

**SEPTEMBER 13, 2016**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, September 13, 2016, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Matt Lentsch, Ross Portolese, Murray Winn, Don McCampbell, Nick Troiola, and Dale Freeman. Absent: Gary West, Dale "Woody" Emmons, 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.

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Mr. Winn explained the Rules of Procedure.

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The Minutes of the August 9, 2016, meeting, were approved as presented.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**REPLAT #16-25**

A petition submitted by DZ Mishawaka Properties, LLC, seeking approval of the 12<sup>th</sup> and Byrkit Minor Subdivision First Replat to remove an ingress and egress easement located on Lot 1.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of DZ Mishawaka Properties, LLC. He said the lot originally had two easements; one easement and one cross-easement. Ziker purchased the property in 2015 and they now want to expand the building to add a canopy for delivery vans.

Mr. Shearon said the purpose is to remove the easement on the south end of the property that was on the original plat. He said there will still be access to Byrkit and any future development to the east via the north easement which will remain.

Mr. Portolese asked why the easement was put in the plat in the first place. Mr. Shearon said the site is part of a PUD with three different properties and the three owners had an agreement for future development for whatever came along. He said things have now changed and they would like it removed.

Mr. Freeman asked if there will be access to the east for public safety. Mr. Shearon said yes, there will be access from Byrkit thru to the east for any future development.

Mr. Winn closed the public hearing on Replat #16-25.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Replat for the 12<sup>th</sup> and Byrkit Minor Subdivision First Replat pending minor revisions to the plat. A revised 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:** Ross Portolese moved to approve Replat #16-25. Don McCampbell seconded; motion carried with a vote of 6-0.

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**PETITION #16-26** A petition submitted by Susan L. Ganser and Erik and Linda Waelchli requesting to rezone **1217 Lincolnway West**, from C-1 General Commercial District to R-3 Multi-Family Residential District.

Erik and Linda Waelchli, 52037 Woodridge Drive, South Bend, said they are in the process of purchasing the property and the sale is pending rezoning to R-3. Mr. Waelchli said it's set up for four apartments now and there are no internal structural changes to make. He said there is one small opening in the downstairs that the realtor thought would help facilitate the sale of the property; but they will close and rent out the four apartments.

Mr. Waelchli also said they will do some work on the outside of the building to make more presentable such as adding a new roof and landscaping.

Mr. Lentsch asked if this would be an investment property. Mr. Waelchli said yes.

Mr. Lentsch said it looks as if it needs improvements. Mr. Waelchli said the building is structurally sound but needs new mechanicals and outside improvements.

Mr. Lentsch asked what type of improvements will be done to the outside. Mr. Waelchli said they'll put on a new roof, paint the outside, remove the awnings that are deteriorating, and remove the shrubbery in the front.

Linda Waelchli said they own 819 Lincolnway Way West just a few blocks east and they have made improvements to that property as well.

Mr. Lentsch asked if they owned the lot next door. Mrs. Waelchli said no, it used to be an Italian restaurant that burned several years ago.

Mr. Winn closed the public hearing on Petition #16-26.

### **Staff Recommendation**

*The Planning Department recommends **approval** of Petition 16-26 to rezone 1217 Lincolnway West from C-1 General Commercial District to R-3 Multi-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 multi-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 a commercial project, staff feels that the most desirable use for this property is its historical multi-family use;*
- 3. Because the parcel is located in an area of residential properties, the rezoning to R-3 Multi-Family Residential is a desirable use for this property;*

4. *As opposed to the range of potential commercial developments that could occur with its current zoning, rezoning this property to the R-3 Multi-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 General Commercial uses, however, it's use as a multi-family residence is compatible with other residential uses in the area.*

**MOTION:** Matt Lentsch moved to forward Petition #16-26 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 6-0.

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**PETITION #16-27** A petition submitted by H & G Real Estate, LLC, requesting to amend the Ridgemont Crossing Planned Unit Development to allow multi-family residential uses. *Petitioner is requesting continuance to October 11, 2016, meeting.*

**PETITION #16-28** A petition submitted by H & G Real Estate, LLC, requesting to vacate all platted and dedicated streets within a portion of the Ridgemont Crossing Section Two Final Planned Unit Development. *Petitioner is requesting continuance to October 11, 2016, meeting.*

Mr. Winn read a letter from the Petitioner requesting Petitions #16-27 and #16-28 be continued to the October 11, 2016, meeting. The Commission unanimously approved the requests.

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**PETITION #16-29** A petition submitted by Terry L. Seggerman requesting to annex and zone **53555 Fir Road, Granger** to S-2 Planned Unit Development to permit multi-family residential uses and clubhouse.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Terry Seggerman and Watermark Residential. Steve Ellison and John Piraccini also were in attendance. He said they were seeking approval to annex and zone 29 acres adjacent to the toll road to the north, Main Street Village to the west, and Hearth assisted living across the street to the east.

Mr. Mosness said they are requesting S-2 zoning to allow for a 390 unit apartment complex with service to City utilities. They are planning two phases for construction and appreciate staff comments and they have read them and agree with them.

Jose Kreutz, Senior VP of Development for Watermark Residential, said they are based in Indianapolis and have been for 30 years. He said this is the first project in Mishawaka and they are excited and proud to be here and they've built similar projects across the nation.

Mr. Kreutz said they are proposing a low intensity community. Buildings would be 2-story and each home would have a garage. He said they look like large single family homes. Each building has ten apartments; 1, 2, and 3 bedroom units (he showed images of a similar project).

Mr. Kreutz said some amenities are a 5,600 sqft clubhouse, on-site leasing staff, fitness room available 24/7 to residents, hot tub, pool, to name a few. He said they offer resort-style amenities. Each unit has a porch or balcony and the average unit size is 1,100 sqft not including garage. All units will have stainless steel appliances and thick granite counter tops.

Mr. Kreutz said they use this style of architecture because you pull your car into your garage and you enter directly into your home. There are no common corridors so there are no smells. Also, 63% of renters nationwide have pets and they have amenities to walk pets and have elements to exercise them.

Mr. Portolese asked about average monthly rent. Mr. Kreutz said they wouldn't be leasing for about 14 months, but right now the average rent is slated to be about \$1,600 per month. One bedroom would be approximately \$1,100 and 3 bedroom about \$2,400. Rent may also go up by the time the complex is open.

Mr. Troiola asked if they would be full-fledged apartments. Mr. Kreutz said yes, although they have a condo feel. They are designed for the executive. It would be easy to convert to condos, but they haven't done that before. He said it's as close to single-family living without the maintenance costs and upkeep.

### **Opposition**

Gilbert Sandleben, executor of the estate across the street, 53520 Fir Road. He said he doesn't know if he's opposed, but what will you do with Fir Road? It's only two lanes with a two lane bridge over the toll road. He's concerned the road cannot support that much traffic.

Mr. Troiola asked what Engineering's stance is on this. Mr. Prince said this is annexation and zoning only; they'll have to come back for final site plan. He said improvements may include a passing lane or blister, but we do envision Fir Road being expanded over time. Although not envisioned to be five lanes, but a three lane collector. Mr. Prince said it's on the books, but not funded so he can't give a date as to when it would happen.

### **Rebuttal**

Mr. Kreutz said they are prepared to do a traffic study and dedicate any rights of way that may be needed to expand the road.

Mr. Winn closed the public hearing on Petition #16-29.

### **Staff Recommendation**

*Staff recommends in favor of rezoning Petition 16-29 to annex and establish zoning for property located southwest of the Indiana Toll Road and Fir Road (53555 Fir Road) to allow for the construction of 390 unit multi-family residential apartment complex subject to the following conditions:*

- 1. Permitted uses shall be limited to a 390 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house and community pool.*
- 2. Landscaping shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.*

3. *Landscaping and screening, including a compact row of evergreen trees and fencing, shall be required along a portion of the south property line immediately adjacent to the existing single-family residential house located at 53603 Fir Road.*
4. *One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.*
5. *The extension of all utilities to the site shall be at the developer's cost and expense.*
6. *Road improvements along Fir Road shall be installed as determined by the Department of Engineering.*
7. *Additional right-of-way and easements along Fir Road shall be dedicated as part of the final site plan and shall be determined by review of the City Director of Engineering and City Planner based on proposed construction. Conceptually, a minimum of 40' of additional right-of-way, establishing an 80' half right-of-way, shall be provided from the northeast corner of the property at the Indiana Toll Road to south of the northernmost access drive. Conceptually, a minimum of 20' of additional right-of-way, establishing a 60' half right-of-way, shall be provided south of the northernmost access drive to the southeast corner of the property.*
8. *All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.*
9. *Total number of parking spaces required for shall be a minimum of 1.5 spaces per unit.*
10. *Building and pavement setbacks shall be a minimum of 30' from the proposed right-of-way line of Fir Road, the Indiana Toll Road right-of-way, and all other external/perimeter property lines.*
11. *Building materials and colors shall comply with the C-1 General Commercial Zoning District with the exception of allowing fiber cement board siding and trim materials on all buildings.*
12. *The architecture shall include garages and private entrances as conceptually identified.*

*This recommendation is based on the following findings of fact:*

1. *Existing Conditions - The subject parcel is located on Fir Road, a currently moderately travelled corridor on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City. The site is located immediately adjacent to a multi-family residential apartment complex to the west, a skilled nursing facility to the south, and an assisted living facility to the east.*
2. *Character of Buildings in Area - The character of buildings and land uses located along the Fir Road corridor from Day Road to the south to E. University Drive to the north vary greatly and include low-density single family residential homes in unincorporated St. Joseph County, a convenience store/gas station currently under development, a golf course, a skilled nursing facility, and an assisted living facility.*

Various commercial uses are present to north across the Indiana Toll Road and a multi-family residential apartment complex is located immediately adjacent to the west.

3. *The most desirable/highest and best use – With the property’s location along the increasingly commercial and residential developed Fir Road corridor combined with the adjacent multi-family residential uses, the most desirable use for the property is either residential or commercial.*
4. *Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed multi-family residential use is compatible with other adjacent multi-family residential and skilled nursing/assisted living facilities. Furthermore, the existing single-family residential property located to the south will be adequately screened with landscaping.*
5. *Comprehensive Plan - Although this property was identified with a preferred use as low-density residential (single-family homes) in the Mishawaka 2000 Comprehensive Plan, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.*

**MOTION:** Mr. Lentsch moved to forward Petition #16-29 to the Common Council with a favorable recommendation subject to staff recommendations and conditions of approval. Dale Freeman seconded; motion carried with a vote of 6-0.

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**DESIGN REVIEW:  
DR #16-08**

A request submitted by Mishawaka Columbus Club Home Corp. requesting a waiver from the Mishawaka Design Review Ordinance, Signage Requirements, Section 105-170 Exterior Signage Colors, Section 105-175 Signage Quantity, and Section 105-180 Temporary Wall Mounted Banners, for **114 West First Street**.

No one appeared to present the request so the item was continued to the October 11, 2016 meeting.

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**DR #16-09**

A request submitted by MishHome LLC requesting a waiver from the Mishawaka Design Review Ordinance, Section 105-76 Architectural Materials, to utilize cement board siding at **211 East Day Road**.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of MishHome LLC. He said they are requesting a waiver to utilize cement board lap siding which gives the look of wood siding, such being an approved material by the design review ordinance.

Mr. Shearon said the grey-ish color is the lap siding, the brown-ish red is EIFS, and the bottom portion of the building is brick. There are a variety of building materials to visually break up the building.

Mr. Winn closed the public hearing on Design Review #16-09.

**Staff Recommendation**

*Staff recommends approval of the Design Review Waiver 16-09 to allow fiber cement lap siding as an appropriate exterior architectural material. The proposed siding is a high quality, durable, and sturdy material that meets the intent of Design Review requirements.*

Furthermore, the Plan Commission has approved several Design Waivers for other projects that have utilized fiber cement lap siding or board.

**MOTION:** Don McCampbell moved to approve Design Review #16-09. Nick Troiola seconded; motion carried with a vote of 6-0.

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**DR #16-10** A request submitted by MJ Investments, LLC, requesting a waiver from the Mishawaka Design Review Ordinance, Signage Requirements, Section 105-176 Signage Clutter for **101 East Mishawaka Avenue**.

Aimee Carroll, 27470 Bittersweet Lane, Elkhart, appeared on behalf of MJ Investments and Roger Pecina Visions who rents the building. She said they are requesting to install two signs. The one on Mishawaka Avenue will be metal and 26" X 26". The waiver is actually requested for the sign to be installed on the Main Street elevation which has more than 40 characters. She said three businesses will be listed along with their websites. Ms. Carroll said the signs will have a black background with silver lettering.

Mr. Lentsch asked if the signs are up now. Ms. Carroll said no, there's nothing there.

Mr. Lentsch asked if the intent was to fit in with the building. Ms. Carroll said yes, there are three core businesses located inside the building and want to list those businesses.

Mr. Winn closed the public hearing on Design Review #16-10.

**Staff Recommendation**

*The Planning Staff recommends approval of Design Review Waiver 16-10 to permit the installation of a new sign to be installed 101 E. Mishawaka Avenue, Main Street elevation, with 171 characters.*

**MOTION:** Matt Lentsch moved to approve Design Review #16-10. Don McCampbell seconded; motion carried with a vote of 6-0.

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**DR #16-11** A request submitted by Pouya Gallery Inc. requesting a waiver from the Mishawaka Design Review Ordinance, Section 105-76 Architectural Materials and Section 105-77 Architectural Color/Texture for **1035 East University Drive, Granger**.

James Yoder, FM Construction, 530 E. Lexington Avenue, Suite 175, Elkhart, IN, appeared on behalf of Pouya Gallery. He said the request is to use metal building siding on the east and west elevations, and architectural brick on the rest of the building.

Mr. Yoder said they want to use on the east side because of the proximity to the hotel next door where there is existing landscaping and Planning has requested additional landscaping. On the west side of the building, the Board of Zoning Appeals approved parking space reduction and that area will be left as green space.

Mr. Winn closed the public hearing on Design Review #16-11.

**Staff Recommendation**

*Staff recommends approval of the Design Review Waiver 16-11 to allow metal/steel siding as an appropriate exterior architectural material for the new building addition. The*

*proposed siding material and color will match what currently exists on the present building. The northern façade, which is the more visible portion of the building from the public right-of-way, will include decorative concrete/masonry block also matching the block of the present building. The additional landscaping/screening, as required, will provide a visual barrier along the east and west sides of the addition.*

**MOTION:** Dale Freeman moved to approve Design Review #16-11. Nick Troiola seconded; motion carried with a vote of 6-0.

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**ADJOURNMENT:** 7:36 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner