

AUGUST 9, 2016

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, August 9, 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, Nick Troiola, Dale Freeman, and Kathleen White Gadacz. 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 July 12, 2016, meeting, were approved as presented.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #16-22 A petition submitted by Michael Niedbalski requesting to annex and zone property at **1732 East McKinley Avenue** to C-4 Automobile Oriented Commercial District.

Michael Niedbalski, 1732 E. McKinley Avenue, said he wants to annex the back half of his property. He said the front half is located in the city and he wants to change the zoning to C-4 to match the properties on either side.

Mr. Niedbalski said they are an IDEM Certified clean yard and it's important to have in the city and they want to continue the auto salvage business as they have for 38 plus years.

Mr. Emmons asked if they would use the back along with the front portion of the property. Mr. Niedbalski said they will use the entire area like they have been. The rezoning will bring the site into state compliance. He said they won't be doing anything different, but continue as they have been.

Mr. Emmons asked if they would be putting up fencing or any barriers. Mr. Niedbalski said the entire property is fenced in.

Mr. Winn said you can't see what's going on inside. Mr. Niedbalski said that's correct. Solid fence panels across the front and they've added some arbor vitae to soften it up a bit.

Mr. Winn closed the public hearing on Petition #16-22.

Staff Recommendation

Staff recommends in favor of Petition #16-22 to annex 0.62 acres and rezone approximately 1.58 acres located at 1718 and 1732 E McKinley Highway, into the City of Mishawaka with a zoning of C-4 Automobile Oriented Commercial. This recommendation is based on the following findings of fact:

1. *Existing Conditions- The property has been used in this fashion for almost 40 years, but in two different jurisdictions.*
2. *Character of Buildings – The character of the buildings along McKinley Highway is commercial, a number of them automobile oriented.*
3. *The most desirable/highest and best use – Because of the parcels’ location along the corridor and the property’s historical use, the most desirable use for the property is automobile oriented commercial.*
4. *Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because commercial uses already exist along the McKinley Highway corridor, in close proximity to annexation area.*
5. *Comprehensive Plan- The Mishawaka 2000 Comprehensive Plan identified the McKinley Highway corridor as general commercial. The petition to annex and zone to C-4 Automobile Oriented Commercial is consistent with the Comprehensive Plan.*

MOTION: Nick Troiola moved to forward Petition #16-22 to the Common Council with a favorable recommendation. Matt Lentsch seconded; motion carried with a vote of 9-0.

PETITION #16-23 A petition submitted by Lila M. Filippone requesting to rezone **1613 Milburn Boulevard** from R-1 Single Family Residential District to C-1 General Commercial District.

Lila Filippone, 1526 S. Main Street, Mishawaka, said she wants to rezone the property from R-1 to C-1 to make it a parking lot in the future. She said she has a drawing showing it could have 8 spaces.

Mr. Emmons asked if you enter the parking lot from behind. Mrs. Filippone said yes, and will exit onto Milburn which will have a curb cut.

Mr. Emmons asked if you could enter from Milburn. Mrs. Filippone said no, exit only.

Mr. Lentsch asked Mrs. Filippone if she had recently purchased the property. She said yes, in March, and will have the house demolished soon.

Mr. Lentsch asked if the house was decrepit. Mrs. Filippone said yes, it was in bad shape.

Mr. Prince read a letter of remonstrance from Rich Salvagni, 1605 Milburn Boulevard.

Mr. Lentsch said given it’s situated right next to Pone Express and the house is in poor shape, it’s a good use for the land and not a deterrent to property values.

Richard Filippone, Mrs. Filippone’s son, said there’s actually a day care across the street. He said they are always watching out for the kids. Mr. Filippone said they’ve had kids come in; they are a safe place for them.

Mr. Filippone said the house is falling apart; it has black mold and would take a lot to repair.

Mr. Winn closed the public hearing on Petition #16-23.

Staff Recommendation

Staff recommends in favor of Petition 16-23 to rezone approximately 0.11 acres of land located at 1613 Milburn Boulevard from the R-1 Single Family Residential District to the C-1 General Commercial District. This recommendation is based on the following findings of fact:

- 1. Existing Conditions – The subject property includes an unoccupied single-family home and detached garage that has recently fallen into disrepair. Properties along this portion of Milburn Boulevard are primarily single-family residential with a mixed-use commercial and multi-family residential building to the west and a day care facility to the north.*
- 2. Character of Buildings in Area – A majority of the adjacent structures and development along Milburn Boulevard is single-family residential. A mixed-use commercial and residential building is located immediately to the west.*
- 3. The most desirable/highest and best use – Because of the property’s location adjacent to a mixed-use commercial and multi-family residential building, the most desirable use for the property is redevelopment as a single-family residential use or expansion of the adjacent commercial use. The rezoning will allow the site to be developed for a highly needed off-street parking lot to serve the tavern’s customers, employees, and residential tenants.*
- 4. Conservation of property values – The proposed rezoning will not be injurious to property values in the surrounding area since it will result in the demolition of a dilapidated house and garage, and allow for the improvement of the site as a parking lot. A final site plan will be required prior to construction of the parking lot to ensure compliance with all development regulations, including screening and landscaping, and design standards.*
- 5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low density residential uses for this area. However, the expansion of the adjacent mixed-use property is not out of character for the area.*

MOTION: Ross Portolese moved to forward Petition #16-23 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 9-0.

PETITION #16-24 A petition submitted by Beacon Health Systems, Inc., and Memorial Health Systems, Inc., (**3221 Beacon Parkway**) requesting to amend the Walker Planned Unit Development and NW Capital and Toll Road Planned Unit Development to modify the previously approved sign program.

Phil Panzica, Panzica Building Corporation, 422 E. Monroe Street, appeared on behalf of Beacon Health Systems. He said they are asking to amend the PUD to clearly address signage needs on the campus.

Mr. Panzica said Beacon is completing the 70,000 sqft facility, the first phase of numerous projects on the site. Not all phases or projects on the site are known at this time. He said

they look at this project as a campus; they will not subdivide the property. They will all be Beacon's facilities and be Beacon owned. Mr. Panzica said there may be offices, medical clinics, perhaps a specialty hospital.

Mr. Panzica said the main ID sign will be at Beacon Parkway and Capital and will brand the campus as Beacon Health. There will be no other sign in front of the building. He said the next sign at the main entry will identify the campus and amenities.

Mr. Panzica said as you drive into the campus there will be directional signage to direct to other facilities on the campus. The site will also have signage for specific parking areas and traffic control signs.

Mr. Panzica said relative to staff recommendations he said regarding item #1, after discussions with adjacent property owners, they are willing to remove the campus identification sign from the west end of the property and will only have the main ID sign at Beacon and Capital.

Mr. Panzica said regarding item #2, if they decide to have two signs at the entry, each sign would be single face. However, if they choose to install only one sign, it would be double faced.

Mr. Panzica said regarding item #3, they initially asked for the sign to be 150 sqft and staff recommended 60. He said he is asking that the sign be 100 sqft as that is what's standard for their campuses.

Mr. Panzica said as far as Item #4, directional signage, they are fine with that.

Mr. Lentsch asked if this is one parcel. Mr. Panzica said yes and they are taking a holistic approach to the signage.

Mr. Lentsch asked if they would be back for other phases. Mr. Panzica said as times goes on, phase 2 may be an administrative office, or there may be clinics. He said they have several different approaches to the development of the campus, and it may contain clinics or specialty hospital or surgery center, but not a major hospital.

Mr. Prince read a letter of support from 1st Source Bank.

Mr. Troiola asked if they vote based on what was presented or put in a special provision.

Mr. West said staff needs to clarify.

Mr. Winn closed the public hearing on Petition #16-24.

Staff Recommendation

*Staff recommends **approval** of Petition #16-24 with the following modifications (underlined):*

- 1. Campus Identity signage is proposed at 15' in height and 150 square feet of display area, 33% of which could have an electronic reader board. There will be two Campus Identity signs, located at the southwest corner of Capital Avenue and Beacon Parkway and at the northwest corner of Beacon's 47.2 acre site. They would be setback 10' from the property line.*

2. *Development Entry Road signage is proposed at 15' in height and 150 square feet of display area, 33% of which could have an electronic reader board. ~~There will be four Development Entry Road signs, two at each entrance.~~ Development Entry Road signage can have one double sided, or two one sided signs, at each entrance, not two double sided signs. These signs would be setback 10' from the property line or curb.*
3. *Internal Development Parcel signage is proposed at 10' in height and ~~150~~ 60 square feet of display area. These signs shall be oriented so they are not visible from the public roadway and they shall not be within any building setback. They will still be setback 10' from curb or pavement edge.*
4. *Internal Directional signage is proposed at ~~8'~~ 10' in height and ~~100~~ 60 square feet of display area.*

The recommendation is based on the following findings of fact:

1. *Existing Conditions - The amendment will not alter or negatively impact the existing conditions of the surrounding area because the proposed sign package has been amended to be comparable to other large scale developments.*
2. *Character of Buildings in Area - There are no other buildings or signage along this stretch of Beacon Parkway, however, the other proposed use is a 60,000 sq. ft. Bayer Healthcare Office Building.*
3. *The Most Desirable/Highest and Best Use - The proposed amendment for signage use within the PUD is not inconsistent with surrounding zoning classifications.*
4. *Conservation of Property Values - The proposed amendment will not be injurious to property values in the surrounding area because of the large scale of this development and surrounding developments.*
5. *Comprehensive Plan - This area was not identified on the Mishawaka 2000 Comprehensive Plan, however, the development is consistent with the goals, objectives, and policies of the Comprehensive Plan.*

MOTION: Matt Lentsch moved to forward Petition #16-24 to the Common Council with a favorable recommendation subject to amending item #3 from 60 sqft to 100 sqft. Nick Troiola seconded; motion carried with a vote of 9-0.

SITE PLAN:
SP #16-G

A request submitted by White Lodging Hotel seeking approval of a 72,000 sqft, 4-story hotel to be located at 211 East Day Road (former location of Honkers Restaurant).

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of White Lodging Hotels. Mr. Shearon said they are proposing a "Home 2 Suite" hotel which is a Hilton prototype that has a more personal and residential feel. Mr. Shearon said they received a variance last month for a 4-story building.

Mr. Shearon said they have addressed engineering concerns by raising the site up 6" and are working with the architects for final numbers on the grease interceptor.

Mr. Shearon also said they will be requesting a design waiver in order to use cement board and asked for the Board's preliminary approach to keep the project moving along.

Mr. Troiola asked for an approximate timeline on the project. Mr. Shearon said they are trying to finish next August in time for football season.

Mr. Emmons asked if they were proposing lap siding. Isn't that what's on the apartments on Mishawaka Avenue? Mr. Prince said it isn't like the white color on the building, but the grey and gold portions of the building (re: Mishawaka Avenue). Mr. Shearon said it's made to look like wood siding and is very durable.

Staff Recommendation

*Provided revised plans are submitted to address the Planning and Engineering Department review comments and approval of a design waiver for exterior architectural materials, staff recommends that the request for final site plan for the proposed four-story 72,000 sq. ft. hotel (SP 16-G) 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-G. Kathleen White Gadacz seconded; motion carried with a vote of 9-0.

ADJOURNMENT: 7:27 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner