

OCTOBER 11, 2016

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, October 11, 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, Murray Winn, Nick Troiola, Dale Freeman, and Kathleen White-Gadacz. Absent: Ross Portolese and Don McCampbell. 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 September 13, 2016, meeting, were approved as presented.

Conflict of Interest was not declared.

PUBLIC HEARING:

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. *Continued from the September 13, 2016, meeting. Petitioner requests continuance to November, 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. *Continued from the September 13, 2016, meeting. Petitioner requests continuance to November, 2016, meeting.*

The Commission unanimously approved the request to continue Petitions #16-27 and #16-28 to the November 2016, meeting.

PETITION #16-30 An petition submitted by Michael Thompson and Janice Johnson requesting to rezone a portion of **1445 East McKinley Avenue** from C-1 General Commercial District to C-4 Automobile Oriented Commercial District and **2123 Lynn Street** from R-1 Single Family Residential to C-4 Automobile Oriented Commercial District.

Michael Thompson, 1445 E. McKinley Avenue, Thompson Auto Diagnostic, said he has been in business for 24 years at this location. He said his property is zoned C-4, except for the most rear portion and that's zoned C-1.

Mr. Thompson said he and the adjacent property owner, Janice Johnson, have come to an agreement to sell her property to him if he can rezone to C-4. He said his existing parking

situation accommodates 24 cars and the additional property will add capacity for another 75 cars making space for 99 cars. Mr. Thompson said the additional property is appealing as he's using his 9,000 sqft building as a repair shop. The neighborhood and conditions are conducive to car sales. He said with 24 spaces, it's tight and his goal is to increase his capacity for parking.

Mr. Lentsch asked Mr. Thompson how he thought this would fit in with the neighborhood and will it increase the property value of surrounding houses and properties. Mr. Thompson said he thinks property values would go up. He said it's happening up and down the street and there have been big changes on the north side of McKinley. He said up and down Lynn Street there are already commercial zoned properties with Fastenal across the street and Headers Auto Sales close by.

Mr. Emmons asked Mr. Thompson if he said 99 cars. Mr. Thompson said he would have the capability of accommodating up to 99 cars. He said his parking accommodates 24.5 cars if you have 8' per car and a foot on either side; that's 24.5 cars. He said he's moving forward with auto sales and in the process of obtaining a used car dealer's license and that would create the need for more parking. Mr. Thompson said with his 9,000 sqft building, 24 spaces is plenty. It's already zoned to allow car sales; he needs more parking.

Mr. Emmons asked if he would be expanding the lighting as well. Mr. Thompson said he wouldn't point lighting into the neighbors' yards.

Mr. Emmons asked if the parking lot would be lighted 24 hours a day. Mr. Thompson said no more than already being done across the street.

Mr. Emmons asked Mr. Thompson if he intended to tear down the house. Mr. Thompson said he would allow Mrs. Johnson to retain the use of the dwelling until she's finished using it. He said at such time, the building would be torn down. Mr. Thompson said he isn't interested in renting it and he's been told it would be non-conforming since the zoning would be C-4.

Mr. Winn said it appears that you would have more storage behind than in the front of the building. Mr. Thompson said most people in car sales say that what sells is in the front row. He said most likely folks will look at the front row and once you get them there, show them the others.

In Favor

Larry Crider, Crider Motors at McKinley and Maplehurst, has been in business since 1970 and used cars are his business. He said he's known Mr. Thompson for many years and he's a business type person and has worked well with the neighbors.

Mr. Crider said since the internet, most sales come from the internet. He said he gets customers from Chicago, Wisconsin, Ft. Wayne, Indianapolis, and many buyers never come in; just send a shipper to pick up. Mr. Crider also said that all cars in the front rows would sell first, but the internet helps a lot.

Mr. Crider said he feels Mr. Thompson's request would be good for the city, he keeps a good property, nice and neat. He said he's for it even though it's in direct competition with him.

Judith Ellis, Janice Johnson's sister, said she took her sister over to talk to Mr. Thompson; they offered the property to him. She said her sister is 77 years old and she wanted to make sure the property is used the right way. Mrs. Ellis said they know Mr. Thompson is a

responsible person and would do the right thing. When her sister is done with the house; he'll tear it down. Mrs. Ellis said the house has "lived its life" and it needs to be torn down and let go. She said both she and her sister believe it's the right thing to do for the property.

Opposition

Daniel Dorn, 2119 Lynn Street, said he lives next door to Mrs. Johnson and he's worried about when his grandkids come over. He said he lives across the street from Fastenal and they have semis in and out; there's lots of traffic.

Mr. Dorn also asked how many car lots do we need in that area. He said he's been there since 1984 and he's seen a lot of changes. He said he's also worried about additional traffic that a car lot would generate.

Mr. Prince read a Letter of Remonstrance from Dale Moore who owns 2107 Lynn Street.

Rebuttal

Mr. Thompson said there wouldn't be any extra traffic on Lynn Street as all traffic would enter from McKinley.

Mr. Thompson said the City would require a fence between the properties and he would abide by that. He said lighting would be directional and will not light neighbor's yard.

Mr. Winn closed the Public Hearing on Petition #16-30.

Staff Recommendation

Staff recommends in favor of Petition # 16-30 to rezone approximately 1.15 acres located at 1445 E McKinley Highway, to C-4 Automobile Oriented Commercial. This recommendation is based on the following findings of fact:

- 1. Existing Conditions- The property is currently used as an automobile business and a single family home. Other automobile uses along McKinley extend further south.*
- 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 parcel 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.*
- 5. Comprehensive Plan- The Mishawaka 2000 Comprehensive Plan identified the McKinley Highway corridor as general commercial. The petition to zone to C-4 Automobile Oriented Commercial is consistent with the Comprehensive Plan.*

MOTION: Matt Lentsch moved to forward Petition #16-30 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

PETITION #16-31 A petition submitted by Gary G. and Karen McGrew Gholson requesting to rezone **2522 West Sixth Street** from I-1 Light Industrial District to R-1 Single Family Residential District.

Gary Gholson, owner of 2522 W. Sixth Street, said he's rezoning from I-1 to R-1 and it's his understanding that since the property has been vacant for more than 6 months, he isn't able to use as a residence. He said he's owned the property for three years and has never rented it, but has someone in need and wants to rent to them.

Mr. Lentsch asked Mr. Gholson if this would be a rental. Mr. Gholson said he can't speak for the past, but he's owned the property for three years and hasn't rented it. He said the previous owner was an ambulance concern and used the structure for a "ready room" for drivers.

Mr. Lentsch asked Mr. Gholson what he had used the property for. Mr. Gholson said it's been vacant. He said he isn't interested in being a landlord, but has a friend in need.

Mr. Winn asked if there was a garage with this house. Mr. Gholson said no.

Mr. Winn closed the Public Hearing on Petition #16-31.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 16-31 to rezone 2522 W. 6th Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following Findings of Fact:*

- 1. Existing Conditions – The subject property is located within a transitional mixed use area consisting primarily of single family residential uses with scattered industrial/warehousing and commercial uses. Several legal non-conforming residences are present on industrial zoned parcels to the west of the subject property on the north side of W. 6th Street. The railroad borders the property to the north.*
- 2. Character of Buildings in the Area – The existing buildings in the area are predominantly single family residential structures within the neighborhood to the south with larger industrial/warehousing structures adjacent to the east and west. A small structure, previously used as an office, is also located on the parcel immediately adjacent to the west.*
- 3. The most desirable/highest and best use – Because the parcel is located in a mixed use area consisting primarily of residential uses, the rezoning to R-1 Single Family Residential is a desirable use for this property;*
- 4. Conservation of property values – As opposed to the types of potential industrial development that could occur with the current zoning classification, rezoning the property to the R-1 Single-Family Residential District to permit residential use for an existing vacant structure no longer considered to be legal non-conforming will have a favorable and stabilizing impact on the neighborhood and will conserve property values in the immediate and surrounding residential neighborhood;*
- 5. Comprehensive Plan – While the proposed rezoning is not consistent with the recommendations of the 2000 Mishawaka Comprehensive Plan, single-family residential is a desirable use of the property and consistent with other existing and nearby single-family residences.*

MOTION: Kathleen White-Gadacz moved to forward Petition #16-31 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 7-0.

**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**. *Continued from the September 13, 2016, meeting.*

Adam Gerstbauer, representing Columbus Club, 114 W. First Street, said they have a need to re-brand the club. He said the awnings currently say "Knights of Columbus" and they want to re-brand as Columbus Club. Mr. Gerstbauer said they would reskin the existing awnings and match the blue tile architectural feature on the building. They also want to install two sets of channel letters on the building, and install a changeable banner system. He said it would have a frame so the banner would not flap in the wind and provide longevity.

Mr. Gerstbauer said the existing awnings are the only signage and they are tired. He said this new signage would help achieve the recognition they are seeking to gain in order to rent the facility.

Mr. Emmons asked why a temporary banner was needed. Mr. Gerstbauer said the framing system is permanent.

Mr. Emmons said a banner cheapens it. You have awnings so why do you need a banner. Mr. Gerstbauer said the goal is that it faces the parking lot and park and that's where they want to push their event advertising there. He also said for an extra fee, people could advertise their event.

Mr. Emmons said the city has ordinances to keep temporary banners at a minimum and you want a permanent banner and he doesn't think it's appropriate. Mr. Prince said when the sign program was discussed with them, staff recommended a frame. He said they don't have money for an electronic message sign to convey their message and the frame gives a more formal appearance for the banner. Mr. Prince said staff felt the frame added a permanent background where they could change and keep the look fresh and he thinks it's a good compromise.

Mr. Emmons said they could put a marquee on the front of the building. Mr. Gerstbauer said they have limited funds right now.

Mr. Emmons said then the plan is for the banners to be permanent. Mr. Gerstbauer said yes and orient toward the parking lot.

Mr. Troiola asked Mr. Gerstbauer if funds were available, would Columbus Club put up a marquee. Mr. Gerstbauer said yes.

Mrs. Gadacz asked why the name changed. Mr. Gerstbauer said Columbus Club and Knights of Columbus have always been separate. Columbus Club was formed to handle the event aspect and it's its own entity and the new signage will help separate the organizations.

Mr. Winn closed the Public Hearing on Design review #16-08.

Staff Recommendation

The Plan Staff recommends approval of Design Review Waiver #16-08 for Columbus Club to allow blue awnings, multiple signs on building façades, and oversized temporary wall-mounted banner.

MOTION: Gary West moved to approve Design Review #16-08. Matt Lentsch seconded; motion carried with a vote of 6-1 (Emmons).

DR #16-12 A request submitted by Mishawaka Penn Public Library requesting a waiver from the Mishawaka City Design Review Ordinance Sections 105-170 Exterior Signage Colors, 105-171 Signage Form, 105-175 Signage Quantity, and 105-176 Signage Clutter, for two (2) electronic

Garry Potts, Professional Permits, 58171 Dragonfly Court, Osceola, appeared on behalf of the library. He said the library is requesting approval of two new electronic message signs on the northwest corner of the building and each sign would include a 3’ X 7’ message area and logo. The new signs will enhance signage at the downtown branch. Mr. Potts said they will also be rebranding their other 2 locations.

Mr. Potts said one sign will be oriented towards Lincolnway and the second towards Church Street. One 30” X 90” sign will be relocated to the Race Street elevation.

Mr. Potts said the electronic message signs employ many colors that are discouraged by the ordinance. He said the signs will not flash, have an eight second message interval, will have no animation, and also a dimming capacity. Mr. Potts said the signs will serve an imperative role in informing the public and can also display public service messages.

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

Mr. Lentsch said it’s necessary for us to be smart, but flexible and allow our businesses and organizations to have the opportunity to meet with us and have good conclusions about their signage needs.

Mr. Freeman said he initially had some reservations, but he’s comfortable with staff recommendations.

Staff Recommendation

The Plan Staff recommends approval of Design Review Waiver #16-12 for Mishawaka-Penn-Harris Public Library to install the two (2) new electronic message center signs as submitted.

MOTION: Matt Lentsch moved to approve Design Review #16-12. Nick Troiola seconded; motion carried with a vote of 7-0.

DR #16-13 A request submitted by Centier Bank requesting a waiver from the Mishawaka Design Review Ordinance Section 105-77 Architectural Color/Texture to permit a blue roof in lieu of the encouraged natural

color at their new location in Heritage Square (near northeast corner of SR 23 and Gumwood Road), Granger. *Petitioner withdrew request.*

SITE PLAN:
SP #16-H

A request submitted by Centier Bank seeking approval of a 1,220 sqft bank to be located on Gumwood Road north of CVS Pharmacy in Heritage Square Shopping Center.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Centier Bank. Mr. McMorrow said Jessica Barcus with Holladay and Dan Plank with Centier Bank.

Mr. McMorrow said the site is an undeveloped portion of Heritage Square near the northeast corner of Gumwood and State Road 23. He said the property is just under an acre and they are proposing a 1,240 sqft, single story, freestanding bank branch building with 14 parking spaces, three drive-thru lanes with bypass lane on the south side. Mr. McMorrow said there would be no direct curb cut onto Gumwood, but would utilize an access drive from Heritage Square Drive to the north. They are also suggesting an access with CVS and that is subject to successful discussions with CVS. He said they will also have the ability to provide access to the lone existing parcel in Heritage Square.

Mr. McMorrow said the team has worked with staff on the architectural designs and site improvements will meet the ordinance.

Staff Recommendation

*Provided revised plans are submitted addressing the Planning and Engineering Department review comments, Staff recommends that the final site plan for the proposed 1,220 sq. ft. Centier Bank branch be **approved**. This recommendation is based upon the site plan meeting all the requirements of Section 137-35 regarding Final Site Plan Approval.*

MOTION: Kathleen White-Gadacz moved to approve Site Plan #16-H. Dale Freeman seconded; motion carried with a vote of 7-0.

NEW BUSINESS

Mr. Prince said due to the election on November 8, we need to move the meeting date. The Commissioners agreed that November 15 would work.

ADJOURNMENT: 7:45 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner