

AUGUST 14, 2018

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, August 14, 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, and Chris Tordi. Absent: 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 10, 2018, meeting, were approved as distributed.

Mr. Tordi declared a Conflict of Interest on Petition #18-21. No other Conflicts of Interest were declared.

PUBLIC HEARING:

PETITION #18-20 A petition submitted by Beacon Health System, Inc. requesting to annex and zone **14710 State Road 23, Granger** to S-2 Planned Unit Development and amend the Northwest Capital – Toll Road Planned Unit Development.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Beacon Health System. He said they are seeking to annex and zone the 1.3 acre property.

Mr. McMorrow said the property became available and they would like to add it to the PUD to the south. He said the property provides an opportunity for alternate highway entrance at some point in the future, but no plans to do so now.

Mr. Winn closed the Public Hearing on Petition #18-20.

Staff Recommendation

Staff recommends approval of Petition 18-20 to annex and establish zoning to permit C-1 General Commercial uses for property located at 14710 State Road 23, and amend the Northwest Capital – Toll Road Planned Unit Development to add the parcel to the PUD subject to the following:

- 1. All previously approved development standards per Ordinance 5186 and 5620AA applicable to property owned by Beacon Health Systems, Inc., being more specifically Lot 2 of the Beacon Health Subdivision, shall be adhered to.*

This recommendation is based on the following findings of fact:

1. *Existing Conditions – The subject parcel is located on State Road 23, a highly travelled corridor on which traffic volumes will remain consistent or increase due to the significant commercial and residential growth that has occurred in the northeast part of the Mishawaka and Granger. The site, which is currently vacant, is adjacent to a church to the north, vacant land to the west, agricultural land to the south within the Northwest Capital – Toll Road Planned Unit Development approved for various commercial and medical uses, and a multi-tenant commercial building to the east.*
2. *Character of Buildings in the Area – The character of buildings and land uses located along State Road 23 vary greatly and include both low-density single family residential homes and commercial development within unincorporated St. Joseph County.*
3. *The most desirable/highest and best use – With the property’s location along State Road 23 and the planned office and medical uses to the south, the most desirable use for the property is for commercial use.*
4. *Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area because the C-1 General Commercial uses are compatible with the existing and adjacent proposed development.*
5. *Comprehensive Plan – The property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, it is within the extents of the Capital Avenue Land Use Plan which identifies this parcel and the adjacent land to the south as an area for commercial office and retail, hotel, medical, and research parks. This plan was jointly prepared by St. Joseph County and the City of Mishawaka.*

MOTION: Nick Troiola moved to forward Petition #18-20 to the Common Council with a favorable recommendation. Matt Lentsch seconded; motion carried with a vote of 7-0.

PETITION #18-21 A petition submitted by Garatoni Holdings LP V requesting to rezone **4405 and 4415 Grape Road** from C-1 General Commercial District to C-4 Automobile Oriented Commercial District.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioners. Mr. McMorrow said the property (shown on the overhead) is twice as large as required for a car wash, but much of the northerly half is occupied by a stormwater retention pond which was designed to accommodate run-off from development in the area.

Mr. McMorrow said the staff report is not in favor of the petition and he wants to start a dialog with the petitioner, John Wyant, who is contract purchaser of the property.

John Wyant, 2000 E. Market Street, Nappanee, IN, gave a brief background about himself and stated that 15 years ago today he opened his first car wash and says he enjoys what he does and he’s a hands-on owner. He said they have won best car wash in Elkhart County in 2015, 2016, 2017, and 2018 by the Elkhart Truth poll and also best oil change facility.

Mr. Wyant said what makes his business special is customer service and how knowledgeable they are about service. He said people want to know they are welcome there and said he doesn't look at customers as dollar signs, but as customers with a need and wants them to have a great experience.

Mr. Wyant said they feel they have come up with the right combination of materials to comply with the Design Ordinance. He said if the City isn't satisfied with what they have to offer, he can tone down the white to grey tile on the north side of the building where the majority of the tile is. And on the side south of the building there's a mixture of tile and split face cement.

Mr. Wyant said staff was concerned about the nuisances that come along with car washes. He said with the design of the facility, he wants to make sure he's a good neighbor. He said as far as vacuum noise, their type of system is not around this area right now. They will have a central vacuum system with a silencer on it and is a really quiet system (showed information on the overhead about decibel level). He said Wings next door and the facility behind won't hear it and they are willing to put in a sight/sound barrier between them and the facility behind.

Mr. McMorrow said they would revised the landscape plan to provide the buffer and sight/sound barrier.

Mr. Wyant said the drying system is at the end of the wash tunnel and will be located furthest away, the eastern portion, of the property. He said it's inside the building and will have its own separate room and a lot of the sound will be trapped within the facility. That should give them enough of a sound barrier for the facility behind them and Wings next door.

Mr. Wyant said it is not a coin operated facility and the hours of operation would be 7:30 a.m. to 8:00 p.m. and the vacuum system will be shut down at 8:00 p.m. He said Sunday hours may vary, but these hours are 7 days a week.

Mr. Wyant said peak time is around 11:00 a.m. to 3:00 p.m. and it really drops off around 6:00 p.m. He also said there are seasonal variations with peak season being January thru March.

Mr. Lentsch asked why this site. Mr. Wyant said he has looked everywhere and basically everything his C-1 and this site with the Tanglewood road running parallel to it will allow them to keep traffic flow moving without having issues on Grape Road. Mr. Wyant said they have done studies on several properties and this one fits what they want on it.

Mr. Lentsch asked how this is compatible with the senior living facility and how does it fit in with the neighborhood as this is something the Commission talks about all the time. Mr. Wyant said the way they are going to have the property set up with the barriers, will actually kind of make a site barrier and deadening the sound as well for them.

Mr. McMorrow said C-1 zoning has over 130 uses such as carry-out restaurants, bus terminals, and he does think this is more or less compatible. He said they are projecting to have over 300 cars at the property. That is less than CVS or Walgreens over a full day. He said they won't be heavy vehicles. Wings next door will get more traffic.

Mr. Lentsch asked about stormwater management and Juday Creek being located right there. Mr. Wyant said internally they will have a reclaim system that recycles and cleans

the water and they reuse it. He said anything that is discharged is cleaned before entering the sewer system. Mr. Wyant also said they use biodegradable soaps and cars won't track soap out of the facility.

Mr. McMorrow said there will be a catch basin and maybe an underground system with a water quality device. All of that will be handled before being discharged into the creek and there's a long distance before Juday Creek.

Mr. Emmons asked Mr. Wyant if he would build a house next to the car wash. Mr. Wyant said he would have no problem with it.

Mr. Emmons said he doesn't think this property is suitable for this type of business being next to a senior living facility. He said he has been in many car washes and they may say they are quiet, but they always aren't.

In Favor

Matt Wetzell, 108 N. Main Street, South Bend, said he wanted to speak on property value. He said if you look at the history of Grape Road and development, they have seen appreciation in value and this property should follow that trend.

Opposition

Nick Nuwolf, regional manager of operations for Tanglewood Trace, said he is representing the senior living facility behind the site. He said he doesn't have the business acumen as these man, but he's a healthcare operator.

Mr. Nuwolf said he wants to make the claims that Tanglewood is a private pay community with 170 units. He said it's benevolent of the developer to say he's going to put up sound barriers and landscaping improvements, but asks would you pay \$3,800 per month to look at a barrier; with 300 cars a day driving past your home? Mr. Nuwolf said he's trying to ensure this isn't going to happen without dialog. He said he's in favor of growth, but not as it stands now and if they retained natural wooded land, perhaps he could stand behind it. He said he has 25 folks who would look at this from what is possibly their last home.

Mr. Nuwolf said this would help with jobs and property values with other neighbors and he is in favor of that as well, but he's worried about the traffic and the sound. He said he lives fairly close to a car wash, about a block away, and he hears it.

Mr. Nuwolf said he thinks about those folks looking at a barrier; they have beautiful lands, it's in a flood plain, and it's their last home. He said if they could have retained land that would ensure the natural beauty not be destroyed and the service road would go through there. Mr. Nuwolf said they could consider further discussions, but of course it's up to the Commission. He said he stands here as an advocate for those who can't be here to speak.

Mr. Lentsch asked if he would be happy with any development that would upset the view. Mr. Nuwolf said not so much of the view, but he worries about a car wash.

Mr. Lentsch asked if they could purchase the land. Mr. Nuwolf said he represents a management company. He's not in opposition to development, but in opposition as the plan stands now. Mr. Nuwolf said he is worried about the wall as described, it's a sound barrier and will there be a service drive right past their window, cars driving past their window. It's nice it isn't a 24 hour facility as most folks go to bed at 6:30 p.m.

Rebuttal

Mr. McMorrow said he wanted to begin the dialog and realizes rezoning petitions are not handled lightly. He said he would like the opportunity to enhance or revise the drawings and meet with the Tanglewood folks and come back next month.

Staff Recommendation

*Staff recommends Petition 18-21 to rezone an approximate 3.3 acre lot at the northwest corner of Grape Road and Tanglewood Lane (4405 & 4415 Grape Road) from C-1 General Commercial to C-4 Automobile Oriented Commercial for a proposed carwash facility be forwarded to the Common Council with an **unfavorable** recommendation. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions – The subject property consists of a vacant parcel of land with a large retention basin and is located along Grape Road, a highly travelled commercial corridor providing major north-south access through the City. Adjacent land uses include a multi-tenant commercial shopping center across Grape Road to the east, a restaurant to the south, and an assisted living facility to the west.*
- 2. Character of Buildings – The character of the buildings in the area are predominantly multi-family residential and commercial.*
- 3. The most desirable/highest and best use – Because of the parcel's location adjacent to an existing assisted living facility, the most desirable use of the property is a less intensive commercial use such as those currently permitted in the C-1 General Commercial District.*
- 4. Conservation of property values – The proposed rezoning may be injurious to property values in the area. The proposed carwash facility is not compatible with the existing adjacent multi-family residential use (assisted living facility).*
- 5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. However, due the presence of a multi-family residential use to the west, the proposed use is inconsistent with the general policies of encouraging compatible adjacent land uses.*

MOTION: Matt Lentsch moved to continue Petition #18-21 to the September meeting. Nick Troiola seconded; motion carried with a vote of 6-0 (no vote by Mr. Tordi).

ADJOURNMENT: 7:45 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner