

**JULY 12, 2016**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, July 12, 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, Murray Winn, Don McCampbell, Nick Troiola, Victor Kasznia, Kathleen White-Gadacz. Absent: Gary West and Ross Portolese. 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 June 14, 2016, meeting, were approved as presented.

---

Conflict of Interest was not declared.

---

**PUBLIC HEARING:  
DR #16-06**

A request submitted by Mishawaka Education Foundation seeking a waiver from the Mishawaka City Design Review Ordinance Section 105-169 Exterior Signage Materials, Section 105-171 Signage Form, and Section 105-176 Signage Clutter to permit one (1) 3' X 6' temporary banner to be placed at Kate's Garden (1122 Lincolnway West) and Central Park (235 East Mishawaka Avenue) through August 31, 2016.

Jane Wright, Mishawaka Education Foundation Director, 1402 S. Main Street, Mishawaka, said in partnership with City of Mishawaka, they are looking for ways to get Mishawaka Healthy.

Ms. Wright said Mayor Wood has given them his blessing and he wants the City to be part of it. She said the Foundation got involved because of a 5K coming up which is a culmination of the "I Love to Exercise" program, which is modeled after "I Love to Read" that's in the schools.

Ms. Wright said they put the signs up to get people to exercise in Mishawaka parks and the whole emphasis is to have the parks busy, busy, busy.

Mr. Lentsch asked if the signs were already up. Ms. Wright said yes. She was told by Staff she would need to ask for the waiver as the program started June 1 and they would take them down if not approved.

Mr. Lentsch asked how long they would be up. Ms. Wright said the program culminates on August 31.

Mr. Lentsch asked if they were going to put up more signs. Ms. Wright said no.

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

**Staff Recommendation**

*The Plan Staff recommends approval of the requested waivers included in Design Review #16-06 place temporary 6' x 3' banner signs for the "I Love to Exercise in Mishawaka" campaign in Central Park and Kate's Garden until August 31, 2016.*

**MOTION:** Matt Lentsch moved to approve Design Review #16-06. Dale "Woody" Emmons seconded; motion carried with a vote of 7-0.

---

**DR #16-07** A request submitted by Barak River Rock LLC requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-170 Exterior Signage Colors, Section 105-171 Signage Form, and Section 105-174 Signage Size Limitations, and Section 105-176 Signage Clutter to permit a 10' X 25' temporary banner to be installed on the building at 116 West Mishawaka Avenue thru December 31, 2016.

Scott Sivan, Barak River Rock, 300 S. St. Louis Blvd., South Bend, appearing on behalf of Samantha Stackowicz who is running late.

Mr. Lentsch asked if the sign was already up. Mr. Sivan said yes.

Mr. Lentsch asked what the plan was for the sign; how long will it be up? Mr. Sivan said units are leasing quickly and hopefully can remove it by the end of the summer. Mr. Prince said they have asked that the banner remain thru the end of the year.

Mr. Sivan said he isn't a big fan of the sign, but they do get people who drive by and call. When they get to the point of being nearly fully leased, they'll take it down.

Mr. Lentsch asked if there were plans for permanent signs. Mr. Sivan said they've received approval for two signs to identify the entrances.

Mr. Emmons said he takes it that the property manager didn't contact Planning about the banner prior to putting it up given all the issues with it. Mr. Sivan said he didn't think so. He said he thought it would be ok as long as they asked for permission afterwards.

Mr. Emmons said he has a problem with it because they didn't abide by the Ordinance.

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

Mr. Lentsch said he plans to support the sign but wants to make a recommendation that if it's damaged, it be removed right away.

Mr. Lentsch said he wants to see plans for permanent signs. Mr. Prince said plans have been approved for the building. He said they have the ability to put real estate signs in the windows. He also said he thinks the sign will go away and it's appropriate to go thru this process. Mr. Prince said that they had some push-in ground type of signs and they removed them right away when told they were not allowed.

**Staff Recommendation**

*Staff recommends approval of Design Review Waiver #16-07 to permit River Rock Apartments to display the 10' X 25' temporary banner thru December 31, 2016.*

**MOTION:** Nick Troiola moved to approve Design Review #16-07. Don McCampbell seconded; motion carried with a vote of 6-1 (*Emmons*).

---

**SITE PLAN:**

**SP #16-F**

A request submitted by William and Deborah Russo seeking approval of a 1,886 sqft Dairy Queen to be located at 3303 Lincolnway East.

William Russo, owner of Dairy Queen, 3303 Lincolnway East, said they are currently in the building that was built in 1970 and it's in need of improvements and repair. They have decided to rebuild in the same location. He said they've been there 18 years and want to stay in the Twin Branch area.

Mr. Russo said the new building will give them more room to take care of customers and will have ADA restrooms and parking which they don't have now.

Mr. Lentsch asked about the timeframe. Mr. Russo said they hope to start in September and should take about 90 days.

Mr. Lentsch asked if they would be open by spring. Mr. Russo said no, hopefully by November or December.

Mr. Emmons asked about seating. Mr. Russo said they are going from 27 seats to 47 inside and will also add 12-16 seats outside on the patio; also something they don't currently have.

Mr. Winn said looking at the site plan will the parking that's east of the drive thru be employee parking. Mr. Russo said most employees may park there, but customers will also park there. Mr. Prince said parking is dictated by the limited area. He said that the Board of Zoning Appeals approved parking variances earlier this evening.

**Staff Recommendation**

*Provided a revised site plan is submitted addressing Planning and Engineering comments above, and any utility comments, staff recommends that the request for final site plan for the proposed restaurant (SP 16-F) 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-F. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

---

**NEW BUSINESS:**

Vic Kasznia said he has taken a job with Code Enforcement Department and this will be his last meeting. He said it has been a pleasure to serve on the Commission.

---

**ADJOURNMENT:** 7:18 p.m.

---

Kenneth B. Prince, City Planner

---

Kari Myers, Administrative Planner