge South, Mishawaka, said they want to update to a more modern sign and have the capability of running more messages; maybe something like Kamm Island Fest and other local Mishawaka events. She said it would be used to market their products and services.

Mr. Emmons asked if the new sign would be approximately the same size. Ms. McCarthy said yes, it will use the same footprint.

Mr. Emmons asked if the messages would run 24 hours per day. Ms. McCarthy said yes.

Mr. Winn closed the Public Hearing on Design Review #15-04.

**Staff Recommendation**

*The Plan Staff recommends approval of Design Review Waiver 15-04 to permit a digital/automatic changing display to be installed at 802 Lincolnway West. The Staff considers the digital display appropriate provided:*

1. *the sign shall not flash,*
2. *there shall be at the least an eight (8) second time interval between each successive display frame,*
3. *the sign shall not have animated movement,*
4. *the sign shall have dimming capacity, transitioning from daytime to nighttime.*

**MOTION:** Victor Kasznia moved to approve Design Review 15-04. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

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**ADJOURNMENT:** 7:26 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner