

FEBRUARY 12, 2019
PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA

The regular meeting of the Mishawaka Plan Commission was held Tuesday, February 12, 2019, 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, and Kathleen White-Gadacz. Absent: Dale Freeman: 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. Lentsch explained the Rules of Procedure.

The Minutes of the January 8, 2019, meeting, were approved as distributed.

Conflict of Interest was no declared.

PUBLIC HEARING:

REPLAT #19-01 A request submitted by Barak Group LLC seeking approval of the thirty-five (35) lot Reverewood Addition, Phase 3, Section T, 2nd Replat.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Barak Group. He said this is the last parcel of the Portage Development, Reverewood Section T and he has been working with Engineering adding retention areas and piping to address stormwater concerns. Mr. Lang said several basins had been added to address stormwater management.

Mr. Lang said this portion was approved in 1999 and design standards were less than they are now. He said Barak Group has taken over and are pursuing the last of the development and have adjusted the design accordingly to meet today's standards.

Mr. Lang said the roadway configuration is the same, lots sizes are larger than City minimums and they are not jamming more homes in there and they have eliminated a few of the areas that were set aside for homes for retention areas.

Mr. McCampbell asked if Bennington will be an exit only onto Blackberry. Mr. Lang said hopefully this will alleviate traffic concerns. Many residents say cars race down Bennington to the west and maybe some will exit on Blackberry.

Mr. Tordi asked if any of the easement increases from 5' to 7' will affect anyone that is there today. He said he lives on one of those parcels and it looks like moving water run-off. Mr. Lang said they are on the subdivision now and not increasing on anyone's property. He also said storm structures will run between lots. Easements have been enlarged.

Mr. Tordi asked if he foresees any issue with creating flooding on existing lots. Mr. Lang said when Portage folded, there were various builders who didn't do their due diligence and

didn't raise houses appropriately and some buildings may have ended up with water in their basements. Portage was diligent about raising grades up to deal with the water. Mr. Lang said some of these issues were created by other builders. As the homes are built, water can be directed to the appropriate slopes and that's what didn't happen with the last few homes.

Opposition

Gerry Olena, 4012 Stonegate, asked when is Bennington going to be open to Blackberry. At the beginning or the end of the project. He said he wanted to make sure the area can accommodate construction traffic.

Thom Schultheis, 3925 Rockmount Lane said he likes the extra easement at the end of Streamview and would there need one at the end of Rockmount as well?

Rebuttal

Mr. Feeney said the goal of spring as the beginning of construction and construction of the Bennington entrance will be set up with erosion control for ingress and egress of construction traffic off Blackberry to keep it from going thru the residential subdivision and this is most desirable for construction equipment.

Mr. Lang said the concerns for stormwater behind two cul-de-sacs and that's where the city has asked them to take it. He said it took at least 3 revisions to satisfy the need to get water out of the area. Perhaps your sump pump will only run during the rainy season.

Ms. Jamrose said half of the stormwater will go one way and the other the other way as a couple of homes had extreme flooding a few years ago. She said a few houses shouldn't have been built as a walk-out. They are doing what they can to keep from going all in one direction.

Mr. Lentsch closed the Public Hearing on Replat #19-01.

Staff Recommendation

The Planning Department recommends **approval** of the Preliminary and Final Replat for "Portage Realty's Reverewood Addition, Phase 3, Section "T", 2nd Replat" pending revisions to the plat. A revised and executed 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: Murray Winn moved to approve Replat #19-01. Don McCampbell seconded; motion carried with a vote of 8-0.

PETITION #19-01 A petition submitted by DJSJ, LLC, Don Shaum, Jr, and Jennifer Shaum requesting to annex and zone 16525 Arthur Street and vacant two (2) acre lot, Granger, Indiana, to R-1 Single Family Residential and R-3 Multi-Family residential for six (6) single family residential lots and seven (7) townhomes.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioners. Mr. Lang said Mr. and Mrs. Shaum picked up these lots and are looking at putting residential homes on the lots. He said they put together a plan for six (6) homes facing Arthur and the area immediately adjacent to commercial would be the townhomes.

Mr. Lang said this request is being done in a census year and cannot become part of the City, but there is not a rush timeframe for this to happen. He said Mr. Shaum is in the construction business and will build each home individually and put up for sale. Mr. Lang said the townhouses may or may not happen and had hoped to use them to buffer.

Mr. Lang said the target home price is \$350,000 to \$400,000 and the style will be similar to some in Toscana Park and further up on Gumwood. He said Kline Homes is building a new subdivision and those lot sizes are comparable and those homes are selling in that price range. Mr. Lang said with sewer and water being available, they are hoping to make a nice residential development and would be an asset to the City.

Mr. Lang said change isn't something that someone is fond of and the residential has the least impact for the neighborhood and that's why it's proposed. He said they don't anticipate construction beginning for a couple of years and in the meantime, they'll be working on construction plans. Mr. Lang said Arthur Street is essentially one lane and they will be addressing engineering concerns.

Opposition

Burton Miller, 16560 Barton Street, said he has the adjoining property and has been there 60 years. He said when they saw the proposal, he has no problem with the annexation, but he wishes the Commission would have single family and not multi-family.

John Fecteau, 52711 Grape Road, said he had similar concerns as Mr. Miller and his biggest problem is they have a good neighborhood. He said he has no problem with the annexation or the townhomes. Mr. Fecteau said if you look at the plat, the homes will be two story and there are no two story homes in the area. He said their lots are ½ to 1 acres and you want to put 3 homes on one acre. He said if they are going to sell homes at that price, you won't do it on a basement but two levels and they will dwarf other homes in the area.

Mr. Fecteau also said he has concerns about drainage as their soil is basically sand. He said if they put in a retention pond in the future for the townhomes and what will they do when they widen Arthur Street and one sewer in the front. He said the water from two story homes will have to drain someplace.

Mr. Fecteau said he would like to keep the flavor of their neighborhood. He said as for the Villas in Toscana, that's fine for them; there's nothing behind them and Macri did a good job with them. He said no one complains about Toscana and he wants the same treatment as the other people.

Richard Fleischman, 52690 Grape Road, said his main concern was keeping the character of the neighborhood. He doesn't want a bunch of houses stacked on top of each other; that's too tight for that neighborhood.

Rebuttal

Mr. Lang said some of their concerns were the same as discussed yesterday with the neighbors. He said the stormwater basin between the single and multi-family homes will be sized appropriately as well as an improved Arthur Street. Mr. Lang said that stormwater can be directed between the homes to the basin. He said they will be putting in curb and sidewalks as required by Engineering.

Mr. Lang said regarding the house sizes, not all will be two stories and many of the higher price points will be single story homes. He said at this point, to get that dollar value, it

doesn't take a lot of sqft in homes. The requirement sizes for the lots are county and Brendan Hills are built on 1/3 acre lots and that was a requirement at the time. The county now requires 1/2 acre lot. Mr. Lang said Northpoint next to the Harris Fire Station are on 1/2 acre and those homes are in the \$500,000 to \$600,000 price range. The value of these homes will not hurt their homes.

Mr. Lang said at this point in time, they would like to start with single family homes in a few years, build and sell as they go. In a few years, they may decide not to go in the direction of multi-family and decide on single family homes. They are looking five years down the road and hoping the market will still be strong. Houses on the market in the area sell very quickly. Mr. Lang said Mr. Shaum built some of the commercial buildings in Toscana Park and has a good eye for what would be good in a home.

Mr. Tordi said they are limited to annexation and establishing zoning. When they decide to go forward, they will have to come back for a site plan.

Mr. Emmons said he has questions about the style of home. Mr. Lang said it will be dependent on the type he wants to build. This is the first step, annexation, and then they will address plans. At this point, all the homes he discussed are single family homes.

Mr. Lentsch asked if the site plan would have to come back. Mr. Prince said when we plat a lot, we don't dictate what type of home can be built; it can be a single or two story home. He said the builder has to pull a permit and that's the only time the City reviews it. Mr. Prince also said home styles don't come back before this commission.

Mr. Emmons asked Mr. Lang if Mr. Shaum was at the meeting with the neighbors. Mr. Lang said yes.

Mr. Lentsch closed the Public Hearing on Petition #19-01.

Staff Recommendation

Staff recommends in favor of Petition 19-01 to annex and establish zoning to the R-1 Single Family Residential District and R-3 Multi-Family Residential District for property located on the west side of Grape Road north of W. Cleveland Road (16525 Arthur Street and 52781 Grape Road) to allow for the development of six (6) single-family residential lots and seven (7) multi-family residential (townhome) units.

This recommendation is based upon the following Findings of Fact:

- 1. Existing Conditions - The subject parcels are located along a moderately travelled section of Grape Road adjacent to property zoned for commercial, retail, office, restaurant, and single family residential uses. The annexation area consists of an existing single-family house and vacant land. Adjacent land uses include an office, commercial, and restaurant to the south, and single family residential to north, west, and east.*
- 2. Character of Buildings in Area - The character of the buildings located adjacent to and in the surrounding area are commercial and residential. Single family residential homes are located to the north, west, and east of the property, with an office building and vacant retail building and restaurant to the south.*
- 3. The most desirable/highest and best use - With the property's location adjacent to both commercial and single family residential uses, the most desirable uses for the property are transitional multi-family and single family residential as proposed.*

4. *Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed uses will provide a transition from the commercial uses to the south and the single family residential uses to the north.*
5. *Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family and single family uses are reasonably consistent with adjacent land uses along this portion of the Grape Road corridor.*

MOTION: Murray Winn moved to forward Petition #19-01 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 8-0.

NEW BUSINESS:

Mr. Prince said we are losing a long-term member of the Commission. Don McCampbell is leaving after nearly 20 years of service to the City.

Mr. McCampbell thanked the Mayor, Planning and Engineering Departments and Mr. Winn's leadership. He said he came to the City in 1972 and it's going to be hard to give up; but he said he's following his kids.

ADJOURNMENT: 7:39 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner