

APRIL 12, 2016

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, April 12, 2016, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Gary West, Matt Lentsch, Dale "Woody" Emmons, Ross Portolese, Murray Winn, Don McCampbell, Victor Kasznia, and Kathleen White-Gadacz. Absent: Nick Troiola. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

Mr. Winn explained the Rules of Procedure.

The Minutes of the March 8, 2016, meeting, were approved as presented.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #16-10 A petition submitted by Donald J. and Leslie L. Kelly requesting to vacate a portion of unimproved Ironwood Drive **west of 2807 Lincolnway West.**

Leslie Kelly, 53053 Berwick, South Bend, presented the petition. She said she and her husband own the property at Lincolnway West and Ironwood and own all the lots from Frazier's to this property. This property is land-locked by their other property. Mrs. Kelley said the reason for vacating this right-of-way is so their property can be one whole piece of property and hopefully they can develop it.

Mr. Lentsch asked Mrs. Kelly if they own the property. Mrs. Kelly said yes.

Mr. Lentsch asked if they rent the property. Mrs. Kelly said no, but Frazier's rent the driveway so they can get trucks in and out. There are no improvements on the property.

Mr. Lentsch asked if they had plans for the property. Mrs. Kelly said not at this time. They have had the property for years and it makes it hard to develop if you don't have access to all the pieces.

Mr. Emmons asked if this is where the bowling alley was located. Mrs. Kelly said no, this is across the street and used to be a car lot.

Mr. Winn closed the Public Hearing on Petition #16-10.

Staff Recommendation

Staff recommends in favor of Petition 16-10 to vacate a portion of Ironwood Road running north/south located south of Lincolnway West for approximately 114 feet subject to the retaining wall easement remaining. This recommendation is based on the following findings of fact:

- 1) *The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.*
- 2) *The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.*
- 3) *The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;*
- 4) *The proposed vacation will not hinder the use of any public way, utility or place.*
- 5) *This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.*

MOTION: Kathleen White-Gadacz moved to forward Petition #16-10 to the Common Council with a favorable recommendation. Matt Lentsch seconded; motion carried with a vote of 8-0.

PLAT #16-11 A request submitted by Shannon P. Eversole seeking approval of the two (2) lot Eversole West Street Subdivision.

Mike Rozycki, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioner.

Mr. McCampbell asked if the Petitioners live there. Mr. Rozycki said yes, in the existing house and wants to build a new house on the newly created lot to the south. He said the existing home will be used for family when they come to visit; no intention of renting it.

Opposition

David Bronson, 545 W. 16th Street, said he believes this is the house where they said they would build a 4,800 sqft garage and ended up building a house. Are they splitting the lot in two?

Mr. Kasznia said the property Mr. Bronson was referring to is actually next door and not this property.

Mr. Bronson said in that case, he has no problem with the request.

Mr. Winn closed the Public Hearing on Plat #16-11.

Staff Recommendation

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

MOTION: Ross Portolese moved to approve Plat #16-11. Mr. Kasznia seconded; motion carried with a vote of 8-0.

PETITION #16-12 A petition submitted by KLT Properties, LLC, requesting to amend the Gateway Plaza Planned Unit Development located at the **northwest corner of Bremen Highway and US 20 Bypass**, to allow the parcel to be developed independently from previous PUD that included multiple parcels, and architectural building standards for the self-storage facility shall only apply to the eastern most Building #3.

Tony Zappia, 52582 SR 933 North, South Bend, appeared on behalf of KLT Properties, LLC and Todd Veldman. He said by way of history, in 2006 the 16 acre site located northwest of Bremen Highway and the Bypass, extended north of Elmwood Road was zoned S-2 Planned Unit Development. Mr. Zappia said the property consists of 9 properties with 7 owners.

Mr. Zappia said the original PUD showed commercial outlots along Bremen Highway frontage with strip development to the rear. There was also a self-lock storage facility proposed along the bypass frontage near some high-tension power lines. He said, fast-forward to this evening and they are proposing to amend the PUD only in regards to the self-storage facility which is 8 acres along the bypass.

Mr. Zappia said in 2006 it was hoped all properties would be developed together. Now, 10 years later, none of that has come to fruition. The Veldman family is now pursuing construction of the self-lock storage facility and they're requesting to amend the PUD to allow the facility to be developed independently. Mr. Zappia said nothing is different as it relates to the project from 2006; same location within the PUD.

Mr. Zappia said the Petitioner is also requesting to allow required architectural building materials to apply only to the southeastern part of the property; namely Building #3. In essence, they are requesting two modifications to the PUD; to allow to building the storage facility on 8 acres and modify architectural standards for the buildings.

Mr. Zappia also said by way of history, there are seven owners. He passed out letters from three of the property owners all who are asking for positive recommendation so we may proceed with the project. He said frankly, the market has spoken and 10 years have elapsed and Mr. Veldman has not been able to do anything with his property. Mr. Zappia said the family has a wonderful reputation in the community and they have eight facilities in St. Joseph County. Construction will be perfectly done and they are asking for your approval.

Mr. Zappia said traffic is a non-issue. A project of this size will see 20-27 cars a day or the equivalent of 4-5 houses in a residential facility. An estimated construction cost for the 600 units is approximately \$3.75 million dollars and they want to proceed. He said there are some loose ends that they will tie together and will be addressed in site plan. Mr. Zappia said that Brad Mosness from Abonmarche Consultants is here and can answer any questions.

Mr. Kasznia said one of the issues was the existing access road wasn't large enough. Has anyone addressed that? Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, said he has had several conversations with INDOT LaPorte District, and actually this afternoon they will allow project to utilize Elmwood Avenue and will allow any improvements necessary and they still need to work out the details of the agreement which will grant permission to the developer to improve the road.

Mr. Winn asked if the developer will handle all maintenance of the access road. Mr. Mosness said that's the next step; to determine the details.

Mr. Lentsch said of the email that Ken sent in 2014 and was included in the staff report as reference. He asked if they could answer satisfactorily. Mr. Zappia said some of the issues have been resolved. Mr. Mosness said directional signage was part of the conversation with the State. That's one item along with maintenance, but need to work out an agreement between Veldman's and the State. He said Utilities and the Bishops have agreed to grant and easement for electric and sewer to be extended.

Mr. Emmons asked if some of these unanswered questions will be addressed at site plan. Mr. Mosness said yes, they'll have to resolve them prior to site plan.

Mr. Portolese asked if the property was properly zoned. Mr. Zappia said yes, it's a PUD established in 2006 and this 8 acres along the bypass was proposed for self-lock storage. Nothing has changed except 10 years has passed. They want to spend \$3.6 million plus.

Mr. Lentsch said the obvious question is that 4 of the 7 owners agree; what is not having final 3 owner's approval. Mr. Zappia said it doesn't mean a thing. You have final say to amend the PUD to permit Veldman to build.

Mr. Lentsch asked if the other 3 cause an issue. Mr. Zappia said not from you; they weren't able to reach an agreement with them. The market has told them what to do, nothing has happened and it's time to move the ball forward.

Mr. Emmons asked what was the total acres of the entire PUD and of the people who are for it, how much of the area do they own. Mr. Zappia said more than 65%.

Mr. Prince said the phasing is one part of the PUD that's being amended. He read from the staff report: *Phasing as proposed, all properties would be acquired cleared and developed at one time. If the proposed development is to be phased, a phasing plan must be submitted that includes the signatures/written approval of all property owners within the 16.8 acre site. The intent is to allow property owners a chance to review interim screening buffering and noise issues where single family residences may be remaining on a temporary basis. The first phase of the development must also address the reconfiguration of the intersection of Meijer Drive and the closure of Elmwood Avenue as may be directed by the City Department of Engineering.*

Mr. Prince said the other part is closure of Elmwood and that plays into what you are asking for. If Elmwood is closed and the access drive left off and all access is removed from Bremen Highway to Veldman's property. He said that isn't an appropriate thing for final site plan as final site plan only determines if it complies. Mr. Prince said at a minimum, it needs to be worked out before Council. Mr. Zappia said he'll do what he can to get worked out before Council.

Mr. Emmons said he's confused about what Ken is asking and what Mr. Zappia has said. Mr. Prince said he concurs with 90% of what Mr. Zappia is saying, but it's the 10% that has to be resolved before site plan and they need to know how it will go together. Mr. Prince said they have no problem with the use, and in theory they have no problem with the storage facility building built first, but they need to show how it will be developed and the connectivity to Meijer. Will they pay any part of that and can that be developed independently?

Mr. Emmons said he's hearing 2 things; Mr. Prince saying it should be worked out before Plan Commission votes. Mr. Prince said Plan Commission should advise the Council and it shouldn't be forwarded to the Council without a recommendation. If they want to move

forward; then he recommends the Commission vote denial. Mr. Prince said we don't have the answers to make a recommendation either yay or nay, so it should be nay.

Mr. Zappia said he and Mr. Prince agreed on 90% and his opinion is they will address the items at final site plan. Mr. Zappia said they waited a month to hear from Jessica Clark. There has to be a dialog before now and Council. In order to bring this project to fruition they have "I's" to dot and "t's" to cross. Mr. Prince said you won't see a site plan if we don't answer questions.

Mr. Emmons asked Mr. Prince if you would continue to next month. Mr. Prince said they could continue, but they would probably be in the same position as they are now. We would rather have a positive recommendation from this body and they have laid out a positive scenario for development of the property. He said they've had positive comments from INDOT and sometimes they take a while.

Mr. Kasznia asked where the intersection lines up. Mr. Prince said it almost consumes one property and impacts 2.

Mr. Lentsch asked Mr. Prince if the properties in question are owned by the folks who have signed off on the development. Mr. Mosness said Veldman doesn't control those properties and is open to having a connection to the signal if provided.

Mr. Prince said in our mind, to do our job, we need to know how the future development will be tied to this property. We need to tie certain improvements to that property.

Mr. Winn said it sounds like they are willing to have access, but not willing to pay for the access. Mr. Prince said the fundamental fairness question is should the other owners pay for Mr. Veldman's access. He also said they have no direction as to the development of Elmwood. Some neighbors wanted it terminated and the County wanted developed.

Mr. Emmons asked who will pay. Mr. Zappia said they will deal in good faith with any of the property owners to make it a better project. Can we force them to buy a certain portion of their property? It takes 2 people to reach an agreement. He said others can hold the project hostage.

Mr. McCampbell said if Veldman was to spend \$3.8 million on the project and Elmwood is closed, they have nothing except buildings on 8 acres they can't get anyone to. Mr. Zappia said no, we would have access from the State. Mr. West said that's outside of the City limits and the County has concerns and going ahead would be premature.

Mr. West said you can build a \$500,000 road, but it isn't in the City and he said he didn't know if it was a contiguous right-of-way. That road isn't in the City. Mr. West said you also have to deal with the County as they have a big stake in it and he's had discussions off and on for 10 years.

Mr. McCampbell said he wouldn't be able to make a positive recommendation due to so many questions.

Opposition

Doug Grall, 16191 Elmwood Avenue, said this has been going on for 10 years and every time it comes up, it isn't with the storage units; it's the access. He doesn't have a drawing and doesn't have what was passed out. He said the access road is in the county by about 16'. If you take that road north, you run into a residential property. What was approved

was a fence to separate residential from commercial. The cul-de-sac would end just to the east of the state access road. Mr. Grall said the County didn't want to terminate and the residents would have preferred it.

Mr. Grall said the other issue was to protect the property owners who still live there. The people who approved it are the ones who own vacant land. He said there are 3 people still living on that property who are long-time residents and this PUD was supposed to protect them. This came up 2 years ago as well. Mr. Grall said he thinks Veldman purchased the property after the PUD was approved and that's possibly why the land was so cheap.

Mr. Grall said what he's hearing is they have an agreement and Veldman doesn't want to follow it. They all worked with the City 10 years ago. Just because 10 years goes by doesn't mean the agreement shouldn't be followed. How do they think they'll do anything in good faith?

Mr. Grall also said he spoke with the County and they would not approve it because they don't have 200' of frontage. He also spoke with the State and it's a right-of-way only and the State can't give it to anyone or give permission to improve it. He said he agrees with Mr. Prince. These same issues were here 2 years ago and here we are again and the access issues haven't been addressed or worked out. Now they're asking to approve without working them out and we don't know what we're going to get.

Mr. Grall said what they present before was signage about residential neighborhoods. It doesn't matter how much signage you put up, traffic is going to go where it's going to go. That's what's going to happen. The Plan Commission did a good job approving it as the way it was.

Mr. Grall asked how it would look from the bypass. You'll see RV's, cars and broken down boats and they're asking to approve something and they don't know what they'll get. Mr. Grall said he only issue he sees being resolved is hook up to City sewer. It's still set up to access at Meijer stop light. To say they've talked to the County; he's talked to the County and the State and they don't want to deal with it. They don't have anything from County or State. Mr. Grall said there are property owners who still live there and they're stuck. They can't sell; it's their life savings and they are stuck... it has no value.

Mr. Grall said the PUD said all owners have to agree, but all owners haven't been contacted and he asks that you don't make a recommendation until all questions are answered.

Phil Pynaert, 215 E. Elmwood Avenue, said he's within the PUD. He said it was his understanding, as the PUD was explained to him, that nothing could be done unless all agreed to it in terms of purchasing and he understood everything else. Mr. Veldman bought the property and he knew it was in the PUD. Mr. Pynaert said it isn't right what they are doing. That road is the State's; he thinks if the City has it and someone said they would keep it up. The City wouldn't say they wanted to do that and the State hasn't done anything to that road since it was put in. Mr. Pynaert said he hasn't seen a snowplow and there are holes in the road from washout. The State doesn't care. If someone else takes it, go for it.

Mr. Pynaert said as for this, he's totally opposed and the rest of them area. The ones that say they are for it want to sell the property any way they can. He said those who live there and have houses and that makes a big difference.

Mr. Pynaert said he's asking the Plan Commission to give time and thoughtfulness about what is being asked.

Dan Delgado, 16251 Elmwood Avenue, said he was also a Civil Engineer employed by Lawson-Fisher Associates. He said he has also been in contact with County Engineer. He said initially this came up in 2014 and he contacted Jessica Clark about it then. In an email from November 12, she said the County had input during the original PUD. At that time they were requesting access and they were given a list of requirements and it was not pursued further. The County does not approve of giving access.

Mr. Delgado said he emailed Jessica Clark yesterday and asked if the list of requirements had been provided. She said the County's stance remained unchanged. Mr. Delgado said he lives on the property and the traffic would definitely go west. It's a county road and in bad condition. He also said there's potential for large moving vehicles that would further tear up the road.

Frank Unruh, 3717 Bremen Highway, Mishawaka, said he owns the property next to where they want to develop. He said 10 years ago the City put sewer out there and he has a lien against his property due to the contractor skipping town.

Mr. Unruh said when Mr. Veldman wanted the neighbors to pay 25% of the costs for infrastructure they said no. He wants to know, from the City's standpoint, would they put sewer and water back there and would he be stuck with another bill he can't afford. He can't sell the property without paying the lien, and he can't sell because the City isn't ready to develop. Mr. Unruh said he's sitting on property he's worked 40 years to pay for and can't do anything with it. He said he's had 4 break-ins since he's been there and he's concerned with the self-lock storage units going in, he has no assurances who will be coming and going 24 hours a day.

Rick Finney, 16150 Elmwood Avenue, said the street that would be used to access the self-lock storage units you can't get 2 cars down it as it is now. It's supposed to be 24' wide and it isn't that wide now. He said there are 3 or 4 families with kids in the neighborhood and one with a deaf child who moved in because the area was quiet. He wants to know what's going to happen.

Mr. Finney said he doesn't have a problem with the storage units as it was planned when he bought the house, but the access doesn't need to come off of Elmwood, but Bremen Highway.

John Fralish, 59590 Ireland Trail, said he is opposed to this. He said he agrees with everything the first gentleman said as well as Mr. Delgado from Lawson-Fisher. He said they want to approve this without resolving any of the issues.

Rebuttal

The Petitioners offered no rebuttal.

Mr. Winn closed the Public Hearing on Petition #16-12.

Staff Recommendation

Staff recommends continuance of Petition #16-12 to amend the Bremen Hwy/Gateway Plaza PUD. The following is an email from the Planning Department to the petitioner that outlines the City's concerns, questions, and reasons for this continuance request:

PETITION #16-13 A petition submitted by John Ward requesting to amend the Fiera Vista Villas Planned Unit Development to amend various developmental requirements for setbacks and lot area.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioner. He said previously this project was before the Commission as a commercial project and now have decided to go with residential duplexes.

Mr. Lang said there would be 10 buildings on the site with service to city sewer and water. He also said it would be a private street. He also said he has or will be addressing Engineering and Planning comments.

Mr. Lang said it seems like they are asking for a lot of variances, but it's for frontage, setbacks, and site conditions and an appropriate sized back yard.

Mr. Lentsch asked if they had any problems with the recommendations and requests for changes. Mr. Lang said no.

Opposition

Todd Fernwalt, 57146 Guernsey Avenue, Osceola, said he has lived there since 2010. He said he just wanted to make a few comments regarding Cedar Road. He said it's a small road and not wide and would hope someone would look into that. It's hard to pass a car and it's in rough shape. He said he was wondering if there should be a traffic light on Lincolnway.

Mr. Fernwalt said he went around the neighborhood and there are a number of people who are opposed to this. He said the two major homeowners who own lots behind this property are out of town and the others right behind and don't want it. They have eight grandchildren and moved to the neighborhood and they'll be going down the side roads. He said his granddaughter almost got hit on Cedar Road and it needs to be repaired or widened. He said he has seen many traffic accidents in front of Casey's and there needs to be a traffic light there.

Victor Prescott appeared on behalf of Cynthia Bennett, 11908 Franklin Street, said someone dug a large hole on the property. Is it going to be a septic tank and will there be enough property for all those septic tanks?

Trevor Stone owns the car wash behind Casey's and he said he would personally like to see something go in rather than the empty lot, but agrees Cedar Road is very narrow. He said as a business owner he would like to see the road widened; but needs to look at it from two angles. He said he isn't for or against, but wants to see what the City has planned.

Matt Swihart, 57093 Guernsey Avenue, Osceola, said he's right behind the hole dug on the property. He said it seems like Mr. Ward has no idea what he wants to do. He removed all the trees and dug a big hole.

Mr. Swihart asked if they will be rentals, owned individually, and what is the plan for trash? Dumpster, up to individuals? Will they be on City water and how long before they'll be required to connect?

Mr. Swihart said Cedar Road is very narrow and is garbage with lots of holes that drop off into the grass and into yards.

Rebuttal

Mr. Lang said regarding Cedar Road, they have 180' of frontage and will dedicate an additional 40' for improvements. They will put in an entrance road and appropriate drainage.

Mr. Lang said the hole on the property is where the retention area will be located. Mr. Ward had need for dirt at another site and used this instead of buying dirt.

Mr. Lang said the homes will be individually owned; similar to Blair Hills.

Mr. Lang said regarding trash, it's in the City and the City will pick up. The homes will also have city sewer and water and have provided easements for it. They are not proposing to do anything to anyone's well or septic. There will be no changes to traffic on Guernsey or any road to the north. Mr. Lang said the perimeter will be fenced for the privacy of the residents who purchase the homes.

Mr. Lang said the concerns about the change from commercial to residential were addressed at a meeting at the library and two residents showed up and now that it's going residential a lot of folks have shown up. He said this is a lower impact project.

Mr. Lang also said traffic will go where traffic will go. He said the changes from commercial to residential is a good development plan and hopes the neighbors will be happier with this plan.

Mr. Emmons said he attended the meeting. He said he's concerned with Cedar Road and is there a timeframe as to when development takes place and when the road will be expanded to alleviate congestion. Mr. Lang said construction plans will be submitted to Engineering soon and construction should start soon to take advantage of the good housing market.

Mr. Portolese asked if this property is in the City. Mr. Lang said yes, it was annexed about a year ago.

Mr. Winn closed the Public Hearing on Petition #16-13.

Mrs. Gadacz said she's been a realtor for 21 years and she doesn't think it will harm the neighborhood, but in fact should improve it. She said the construction process may be frustrating for the neighbors, but when it's done they should be happy with it.

Staff Recommendation

*Staff recommends **approval** of Petition #16-13 to amend the Fiera Vista Villas PUD to change the development standards for the proposed two-family residential (duplex) development with the following PUD development standards/conditions:*

Uses:

1. *Uses shall be limited to two-family residential (duplexes) as identified in the petition for rezoning.*

Setbacks:

A minimum 22' front yard setback for Lots 1 through 7, 9 through 16, and 18 through 20.

1. *A minimum 18' front yard setback for Lot 8.*
2. *A minimum 14' front yard setback for Lot 17.*
3. *A minimum 15' rear yard setback for Lots 9, 10, and 13 through 16.*

4. A minimum 0' side yard setback for all lots.

Lot Area:

1. A minimum of lot area of 3,695 sq. ft.

Lot Frontage:

1. A minimum front lot width of 22.2' as measured at the ingress/egress easement (private road).

Sanitary Sewer:

1. The developer shall connect to City of Mishawaka sanitary sewer as directed by applicable codes and the City Director of Engineering. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.

Right-of-Way Dedication / Private Access Drive:

1. A 40' half right-of-way must be dedicated from the centerline of Cedar Road.
2. The private access drive (cul-de-sac) shall be designed as directed by applicable codes and the City Director of Engineering.

Parking:

1. Each driveway shall be a minimum of 22' in length from the edge of pavement to the façade of each garage.

Stormwater Management Infrastructure:

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

Pedestrian Access/Circulation

1. A sidewalk shall be installed along the east side of Cedar Road within the dedicated right-of-way to provide a pedestrian connection from the development extending southerly to the gas station/convenience store at the northeast corner of Cedar Road and Lincolnway East.

Other:

1. All other developmental standards not identified shall comply with the R-2 Two-Family Residential standards.

This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.
2. Character of Buildings – The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).
3. The most desirable/highest and best use – Because of the parcel's proximity to both single-family residential uses to the north and east and commercial and office uses to the south and west, the most desirable use for the property is a higher density residential use. Such a use will act as a buffer between the adjacent commercial/office and residential uses.
4. Conservation of property values - The proposed amendment to change the PUD development standards will not be injurious to property values in the surrounding area as a majority of the variances are internal to the development. Furthermore, a

7' high opaque privacy fence will be constructed along perimeter of development, except for along Cedar Road, providing a visual barrier from the adjacent properties.

5. *Comprehensive Plan - This specific property was not identified in the City of Mishawaka Comprehensive Plan as it was recently annexed. However, the PUD amendment and proposed land use is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan.*

MOTION: Matt Lentsch moved to forward Petition #16-13 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 7-1 (*Portolese*).

PLAT #16-14 A request submitted by John Ward requesting approval of the twenty (20) lot Fiera Vista Villas Planned Unit Development.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, presented the request. He said this is the final plat for approval of the previous item.

Mr. Lang said the plat accommodates all easements that Engineering and Planning have asked for.

Mr. West asked if they added the requested easement on Lot 1. Mr. Lang said yes, it's there.

Mr. West also asked if there was an easement to the south for the forcemain? Mr. Lang said yes.

Mr. Winn closed the Public Hearing on Plat #16-14.

Staff Recommendation

The Planning Department recommends approval of the Preliminary and Final Plat for the Fiera Vista Villas P.U.D pending revisions to the plat as requested 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: Mr. Portolese moved to approve Plat #16-14. Mr. McCampbell seconded; motion carried with a vote of 8-0.

REPLAT #16-15 A request submitted by BJ Hospitality LLC requesting approval of the one (1) lot Candlewood Suites Replat.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, presented the request. He said BJ Hospitality acquired 1.5 acres and found a need for additional parking and will be submitting a plan to add 100 parking spaces.

Mr. Lang said originally there was concern about there being enough parking spaces and they are now taking advantage of the additional land. The final site plan will be submitted and will address landscaping, drainage, etc.

Mr. Winn closed the Public Hearing on Replat #16-15.

Staff Recommendation

The Planning Department recommends approval of the Preliminary and Final Replat for the Candlewood Suites Replat pending minor revisions to the plat. A signed plat must be submitted prior to being recorded. This recommendation is based on the fact that the Replat meets all the requirements of Section 133-107 (Preliminary Replat) and Section 133-110 (Final Replat).

MOTION: Dale "Woody" Emmons moved to approve Replat #16-15. Kathleen White-Gadacz seconded; motion carried with a vote of 8-0.

**DESIGN REVIEW:
DR #16-03**

A request submitted by Cee Properties LLC requesting a waiver from the Mishawaka Design Review Ordinance Sections 105-170 Exterior Signage Colors and 105-176 Signage Clutter for **517 Lincolnway East**.

Jeff Trenergy, US Signcrafters, 216 Lincolnway East, Osceola, appeared on behalf of CEE Properties, LLC. He said the practice is requesting to install a new sign but need a waiver due to color and clutter.

Mr. Trenergy said the clutter, or too many characters, is due to the listing of doctor’s names, and that is appropriate for this sign.

Mr. Trenergy also said the colors of the sign will complement the building. He also asked if at this time they could install the sign without the brick base, but with a white aluminum base, and agree to add the brick base within a year when they remodel the exterior of the building. Mr. Prince said he wouldn’t waste the money on a false aluminum base. He said the permit is good for a year, why not wait and install the brick base at that time.

Mr. Prince also indicated the area where the sign is to be installed doesn’t look like it would accommodate a larger sign. Mr. Trenergy said they were going to remove the brick walk and have a larger area for the sign.

Mr. Prince also indicated the sign needed to be located at least 2’ back from the sidewalk. Mr. Trenergy said they could accommodate that.

Mr. Winn closed the Public Hearing on Design Review #16-03.

Staff Recommendation

The Planning Staff recommends approval of Design Review Waiver 16-03 to permit the installation of a new sign to be installed at 517 Lincolnway East. It should be noted that the sign needs to be located at least 2’ back from the inside edge of the sidewalk so as not to impede pedestrians and cyclists on the sidewalk. This measurement would be from the leading edge of the "eyebrow" element of the sign. The Petitioners have indicated the brick sidewalk will be removed to accommodate the sign and the area will have new landscaping.

MOTION: Matt Lentsch moved to approve Design Review #16-03. Victor Kasznia seconded; motion carried with a vote of 8-0.

SITE PLAN:

SP #16-C

A request submitted by Family Express Corporation seeking approval of the Family Express convenience store/gas station at the northwest corner of Douglas and Fir Roads.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, presented the site plan. He said they were here last month to get approval of Family Express' first project to be located at Hickory and Edison. He said this site is similar relative to architectural style, sqft, pumps, and will match those features

Mr. Ballard said they have submitted site plans and construction plans and have addressed all comments. There is one remaining outstanding item regarding the tanks and Engineering wants to see how large they are.

Mr. Winn asked if this site would have a car wash. Mr. Ballard said no.

Staff Recommendation

Provided a revised site plan is submitted addressing the Planning, Fire and Engineering Departments comments, staff recommends that the request for final site plan for the proposed Family Express convenience store with gas station (SP 16-C) 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: Ross Portolese moved to approve Site Plan #16-C. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

ADJOURNMENT: 8:37 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner