

MARCH 8, 2016

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, March 8, 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, Don McCampbell, Nick Troiola, Victor Kasznia, Jr., and Kathleen White-Gadacz. Absent: Gary West. 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 presented.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #16-07 A petition submitted by Elena M. Smith, sole member of EMS Properties, LLC, requesting to rezone **3236 York Street** from I-2 Heavy Industrial District to R-1 Single Family Residential District.

Elena Smith, 2334 Topswood Lane, South Bend, presented the request. She said she has a sale pending on the house and the buyer has a VA loan and they cannot close until the house has been rezoned.

Mr. Winn closed the Public Hearing on Petition #16-07.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 16-07 to rezone 3236 York Road from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

- 1. There are multiple zonings in the immediate vicinity and most of the structures are residential in use. This property's 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 properties, 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 will allow the property owner to sell the home; and,*
- 5. The City's Comprehensive Plan calls for low density residential.*

MOTION: Kathleen White-Gadacz moved to forward Petition #16-07 to the Common Council with a favorable recommendation. Matt Lentsch seconded; motion carried with a vote of 8-0.

PLAT #16-09

A request submitted by FHS, LLC seeking approval of the one (1) lot Fir Road Meadows subdivision.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioner. He said the property was recently annexed into the City as well as Fir Trail running along the west side and vacated.

Mr. Mosness said this plat combines two parcels that were annexed and establishes utility easements and access.

Mr. Kasznia asked who owns the triangular piece of property to the east. Mr. Mosness said it's a separate owner.

Mr. Winn closed the Public Hearing on Plat #16-09.

Staff Recommendation

The Planning Department recommends approval of the Preliminary and Final Plat for the Fir Road Meadows Subdivision pending final review of the plat by the Engineering Department. A revised plat must be submitted prior to being recorded. This recommendation is based upon the fact that the subdivision meets all of the requirements of Section 133-73 (Preliminary Plat) and Section 133-76 (Final Plat) of the City of Mishawaka Subdivision Control Ordinance.

MOTION: Victor Kasznia moved to approve Plat #16-09. Don McCampbell seconded; motion carried with a vote of 8-0.

SITE PLANS:

SP #16-A

A request submitted by Family Express Corporation seeking approval of the 5,243 sqft Family Express convenience store at the northeast corner of Edison and Hickory Roads.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of Cressy Foundation and Family Express. He said they are requesting final site plan approval for the gas station, convenience store, and car wash at the northwest corner of Hickory and Edison.

Mr. Ballard said Family Express out of Valparaiso has over 30 locations and some also have a car wash. He said the convenience store would be 3,360 sqft, car wash 1,220 sqft, 6 gas pumps and canopy. The car wash is self-operating.

Mr. Ballard said the site plan has met the requirements of the C-10 zoning relative to parking, landscaping, and setbacks. The building is all brick with white columns giving it an upscale look. Mr. Ballard said he thinks the adjacent neighborhoods will be happy with how it looks.

Mr. Ballard said they have submitted a revised site plan and have satisfied comments from Planning and Engineering.

Mr. Ballard said there are five access points to the property. Sanitary sewer connection is approved to the east for future development of that parcel.

Mr. Emmons asked where the car wash would be. Mr. Ballard said it will be located northwest of the primary building and adjacent to the retention pond.

Mr. Portolese asked if the car wash was connected to the building. Mr. Ballard said no.

Mr. Emmons asked if the car wash was moveable or used a wand. Mr. Ballard said it's moveable, you don't get out of the car.

Staff Recommendation

Provided a revised site plan is submitted addressing the Planning, Engineering and Fire Department comments, staff recommends that the request for final site plan for the proposed Family Express convenience store with gas station and car wash (SP 16-A) be approved. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan Approval.

MOTION: Victor Kasznia moved to approve Site Plan #16-A. Nick Troiola seconded; motion carried with a vote of 8-0.

SP #16-B A request submitted by FHS, LLC, seeking approval of the one-story medical office building at 15170 Cleveland Road (recently annexed into the City).

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the petitioner. He said this is phase one of Fir Road Meadows subdivision and an Indiana Spine Clinic doctor wants to relocate here from South Bend.

Mr. Mosness said it will be a single story building with 29 parking spaces and 3 temporary spaces. He said they have worked with Engineering to address their comments.

Mr. Portolese asked how many doctors would be located in the building. Mr. Mosness said just one.

Staff Recommendation

Pending final review and approval by the Engineering Department, staff recommends that the request for final site plan for Fir Road Meadows, Phase I (SP 16-B) be approved. 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 #16-B. Victor Kasznia seconded; motion carried with a vote of 8-0.

ADJOURNMENT: 7:14 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner