

APRIL 10, 2018

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, April 10, 2018, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Chris Jamrose, Matt Lentsch, Dale "Woody" Emmons, Don McCampbell, Murray Winn, Nick Troiola, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. In addition to members of the public, the following were in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

Mr. Winn explained the Rules of Procedure.

The Minutes of the March 13, 2018, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

REPLAT #18-10 A request submitted by Laurie Industries, LLC, Richard W. McKee, TR of Richard W. McKee Rev. Trust seeking approval of the one (1) lot Home Depot Minor Subdivision 6AA-6B Third Replat.

Todd Leeth, attorney with Loeppner Wagner & Evans, 103 E. Lincolnway, Valparaiso, IN, appeared on behalf of Aldi Foods. He said there is somewhat of an interesting history regarding this property. Mr. Leeth said the Aldi operates within the Home Depot Minor Subdivision which is a PUD and this petition is just next in a line of plats and replats trying to modify their development.

Mr. Leeth said Aldi's existing footprint is Lot 6AA within the subdivision and the north wall of the store is very close to the north lot line and Aldi wants to expand. He said they will push north into Lot 6B. Aldi has acquired the rights to own 6B and will combine 6AA and 6B in one lot and then enter into a new lease agreement or amend the existing lease with Richard McKee to add the new lot.

Mr. Leeth said there is a site plan showing cross easements, uses, and are obtaining consents of other owners to do this. He also said Lot 6B includes a water line and drive aisle. He said they are getting consent of all the owners, they have about 4 of the 7 and are working with other owners for consents. Mr. Leeth said they are dealing with large corporations and are working on it.

Mr. Leeth said the relocated water line around where new 1,800 sqft building addition is and will have better parking and access to the front door.

Mr. Tordi asked about some of the changes to the property. Mr. Leeth said the plat had a couple of things that they received comments on and have submitted revised plats and received additional comments. He said they don't have those addressed and have turned

over to the draftsmen to incorporate. Mr. Leeth said one thing is the name will stay in the name of Aldi, they don't own Lot 6B right now, but will shortly and are making changes.

Mr. Tordi asked if they thought they would get the rest of the consent letters. Mr. Leeth said he certainly hoped so. He said they started the process in October and are trying to extract from the brass of those companies and are working on a May deadline.

Mr. Troiola asked if there has been any negative feedback. Mr. Leeth said no one has said no, but some have said yet but with certain things and are working out.

Mr. Winn asked if they would change the entrance to the store. Mr. Leeth said no, the doors will remain on the corner with parking to the north.

Mr. Winn closed the Public Hearing on Replat #18-10.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for the "Home Depot Minor Subdivision 6AA-6B Third Replat" pending minor revisions to the plat. A revised plat must be submitted prior to being recorded. This recommendation is based upon the fact that the replat meets all of the requirements of Section 133-107 (Preliminary Replat) and Section 133-110 (Final Replat) of the City of Mishawaka Subdivision Control Ordinance.*

MOTION: Dale Freeman moved to approve Replat #18-10. Nick Troiola seconded; motion carried with a vote of 9-0.

PETITION #18-11 A petition submitted by RMH Franchise Corporation, owner, Mishawaka Retail LLC, contingent purchaser, requesting to rezone **4515 Lincolnway East** from C-1 General Commercial District to C-7 Automobile Oriented Restaurant Commercial District.

Donald Smith, Katz Korin Cunningham, 334 N. Senate Avenue, Indianapolis, appeared on behalf of Mishawaka Retail requesting to rezone the former Applebee's. He said they will divide the building in to two tenant spaces; Verizon Wireless and Starbucks with drive-thru. Mr. Smith said the property is zoned C-1 and would allow both uses, but not the drive-thru which requires a C-7 zoning.

Mr. Smith said the lot is not going to go through any significant changes. He said 18 parking spaces will be removed, but still have more than needed. The building will be left intact, but with façade changes.

Mr. Smith said the area around the property is heavy commercial and Lincolnway is a heavily travelled corridor.

Mr. Lentsch asked if Starbucks will be drive-thru only. Mr. Smith said no, will be able to sit down inside.

Mr. Troiola asked will the entrance/exit at the light be the only way to enter the property. Mr. Smith said there will be no additional curb cut.

Mr. Lentsch asked what the timeline would be. Mr. Smith said they are scheduled to close a week after the Common Council meeting; mid-May closing and start construction pretty quickly after and perhaps open by end of summer.

Mr. Winn closed the Public Hearing on Petition #18-11.

Staff Recommendation

*Staff recommends in **favor** of Petition 18-11 to rezone 2.94 acres located at 4515 Lincolnway East from C-1 General Commercial District to C-7 Automobile Oriented Restaurant District to allow a drive-thru restaurant.*

This recommendation is based on the following findings of fact:

- 1. Existing Conditions – Lincolnway East is a major east/west corridor, and at its intersection with Bittersweet Road has a wide variety of commercial uses.*
- 2. Character of Buildings – The existing building will be reused with façade changes to distinguish the two different tenants.*
- 3. The most desirable/highest and best use – Being along one of most heavily travelled corridors in the City, the most desirable use of the property is a higher intensity commercial use.*
- 4. Conservation of property values – The rezoning should not be injurious to property values in the area. The Lincolnway East and Bittersweet intersection is a mix of commercial uses, therefore, C-7 Automobile Oriented Restaurant Commercial uses are compatible with the existing uses along the corridor.*
- 5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, identified most of the Lincolnway corridor, between Capital and Bittersweet as General Commercial. Since the C-7 District still allows all C-1 General Commercial uses, it still meets the goals of the Comprehensive Plan.*

MOTION: Matt Lentsch moved to forward Petition #18-11 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 9-0.

DESIGN REVIEW:

DR #18-02

A request submitted by Nickolivia LLC requesting a sign waiver from the Mishawaka Design Review Ordinance Section 105-171 Signage Form for a roof sign and Section 105-174 Signage Size Limitations for letter height at **122 North Hill Street**.

Jay Stauffer, VanAdco Signs, Argos, along with owner George Pesek. He said the intent is to design something that blends in with the building; attempting to match the Mission style of the building.

Mr. Stauffer said the sign is an open-face channel letter with individual LED lightbulbs. He said the finish will be a patina rust finish with clear coating.

Mr. Emmons asked if it would be a flashing sign. Mr. Stauffer said not flashing, just illuminated.

Mr. Emmons asked if it was designed so it won't be disruptive to the neighbors. Mr. Pesek said no, going to be subtle.

Mr. Emmons aid he noticed some grading going on at the site. Is that for parking? Mr. Pesek said yes, building a retaining wall for bottom section to use for parking.

Mr. Winn closed the Public Hearing on Design Review #18-02.

Staff Recommendation

The Plan Staff recommends approval of Design Review Waiver #18-02 for Jesus Latin Grill and Tequila Bar to install a new sign on the roof with 5 letters exceeding the height requirement.

MOTION: Nick Troiola moved to approve Design Review #18-02. Dale Freeman seconded; motion carried with a vote of 9-0.

ADJOURNMENT: 7:19 p.m.

Kenneth B. Prince /s/
Kenneth B. Prince, City Planner

Kari Myers /s/
Kari Myers, Administrative Planner