

**JANUARY 8, 2019**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, January 8, 2019, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Matt Lentsch, Dale "Woody" Emmons, Don McCampbell, Murray Winn, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Chris Jamrose and Nick Troiola. 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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Murray Winn turned the meeting over to Ken Prince, City Planner, for the election of officers.

**ELECTION OF OFFICERS:**

**MOTION:** Murray Winn moved to nominate Matt Lentsch as President. Dale Freeman seconded; motion carried with a vote of 6-0.

**MOTION:** Murray Winn moved to nominate Chris Tordi as Vice-President. Dale Freeman seconded; motion carried with a vote of 6-0.

**MOTION:** Don McCampbell moved to appoint Chris Tordi to the Board of Zoning Appeals. Murray Winn seconded; motion carried with a vote of 6-0.

**MOTION:** Chris Tordi moved to reappoint the Planning Staff for 2019 and Kari Myers as Commission Secretary. Don McCampbell seconded; motion carried with a vote of 7-0.

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Mr. Lentsch explained the Rules of Procedure.

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The Minutes of the December 11, 2018, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**PETITION #18-31** A petition submitted by FHS Investments, LLC, requesting to annex and zone property located at **53013 Fir Road** to C-6 Linear Office Commercial District. *Continued from the December 11, 2018, meeting.*

Terry Lang, Lang Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of FHS Investments, LLC and said they currently own land to the west which is a medical office. He said the opportunity arose to purchase the property and they wish to annex and expand with an additional medical facility.

Mr. Lentsch asked Mr. Lang to explain further how this will take place. Mr. Lang said the annexation cannot take place until next year due to it being a census year. He said in the meantime, they will do planning and if they start construction, they will do so under county guidelines. Mr. Lang said the Petitioner came to him a month too late to make it happen this year and their goal is to do a lot of building design, site design work.

Mr. Tordi asked about the entrance to the property. Mr. Lang said they will use the existing drive for the medical center due to the line-of-sight and set up an easement for that purpose.

Mr. Lentsch closed the Public Hearing on Petition #18-31.

### **Staff Recommendation**

*Staff recommends in favor of Petition 18-31 to annex and establish zoning to the C-6 Linear Office Commercial District for property located at the southwest corner of Cleveland Road and Fir Road (53013 Fir Road). The property is proposed to be utilized for the future expansion of the adjacent medical office use to the west.*

*This recommendation is based upon the following Findings of Fact:*

- 1. Existing Conditions - The subject parcel is located along low to moderately travelled sections of Cleveland Road and Fir Road. Traffic volumes on these roadways are expected to increase due to commercial and residential development in the northwest part of the City. Cleveland Road does not currently serve as a major east-west corridor. However, Fir Road now serves as the primary gateway into the City from the Toll Road due the completion of Beacon Parkway to the north. Adjacent land uses include single-family residential properties and a medical office building to the north, a commercial property to the west occupied by a medical office, and agricultural property to the southeast.*
- 2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor between State Road 23 and Fir Road and along the Fir Road corridor between Beacon Parkway and University Drive 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, medical office buildings, and agricultural land.*
- 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. The proposed commercial use is compatible with the adjacent single-family residential and medical office uses.*
- 5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed commercial use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.*

**MOTION:** Murray Winn moved to forward Petition #18-31 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 7-0.

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**PETITION #18-34** A petition submitted by Darin Hurn requesting to amend the Fir Road Athletic Club Planned Unit Development to allow a senior daycare at **6005 Fir Road.**

Darin Hurn, 10982 Lakeshore Drive, Osceola, IN, said he plans to utilize the house and operate as a senior day care. He said just a few people will be working there as people will be dropped off during the day.

Mr. Hurn said when he applied, there was a question about parking and the structure of the business will be drop offs and the only parking needed will be for employees.

Mr. McCampbell asked how many employees would there be. Mr. Hurn said three to start.

Mr. McCampbell asked how many people could he accommodate. Mr. Hurn said 18, 6 people per employee, and he doesn't plan on having a full house; 10-12 at the most.

Mr. Lentsch asked if he had explored licensing. Mr. Hurn said he isn't taking on special needs people and will be run like a day care for kids, but for seniors. He said as far as he knows, there are no real requirements except for number of people per person. Mr. Hurn said if they get into medications and such, he will seek help from the state as that's a difference license and isn't getting involved in that.

Mr. Winn asked about the hours. Mr. Hurn said 7:00 a.m. to 6:00 p.m. as most people work until 5:00 p.m.

Mr. Lentsch closed the public hearing on Petition #18-34.

Mr. Tordi asked about the zoning being S-2 and it being a house. Mr. Prince said the property was brought in to be an athletic club and never came to fruition. He said it's part of the Bell Tower PUD for a recreational facility, but never happened.

Mr. Winn asked if they will have to make ADA accessible. Mr. Prince said he put them in touch with the Building Department and they'll have to meet whatever is required.

**Staff Recommendation**

*Staff recommends in favor of amending the Fir Road Athletic Club PUD to allow a senior day care facility. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions – The use will be located in an existing building which was previously used as in insurance office.*
- 2. Character of Buildings in Area – There is a Health and Rehabilitation Center also included in the PUD. To the north is a 290 unit apartment project. The character of the buildings located within this development and the surrounding area are residential.*

3. *The most desirable/highest and best use – Because of the parcel's location within an area that is mostly residential, the continuation of a service commercial business is the most desirable use for the property.*
4. *Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the nature of the business is similar to that of the previous insurance office and not generate more traffic.*
5. *Comprehensive Plan- The proposed amendment is consistent with the Comprehensive Plan identifying this area for service commercial uses.*

**MOTION:** Kathleen White-Gadacz moved to forward to forward Petition #18-34 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 7-0.

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**PRIVILEGE OF THE FLOOR:**

Mr. Winn thanked Don McCampbell for his many years of taking care of the Board of Zoning Appeals and Plan Commission.

Mr. Prince also acknowledged Mr. Winn's long-standing service to the Plan Commission and serving as President since 1999.

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**ADJOURNMENT:** 7:17 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner