

FEBRUARY 11, 2020
PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA

The regular meeting of the Mishawaka Plan Commission was held Tuesday, February 11, 2020, 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, Matt Lentsch, Nick Troiola, Dale Freeman, and Kathleen White-Gadacz. Absent: Dale "Woody" Emmons and Chris Tordi. In addition to members of the public, the following were also in attendance: Ken Prince, David Bent, Derek Spier, Christa Hill, and Kari Myers.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the January 14, 2020, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #19-19 A petition submitted by KLT Properties LLC requesting to amend the Gateway Plaza PUD to modify landscaping requirements. *Continued from the January 14, 2020, meeting.*

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioner. He said they were here in December seeking conditional site plan approval for the storage facility along the bypass west of Bremen Highway. Mr. McMorrow said as part of his presentation, he promised he would be back asking for some relief to the landscape standards.

Mr. McMorrow said C-1 General Commercial District standards apply to this property. He said one factor is running west to east along the northerly site of the property there is overhead electrical easements and underground gas making it impractical for landscaping. Mr. McMorrow said what is also unique is the long frontage, but access to the business is not gained from there. He said their request is to not put any landscaping along the north edge, but an opaque fence to screen. There is a fair amount of existing vegetation.

Mr. McMorrow said after consulting with Planning staff, they are asking for relief of spacing and allowing motorists traveling on the bypass to get a peek at the property.

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

Staff Recommendation

*Staff recommends **approval** to amend a part of the Gateway Plaza – Bremen Highway Planned Unit Development (PUD) to allow a reduction in the required landscaping as follows:*

- 1. Exceptions to required landscaping and screening include the existing utility easements where trees would not be permitted due to height restrictions. In such cases, the required 6' height opaque fence shall suffice.*

2. *Landscaping and screening in all front yards of a lot shall consist of trees planted in accordance with one of the two following alternatives:*

If deciduous shade (over-story) trees are used:

- *There shall be a minimum of one tree planted at every 40 feet on center of a linear distance within all front yards.*
- *These required trees may be grouped together in the required front yard; however, in no case shall spacing between trees exceed 80 feet.*

If deciduous ornamental (under-story) trees are used:

- *There shall be one tree planted at a minimum of every 25 feet on center of linear distance within the front yard.*
- *These required trees may be grouped together in the required front yard; however, in no case shall the spacing between trees exceed 50 feet.*

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards; however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed 80 feet.

3. *Existing vegetation already located on the property may fulfill the requirements for tree planting in required yards as long as the trees and shrubs are documented and submitted for review and approval by planning staff, protected during the construction process, and maintained through construction completion.*

All other previously approved development standards and conditions of approval per Ordinances 5057 and 5566 shall be adhered to.

This recommendation is based upon the following findings of fact:

1. *Existing Conditions – The subject property is currently vacant and has been approved for development as a mini self-storage facility. Adjacent uses are primarily single-family residential which includes the remainder of the PUD to the north approved for commercial uses.*
2. *Character of Buildings in Area – Buildings within the area south of Elmwood Avenue / Meijer Drive and west of Bremen Highway consist entirely of low-density residential homes. Commercial buildings, including a restaurant with drive-thru, convenience store with gas station, and credit union, are located east of Bremen Highway.*
3. *The most desirable/highest and best use – The requested PUD amendment is only requesting a change to the previously approved landscaping and does not affect the approved use.*
4. *Conservation of property values – The proposed amendment should not be injurious to property values in the surrounding area due the required screening fence to be installed along the west and north property lines of the subject parcel.*
5. *Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. The proposed mini self-storage facility use is reasonable consistent with that guided use.*

MOTION: Murray Winn moved to forward Petition #19-19 to the Common Council with a favorable recommendation. Chris Niedbalski seconded; motion carried with a vote of 7-0.

PETITION #20-01 A petition submitted by James W. Clardy, Jr., and Theresa Clardy requesting to rezone **4416 Lincolnway East** from C-1 General Commercial District to R-1 Single Family Residential District.

Tiffany Gilbert, 4416 Lincolnway East, Mishawaka, said they are the current tenant and are requesting to rezone the parcel to R-1 from C-1. She said she is the sole owner of Michiana Contract Services and wants to obtain a mortgage and purchase the property to use as a residence and operate a small business out of a new addition.

Ms. Gilbert said earlier at the Board of Zoning Appeals meeting, she requested a Use Variance to operate the small business out of the home.

Ms. Gadacz asked what kind of business it was. Ms. Gilbert said snow removal and lawn maintenance.

Mr. Lentsch asked if the structure would be used for storage and would any other business be done there. Ms. Gilbert said no, business storage only.

Mr. Lentsch asked if the variance was approved. Mr. Prince said the BZA recommended in favor and it will come before the Council. This request is for zoning only.

Mr. Lentsch closed the Public Hearing on Petition #20-01.

Staff Recommendations

The Planning Department recommends approval of Petition #20-01 to rezone 4416 Lincolnway East from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

- 1. Many of the properties in the immediate vicinity are residential in use and would be compatible to the area;*
- 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 given the context of its location, its relationship to surrounding properties, and the potential of development as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;*
- 3. Because the parcel is located in an area with some 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 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 owners to sell the home; and,*
- 5. The City's Comprehensive Plan identifies the area as General Commercial and their historical use as single- family homes is consistent with the Plan.*

MOTION: Kathleen White-Gadacz moved to forward Petition #20-01 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

PETITION #20-02 A petition submitted by School City of Mishawaka requesting the vacation of various street and alley rights-of-way west of **1202 Lincolnway East**, (Mishawaka High School).

Daryl Knip, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of School City of Mishawaka. He said Mike Faulkner, Facilities Manager for School City, was also in attendance.

Mr. Knip said a year ago they starting working with Mishawaka High School to study the campus and improve safety and incorporate into a safety environment. At the high school, all drop-offs and pick-ups are on Wenger Street. He said traffic is 2-3 lanes along Wenger and onto Lincolnway backing up.

Mr. Knip said the proposed plan is to close Wenger from Lincolnway to Homewood which allows to expand one continuous campus. He said School City has an agreement with the property owner on Lincolnway East and Wenger to acquire the home and that would become the main entrance to the parking lot.

Mr. Knip said in order to solve the problem of traffic backing up, they are proposing to create three drop-off areas. The result is to have a drop-off and stacking area on the south side of the school primarily used by traffic from the east. He said another drop off is off of Indiana Avenue and a lot of stacking room and on the north end between Indiana and Wenger on the south side of Homewood, there would be a drop off lane. He said there aren't as many coming there.

Mr. Knip said as part of this project, there would be three new parking lots and three new drop-off areas and create a new west end of campus. He said right now parking along Indiana Avenue is tight and you can't pass two cars. What they are proposing is two way traffic, but no parking on the east side of the street and build a drop-off lane. He said that can all be donw within the current geometry of the road and would widen for a turn lane.

Mr. Knip said the "U" shaped drive creates a nice corridor and main entrance and a new plaza for students coming out of school. He also said they feel it's a good plan to improve safety for the students and reduce traffic back-ups.

Mr. Knip said they are also doing some work in front of the school; they will replace the sidewalk and curb along Lincolnway. Along Gernhart from Lincolnway to Linden, they will replace all the sidewalks on the west side of the street.

Mr. Knip sahe they have been working the Planning, Engineering, INDOT to coordinate and bring it all together. It's a good project for the school, neighborhood and community.

Mr. Freeman asked if there would be any hardship of folks living on Indiana Avenue relative to traffic. Mr. Knip said they had a neighborhood meeting last summer and they had good response and support from the neighbors. He said regarding traffic, they did count vehicles and said currently a lot of people are using Indiana after dropping off on Wenger and this should eliminate that traffic. Mr. Knip said by splitting up the drop-off, the cars should take the east parking lot and the other cars will be split. You may have some, but shouldn't be a significant increase in traffic on Indiana.

Mike Faulkner, Director of Operations, School City of Mishawaka, 1402 S. Main Street, Mishawaka, said as Mr. Knip outlined, your approval would be appreciated to improve their safety plan. He said anyone who has been around the school during drop-offs and pick-ups

know there are serious problems. Mr. Faulkner said this plan as designed should work out very well. He said he appreciates the support and engineering and planning.

Mr. Faulkner said the School Board and administration have approved the plan and will be one step closer to implementation of this plan. He said it is a tight schedule and want to start in the spring or summer and want to have done by August, 2020. It's something that is overdue.

Mr. Lentsch closed the Public Hearing on Petition #20-02.

Mr. Prince read a Letter of Remonstrance from Theresa Gallegos-Hughes, 302 Indiana Avenue.

Staff Recommendation

Staff recommends in favor of Petition 20-02 to vacate:

- 1) *Wenger Avenue, north of Lincolnway East and south of Homewood,*
- 2) *the eastern 63 feet of the first east/west alley north of Lincolnway East and west of Wenger, and*
- 3) *the north/south and east/west alley bounded by Wenger Avenue, Homewood Avenue, Indiana Avenue, and the first east/west alley north of Lincolnway East.*

This recommendation is based on the following findings of fact:

- 1) *The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow a new parking lot, and drop off lane to be constructed for Mishawaka High School.*
- 2) *The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.*
- 3) *The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;*
- 4) *The proposed vacation will not hinder the use of any public way, utility or place.*
- 5) *This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.*

MOTION: Nick Troiola moved to forward Petition #20-02 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

PETITION #20-03 AN ORDINANCE AMENDING CHAPTER 105, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS THE "DESIGN REVIEW DEVELOPMENT PLAN ORDINANCE" OF THE CITY OF MISHAWAKA, INDIANA. The City is seeking to amend the following: Section 105-174. - Signage size limitations. To increase the size of logos, letters and to limit where signs may be placed along a wall. Section 105-175 Signage Quantity. – to permit signage based on individual businesses or storefronts rather than per building and to allow projecting signs and awnings in addition to wall signs. Section 105-176.- Signage Clutter. – to allow directory signs with an unlimited number of letters three inches in height or less.

Ken Prince, City Planner, said these ordinance amendments are revising a plan created in 1999 to guide the design of the downtown. Since created, we have had a few amendments, the last being in 2013 which added temporary signs and sandwich boards.

Mr. Prince said with the development of "The Mill" project, with that we basically were looking at leases and "Kalon" came before us as the "K" was greater than 18". The old ordinance limited letters to 18" in height and the point of that was being it's a pedestrian environment.

Mr. Prince said Flaherty & Collins passed along language that they use for other developments they own, some that are actually more restrictive than our regulations, we looked at their standards as a model or baseline to propose amendments to the sign portion of the design review ordinance. He said this affords flexibility in designing signage.

Mr. Prince said another provision we thought we would adopt would be no sign can come closer to 24" to the end of the building.

Mr. Prince said relative to sign quantity, we added language to allow freestanding signs for each business storefront. Also, on a corner lot, both sides of the building can have signage. He said we didn't want to limit to just one frontage and the provision as amended would allow that.

Mr. Prince said another provision, Arkos Design, asked for a waiver last month for a sign that projected from the building. He said we want to encourage that and wanted to identify that in the ordinance. The blade sign provides for better visibility. Mr. Prince said we want to encourage that and also have a building sign. Arkos can now have a wall sign in addition to the projecting sign.

Mr. Prince said regarding signage clutter, we have run into circumstances that doctors and attorneys have multiple practitioners and now allow unlimited 3" letters for that. He said the idea is anyone walking up to the building can have a directory sign.

Mr. Freeman thanked staff and is keeping with today's standards.

Mr. Lentsch closed the Public Hearing on Petition #20-03.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 20-03 to modify Chapter 105, the Design Review Development Plan Ordinance to amend the Design Review Development Plan Ordinance for the following: Section 105-174. - Signage size limitations. To increase the size of logos, letters and to limit where signs may be placed along a wall. Section 105-175 Signage Quantity. – to permit signage based on individual businesses or storefronts rather than per building and to allow projecting signs and awnings in addition to wall signs. Section 105-176.- Signage Clutter. – to allow directory signs with an unlimited number of letters three inches in height or less. This recommendation is based upon the following findings of fact:*

(1) the proposed change in code relative to allowing additional sign by right within the historic downtown does not contradict, change, or alter the City of Mishawaka 2000 Comprehensive plan, or the Mishawaka River Center Master Plan;

(2) The proposed changes consider the current conditions of the historic downtown and the character of current structures, as well as, new redevelopment projects;

(3) The proposed change does not alter or prohibit the most desirable use for which the land in each district is adapted;

(4) By allowing additional appropriate signage in the historic downtown, businesses may be able to better market goods and services which will ultimately help with the conservation of property values throughout the downtown; and

(5) the proposed change will not hinder responsible development and growth of the City, and will aid in the City's desire to encourage additional investment in the Historic Downtown and Redevelopment areas.

MOTION: Murray Winn moved to forward Petition #20-03 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 7-0.

REPLAT #20-01 A request submitted by School City of Mishawaka requesting approval of the one (1) lot "Mishawaka High School Minor Subdivision".

Daryl Knip, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of School City of Mishawaka. He said this request combines all parcels the high school sits on, nearly 100, and incorporates the alleys and rights-of-way vacated.

Mr. Lentsch closed the Public Hearing on Replat #20-01.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for Mishawaka High School Minor Subdivision subject to minor revision to the plat. A revised and executed plat must be submitted prior to being recorded. This recommendation is based on the fact that the replat meets all the requirements of Section 133-107 (Preliminary Replat) and Section 133- 110 (Final Replat) of the City of Mishawaka Subdivision Control Ordinance.*

MOTION: Kathleen White-Gadacz moved to approve Replat #20-01. Nick Troiola seconded; motion carried with a vote of 7-0.

DESIGN REVIEW:

DR #20-01 A request submitted by Hanei Developments requesting a waiver from the Mishawaka Design Review Ordinance Section 105-76 Architectural Materials for 1018 West Edison Road, Mishawaka, Indiana.

Dylan Troyer, Mid States Construction, 53697 CR 9, Elkhart, IN, appeared on behalf of Hanei Developments seeking a design review waiver.

Mr. Troyer said the south facing wall would be full metal wall panels because any further building expansion would be added to that elevation.

Mr. Troyer said this is the second waiver they have requested is to use concrete panels that normally would be deemed inappropriate building materials.

Mr. Winn asked if they were eliminating all the masonry blocks. Mr. Troyer said yes, replacing with fiber boards and are meeting the 66% coverage, but replacing with concrete fiber panels.

Mr. Lentsch closed the Public Hearing on Design Review #20-01.

Staff Recommendation

Staff recommends approval of Design Review Waiver 20-01 to allow concrete fiber board/panels and metal wall panels, as shown on the building elevations, to be considered as appropriate architectural materials. The combination and percentages of the proposed materials are reasonably consistent with the intent of the commercial design requirements.

The Plan Commission has approved similar waiver requests for other commercial/retail buildings to allow for design flexibility and to encourage a diverse rather than uniform appearance.

MOTION: Chris Niedbalski moved to approve Design Review #20-01. Nick Troiola seconded; motion carried with a vote of 7-0.

SITE PLAN:
SP #19-08

A request submitted by Marc Campbell seeking approval of a six (6) building Mini Storage facility at **217 S. Elder Road**. *Continued from the January 14, 2020, meeting. Petitioner is requesting item be tabled to May 12, 2020, meeting.*

The petitioner has requested the item be continued to the May 12, 2020, meeting. The Commission moved and approved the request.

SP #20-01

A request submitted by Mishawaka High School for parking expansion, curbs, and sidewalks.

Daryl Knip, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of School City of Mishawaka. He said they are requesting final site plan approval for improvements to curbs and parking lot.

Mr. Winn asked if there was access from the south parking lot to the north parking lot. Mr. Knip said no.

Staff Recommendation

*Staff recommends that the request for final site plan for parking lot expansion on the west side of the school, reconfiguration of the drop-off lane, and curb and sidewalk work along Lincolnway East and Gernhart be **approved**. A revised plan set addressing all departmental review comments shall be provided prior to recordation of the plans or issuance of any permits. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan approval.*

MOTION: Dale Freeman moved to approve Site Plan #20-01. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

NEW BUSINESS

Mr. Prince introduced Pat Hinkle, new Corporation Counsel.

ADJOURNMENT: 7:45 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner