

JULY 9, 2017

**PLAN COMMISSION
CITY OF MISHAWAKA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, July 9, 2019, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Murray Winn, Dale "Woody" Emmons, Chris Niedbalski, Nick Troiola, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Chris Jamrose and Matt Lentsch. 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 July 9, 2019, meeting, were approved as distributed.

Kathleen White-Gadacz declared a conflict on Design Review #19-06. No other conflicts were declared.

PUBLIC HEARING:

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. *Continued from the June 11, 2019, meeting.*

Jack Schoenthaler, owner of Inside Out Salon, 6910 N. Main Street, Units 25 and 26. He said microblading is a form tattooing. He said several ladies do hair and nails and both have licenses to do microblading.

Mr. Schoenthaler said two buildings in the development have been approved for this. He said they also get approval and licenses from the Health Department.

Mr. Emmons said we have heard several requests for this service. Is there a real demand? Mr. Schoenthaler said he isn't sure how big it is in this area, but it's coming and it's big in other cities. He said it's becoming a big thing because you don't have to do it as often, but still have to do touch ups.

Mr. Schoenthaler said it adds to the services they provide and he's excited to get started.

Mr. Tordi closed the Public Hearing on Petition #19-07.

Staff Recommendation

Staff recommends in favor of Petition #19-07 to amend the University Gardens PUD to allow microblading services in Units 25 and 26. 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: Dale Freeman moved to forward Petition #19-07 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

PETITION #19-09 A petition submitted by Rachel Stanfield to rezone **426 West Sixth Street** from C-1 General Commercial District to R-1 Single Family Residential District.

Rachel Stanfield, 426 W. Sixth Street, said the property is zoned C-1 and has been used as residential for as long as she can remember. She said her mom bought it in 2013 and there's a variance to be used as residential. Ms. Stanfield said they would like to rezone to R-1 and make the changes to update the property to resemble a residential property. She said currently the front part looks commercial and the rear is residential looking. She also said they would remove the sign and have the property surveyed as there is a fence separating them and their neighbors and want to figure out who owns the fence. Ms. Stanfield said they would cover the brick with aluminum siding, replace the glass doors with regular doors and hopefully will look more residential in appearance.

Ms. Stanfield said they will remove the asphalt in the back and replace with grass and make a back yard, but would keep a patch of asphalt for a driveway.

Mr. Emmons asked if she would be living there. Ms. Stanfield said yes.

Mr. Emmons asked if they would be living in the remodeled part of the building. Ms. Stanfield said they live in the back, but will make one big property. It's one property and they place to live in the whole thing.

Mr. Emmons asked where will the off-street parking will be. Ms. Stanfield said in the back.

Mr. Emmons asked if they would be removing the concrete in the front. Ms. Stanfield said yes and replace the patch.

Mr. Emmons asked when they would be removing the sign. Ms. Stanfield said it depends on whether or not they need a permit. If they don't need a permit, they will do right away. She said they would remove the pole as soon as possible. She said she knows there is electric there and would need to find someone to come in and take care of.

Mr. Emmons said he appreciates them being willing to fix up the building as it's been run down a long time. He also asked they fix up not only the front but the rear as well.

Mr. Prince said no permit is required from Planning to remove the sign, but suggested they check with the Building Department regarding electric removal.

Mr. Tordi closed the Public Hearing on Petition #19-09.

Staff Recommendation

*The Planning Department recommends **approval** of Petition #19-09 to rezone 426 W. Sixth to R-1 Single Family Residential District subject to the sign being removed within one year of approval. This recommendation is based upon the following findings of fact:*

- 1. Many of the properties in the immediate vicinity are residential in use. Tax records and Sanborn maps support its historic use as a single-family dwelling;*
- 2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because as a single-family home, there will be less impact to the neighborhood, and improvements will be made to make it look and feel like a single-family home;*
- 3. Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;*
- 4. As opposed to the range of potential commercial development that could occur with the current commercial zoning, rezoning this parcel 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 will allow the property owner to use it as any other single-family home; and,*
- 5. The City's Comprehensive Plan identifies the area General Commercial, however, the historical use as single-family home is consistent with the Plan for that area.*

MOTION: Murray Winn moved to forward Petition #19-09 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 7-0.

RESOLUTION #2019-01 A Resolution of the City of Mishawaka Plan Commission Approving an Amendment to a Declaratory Resolution Approved and Adopted by the City of Mishawaka Redevelopment Commission.

Mayor Dave Wood made a presentation to the Planning Commission detailing the proposal to purchase the Liberty Mutual property in order to consolidate essential City services into one location. Some of the points discussed by Mayor Wood were:

- The Liberty Mutual Building being located at Main and Lincolnway would place City Government appropriately at the center of the historic downtown, reusing a soon to be vacant "difficult" building.
- Opens up the entire block bordered by Mill Street, Front Street, Spring Street and First Street for Comprehensive Redevelopment.

- Opens up very large parking lot for shared use. Walking distance to Beutter Park, the soon to be created Ironworks Plaza, the Riverwalk, many downtown businesses and restaurants, and will help encourage more evening and weekend uses to develop.
- Would allow for the potential re-establishment of Mill Street from Lincolnway to First Street.

Mayor Wood continued:

- Liberty Mutual represents \$5,600,000.00 in assessed valuation and pays over \$220,000.00 in taxes per year.
- Unlike Uniroyal, impact would not be felt by taxing entities.
- Flaherty and Collins Project completing later this year, minimum taxes of \$580,000.00 per year.
- Based on estimated investment costs for current development proposals, future development opportunities created from the purchase of Liberty Mutual should have a higher assessed valuation and greater tax revenue when compared to keeping existing City locations.
- Tax base/Redevelopment will take time to be created.

Mayor Wood said the Utilities Business office building, built in the 1950's is not ADA compliant and in desperate need of attention. The upper 2 floors are probably condemnable.

Mayor Wood said the Police Station is in need of several million dollars of repairs and they have outgrown their space as well. The station also sits on prime land and how the building was originally designed, is not longer state of the art. Officers perform their work in the field and there is no need for them to provide office space for all of them.

Mayor Wood said the property has been appraised at \$5,526,000.00 with the purchase price being \$2,350,000.00 and total construction and acquisition costs are estimated to be \$15,000,00.00 to \$20,000,000.00. He said funding will be coming from multiple sources and will include a portion of TIF funds as well as Mishawaka Utility funding. They are trying to accomplish this project without increasing tax rates or utility rates.

Mr. Emmons thanked Mayor Wood for the opportunity for combining all entities and bringing them downtown. It's a model that works. He said look at Central Services. It can operate more efficiently and has given us the ability to serve all citizens. He said when you think about moving three operations into one, we feel comforted having Police in the same building as Utilities.

Opposition

Craig Johnson, 205 Indiana Avenue, said he thinks a lot of good works has gone into this. He said he knows he's only one voice, but his concern is taxes. He said his property taxes went "bang" about a year ago. This project will cover over \$20 million by the time you redo the building and get everyone in the building.

Mr. Johnson asked if the City had looked at the possibility of something like Ignition Park in South Bend. He said even though someone has given us \$580 million bucks you are still losing revenue from the building.

Mr. Johnson said all the work you have done is great, but he feels it will affect us somehow, somewhere.

Rebuttal

Mr. Prince said Mr. Johnson’s points are well taken and he encourages him to attend the Common Council meeting. He said why the administration has proposed the funding it has as to not impact citizens. TIF is for capital only and other investment is Utilities and has recently renegotiated the agreement. He said if we don’t spend \$20 million now, that doesn’t mean we won’t spend it over time. Is now the right time to make that investment? Yes, now is the right time.

Mayor Wood said if you are seeing a tax increase, it’s because citizens voted for a new tax rate that capped taxes at 1%. You live in a city that is growing and the city is desirable.

Mr. Tordi closed the Public Hearing on Resolution 2019-01.

MOTION: Dale “Woody” Emmons moved to approve Resolution 2019-01. Nick Troiola seconded; motion carried with a vote of 7-0.

DESIGN REVIEW:

DR #19-06

A request submitted by One Properties 202 LLC, 202 Lincolnway East, Mishawaka, Indiana, requesting a waiver from the Mishawaka Design Review Ordinance Section 105-176 Signage Clutter.

Stephanie Weldy, 15653 Spring Mill, Mishawaka, said she’s the managing broker and the tall sign became available and they contracted to share the freestanding sign and put it up with just the name of their companies and asked for a waiver because they have a long name for their company.

Mr. Freeman asked if he was correct in his understanding that they cannot deviate from the standards due to the franchise. Ms. Weldy said that was correct.

Mr. Tordi closed the Public Hearing on Design Review #19-06.

Staff Recommendation

The Plan Staff recommends Approval of Design Review Waiver 19-06, as presented, for the freestanding sign to have 43 characters and the façade sign to have 92 characters at 202 Lincolnway East.

MOTION: Chris Niedbalski moved to approve Design Review #19-06. Dale Freeman seconded; motion carried with a vote of 6-0.

ADJOURNMENT: 7:52 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner