

JUNE 14, 2016

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, June 14, 2016, 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, Don McCampbell, Nick Troiola, Victor Kasznia, and Kathleen White Gadacz. Absent: Matt Lentsch.

Mr. Winn explained the Rules of Procedure.

The Minutes of the May 10, 2016, meeting, were approved as presented.

Conflict of Interest was not declared.

PUBLIC HEARING:

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. *Continued from the May 10, 2016, meeting. Petitioner is requesting withdrawal.*

Mr. Winn said a request had been received from the Petitioner requesting withdrawal. Mr. West moved to approve withdrawal. Mr. McCampbell seconded; motion carried.

PETITION #16-19 A petition submitted by Lisa Reynolds requesting to rezone **2111 East LaSalle Avenue** from I-2 Heavy Industrial District to R-1 Single Family Residential District.

Lisa Reynolds, 52200 Evergreen Road, Granger, said she has sold the property and because of its industrial zoning, they can't close on the property.

Mr. Winn closed the Public Hearing on Petition #16-19.

Staff Recommendation

The Planning Department recommends **approval** of Petition 16-19 to rezone 2111 E. LaSalle Avenue 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 industrial uses south of the property, but the neighborhood surrounding the property to the north, west, and east 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 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 uses, 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,*
5. *The City's Comprehensive Plan calls for industrial use, however, 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 #16-19 to the Common Council with a favorable recommendation. Gary West seconded; motion carried with a vote of 8-0.

PETITION #16-20 A petition submitted by William and Deborah Russo requesting to rezone the **vacant lot south of 3303 Lincolnway East** from R-1 Single Family Residential District to C-7 Automobile Oriented Restaurant Commercial District.

William Russo, Dairy Queen, 3303 Lincolnway East, said they would like to rezone the lot behind the Dairy Queen. He said they will tear down the existing building and rebuild. Mr. Russo said they have owned the business for 18 years and will also be adding an Orange Julius which will need a bigger building and more parking.

Mr. Russo said the new building will improve and add value to the neighborhood and look very nice.

Mr. Portolese asked if the lot had a different address. Mr. Russo said he thinks it comes under Lincolnway but it does face Lawndale.

Mr. Kasznia asked if there would be any other screening besides the fence. Mr. Russo said he will put up whatever is required. Mr. Prince said a 7' fence is required.

Opposition

Sheryl Harper, 122 Lawndale, said she lives directly behind the Dairy Queen. She said she's concerned about how close parking will come to her property.

Mr. Russo said parking will go mostly east. Some will go south to meet the parking requirements.

Ms. Harper asked if a fence will be between the properties. Mr. Russo said yes.

Ms. Harper asked if the new building will make her taxes go up. Mr. Prince said that would be a question for the Assessor. He said usually your improvements affect your values, not necessarily other properties.

Mr. Winn closed the Public Hearing on Petition #16-20.

Staff Recommendation

*Staff recommends **in favor** of Petition 16-20 to rezone property located south of 3303 Lincoln Way East from the R-1 Single Family Residential District to the C-7 Automobile Oriented Restaurant Commercial District to allow for the expansion and rebuilding of the adjacent drive-thru restaurant. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions – The property to be rezoned is an undeveloped residentially zoned lot located immediately south of a drive thru restaurant within the Lincoln Way East mixed-used/commercial corridor. Adjacent and nearby properties along Lincoln Way East are zoned and/or used for single-family residential, multi-family residential, drive thru restaurant, used automobile sales/service, and general commercial purposes.*
- 2. Character of Buildings in Area – The character of the adjacent buildings varies greatly including single-family residential homes, a drive thru restaurant, and a used automobile sales/service business.*
- 3. The most desirable/highest and best use – Due to the property’s close proximity to Lincoln Way East, which is primarily a commercial corridor with limited single-family uses, the most desirable use for the property is the expansion of the adjacent commercial (restaurant) use. The rezoning will allow for the expansion and rebuilding of the adjacent drive thru restaurant.*
- 4. Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area with the proper landscaping and screen to buffer the adjacent residential properties to the south. All proposed site improvements, including the new building, parking lot, landscaping, and fencing (screening) will further conserve, or potentially increase, the adjacent property values.*
- 5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, approved in 1990, guided general commercial uses along this portion of the Lincoln Way East corridor.*

MOTION: Ross Portolese moved to forward Petition #16-20 to the Common Council with a favorable recommendation. Victor Kasznia seconded; motion carried with a vote of 8-0.

REPLAT #16-21 A request submitted by Zachary A. and Christine M. Coudret seeking approval of the one (1) lot Coudret Replat.

Ed Fisher, Fisher Land Surveying Services, 303 E. Third Street, Mishawaka, appeared on behalf of the petitioners. He said they have purchased the most northerly of the three lots and have torn down the house. Mr. Fisher said their immediate plans were to expand the yard and may add a garage in the future.

Mr. Kasznia asked if there was a garage on the property now. Mr. Fisher said no.

Mr. Winn closed the Public Hearing on Replat #16-21.

Staff Recommendation

*The Planning Department recommends **approval** of the Replat #16-21. 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: Victor Kasznia moved to approve Replat #16-21. Nick Troiola seconded; motion carried with a vote of 8-0.

DESIGN REVIEW:

DR #16-05

A request submitted by Mishawaka Food Pantry requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-175 Signage Quantity and Section 105-176 Signage Clutter for **315 Lincolnway West.**

Ken Prince, City Planner, appeared as a member of the Mishawaka Food Pantry to present their request for a sign waiver. He said the signs have actually been installed and have been working thru various steps for the past 6 months as to what the cost would be, who would pay, etc. He said about a month ago, Fast Signs agreed to donate the signs and the Salvation Army agreed to go into the Pantry.

Mr. Prince said the Salvation Army is a tenant in the building and the signs do not meet the Design Review Ordinance and Mike Hayes submitted a letter stating if the signs were not approved, they would modify as necessary.

Mr. Prince said he gave direction as to the size of the signs and are generally compliant to design review, but together all signs did not meet the ordinance.

Mr. Emmons asked if that’s how they will remain. Mr. Prince said yes, but he recommended individual letters but that is \$5,000 and it’s hard to take that amount of money away from feeding people. When Fast Signs agreed to donate the signs, they agreed to go with it. Mr. Prince said they’ll probably get 5 years out of them and they shouldn’t fade over time.

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

Staff Recommendation

The Plan Staff recommends approval of Design Review Waiver #16-05 for the Mishawaka Food Pantry located at 315 Lincolnway West to install a total of 3 signs as requested.

MOTION: Kathleen White Gadacz moved to approve Design Review #16-05. Dale “Woody” Emmons seconded; motion carried with a vote of 8-0.

SITE PLAN:

SP #16-E

A request submitted by North Grape Road, LLC seeking approval of a 5,600 sqft Longhorn Steakhouse to be located at 6402 Grape Road (former Famous Dave’s parcel).

Jack DeGagne, 130 Hercules Court, Ocoee, FL, appeared on behalf of Longhorn Steakhouse. He said Longhorn plans to demolish the old Famous Dave’s and build a new restaurant. He said he has been working with staff to address all comments and also said staff has been great to work with.

Mr. DeGagne said the new restaurant will be 5,600 sqft with stone and stucco and will be built in almost the exact same spot. They will enhance the landscaping around the building and the dumpster area will be tied into the building using the same materials.

Mr. Emmons asked when they would demolish the building. Mr. DeGagne said they have an estimated construction start date of August 22 and the standard process for building and opening is approximately six months.

Mr. Emmons asked if they would start building right after demolishing the building. Mr. DeGagne said he isn't sure of the exact timing, but the plan of action is to demo and start construction immediately after.

Staff Recommendation

*Provided revised plans and building elevations are submitted for recording, staff recommends that the request for final site plan for the proposed 5,600 sq. ft. casual dining restaurant (SP 16-E) 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-E. Victor Kasznia seconded; motion carried with a vote of 8-0.

ADJOURNMENT: 7:22 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner