

MARCH 10, 2020

PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA

The regular meeting of the Mishawaka Plan Commission was held Tuesday, March 10, 2020, 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, Matt Lentsch, Chris Tordi, and Kathleen White-Gadacz. Absent: Chris Jamrose, Nick Troiola, and Dale Freeman. In addition to members of the public, the following were also in attendance: Ken Prince, David Bent, Derek Spier, and Kari Myers.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the February 11, 2020, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PLAT #20-01 A request submitted by Cressy Land Investment, LLC, seeking approval of the one (1) lot JSK Mishawaka Subdivision.

Terry Lang, Lang Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioner. He said this plat is for the construction of a new hotel. Mr. Lang said earlier this evening, the Board of Zoning Appeals granted necessary variances for building height, off-premise sign, and frontage. He said this parcel has no direct frontage on Main Street, but through a service road north of the old Scotty's Brewhouse. Utilities will be extended.

Mr. Winn asked about the remainder of the 10 acre parcel. Mr. Lang said it's up for sale.

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

Staff Recommendation

Planning Staff recommends approval of the Preliminary and Final Plat for the "JSK Mishawaka Subdivision" pending submittal of a revised and executed plat for recordation. 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: Murray Winn moved to approve Plat #20-01. Chris Niedbalski seconded; motion carried with a vote of 6-0.

REPLAT #20-02 A request submitted by Jay R. & Karen S. Harwood and Aaron W. & Stephanie A. Nush seeking approval of the four (4) lot Setter's Pointe Replat.

Terry Lang, Lang Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioners. He said Mr. Harwood is the developer of the property; it was originally 5 lots and they are proposing to remove one lot and spread out the remaining lots leaving 4. The request is to increase the lot sizes.

Opposition

Dorinda Heiden, 813 Bittersweet Cove, said they were in support, however, her question is why Mr. Lang is representing this developer as well as the previous petition by Cressy.

Mr. Lang said they are a different client. Mr. Prince said Mr. Lang is the surveyer.

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

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for Setter's Pointe Replat pending minor revisions 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: Chris Tordi moved to approve Replat #20-02. Kathleen White-Gadacz seconded; motion carried.

REPLAT #20-03 A request submitted by Place Homes, Inc., seeking approval of the one (1) lot Gaul's Replat.

Terry Lang, Lang Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of Place Homes. Mr. Lang said Place Homes is building a home for the Gaul family and they are going through VA for the loan. He said the Gaul's own two lots, one vacant, and the VA won't loan money on a vacant lot. This combines both lots so they can obtain financing.

In Favor

Charlene Rountree, 1126 Glasgow Drive, said she wanted to speak in favor of the request. She said Place built their home and had a good experience with them. Ms. Rountree said they have been good with organizing and working with different types of situations. She said they design homes with lots of appealing criteria. They are efficient and she speaks very highly of Place Homes.

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

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for Highland Village 10th (Gaul's) Replat pending minor revisions 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 #20-03. Murray Winn seconded; motion carried with a vote of 6-0.

PETITION #20-04 A petition submitted by A & J Properties, LLC, seeking to rezone approximately 134' of **4019 Lincolnway East and 4021 Lincolnway East** running northerly from Norton Court from R-1 Single Family Residential to C-1 General Commercial District.

Wendy Walker, May Oberfell Lorber, 4100 Edison Lakes Parkway, Mishawaka, appeared on behalf of the Petitioners. She said they are requesting to rezone a portion of the two lots from R-1 to C-1.

Ms. Walker said the Petitioner owns an "L" shaped lot. The two narrow lots run all the way to Norton Court and that portion behind the clinic is zoned residential. The rezoning will make it consistent with the rest of the property and be used for additional parking and relocate the retention pond.

Mr. Lentsch closed the Public Hearing on Petition #20-04.

Staff Recommendation

The Planning Department recommends **approval** of Petition #20-04 to rezone the southern 134' of 4019 and 4021 Lincolnway East to C-1 General Commercial District. This recommendation is based upon the following findings of fact:

1. Many of the properties in the immediate vicinity are commercial 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, staff feels that the most desirable use for this property is its historical commercial use;
3. Because the parcel is located in an area with commercial uses, the rezoning to C-1 General Commercial District is a desirable use for this property;
4. Rezoning to C-1 General Commercial will have a favorable and stabilizing impact on the neighborhood as the current owner (Lincolnway Veterinary Clinic) is proposing improvements to the property and will continue to upkeep and maintain the property; and,
5. The City's Comprehensive Plan identifies the area as General Commercial and this parcel's historical use as commercial is consistent with the Plan.

MOTION: Chris Niedbalski moved to forward Petition #20-04 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 6-0.

SITE PLAN:

SP #20-02

A request submitted by Cressy Land Investments LLC seeking approval of a (4) story, 55,880 sqft hotel to be located at the vacant parcel northeast of 4340 N. Main Street and south of Juday Creek.

Terry Lang, Lang Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the applicant. He said this is the site plan that corresponds with the plat he presented earlier.

Mr. Lang said he has worked closely with Planning and Engineering and has given them all they need and hopes this will be a nice development. They will also widen access to the site.

Mr. Winn asked if there was any thought to given them access land into and out of Main Street. Mr. Lang said with Cressy owning the adjacent property they worked with Engineering and they plan to put in a decel lane as part of the next portion.

Mr. Tordi asked if all details were worked out with other departments. Mr. Lang said yes.

Staff Recommendation

Provided revised plans are submitted addressing all departmental review comments, Staff recommends that the final site plan for the proposed four-story 55,880 sq. ft. Townplace Hotel be **approved**. This recommendation is based upon the site plan meeting all the requirements of Section 137-35 regarding Final Site Plan Approval.

MOTION: Kathleen White-Gadacz moved to approve Site Plan #20-02. Dale "Woody" Emmons seconded; motion carried with a vote of 6-0.

SP #20-03

A request submitted by GLC-MAP McKinley Trust LLC seeking approval of a 4,715 sqft John's Auto Spa automatic car wash facility to be located at 410 W. McKinley Avenue.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the applicant. He said he's been before the Commission before this site; rezoning and plat.

Mr. McMorrow said the site plan is in conforming with all aspects of the ordinance with the exception of the parking which the Board of Zoning Appeals approved earlier this evening.

Mr. McMorrow said the architectural materials as proposed to be clad in metal and the use of colors. He said they will be coming back for a design waiver or submit plans that comply.

Mr. McMorrow said there will be no change to the means of access from either Grape or McKinley.

Mr. Winn said it looks like the entrance/exit onto Grape would be moved a little to the north. Mr. McMorrow said it is longer than the Rally's was and is consistent with the curb cut anticipated by the City.

Staff Recommendation

*Staff recommends that the request for final site plan for John's Auto Spa - a 4,715 sq. ft. two-story automatic car wash facility with self-service vacuuming stations - 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: Chris Niedbalski moved to approve Site Plan #20-03. Dale "Woody" Emmons seconded; motion carried with a vote of 6-0.

ADJOURNMENT: 7:24 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner