

MARCH 12, 2019

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, March 12, 2019, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Chris Jamrose, Murray Winn, Chris Niedbalski, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Dale "Woody" Emmons, Matt Lentsch, 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.

Mr. Tordi explained the Rules of Procedure.

The Minutes of the February 12, 2019, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #19-02 A petition submitted by James Douglas Cole requesting to rezone **13880 Scout Lane** from I-2 Heavy Industrial District to R-1 Single Family Residential District.

Mike Finkler, At Home Realty, appeared on behalf of Mr. Cole. He said Mr. Cole has had this property for approximately 14 years and ended up selling frontage on this property against his better judgement. At that time he had a home with septic and well. There is currently no home on the property. When Mr. Cole sold the frontage to the State that's where the septic was located and had to put in a new septic system. While waiting for septic, vandals broke into the home and burned it down. Mr. Cole would like to sell the property, but found it was zoned I-2.

Mr. Finkler said before Mr. Cole can proceed, it needs to be rezoned as it's worthless as industrial. He said it's surrounded by many homes, wooded area, and is close to The Res and has no other use than residential. Mr. Finkler said due to the large setbacks, a large home wouldn't be able to be built there.

Ms. Gadacz asked if there was another home nearby. Mr. Finkler said yes, there are homes behind this property. He also said there is a creek that runs between his home and the others.

In Favor

Dave Cochran, 13908 Scout Lane, said his property butts up against Mr. Cole's. He said he sees no sense in it being industrial. He said his family just moved in and sees no reason to hold back the zoning.

Mr. Tordi closed the Public Hearing on Petition #19-02.

Staff Recommendation

The Planning Department recommends **approval** of Petition 19-02 to rezone 13880 Scout Lane from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. *There are no industrial uses near the property, and the neighborhood to the south (county) and west across Capital Avenue are used as single family dwellings, with The Res also being located to the south of this property. and its historic use as a single family property would be compatible to the area;*
2. *Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is a single-family use;*
3. *Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;*
4. *As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,*
5. *The City's Comprehensive Plan calls for low density residential and its historic use as a residential property is compatible and consistent with the historic residential uses in the area.*

MOTION: Dale Freeman moved to forward Petition #19-02 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 6-0.

Matt Lentsch arrived (7:08 p.m.)

REPLAT #19-02 A request submitted by Place Realty, Inc., seeking approval of the thirty-five (35) lot "Savannah Pass at the Forest, Fifth Replat."

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Place Realty. He said this is the last phase of Savannah Pass.

Mr. Mosness said they have worked with the Drainage Board to allow the existing storm pipe to remain in place. Also, have worked with Engineering and Place has agreed to place a statement on the plat that roof downspouts to be piped to street to keep water out of back yards.

Mr. Mosness said the developer has had recent discussions with Savannah Pass HOA regarding a number of items such as a new pond, will provide 1-2 fountains in the pond and electric service to the ponds. They will also look at drainage ponding behind a few lots and work with Engineering on a solution. Also, construction contractors will use Fir Road to minimize construction traffic. Also will inform site contractor that any debris will be responsible for lift station damage.

Mr. Prince asked if revised commitments have been presented to the HOA. Mr. Mosness said yes.

Opposition

Barry Stradtner, 3817 Savannah Pass, said he had concerns about Place Builders. He said he purchased his home 10 years ago and the warranty period. He said he contacted Place about some issues and Place said they weren't the original owners and calls have gone unreturned and he's concerned about them doing another group of homes

Mr. Stradtner said he's concerned why Place chose to go with a cheap lift station and not connect directly to City sewer system. He said in The Forest they connect directly to City sewer.

Mr. Freeman asked Ms. Jamrose if it was feasible to connect. Ms. Jamrose said when originally developed, it was half in the county and half out due to census; could not annex in a census year. She said it was brought into the city by Heatherton Homes and not Place and it was their choice to request a private lift station. The City wanted it near Fir and it was their intent to put it where it was. Ms. Jamrose also said at that time, it went to the Mayor and he let it occur if they put inside the HOA and that's where we are today.

Sarah Goepfrich, 3511 Savannah Pass, HOA President, said she's been on the Board since 2011 and there's been many misconceptions how the lift station works. She said it was reconstructed in 2012, got a \$50,000.00 loan from Engineering and will be paid off in 2020. Ms. Goepfrich said the lift station is well maintained by the contractor; they made a good investment. They have a monitoring system that monitors everything that goes on and the contractor runs numerous tests. Ms. Goepfrich said they are well below capacity and can easily handle 35 more homes. Before the lift station was reconstructed, they were spending \$500 per month on electricity and now it's about \$25; they are saving a lot of money.

Ms. Goepfrich said some homeowners say they are beating a dead horse. She says where are they going to get \$500,000 to build a new one? We don't need it. Their contractor, Frame, checks it monthly and come in twice a year to clean. If people are careful about what they put into toilets, they don't have a problem. She said she feels they don't have a problem with the lift station and Andy Place is not to blame for it.

Dwight Arndt, 1324 Chapel Hill Drive, said he's not here to speak again, but he has concerns. One fear is that one day they'll have a major issue with the lift station. Doesn't the City have lift stations in other parts of the City and what would it take for the City to take over and maintain and save the HOA money.

Mr. Arndt also said he doesn't want to see Savannah Pass become split and only going by heresay, but he's concerned that some services will be offered to some and not others and that troubles him. He said as old as the development is they still don't have stop signs or speed limits at some of the intersections and he isn't sure who is responsible for that. The City? He said he has trouble with a few newcomers who drive fast.

Ms. Jamrose asked Mr. Arndt to leave her his contact info and she would get information to him.

Rebuttal

Mr. Mosness said new homes will be single family homes and resemble what is there with a dollar range of approximately \$180,000.00.

Mr. Tordi closed the Public Hearing on Replat #19-02.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for "Savannah Pass at the Forest, Fifth Replat". An 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 #19-02. Matt Lentsch seconded; motion carried with a vote of 7-0.

PETITION #19-03 A petition submitted by Thomas J. and Kathleen A. Herrman requesting to amend the University Gardens Planned Unit Development, **6910 North Main Street, Granger**, to allow for microblading/semi-permanent make-up services.

Danielle Rzepka, 6910 N. Main Street, Granger, said microblading is a semi-permanent procedure women and man get to the eyebrow area, mainly for those lacking eyebrows due thin eyebrows. She said the procedure is very superficial and classified as permanent make-up, and it lasts 1-2 years. Ms. Rzepka said at this time, it's classified as a tattoo which is why we are here.

Mr. Winn asked if this would evolve beyond microblading into full tattoo. Ms. Rzepka said no, her background is in makeup artistry, very cosmetic stuff. She said she's been a make up artist for 14 years and medical dermatological assistant for 6 years.

Mr. Tordi closed the Public Hearing on Petition #19-03.

Staff Recommendation

Staff recommends in favor of Petition #19-03 to amend the University Gardens PUD to allow microblading services in Unit 13. This recommendation is based on the following findings of fact:

- 1. Existing Conditions – The use will be located near other buildings with similar personal services/salon uses.*
- 2. Character of Buildings in Area - The character of the buildings located within this development and the surrounding area are professional and commercial.*
- 3. The most desirable/highest and best use – Because of the parcel's location within the professional/commercial development, the most desirable use for the property is commercial/personal services.*
- 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 a salon and should not generate more traffic than any of the existing businesses within the development.*
- 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 Petition #19-03 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 7-0.

DESIGN REVIEW:
DR #19-01

A request submitted by F&C Mishawaka Development, LLC, requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-180 Temporary Wall Mounted Banners to permit temporary sign on leasing trailer at **216 North Spring Street** for a period longer than 120 days, to be removed by December 31, 2019.

Kathy Desautels, Flaherty & Collins, One Indiana Square, Indianapolis, said they are requesting approval to allow marketing banners on a pre-leasing trailer at the Mill at Ironworks.

Mr. Lentsch asked how many banners would they have. Ms. Desautels said there is a 4' X 3' banner with leasing office hours. She said they feel it should be sufficient and they may add another two if necessary.

Mr. Prince said he asked that they add that to their request. It keeps them from coming back and asking for more.

Mr. Tordi closed the Public Hearing on Design Review #19-01.

Staff Recommendation

The Plan Staff recommends approval of Design Review Waiver #19-01 for F&C Mishawaka Development, LLC to install four banners on the temporary sales trailer for a period more than 120 days, but not beyond December 31, 2019.

MOTION: Kathleen White-Gadacz moved to approve Design Review #19-01. Chris Niedbalski seconded; motion carried with a vote of 7-0.

ADJOURNMENT: 7:35 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner