

JUNE 11, 2019

**PLAN COMMISSION
CITY OF MISHAWAKA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, June 11, 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, Dale "Woody" Emmons, Matt Lentsch, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Chris Niedbalski and Nick Troiola. In addition to members of the public, the following were also in attendance: David Bent, Derek Spier, Christa Hill, and Kari Myers.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the May 14, 2019, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PLAT #19-01 A request submitted by Cressy Land Investment, LLC, seeking approval of the one (1) lot JSK Mishawaka Subdivision. *Continued from the May 14, 2019, meeting. Petitioner is requesting withdrawal.*

The Petitioner requests item be withdrawn. The Commissioners voted unanimously to withdraw Plat #19-01.

PETITION #19-07 A petition submitted by Thomas J. Herrman/Jack Schoenthaler requesting to amend the University Gardens Planned Unit Development, **6910 North Main Street, Units 25 and 26**, to allow for microblading/semi-permanent make-up services.

No one appeared to present the Petition. The Commissioners voted unanimously to continue the item to the July 9, 2019, public hearing.

PETITION #19-08 A petition submitted by Gumwood Acquisitions LLC, seeking approval of an amendment to the Grandview Planned Unit Development to permit outside storage and display as a use, preserve existing vegetation in lieu of landscaping requirements, construct 14' opaque fence to screen outside storage area, and provide driveway access throat length of 100' to property west for a proposed Menard's store.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Gumwood Acquisitions and Thomas O'Neill appeared on behalf of Menard's. Mr. McMorrow said the PUD was established in 2014 and has been amended twice. He said Grandview Flats and Townhouse, phase 1, began construction in 2015 and residents

occupied the following year and approximately 200 units are fully leased and there is a wait list for phase II that is under construction. Mr. McMorrow said Bar Louie is relocating from the mall and another business, Menard's, is also looking to relocate to Grandview.

Thomas O'Neill, Menard's, said they have been in the city a long time and as it has evolved, they have expanded out the front, and it's a fabulous location. Mr. O'Neill said they cannot expand due to roadways, that are valuable to them. He said they have been working with Gumwood Acquisitions regarding a replacement store at that location.

Mr. O'Neill also said something new to the location will be two-story and is something that's not their prototypical format and is something that is reserved for dense land use locations. He said that's the look and feel that Gumwood ownership was looking for. It will have everything the current Menard's has and will have what they haven't been able to have. One thing being a moving walkway between floors. Mr. O'Neill said they are excited about putting their best foot forward.

Mr. Emmons asked what they would do with the other store. Mr. O'Neill said it will be marketed for sale, but still open for business. Mr. O'Neill said this isn't like a situation with retailers closing up shop. This is a situation where they will have to time begin a marketing plan, while under construction, to find an opportunity to redevelop the property. He said the property is great real estate and the reason is not due to a poor location, but because they cannot expand. That's the plan.

Mr. Emmons asked how much bigger will the new store be vs. the old store. Mr. O'Neill said with the 2nd level, there will be 50,000 sqft of additional space. The lumber yard will get larger and a storage area will be larger which is non-existent today. They want the ability to expand the lumber yard as well.

Mr. Emmons asked about the timeline. Mr. O'Neill said realistically by the end of 2020 or early 2021 depending on when they can start construction.

Mr. Tordi asked Mr. O'Neill to provide more information about the additional outdoor storage. Where do you want to put it? Mr. O'Neill said staff made clear to add language to the PUD that there be a 14' perimeter fence and the storage area within the lumber yard will not exceed the fence height. He said that's the main component that protects nearby property owners from a visibility perspective. Mr. O'Neill said they are in agreement with staff recommendations.

Mr. McMorrow said storage will be on the north and west side of the footprint. The 14' fence height is well below the 4 story buildings under construction now. He said the commitment they are making is no storage of goods and material above that and any lighting will be no higher than 15'. There will be no tall lights shedding lights on properties.

Mr. O'Neill said similar to the existing store, they have forklifts that operate. He said none of them have back-up beepers or alarms. He said some people might remember the South Bend store and they still have outdoor speakers. That is not a concern.

Mr. McMorrow said to mitigate any impact and instead of planting a new buffer, they are looking to preserve the existing vegetation and add a row of evergreens to buffer.

Mr. Tordi asked where trucks would enter. Mr. McMorrow said would be the far northeast corner and most of the vehicle activity would be off of Gumwood. There will be no active truck activity along the western line where the neighborhood is.

Mr. Lentsch asked if they agreed with the conditions of approval. Mr. McMorrow said yes, no issues.

Mr. McMorrow said they are seeking relief on one item to have a throat driveway into the parking lot from the street. They are asking to reduce from 200' to 100' to provide access to Centennial Place in the front. He said they have had a conversation with that owner and the thought is to also provide a driveway connection to the rear of the plaza. Mr. McMorrow said that also enhances public safety as they can exit onto Gumwood and not have to make a left hand turn onto Cleveland.

Mr. Tordi asked if they didn't see noise being an issue. Mr. McMorrow said the building will be behind Centennial Place.

Opposition

Corinne Weaver, 16280 Brick Road, said she lives within ½ of the site and has lived there longer than most have been alive; 42 years. She said she's the first to want progress, but when it's getting too congested and safety and their property values are being affected.

Mrs. Weaver said they need to fix some things that are in trouble. She said when you go south on Main/Gumwood to get to Cleveland, on the right hand side there are 3 lanes and they've had near collisions. She said when you go straight, you can turn right and that middle lane has a curve in it and if you don't see the lines in the winter, people almost get hit every day. Mrs. Weaver said she's called twice asking why they did this. They said they didn't know there would be so much progress in the area. She said the City said they couldn't move their fiber optics. She said if you are going to have progress, you have to think of the people. We have to fix some of those problems.

Mrs. Weaver also said she was confused where the entrance will be on 23. There's so much traffic now and not sure how they would propose the entrance and exit. She also said she's concerned about property value with there being so much noise. Mrs. Weaver said her husband loves Mendard's, but would love to see the existing building added on to. It's a zoo there now.

Mrs. Weaver also said this meeting never should have happened because a real estate lady told her they have a 30 day legal notice. He friend said they have a legal 30 days. She said the notice was mailed on May 28 and this meeting shouldn't have happened tonight and 10 days isn't enough time for people to do a thing about it. Mrs. Weaver said she wished she had known earlier so she could have gone around to neighbors to get them to come to the meeting. She thinks safety and property values are important.

Mike Schlemma, 52800 Farmingdale, said he lives on one of the streets west of the development and he has some questions about the outside storage and display. He asked about the location of the fence, the existing vegetation and tree line that separates the community from this Menard's store. He said if the lighting is 15' and the fence is 14', then the light will show above the fence. Mr. Schlemma asked what kind of lighting it would be. How bright? He also asked where exactly would be the driveway access; off 23? Where exactly? He also asked what a throat is and how far back does the driveway go in? He asked if parking is in the front? What's coming out off the back of the store? Where will the evergreens be?

Mr. Schlemma said he's also concerned how this store will affect property values and the noise. He asked if trucks will be coming in from the other side. He's sure there will be

noise involved as there's a lot of people that have dogs that it's going to impact. Mr. Schlemma asked what the store will do to the water quality. He said he's had plumbers and well people out as he's getting stinky water.

Richard Knight, 16035 Darden Road, said he's the first house on Darden Road and has lived there 30 years. He said he knows since they put in the new road they have had quite a few problems with water and if you are going to have a store as large as Menard's the water has to come from someplace.

Mr. Knight said 7 of the 10 houses have had to redo their wells when Mishawaka started using the well and he doesn't want to have the same issue. He also said there's a narrow window of 300' that's definitely going to affect coming in and off the road as traffic is bad now. Mr. Knight said when the widened the road people started going faster and it's very difficult to see how they'll come off of Gumwood and 23. He said he's had to wait 15 minutes to get out onto the road.

Mr. Knight asked if you would have traffic signals to slow down the traffic and he's also concerned about the water issue. Where are you going to pull water for a store that size. If it sucks all of his out and he won't be pleased.

Rebuttal

Mr. O'Neill said along the west fence line the intent is to provide 3 layers of buffer between the property line and the outside storage. The first being the existing tree line, next a row of evergreens, then the 14' tall fence.

Mr. O'Neill said lighting at 15' is a shoebox, down diffused, and no light escaping the lumber yard.

Mr. O'Neill said the "runs" that you see along the west of the store are product and will not be stored in excess of 14'. Pavers, stones to the north and to the south live plant material.

Mr. O'Neill said from a water usage perspective, it uses a relatively low volume of water. It's not a restaurant and no uses flowing through the store. He said no one wants to think about a fire situation, but that's the only situation of high water demand. Their uses are low.

Mr. McMorrow said the entrances to the site are two via Cleveland and one at the signalized intersection on Gumwood and will be the primary carrier of commercial truck traffic to the lumber yard at the northeast corner. He said their current thinking is they would not have any more access to retail on Grandview.

Mr. Emmons said the lady asked about the notice that went out and wasn't 30 days as she stated. Mrs. Myers said legal notifications for the public hearing are done in accordance with Indiana State Law. Notices mailed to property owners within 300' are not required by State Law, but are done as a courtesy.

Mr. Lentsch closed the Public Hearing on Petition #19-08.

Mr. Emmons asked Mr. McMorrow if they met with the neighbors prior to the meeting. Mr. McMorrow said no they did not.

Mr. Emmons asked why not. Mr. McMorrow said they met with staff, but didn't reach out to the neighbors. He said this is merely a petition to amend the PUD and the detailed final site

plan still must come back to the Plan Commission and would meet with the neighbors as necessary.

Mr. Tordi asked if they were amending the PUD to allow for the storage. Mr. McMorrow said yes and other details.

Staff Recommendation

Staff recommends in favor of amending the preliminary Northwest Gumwood and Cleveland Road Planned Unit Development (commonly known as the Grandview PUD) as follows:

- *Adding outdoor storage and display as a permitted use;*
- *Utilizing a combination of colored split face block (concrete masonry units), treated lumber, and colored Belgian edgers on the north elevation of the storage/warehouse structure as shown on the provided elevation;*
- *Preserving the existing vegetation in the 35' wide buffer along the west property lines abutting existing residential property;*
- *Providing a row of 8' high evergreen trees spaced 12' apart between the existing tree row and screening fence along the west property line abutting the existing residential property and along the north elevation of the storage/warehouse structure;*
- *Allowing a composite, aluminum or CedarTone Premium pressure treated lumber fence, 14' in height, to screen the proposed outdoor storage and display areas;*
- *Providing foundation landscaping adjacent to the screening fence along the east side of the proposed outdoor storage and display area;*
- *Reduce the minimum on-site throat/stacking area from 200 lineal feet to 100 lineal feet for a cross access with the adjacent Centennial Place commercial center;*

The amended conditions of approval and development regulations, with changes italicized, are attached as Exhibit "A". Omissions from the previously amended conditions and development regulations were made when appropriate.

This recommendation is based on the following findings of fact:

1. *Existing Conditions - The subject parcels are located on Gumwood Road and Cleveland Road (S.R. 23), both heavily traveled corridors. Existing commercial and residential development is located to the west, northeast, and across Gumwood Road to the east.*
2. *Character of Buildings in Area - The character of a majority of the buildings along Gumwood Road and W. Cleveland Road (S.R. 23) are commercial, multi-family residential, and mixed-use consisting of both commercial and residential uses. Single-family residential properties are also located to the west.*
3. *The most desirable/highest and best use – Due to the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor combined with the adjacent multi-family and single-family residential uses, the most desirable use for the property is a transitional mix of commercial and residential uses.*
4. *Conservation of property values- The proposed zoning should not be injurious to property values in the surrounding area due to the similar adjacent and nearby commercial and mixed-use retail and multi-family residential uses. Furthermore, if approved, the adjacent residential parcels will be protected by conditions placed on the planned unit development. These conditions include among other significant restrictions as requiring substantial screening and landscaping between uses.*
5. *Comprehensive Plan - Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives*

and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.

MOTION: Murray Winn moved to forward Petition #19-08 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 5-2 (*Emmons, Tordi*).

PLAT #19-02 A request submitted by Habitat for Humanity of St. Joseph County seeking approval of the thirty-eight (38) lot Fields at Highland, Section 3 Subdivision.

Mike Huber, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioner. Andy Place was also in attendance. He said they are submitting a plat for the 2nd part of the subdivision. The Carter Work Build was the first phase. He said there is a ¾ acre park included in the plat.

Mr. Huber said they are anticipating construction drawings tomorrow, so they can get construction started in the fall.

Mr. Lentsch closed the Public Hearing on Plat #19-02.

Staff Recommendation

The Planning Department recommends approval of the Preliminary and Final Plat for Fields at Highland Section 3 pending final review of the plat by the Engineering and Planning Department. A revised plat must be submitted prior to being recorded. This recommendation is based upon the fact that the subdivision meets all of the requirements of Section 133-73 (Preliminary Plat) and Section 133-76 (Final Plat) of the City of Mishawaka Subdivision Control Ordinance.

MOTION: Kathleen White-Gadacz moved to approve Plat #19-02. Dale "Woody" Emmons seconded; motion carried with a vote of 7-0.

DESIGN REVIEW #19-04 A request submitted by Beacon Health System requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-76 Architectural Materials to permit an aluminum fence to surround the utility yard.

William Coleman, Panzica Building Corporation, 416 E. Monroe Street, South Bend, appeared on behalf of Beach Health System. He said they are requesting a waiver to allow the construction of their fence of aluminum and concrete masonry with split face.

Mr. Coleman said the split face material will be stained to match the color of brick on the building. He said they are using a product that's stronger and more aesthetic; it's extruded, anodized and the sections are three times as thick as normal. Mr. Coleman said as an anodized material, it should have longevity and will be resistant to rust.

Mr. Lentsch asked why they chose this material. Mr. Coleman said the yard is significant in size, roughly 3,000 sqft and encloses "back of house" uses. He said their goal was to provide them with both a fence that's a balance of aesthetic enclosure and at a reasonable expense and in compliant with the code and said in their opinion a more aesthetic installation in the format proposed.

Mr. Lentsch closed the Public Hearing on Design Review #19-04.

Staff Recommendation

Staff recommends approval of Design Review Waiver 19-04 to allow an aluminum fence to surround a utility yard for the Beacon Granger Hospital. The proposed fencing will be a high quality solid extruded anodized aluminum panel system providing a better appearance than a steel picket fence, as permitted, and greater durability.

MOTION: Kathleen White-Gadacz moved to approve Design Review #19-04. Murray Winn seconded; motion carried with a vote of 7-0.

DESIGN REVIEW #19-05 A request submitted by Roth Electrical Solutions requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-76 Architectural Materials to permit cement board.

Jason Roth, Roth Properties Solutions, 30438 S. Meadowbrook Lane, Elkhart, said he is requesting a waiver to use cement fiber board because it's more durable and lasts longer. He said he would make it look nice rather than do it again in 20 years.

Mr. Emmons said he's concerned the fiber board won't be aesthetically pleasing. Mr. Roth said it has the texture of cedar siding with wood grain. He said it comes pre-painted with a 30 year warranty and looks like lap siding. Mr. Roth also said it doesn't rot and bugs won't infest it. The building will have architectural stone on the bottom and the cement board on top.

Mr. Lentsch closed the Public Hearing on Design Review #19-05.

Staff Recommendation

Staff recommends approval of Design Review Waiver 19-05 to allow textured fiber cement lap siding as an appropriate exterior architectural material. The material is to be used on 45.6% of the east (front) elevation, 80.6% of the north elevation, and 82.2% of the south elevation. The siding is a high quality, durable, and sturdy material that meets the intent of Design Review requirements. The Plan Commission has approved several Design Waivers for other commercial/retail buildings that have utilized fiber cement lap siding or board.

MOTION: Kathleen White-Gadacz moved to approve Design Review #19-05. Dale Freeman seconded; motion carried with a vote of 7-0.

SP #19-03 A request submitted by SCM 10X Mishawaka 1, LLC, seeking approval of the three (3) unit Main Street Commons (located north of Portillo's).

Mike Huber, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the applicant. He said they were here in November for a Use Variance for C-1 zoning to allow for a drive-thru restaurant. He said the site plan is not the exact plan that was presented before, but the same spirit. He said they were still looking at three buildings and multiple tenants.

Mr. Huber said this has been challenging site to lay out as the sole access for Qdoba is shared by this site.

Mr. Huber said the site is narrow at the north and widens at the south end with lots of challenges. He said the unique location between Qdoba and Portillos and there's lots going on in the area. Mr. Huber said they are making sure they have connectivity. He said Planning and Engineering have been great to work with and they provided feedback and input to make sure we're addressing concerns of the City.

Mr. Huber said the major conflict areas they wanted to address. They wanted to be cognizant of keeping traffic from stacking onto Main Street. Traffic is one way all the way around the building on the north end to allow the ability to get folks into Qdoba and having a nice protected drive. Mr. Huber said they also are providing the ability to get out from Qdoba. They want to be conscious of how they connect to the rest of the development.

Mr. Huber said at the far east of the site, they have included a future possible connection to the east site. He said they tried to do a nice job so everyone can get around and at the same time provide adequate parking within a reasonable distance to tenants.

Mr. Huber said they will do in 2 phases; building 1 and 2. Building 3 is a future building, but will build parking as part of phase 1. All stormwater will be stored on site. Will be all thru pipe and dry wells.

Mr. Huber said they aren't far enough along with building designs.

Staff Recommendation

*Staff recommends that the request for final site plan for Main Street Commons – a commercial development consisting of a single-tenant building to be occupied by a restaurant with drive-thru and a two-tenant building to be occupied with restaurants without a drive-thru - be **approved**. A revised plan set addressing all current and future departmental review comments shall be provided prior to recordation of the plans. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan approval.*

MOTION: Chris Tordi moved to approve Site Plan 19-03. Murray Winn seconded; motion carried with a vote of 7-0.

ADJOURNMENT: 8:01 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner