

NOVEMBER 15, 2016

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, November 15, 2016, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Dale "Woody" Emmons, Murray Winn, Don McCampbell, Nick Troiola, Dale Freeman, and Kathleen White-Gadacz. Absent: Gary West, Matt Lentsch, 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 October 11, 2016, meeting, were approved as presented.

Mr. Emmons declared a Conflict of Interest on Petitions 16-27 and 16-28. No other Conflicts of Interest were 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 October 11, 2016, meeting.*

Anthony Zappia, 52582 State Road 933 North, South Bend, appeared on behalf of H & G Real Estate, the John Green Family, and contingent purchaser, Weinstein Group, owner of Village Green. He said they are interested in constructing a 360-unit residential apartment complex while reserving land for the existing Ridgemont Crossing subdivision and unspecified future development.

Mr. Zappia said currently, the property is zoned S-2 PUD for single family and they want to change 23.33 acres for multi-family. He said to the north is Ridgemont Crossing single family residential development and Village Green mobile home park, R-4 Manufactured Home Residential, and has been there a long time. To the east is an industrial park in unincorporated St. Joseph County and George Wilson Park to the south.

Mr. Zappia said the project was originally submitted for 516 units and was continued at the request of the developer because they heard comments from residents that it was too big. They went back to the drawing board and they reduced the scope of the project from 516 to 360 units. He said this is similar to the project that was approved along 12th Street north of Village Green but never came to fruition due to real estate covenants on the property, so Weinstein looked to a different area.

Mr. Zappia said by way of history, in the mid 1990's, the Mishawaka Comprehensive Plan identified this area as being manufactured housing. The Ridgemont Crossing development was approved in 2005 for 225 homes on 77 acres and thru 2007, three sections had been platted. Unfortunately, Weiss Homes, the developer declared bankruptcy and didn't complete infrastructure. Section 1 was completed by the original developer with the exception they didn't finish roads or infrastructure and that was done last year by the City. Section 2 was only partially complete and Section 3 not constructed.

Mr. Zappia said Bruce DeWulf acquired the remaining properties out of bankruptcy court and he has been prevented from proceeding based on a lack of infrastructure and an easement that was never provided relative to storage of stormwater on the adjacent property. He said this proposal is a win-win for everyone; for Mr. DeWulf and the neighbors.

Mr. Zappia said 60 homes have been constructed and an additional 50 lots are vacant. Furthermore, the way they were platted, they left stub streets onto the adjacent undeveloped property and it makes it more difficult to finish the development. He said even though his client is the contingent purchaser, there are three entities that have a vested interest in the current petition. The first being the current property owner of the vacant land; Mr. Green. Mr. Weinstein has a history in the county and has owned Village Green for 2-3 years; the second entity is the Ridgemont Crossing Home Owner's Association in light of the fact and the problems with water retention; and the third entity is Bruce DeWulf who has a significant portion of lots that cannot be developed.

Mr. Zappia said as proposed, the planned unit development breaks the current vacant 44.77 acres into three distinct development pieces; 21.3 acres for 360 unit apartments, at market rate and no federal subsidies. Roughly 13 acres would be retained as single family to finish the Ridgemont Crossing subdivision and propose a loop connection of Gauley River Drive and Walnut Canyon Court. The remaining 10.5 acres is being shown as vacant and is a residual piece of property near high tension lines and the industrial park.

Mr. Zappia said looking at acquisition and construction costs of \$40-\$50 million dollars, no tax abatement, rent could be \$700-\$800 per month up to \$1,200 per month. He said Mr. Prince has prepared a detailed report and raised numerous issues. Mike Danch will talk about staff requests and the preliminary site plan. Mr. Zappia said that his client did demolish 100 uninhabitable homes in Village Green, replaced the signage, replaced landscaping and performed an extensive amount of work and there's more work to do. He said they have a vested interest in the community and would like the opportunity to bring the project to fruition and asked for a favorable recommendation.

Mike Danch, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, said they originally submitted plans for a 516-unit complex and they have been working with staff and also met with the home owner's association to go over the project to see if there were ways to alleviate concerns of the residents. He said last week they met with Blair Hills, Ridgemont Crossing, and Rosewood home owner's associations and they have seen the revised plan being shown this evening.

Mr. Danch said there were several items of concern in the staff report. One item was a buffer zone between the apartments and Ridgemont Crossing. He said there is a buffer zone along the north boundary, 4' in height with 8' evergreens and an inter-mixture of trees and 6' screening fence, 1,500' long. Mr. Danch said hopefully it meets the intent to mitigate between the properties. He said the north drive and a couple of parking spaces encroach, they have been maintained.

Mr. Danch said the second concern was setback for buildings. He said the original plans showed an east/west orientation. The site has been redesigned with the buildings turned and now have a north/south orientation because residents had concerns with the 3-story building and the 3rd floor might be able to overlook into Ridgemont Crossing neighbors back yards. Mr. Danch said the buildings have been turned and there are no windows along the north side. Any windows facing Ridgemont Crossing would be located at least 120' back. One building has a 150' setback.

Mr. Danch said the Fir Road entrance has been brought closer to the corner and that pulled the building away from Ridgemont Crossing. Also, staff asked for 60' setbacks along Fir and Dragoon and they have met that. Although he did say that staff wanted 60' along Dragoon Trail, there is a 35' setback. Mr. Danch said he would like to work with staff on that number because 35' works with the building and parking.

Mr. Danch said other areas of concern were that Engineering asked for improvements along both Fir and Dragoon. He said they will add a left turn lane. As part of this project, they would dedicate right-of-way to create the turn lane and a decel lane; same for Dragoon Trail. That should take care of issues with traffic, more than handle daily traffic count.

Mr. Danch said regarding the single family development, when Weiss Homes went out of business, there was major issues with drainage and the developer never followed through and there were no easements for drainage. He said Ridgemont Crossing only has one area for drainage and Mr. DeWulf was allowed to get a couple of new home permits in the area where retention is. Mr. Danch said in talking with the Engineering department, there would be a need to create a drainage plan for the

homes and apartments along the east portion of the apartment complex. Under the high tension lines there are two retention areas, one for apartments and one for the single family homes. Mr. Danch said when they go through the process, they would go through subdivision creating lots for apartment complex and would create a drainage easement and a lot for the loop road. There will be easements required by the City; that's the only way to do that and they would be willing to do it. He said drainage is to be handled per Mishawaka standards and needs approximately 250,000 cubic feet of capacity and there is nowhere near that amount.

Mr. Danch said staff also had concerns with future homes in Ridgemont Crossing and potential construction traffic coming off of Fir. He said they've asked, as part of the approval process, for an easement off of Dragoon for construction traffic to use that and would be held in place until 90% of homes are built in the subdivision.

Mr. Danch said the extension of water and sewer would come north. The lines can more than serve this complex.

Mr. Danch said the next petition is to vacate right-of-way within the apartment complex one being a stub street and they are working with the adjacent owners and would work with them to vacate. As part of this development and if homeowners wanted to remove and put back as grass area, they could do that. Mr. DeWulf has rights to a strip of ground and would make part of a berm.

Mr. Danch said staff has asked for an interior walkway to benefit the residents and they'll do that. He said there is fencing along Fir and Dragoon and at some future date, they'll put in fencing similar to Wilson Park across the street. Any dumpsters will have to be outside 100' from Ridgemont Crossing and they can do that.

Mr. Danch said they met with the three Home Owner Associations and explained what they were doing. He said from a standpoint from what's being asked for, he doesn't see a developer coming in to building single family homes based on the infrastructure that's required to complete. Mr. Danch said this is a \$40-\$50-million-dollar project. He said staff had conditions on the architecture and landscaping and they've been asked to meet commercial standards and they have no problem with that. Mr. Danch also said there's a certain portion of the buildings to be masonry and they'll work with staff on that as well.

Mr. Troiola said if this project was originally approved for 12th Street, why didn't it happen. Mr. Zappia said it was his understanding that there were covenants that went with the property and the developer couldn't overcome some of the conditions and unfortunately that property didn't work out. The property abutted Village Green and the owner wanted to stay in this area.

Ms. Gadacz asked Mr. Zappia about his "win-win" comment. What positives are there for the homeowners? Mr. Zappia said the Mishawaka Comprehensive Plan identifies this property as "manufactured housing" and it's not going to stay green acres. He said you aren't seeing developers take on 46 acres and building a residential housing community and the reasons are: 1) the tremendous amount of cost for infrastructure; 2) a lot of young people are going to rent an apartment and that's why you are seeing a boom in apartments vs. residential developments. He said that may change in 25 years. They are seeing a lot of older people who want to downsize, want to be free and are renting apartments. Mr. Zappia said Toscana Park and Grandview are \$1,500 per month and they are sold out.

Mr. Troiola said there wouldn't be any federal subsidies. Mr. Zappia said no, not at all. That must be done up front at a certain level of income, otherwise you don't meet the federal guidelines.

Mr. Troiola asked Ms. Gadacz how apartment complexes affect single family neighborhoods. Ms. Gadacz said she would say it's negative. She said as a homeowner, would we want them in our neighborhood? A lot of people moving into Ridgemont Crossing did research before buying and were told it would be single family homes.

Denise Graves, 843 Trail Ridge East, Mishawaka, said she is a realtor, and as a homeowner it does have an adverse effect on property owners. She said she has sold homes that backed up to apartments and all those property values went down and were adversely affected.

Ms. Graves said when she asked different people what their concerns were, they were trash, noise, theft, and traffic were the most resounding. She said when she was selling homes in Arlington Heights, IL, her issue was that buyers said they were concerned with the apartments behind them and had to adjust the prices accordingly. Ms. Graves said she doesn't live in Ridgemont Crossing, but it seems like a country setting and she's heartsick for the owners.

Opposition

Jason Durr, 1521 Gauley River Drive, said he is the president of the Ridgemont Crossing Home Owner's Association. He said Ridgemont Crossing has an interesting history and they went through a number of issues to get back their HOA. He said they are now a thriving neighborhood that does a lot of things together like hold block parties and they feel like they should have the opportunity to continue.

Mr. Durr said as this process has gone through, they have gotten good advice from staff to make sure they approach it and what they could live with. He said they offered their concerns and comments and they are included in the packets, so he won't address them all.

Mr. Durr said they are concerned about the marketability of the subdivision. He said they knew they had a mobile home park to the north and they are concerned about how they would be affected being sandwiched between mobile homes and apartments.

Mr. Durr said when he built his home in the neighborhood, they mentioned the rural setting, the park across the street, good neighbors in Rosewood, and a good location that had City utilities that went along with it. Their decision was based on this and they oppose the PUD Amendment.

Jerry Niezgodski, who lives in South Bend, said he has friends who live in the area and is concerned for them. He said this would look good on 12th Street; it would be disruptive to this neighborhood. He asked if the Commission would want to live in this neighborhood next to the apartments as it's out of character for the neighborhood. Mr. Niezgodski said George Wilson Park is across the street and has a country feel, but yet in the city.

Mr. Niezgodski said it would be nice if they City could do something like meeting half way, and the make the area developable. He said as it stands he doesn't see how you can add 300-500 cars to the area. There will be lighting and noise and he would be deeply troubled if he lived there. He asked the Commission to think about what is right for the subdivision.

Chris Donohue, 1922 Tea Rose Lane, said he is president of Rosewood Subdivision HOA. He said Mr. Durr made some outstanding points and wants to understand that Mr. Emmons has a conflict of interest. Mr. Emmons said he has no interest in this whatsoever, no connection to this project, but didn't want to muddy the waters.

Mr. Donohue said that Rosewood didn't have the same interest in the project as Ridgemont Crossing, but they are on the west side of Fir Road and close proximity to Village Green. He said their development has taken on the responsibility of also taking up a petition and come up with various bullet points.

Mr. Donohue said their concern about the change is how it will affect the quality of life. He said it may not stop with this development and may allow an influx of other projects that are just not compatible. Mr. Donohue said they are concerned about the marketability of homes as they currently enjoy a good market value.

Mr. Donohue said they're concerned about the upkeep of the property as expenditures are far more than the return on investment.

Mr. Donohue said adding 500 vehicles a day to the road will add safety concerns for pedestrians and bicyclists. He also said that the roadways are insufficient for the additional traffic.

Mr. Donohue said they had concerns about the drainage of the site relative to overflow into ponds. They have noticed an increase in retention pond capacity. He said the last rain raised it almost to overflow levels.

Mr. Donohue said there is no public transportation in the area. People would have to walk up to Village Green. Also, the intersection of Fir and Dragoon is a traffic hazard.

Mr. Donohue said the scale and mass of the project doesn't fit in the character of the adjoining neighbors. The structures would overshadow Ridgemont Crossing and Rosewood.

Sharon Huys, 1437 Gauley River Drive, said she likes where she lives and enjoys the country living and doesn't want to look out her window and see apartments. She said she would be disappointed if it went in. Ms. Huys said she suggests the developer find an area in Mishawaka school system as Penn schools are overcrowded.

Paul Troxell, 58801 Fir Road, said he talked to the neighbors along Fir Road and they feel this is totally out of character. He said he has lived there 30 years and has watched the country disappear. Mr. Troxell said it's a good idea, but the concerns they have is their driveways exit right onto Fir Road and very close to the exit. He said he can see headlights and noise diminishing their privacy and safety.

Mr. Troxell said people walk along Fir Road and there are no sidewalks. He said it's an accident waiting to happen unless something is done to improve foot traffic.

Mr. Troxell said most of them live there because they want to be in the country, but also in the city and this will magnify traffic along Fir. Many times traffic is backed up on Fir Road trying to get onto Dragoon Trail. He said to ask yourself if you would want this in your back yard.

Scott Herbst, 1531 Kennesaw Mountain Drive, said it was proposed and approved on 12th Street, but they didn't get a good reason why it didn't happen. He said shouldn't that have been looked at before it got that far?

Mr. Herbst said it's great to propose left hand turn lanes, but what about him trying to get in and out of Ridgemont Crossing. There will be traffic all the time.

Frank Franko, 1925 Wild Rose Lane, said he moved in to his home 18 years ago and didn't want to live on the north side of Mishawaka. He said the south side is characteristic and inviting to first time homebuyers and he would be hurt if the City changes the situation.

Rebuttal

Mr. Zappia said in a perfect world they would like to keep as open space, but that isn't possible. He said a couple of things he would like to bring to your attention is that the Comprehensive Plan calls for manufacturing housing. Before Ridgemont Crossing was built, Village Green was there. Mr. Zappia said they chose to live in Ridgemont Crossing. And, he said that before Ridgemont Crossing, the industrial park was to the east as were the high tension wires.

Mr. Winn closed the Public Hearing on Petition #16-27.

Mr. Emmons asked for Ken's input. Mr. Prince said the first thing he tried to do was dissect it from a Planning perspective vs. what existed and it was complicated because of the bankruptcy. He wrote the staff report as if it were going next to him. Mr. Prince said he struggles with how it's been delayed.

Mr. Prince said he looked to Toscana Park as an example and he's done the best he can to make sure professional things are met. Can they meet that goal? He said he wrote the conditions as an approval if all conditions could be met. Mr. Prince said density isn't a bad thing for the City; it's the nature of being in the city. It isn't Granger; that's why they have the mobile homes and industrial uses there.

Mr. Prince said he wrote it as a favorable recommendation, but has reservations about how they can follow through. He said they haven't addressed everything he thought they should.

Mr. Emmons said the 2000 Comprehensive Plan said the area was identified as mobile home. Mr. Prince said in the 1990's, the plan said the area was undeveloped. The underlying characteristic is the single family subdivision and that's a higher characteristic than a mobile home park.

Ms. Gadacz said because Village Green has been mentioned, the houses that back up to Village Green are extremely difficult to sell vs. other homes in the development.

Staff Recommendation

Staff recommends in favor of rezoning Petition 16-27 to establish zoning for property located at the Northeast Corner of Dragoon Trail and Fir Road, originally platted as part of the Ridgemont Crossing subdivision to allow for the construction of a 360-unit multi-family residential apartment complex, reserve 13 acres of single family zoning to complete the Ridgemont Crossing subdivision, and to identify 10 ½ acres of vacant land to be developed in the future, subject to the following conditions:

Proposed Uses:

- 1. The final planned unit development plat and site plans shall be consistent with the three use (Parcel) areas identified in Exhibit 'A' as prepared by staff. Although the width and depth of parcels may be modified based on actual configurations developed in the construction drawing phase, the area of the use, general layout, and concept shall follow Exhibit 'A'. Substantial changes to any proposed uses shall require both a rezoning and change of the preliminary planned unit development site plan, if proposed. Uses permitted within each parcel shall be as follows:*

<i>Parcel 1-</i>	<i>Area- Uses-</i>	<i>Maximum of 21.33 Acres Multi-family residential not to exceed 360 units. Market rate as committed by the developer. Construction costs will not be subsidized by Federal, State, or local tax dollars or tax credits. Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision</i>
<i>Parcel 2-</i>	<i>Area- Uses-</i>	<i>Minimum of 13.0 Acres Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision</i>
<i>Parcel 3-</i>	<i>Area-</i>	<i>The residual acreage, roughly 10.5 acres. Single Family Residential to provide for the completion of the Ridgemont Crossing Single Family subdivision</i>

Traffic Impact:

- 1. The developer shall install a center left turn lane and designated right turn lane within both Dragoon Trail and Fir Road in the areas of the proposed entrances. Given the proximity of the entrances to the intersection of Fir Road and Dragoon Trail, the City Director of Engineering may require the developer to carry the required turn lane improvements to or through the intersection of Fir Road and Dragoon Trail or potentially require the developer to move the entrance further away from the intersection so that the resulting geometry is clear and meets conventional standards.*

2. *Any additional right-of-way required for Fir Road or Dragoon Trail associated with the proposed development project area shall be dedicated. Right of way shall include 40' from center for both streets with a potential corner cut at the intersection of Fir Road and Dragoon Trail. Outside of the right of way, a 15' wide utility, walk and landscape easement shall be provided along both Fir Road and Dragoon Trail. The developer shall coordinate the timing of pending City improvements with the needed/required improvements of the development. Required improvements shall be directed by and subject to the approval of the City Director of Engineering.*

Internal Road and walkway connections:

1. *The developer shall provide a separate construction access from Dragoon Trail to the proposed single family subdivision which is intended to complete the Ridgemont Crossing subdivision. The intent is to limit the number of heavy equipment trucks going through the residential subdivision. This shall be required to remain in place until roughly 90% of the homes/infrastructure of the single family subdivision is in place and may be removed only when deemed acceptable by the City Director of Engineering. This access shall be shown and improved as part of any final plat or site plan completed for either the apartments or residential subdivision.*
2. *The developer is responsible for coordinating with the Ridgemont Crossing Home Owners Association and adjacent property owners regarding what happens to the Cane River Drive stub street as part of any final site plan filed for the proposed apartment project. At the request of the Home Owners Association and adjacent property owners, the developer shall be responsible for removing this stub street and providing for grading of the area, drainage and curb modifications to Gauley River Drive. If the homeowner's association/property owners desire the stub street to remain, or cannot agree/refuse to provide direction to the developer, the stub street shall remain in place. The developer shall also be responsible for working with the applicable title companies to resolve the gap in property ownership resulting from the bankruptcy transfer and platting errors. Clear ownership and access to this gap property shall be identified as part of or prior to any final plat or site plan approval for any of the three parcels identified herein.*
3. *At a minimum, a 5' wide concrete internal sidewalk shall be provided throughout the proposed apartment development and shall be extended to the right-of-way line of both Fir Road and Dragoon Trail.*

Stormwater Run-off/Utilities:

1. *The quantity and type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. If not otherwise addressed, the developer must accommodate the storm water management needs for the entire Ridgemont Crossing subdivision as part of phase 1 of any project. This would include the apartment project, the single family portion, or the undeveloped vacant land.*
2. *All costs associated with the extension of utilities shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as approved by the City Director of Engineering.*
3. *The developer is responsible for extending and completing infrastructure in the previously platted phases of Ridgemont Crossing only as necessary to serve the proposed new single family section of Ridgemont Crossing (parcel 2). This infrastructure shall be completed or bonded for as part of any new single family plat as required by the City Director of Engineering.*

Lighting:

1. *Parcel 1- All site lighting for parcel 1 shall be limited to 25 feet in height. 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures for parcel 1. Ornamental lighting similar to the City standard Sternberg lights may be provided in lieu of cut-off fixtures subject to the review and approval of the Planning Commission. No pole mounted fixtures shall be provided within 100 feet of the north property line of Parcel 1. No more than 1 fixture shall be provided per pole and the wattage shall not be greater than 250 watts. The average/design level of illumination for areas within Parcels 1 shall not exceed 0.5 footcandles.*
2. *Parcels 2- All site lighting for parcels 2 shall be consistent with the existing Ridgemont Crossing subdivision.*
3. *A lighting plan shall be submitted with each final planned unit development plan/plat submission.*

Signage:

1. *A maximum of two ground mounted signs may be permitted on Parcel 1, one at each proposed entrance. Each sign shall not exceed 8' in height and shall utilize a masonry base that matches the proposed building architecture. A maximum display area of 32 square feet shall be permitted for each sign.*
2. *Temporary signage and flags shall comply with the on premise sign ordinance of the City*

Building Limitations/Architecture (Parcel 1):

1. *The proposed apartment architecture shall utilize masonry materials on a minimum of 2/3 of all building facades that isn't glass. Masonry shall include standard masonry brick or stone. Larger concrete blocks may not be included within this 2/3 requirement. The remaining 1/3 of the building facades shall be masonry or incorporate other high quality materials such as fiber cement board or other wood or composite lap siding. Vinyl siding or metal building panels shall not be permitted*
2. *Balconies or patios shall be provided for all units.*
3. *Proposed apartments shall maintain a minimum of a 120' building setback from the existing and proposed Ridgemont Crossing single family home subdivision. A 60' building setback shall be provided along both Dragoon trail and Fir Road.*
4. *Proposed apartments may not exceed more than three stories and may not exceed 40' in height.*

Parking/Landscaping/Fencing/Dumpster (Parcel 1):

1. *A minimum of 1.5 parking spaces shall be provided for each proposed apartment unit.*
2. *A 50-foot-wide green space buffer with a 4-foot high earthen berm and planting shall be provided between the existing and proposed single family residential subdivision and the proposed apartment construction on Parcel #1. Planting on the berm shall include spruce and/or fir evergreen trees planted in a triangular spacing no further than 12' feet apart for the entire length of the buffer. At the time of planting, trees shall be a minimum of 8' in height. Deciduous shade trees shall also be planted within the same 50-foot buffer no greater than 40 feet on center, and shall be a minimum of 3" in caliper at the time of planting. Within the required buffer, a minimum of 21 ornamental trees shall be dispersed uniformly throughout the entire buffer area in clusters of 3. Ornamental trees shall be a minimum of 2" in caliper at the time of planting.*

3. *C-1 general commercial landscaping standards shall be required along the entire length of Fir Road and Dragoon Trail, and within proposed parking lot areas. Foundation plantings shall be provided at the base surrounding all buildings.*
4. *Dumpsters and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the apartment buildings. Dumpster locations shall be located minimum of 100 feet south of the north property line.*
5. *A standard 6' solid vinyl or composite board fence shall be provided along the north property line between the proposed apartments and the existing and proposed Ridgemont Crossing single family residential subdivision. A 4' high black ornamental steel or aluminum commercial grade picket fence shall be placed along both Fir Road and Dragoon Trail for the entire length of the proposed apartment project.*

Single Family Residential Development Standards:

1. *The proposed platting of lots to complete the existing Ridgemont Crossing Subdivision shall provide for lot sizes, setbacks, and covenant restrictions to match the existing Ridgemont Crossing subdivision. A preliminary planned unit development site plan shall be provided for the entire remaining vacant single family property prior to filing any final plat that divides the apartment property from the remaining land.*

Reversion of Apartment Zoning:

1. *The developer shall file a final planned unit development site plan within one calendar year and start construction of the apartment project within 18 months of the date of approval of the Common Council. If either one of these dates are missed, the apartment use for the property shall be considered null and void and shall revert back to single family residential. This provision has been placed to allow the City to adjust conditions relative to changes that may occur over time.*

This recommendation is based on the following findings of fact:

1. *Existing Conditions - The subject parcel is located on Fir Road and Dragoon Trail, both are currently moderately travelled collector roads where traffic volumes are expected to increase due to the on-going growth of the City. The site has a high tension power line through it, and an existing industrial park located on its border to the east. The site is adjacent and connected to the existing Ridgemont Crossing single family residential subdivision. As such, extensive conditions on the proposed development are necessary to insure both compatibility with the adjacent single family subdivision and the cohesive development of the property in general.*
2. *Character of Buildings in Area - The character of buildings and land uses located along the Fir Road and Dragoon Trail corridors are far ranging. On Fir Road the site is impacted the most by two single Family residential subdivisions being Ridgemont Crossing and Rosewood. Beyond those subdivisions there is a very large mobile home park and scattered industrial and commercial properties. On Dragoon Trail, an Industrial park is located to the east, and to the south of the site is George Wilson Park. The mix of residential, commercial, and industrial uses identifies a diversity of uses where apartments and single family uses are both appropriate.*
3. *The most desirable/highest and best use - With the property's location along the increasingly travelled Fir Road and Dragoon Trail corridors combined with the adjacent high tension power lines, the proposed mix of apartment and single family residential uses could be considered as the highest and best use of the property.*
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 would be subject to a lengthy number of development conditions designed to insure the quality of the proposed development while providing a buffer to neighboring properties.*

5. *Comprehensive Plan – This property was identified with a preferred use as manufactured home residential in the Mishawaka 2000 Comprehensive Plan. Given that the manufactured housing demand has changed since the time of completion of the comprehensive plan, the proposed multi-family use is reasonably consistent with multiple uses contained within the Fir Road and Dragoon Trail corridors.*

MOTION: Nick Troiola moved to forward Petition #16-27 to the Common Council with an unfavorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 5-0.

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 October 11, 2016, meeting.*

Mike Danch, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of H & G Real Estate and this is a companion petition to the previous apartment complex. He said to move forward, the previously platted streets in Ridgemont Crossing have never been built; they're just paper streets and as part of the process we need to request vacation of the dedicated right-of-way. Mr. Danch said other than that, there's nothing to be done.

Mr. Winn closed the Public Hearing on Petition #16-28.

Mr. Prince said even though this was filed concurrently with the apartment request, this just removes the streets from the plat. He said if the apartments are not approved, the streets would just need to be replatted if single family homes were to be built.

Staff Recommendation

Staff recommends in favor of Petition 16-28 to vacate streets that were platted as part of the Ridgemont Crossing subdivision that were never constructed (paper streets). Streets include a portion of Cane River Drive, Glacier Bay Drive, Blue Ridge Drive, Denali Court, and Muir Woods Drive. This recommendation is based on the following findings of fact:

- 1) *The vacation will not hinder the growth or orderly development of the neighborhood. If the concurrent development request is approved, the proposed vacation would provide for a logical termination of streets. If the concurrent development is not approved, the streets as originally platted could be recreated by a separate plat.*
- 2) *The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. The proposed adjacent use as apartments requires a significant buffer and separation from the existing single family residential subdivision. The proposed vacation allows for that separation.*
- 3) *The streets do not provide access to any church, school, public building or place, they have not been developed or improved at all, and thus will not hinder the public's access to any of the aforementioned destination;*
- 4) *The proposed vacation will not hinder the use of any public way, utility or place.*
- 5) *This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.*

MOTION: Don McCampbell moved to forward Petition #16-28 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 5-0.

PETITION #16-32 A request submitted by Larry M. and Christine A. Cole requesting to annex and zone **15057 and 15151 Cleveland Road, Granger**, to R-3 Multi-Family Residential.

Mike Danch, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioners. He said this property is west of Fir Road on the north side of Cleveland with the dentist office on the corner. Mr. Danch said a medical facility was recently approved across the street. The request is to annex and zone to R-3 for multi-family.

Mr. Danch said they are interested in building a town home type of development, 29 townhomes with access off of Cleveland connected to City sewer and water.

Mr. Danch said the staff report mentioned some wetlands, but there are none on this site. There are some topography changes which will mostly likely be dealt with at final design and would work with Engineering department as they must be in compliance with several things such as drainage and location to municipal wells. He said mainly what that entails is design for drainage and have done others in the city.

Mr. Danch said they are hoping to begin construction next spring as it would take that long to do the engineering on the property. He said this would be a \$6 million project.

Mr. Winn closed the Public Hearing on Petition #16-32.

Staff Recommendation

Staff recommends in favor of rezoning Petition 16-32 to annex and establish zoning for property located on the north side of Cleveland Road west of Fir Road (15057 & 15151 Cleveland Road and vacant land) to allow for the construction of a 29-unit multi-family residential town home development.

This recommendation is based upon the following Findings of Fact:

- 1. Existing Conditions - The subject parcels are located along a low to moderately travelled section of Cleveland Road on which traffic volumes are expected to remain relatively constant. Cleveland Road between State Road 23 and Fir Road does not serve as a major east-west corridor into the city. Adjacent land uses include single-family residential properties to the north, west, and east, and a single-family residential and commercial property to the south. This commercial property is currently under development as a medical office complex.*
- 2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor from State Road 23 to the west to Fir Road to the east vary greatly. Buildings and uses include low-density single family residential homes, an assisted living/memory care facility, an independent living senior facility, a residential apartment complex, a church, and a medical office complex.*
- 3. The most desirable/highest and best use - With the recent completion of Beacon Parkway to the north, commercial and multi-family residential development along Fir Road, and to a lesser extent along Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.*
- 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 the adjacent single-family residential and medical office complex uses.*
- 5. Comprehensive Plan - This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.*

MOTION: Don McCampbell moved to forward Petition #16-32 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 6-0.

ADJOURNMENT: 8:08 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner