

FEBRUARY 9, 2016

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, February 9, 2016, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Matt Lentsch, Dale "Woody Emmons, Ross Portolese, Murray Winn, Nick Troiola, and Kathleen White-Gadacz. Absent: Gary West, Don McCampbell, and Victor Kasznia. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, and Kari Myers.

Mr. Winn explained the Rules of Procedure.

The Minutes of the February 9, 2016, meeting, were approved as amended.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #16-05 A petition submitted by BJ Hospitality LLC requesting to rezone 197' X 245' parcel east and **adjacent to 1220 East Douglas Road** from S-2 Planned Unit Development to C-1 General Commercial District.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of BJ Hospitality. Mr. Lang said this property was immediately adjacent to the two new hotels to the west which also support a meeting/convention center.

Mr. Lang said as they've started booking for the upcoming year, they are finding demand is greater than anticipated and they have acquired the property. The property will add additional parking and will comply with Planning and Engineering Requirements as listed in the staff report.

Mr. Lang said a plat will be submitted combining it with the Candlewood property.

Mr. Winn closed the Public Hearing on Petition #16-05.

Staff Recommendation

Staff recommends in favor of Petition 16-05 to rezone approximately 1.11 acres of land located immediately east of Candlewood Suites (1220 E. Douglas Road) from the S-2 Planned Unit Development District to the C-1 General Commercial District. This recommendation is based on the following findings of fact:

1. *Existing Conditions- The subject property, which is located north of Douglas Road and immediately east of Candlewood Suites, is a part of the Douglas Meadow PUD previously proposed for development as an assisted, independent living, and nursing facility. Investment along the Douglas Road corridor has continued over the years with the development of the WSBT Studios, Creekside Village nursing and long term*

care facility, Candlewood Suites, Holiday Inn, Michiana Hematology Oncology Cancer Center, and the St. Joseph Regional Medical Center.

2. *Character of Buildings in Area – Development along Douglas Road has transitioned the area from low-density single-family residential to more intensive commercial, residential, and health care uses. Therefore, the proposed expansion of the parking area to serve the adjacent hotel is an appropriate use for the property being rezoned.*
3. *The most desirable/highest and best use –Because of the property’s location along Douglas Road and close proximity to several commercial, residential, and health care uses, the most desirable use for the property is commercial allowing for the expansion of an adjacent commercial use.*
4. *Conservation of property values- The proposed rezoning will not be injurious to property values in the surrounding area since it will only permit the expansion of parking area for a hotel currently under development. Furthermore, a final site plan will be required prior to construction of the parking lot to ensure compliance with all development regulations and design standards.*
5. *Comprehensive Plan- The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low density residential uses for this area. However, the continued change and expansion of the commercial areas along the Douglas Road corridor has profoundly changed the character of the area.*

MOTION: Nick Troiola moved to forward Petition #16-05 to the Common Council with a favorable recommendation. Ross Portolese seconded; motion carried with a vote of 6-0.

PLAT #16-06 A request submitted by Browning Mishawaka Associates, LLC, seeking approval of the two (2) lot Bayer HealthCare at Beacon Parkway Subdivision – Phase II.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, presented the request. He said he is here to finish what was started last fall. Mr. McMorrow said the Commission approved the Bayer site plan and the subdivision allowed for 400’ of new road that will connect Beacon Parkway to State Road 23. Mr. McMorrow said this plat will complete that work and extend the road to State Road 23. It’s situated between the Bayer site and Capital Avenue.

Mr. Morrow said they have read the staff report and are gladly able to address the “housekeeping” comments.

Mr. Winn closed the Public Hearing on Plat #16-06.

Staff Recommendation

Subject to a revised plat being submitted to address the Engineering and Planning Department comments, the Planning Department recommends approval of the Preliminary and Final Plat for the Bayer Healthcare at Beacon Parkway Subdivision – Phase II because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinance.

MOTION: Matt Lentsch moved to approve Plat #16-06. Dale “Woody” Emmons seconded; motion carried with a vote of 6-0.

**DESIGN REVIEW:
DR #16-02**

A request submitted by David G. & D. Kathryn McAlphin Trust requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-76 Architectural Materials to permit the placement of a 10' X 12' storage building at **112 Ironworks Avenue**.

David McAlpin, 51146 Channel Court, Elkhart, said he purchased the Ironworks building in December and they are in the process of renovating the first floor for the new tenant.

Mr. McAlpin said the building was originally built for a restaurant and eight doors would have opened out onto the patio. The new tenant requested seven sets be removed to provide more security. He said he was notified about one week prior to removal and he wanted to keep the doors for future use.

Mr. McAlpin said considering the alternatives he purchased the small storage building and positioned it and was granted a permit provided he would provide information at this meeting. He said the location is in an area that was designed to house the coolers for the restaurant. It's located between the building, retaining walls, and trees. It's hidden behind the trees and is not visible. Mr. McAlpin said it's also obscured from Main Street (photos taken from various locations were shown).

Mr. McAlpin said he is asking for a waiver to allow the shed to remain and store the doors. He said he is more than happy to paint it to match the main building's stonework. He said he just doesn't have another place to store the doors and it makes sense to store them on site as they are so heavy.

Mr. Emmons said it isn't a pleasant looking building and anything that can be done to it would be conducive. He said he just doesn't understand why he needs it for 10 years. Mr. McAlpin said he wasn't aware of the 10 year time limit.

Mr. Prince said he was working with Prime Development prior to Mr. McAlpin purchasing the building and they asked about the temporary building and that's what started this communication chain. He said from Staff's perspective, it isn't about the building; in fact, coolers wouldn't look much better. But with landscaping, it can be screened.

Mr. Prince said he didn't want it to be a precedent for others downtown if they want a shed. It's ok in a rural application, but it has to be in context with downtown. Mr. Prince said the 10 year limit gives the tenant reasonable use of the shed, but his hope is that a change in tenant makes the shed not necessary. He also said the 10 year limit and painting the building was entirely staff recommendations.

Mr. Emmons asked if the whole building would be painted. Mr. Prince said he needs only paint what's visible to get it to blend with the building and he doesn't have a problem with only the front façade being painted.

Mr. McAlpin said he would be willing to paint the front and also the side along the retaining wall.

Mr. Emmons asked if we were setting a precedent for others to come and ask for a shed. Mr. Prince said that's why we have asked for these conditions. If others come along and can obscure it like this; design review allows for conditions and 10 years doesn't allow it to remain in perpetuity.

Mr. Emmons asked if the building was full. Mr. McAlpin said yes, they are glass and are standing up.

Staff Recommendation

Staff recommends approval of Design Review #16-02 subject to the following noted recommendations.

- 1. Painting the exposed building facades a "tan" or "beige" color to match the main building.*
- 2. Limit use of accessory structure to a period of not more than 10 years.*

MOTION: Nick Troiola moved to approve Design Review #16-02. Matt Lentsch seconded; motion carried with a vote of 6-0.

ADJOURNMENT: 7:19 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner