

MAY 12, 2020

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, May 12, 2020, at 7:30 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Chris Jamrose, Murray Winn, Dale "Woody" Emmons, Chris Niedbalski, Matt Lentsch, Nick Troiola, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. 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 March 10, 2020, meeting, were approved as distributed.

Mr. Lentsch declared a Conflict of Interest on Site Plan #20-05. No other Conflict of Interest was declared.

PUBLIC HEARING:

PLAT #20-02

A petition submitted by Dragoon Properties LLC seeking approval of the seventy-nine (79) lot "Ridgemont Crossing, Section 4" Subdivision. *Petitioner is requesting the item be continued to the June 9, 2020, meeting.*

The Commission unanimously approved the request to continue to the June 9, 2020, meeting.

REPLAT #20-04

A request submitted by Rousseve Properties seeking approval of the two (2) lot Southbridge Subdivision located at **305 and 309 Bittersweet Road.**

Stephanie Floyd, Progressive Engineering, 38650 SR 15, Goshen, represented Rousseve Properties. Ms. Floyd said they are seeking approval of the minor subdivision to split the property. She said the current building, City Wide Liquor and vacant retail space. They want to split the property to sell off that piece of land and it requires a subdivision.

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

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for "Stonebridge" pending submittal of an executed plat for recordation. This recommendation is based upon the fact that the subdivision plat meets all of the requirements of Section 133-107 / Preliminary Plat and Section 133-110 / Final Plat of the City of Mishawaka Subdivision Control Ordinance.*

MOTION: Murray Winn moved to approve Replat #20-04. Chris Niedbalski seconded; motion carried with a vote of 9-0.

REPLAT #20-05 A request submitted by Konnie A. Sampson seeking approval of the one (1) lot Highland Village P.U.D. 11th Replat at **1127 Highland Village Drive.**

Terry Lang, Lang Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioner. He said the owner wants to combine the two lots into one. Mr. Lang said they are in agreement with Planning and Engineering comments.

Mr. Prince read a letter of support from Randy Squadroni, 1114 Gleneagle Drive.

Mr. Lentsch closed the Public Hearing on Replat #20-05.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Plat for the "Highland Village 11th Replat". An executed plat must be submitted prior to being recorded. This recommendation is based upon the fact that the subdivision plat 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: Dale Freeman moved to approve Replat #20-05. Nick Troiola seconded; motion carried with a vote of 9-0.

PETITION #20-05 A petition submitted by Mark and Debra Kamm to rezone **1215 East Jefferson Boulevard and 1225 East Jefferson Boulevard** from C-1 General Commercial District, C-5 Neighborhood Commercial District, and I-2 Heavy Industrial District to R-3 Multi-Family Residential District.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioners. He said the request is to rezone five lots adjacent to VFW from industrial and commercial to R-3 and develop seven small single family residential units for veterans which will create a community.

Mr. Shearon said the units will be approximately 400-500 sqft and surrounded by a courtyard.

Jim Metherd, Osceola, thanked the Commission for the opportunity to allow a tiny house veteran community. He said they have so much support from the community and this will do nothing but enhance the area.

Mr. Metherd said the three buildings on the property are vacant and run down. He said they have been fundraising and are ready to make this happen.

Mr. Metherd said they will be professionally built, aesthetically pleasant not only to the residents but to the street view as well. He said they have arranged weekly wellness checks from the local VA and will have a Board of Directors to oversee day-to-day operations. Mr. Metherd said speaking as a disabled vet, Miller's Veterans does wonderful things, but providing veterans a sense of pride and ownership is key.

Ms. Gadacz asked if these will be rented. Mr. Metherd said no, will be owned by the VFW and the Board of Directors. The property will be owned by VFW.

Mr. Emmons asked if they will be single family or one person. Mr. Metherd said one person with an open floor concept.

Mr. Emmons asked if they would have a kitchen, bedroom, bathroom. Mr. Metherd said yes and all handicap accessible interior and exterior. He said will have gardens for a sense of ownership and a centralized gathering area. The walkway area will be brick and the community can sponsor bricks to sustain the viability of the community.

Mr. Tordi asked Mr. Metherd to explain ongoing maintenance. Mr. Metherd said at this point they don't have a Board of Directors, but Get Wet for a Vet will maintain the facility and do weekly checks to make sure all are adhering to set guidelines and policies. They will hire a maintenance person if the residents are unable to do.

Mr. Tordi asked where the residents will park. Mr. Metherd said parking is directly to the east of the development and since the VFW owns the property and parking will be dedicated specifically for the veterans.

Mr. Lentsch asked Mr. Metherd to talk about support services. Mr. Metherd said the VA facility has committed to weekly wellness checks and for therapeutic massage. He said three years ago they purchased a DAV van for residents to get to services at other local VA facilities as necessary.

In Favor

Jack Champaigne, 1315 Forest River Run, Mishawaka, said he is quite close to the VFW and has worked with Mr. Metherd on this project and is in favor.

Mr. Lentsch closed the Public Hearing on Petition #20-05.

Staff Recommendation

*The Planning Department recommends **approval** of Petition #20-05 to rezone 1215 & 1225 E Jefferson to R-3 Multi-Family Residential District. This recommendation is based upon the following findings of fact:*

- 1. The R-3 Multi-Family Residential District zoning best matches the proposed use, and the use 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 an investment is being made in the property, given its relationship to surrounding properties, staff feels that the most desirable use for this property is the R-3 Multi-Family Residential District;*
- 3. Because the parcel is located in an area with mixed uses, the parcel's proximity to the VFW Post, and the proposed use, the rezoning to R-3 Multi-Family Residential District is a desirable use for this property;*
- 4. Rezoning to R-3 Multi-Family Residential will have a favorable and stabilizing impact on the neighborhood as the contingent purchaser, the VFW, will be overseeing the program and continue upkeep and maintain the property; and,*

5. *The City's Comprehensive Plan identifies the area as Industrial, but working with the adjacent VFW, this parcel's proposed use as multi-family is not in conflict with the Plan.*

MOTION: Kathleen White-Gadacz moved to forward Petition #20-05 to the Common Council with a favorable recommendation. Murray Winn seconded; motion carried with a vote of 9-0.

PETITION #20-06 A petition submitted by Elm Street Capital, LLC, and HD Development of Maryland, Inc. seeking approval to amend the University Town Center – Home Depot Planned Unit Development to allow quick service oil change as a use and for a reduction in the number of parking spaces, setbacks, and landscaping.

Mark Rykovich, Newberry Real Estate, 7750 Cree Trail, Indianapolis, presented the request. He said he has been working with Home Depot on a number of Valvoline developments in Indiana.

Mr. Rykovich said Valvoline operates in 46 states and over 1,000 locations and they are strictly preventative maintenance; mostly oil change. They are not a full-service mechanic shop and do not have hydraulic lifts.

Mr. Rykovich said Valvoline has recently revamped their real estate and are now a smaller size, reduced wait times and have received awards for training programs.

Mr. Rykovich said hours of operation are typically 8-7 Monday thru Friday, Saturday 8-6, and Sunday 10-5. Average wage is \$10-12 per hour, 10-15 full-time employees.

Mr. Rykovich said the site will be located in the Home Depot shopping center behind the bank. It will be a 1,670 sqft building, 10 parking spaces which is 3 more than required by ordinance. He said the building design is very efficient and resembles a small office building, outside of the bay doors.

Mr. Rykovich said these developments wouldn't happen if the co-tenants in the center weren't ok with it. He said other tenants in the center had no issue with it.

Mr. Rykovich said he could not find any reference in the Comprehensive Plan about guiding automotive uses to Grape Road. He said it doesn't speak to it at all, not just Grape Road. He said it's a subjective comment at best.

Mr. Rykovich said the Home Depot shopping center is zoned S2 for the purpose to recognize flexibility in the marketplace. That was the overall intent of the center. He said, just to reiterate, the predominate zoning in the corridor is S2 and commercial. This speaks to them following the S2 guidelines.

Mr. Rykovich said staff made a comment regarding its proximity to Main Street. He's been working with Home Depot on this site for two years and has no tenant interest from anyone. He said they are being criticized for being on Main Street, but tenants don't want it because it isn't on Main Street.

Mr. Rykovich said it's a good fit for Valvoline, adds new traffic to the center. He said the main thing is they are losing tenants to down the street. They want Main Street visibility.

Mr. Rykovich said within a ½ mile radius there are existing automotive uses in the corridor. He said the general area is shown as one commercial trade area, not Main Street commercial trade area. Outside of car dealerships, they have just as many auto uses on Main Street as on Grape Road; Midas Muffler and Drive and Shine to name two. Also, Main and Grape and Edison and Grape have a high concentration of automotive uses.

Mr. Rykovich responded to staff comments about a gas station in the Walmart parking lot. He said it's a pretty broad statement and isn't "apples to apples." You are talking about a 40,000 sqft piece of land for a station, more lighting, underground storage tanks, fuel pumps, and operational hours much greater than Valvoline. It's not a fair comparison.

Mr. Tordi said that staff is recommending denial and thanked Mr. Rykovich for putting together a response, but how do the tenants in the development feel about this? Do you have any supporting documents.

Mr. Rykovich said no, the REA is longer than the Comprehensive Plan and they are abiding by all in there. He said they aren't disrupting any traffic flow, and are keeping parking in tact. They've received positive feedback.

Ms. Jamrose asked Mr. Rykovich to clarify if he was a Home Depot employee or with Newberry Real Estate. Mr. Rykovich said he was with Newberry Real Estate.

Ms. Jamrose asked who prepared the responses. Mr. Rykovich said his firm and another consulting firm. He has the Home Depot civils done in 2003 and has been working with Home Depot.

Ms. Jamrose said she has been with the city since 1994 and she said she doesn't think they are aware what is buried under the site; it's the stormwater management for the entire site. She said she can't see how this small building and the dollars you will spend would be feasible. Ms. Jamrose said this is an incredible feat you are going about.

Mr. Rykovich said he's sorry, but it is out of the way.

Ms. Jamrose again said it's right on top of stormwater management.

Mr. Rykovich said it isn't because that's why it's located where it is.

Ms. Jamrose said Mr. Rykovich was in error as the building is right on top of it. Mr. Rykovich said they would look into it.

Mr. Lentsch closed the Public Hearing on Petition #20-06.

Mr. Troiola gave kudos to Mr. Rykovich for putting it all together, but he can't in good conscience approve this with the concerns that Engineering has at this time without getting clarity on how to address Engineering's concerns.

Mr. Prince said he understands Ms. Jamrose's comments and supports them. He said right now they are in the zoning process and recommends the Commission consider the use of the property. The item is the use tonight, but will have to address standards regardless of the process. He asked, is the use appropriate? If they do receive approve, they would have to come back.

Staff Recommendation

Staff recommends **denial** to amend a part of the University Town Center – Home Depot Planned Unit Development – to allow for the construction of a quick service oil change business.

This recommendation is based upon the following findings of fact:

1. Existing Conditions – The subject property is currently part of the Home Depot parking lot. adjacent uses are consistent with the original PUD which did not include automobile relates uses.
2. Character of Buildings in Area – Buildings within the area are all service commercial or restaurant uses. No automobile related uses are located within the Planned Unit Development. Automobile related uses were not submitted or requested to be included in the Planned Unit Development which was approved in 2002. The Planned Unit Development as a whole has been very successful as planned and developed.
3. The most desirable/highest and best use – The requested PUD amendment is not consistent with the original approval which includes a wide range of uses and excluded automobile related uses.
4. Conservation of property values – The proposed amendment could be injurious to property values in the surrounding area if automobile-oriented uses are included in the area and the qualitative characteristics of the Main Street corridor are changed for the worse.
5. Comprehensive Plan – The property was identified as service commercial in the Mishawaka 2000 Comprehensive Plan. The proposed automobile related use is not consistent with that guided use.

MOTION: Nick Troiola moved to forward Petition #20-06 to the Common Council with a favorable recommendation. Motion failed with a vote of 3-6. (Jamrose, Winn, Lentsch, Troiola, Tordi, Freeman)

MOTION: Murry Winn moved to forward Petition #20-06 to the Common Council with an unfavorable recommendation. Motion carried with a vote of 6-3. (Emmons, Niedbalski, White-Gadacz)

PETITION #20-08 A petition submitted by RH Line, LLC, seeking to annex and zone **52921, 52861, 52885, and 52841 Fir Road, Granger** to C-1 General Commercial District.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioner. He said the property is on the west side of Fir Road between Cleveland and Beacon Parkway. They propose to annex and zone to C-1 for medical office space and also to the north, some retail space.

Mr. Shearon said the property will be developed in phases with the first phase being medical/surgical center, office, but no specific use.

Mr. Shearon said there will be two accesses off of Fir Road. Engineering has requested a decel lane will work with them to supply.

Mr. Shearon said as for the general area, across the street is PUD for commercial uses and they feel the proposed uses fit within that area. He said if approved, the next step would be site plan and they will meet all drainage, building materials requirements and such.

Mr. Lentsch closed the Public Hearing on Petition #20-08.

Staff Recommendation

Staff recommends approval of Petition 20-08 to annex and establish zoning to the C-1 General Commercial District for property located on the west side of Fir Road south of Beacon Parkway (52921, 52861, 52885, and 52841 Fir Road). The property is proposed to be a mixed use development containing medical offices, retail uses, and an existing residential use for a temporary time. This recommendation is based on the following Findings of Fact:

- 1. Existing Conditions – The subject property is located along a moderately travelled section of Fir Road between Beacon Parkway and Cleveland Road. Traffic volumes in the immediate vicinity are expected to increase due to commercial and residential development in the northwest part of the City and northeastern St. Joseph County. With the completion of Beacon Parkway, Fir Road now serves as the primary gateway into the City from the Indiana Toll Road. Adjacent land uses include vacant property and a storage building to the north, a single-family residential house to the west, a single-family residential house and medical office to the south, and vacant property to the east approved for commercial use.*
- 2. Character of Buildings in the Area – The character of buildings and land uses located along the Fir Road corridor between State Road 23 and Douglas Road vary greatly and include single and multi-family residential, institutional, medical, senior care and rehabilitation, financial, and commercial land uses.*
- 3. The most desirable/highest and best use –With the completion of Beacon Parkway to the north and the approved commercial use of the property to the east, commercial development along Fir Road is anticipated to increase in future years. Therefore, the most desirable use for the property is either commercial or other non-single family residential use reflecting the changing land use patterns in the area.*
- 4. Conservation of property values – The proposed zoning should not be injurious to the property values in the surrounding area. Landscaping and screening compliant with the commercial regulations is required to adequately screen the adjacent existing single-family residential properties.*
- 5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed mixed use development to include medical office, retail, and residential uses is reasonably consistent with adjacent and changing land uses along the Fir Road corridor.*

MOTION: Kathleen White-Gadacz moved to forward Petition #20-08 to the Common Council with a favorable recommendation. Chris Tordi seconded; motion carried with a vote of 9-0.

PETITION #20-09 A petition submitted by The M Group LLC-S Series 407 W. 4th Street seeking to rezone **407 West Fourth Street** from I-1 Light Industrial District to C-3 City Center Commercial District.

Paul Mead, 50660 Stoneington Drive, Granger, said the property has been a 4 unit apartment since at least 1982 and they are requesting to rezone to C-3 to allow the use to continue.

Mr. Lentsch closed the Public Hearing on Petition #20-09.

Staff Recommendation

*The Planning Department recommends **approval** of Petition #20-09 to rezone 407 W Fourth Street to C-3 City Center Commercial District. This recommendation is based upon the following findings of fact:*

- 1. The City Center Commercial zoning matches most of the properties in the immediate vicinity and the use 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 the use is not changing and given its relationship to surrounding properties, staff feels that the most desirable use for this property is the C-3 City Center Commercial District;*
- 3. Because the parcel is located in an area with commercial uses, the rezoning to C-3 City Center Commercial District is a desirable use for this property;*
- 4. Rezoning to C-3 City Center Commercial will have a favorable and stabilizing impact on the neighborhood as the use is not changing, however if it were to change, commercial uses are preferable to industrial uses; and,*
- 5. The City's Comprehensive Plan identifies the area as General Commercial, so rezoning it to a commercial district, which allows this parcel's historical multi-family use is consistent with the Plan.*

MOTION: Chris Niedbalski moved to forward Petition #20-09 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 9-0.

SITE PLAN:

SP #20-04

A request for final site plan submitted by KLT Properties, LLC, seeking approval of the 2,151 sqft Bremen Highway Taco Bell to be located at the southwest corner of Bremen Highway and Meijer Drive.

Mike Huber, Abonmarche Consultants, 750 Lincolnway East, South Bend, represented the Petitioner. He said the project is a proposed 2,100 sqft Taco Bell at Bremen Highway and Meijer Drive.

Mr. Huber said zoning is compliant and they received a variance for a reduction in number of parking spaces. They have been working with Engineering and Planning regarding ingress/egress issues.

Mr. Huber said they will be keeping stormwater on site and will need a permit to allow some run-off into Laing Ditch and he anticipates approval of that request.

Mr. Huber said they have been working with staff on a design waiver for materials and color.

Staff Recommendation

*Staff recommends that the request for final site plan for Taco Bell - a 2,151 sq. ft. one-story restaurant with drive-thru facilities - 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 Tordi moved to approve Site Plan #20-04. Dale Freeman seconded; motion carried with a vote of 9-0.

SP #20-05

A request for final site plan submitted by Bethel College Inc. seeking approval for the new 24,431 sqft athletic training center and garage/storage building to be located at the **southeast corner of West Lowell Avenue and Clay Street.**

Tony Natali, 3941 Rosemont Place, Mishawaka, Athletic Director, said this will be their athletic training center. He said Bethel has 450 student athletes and the number has grown and they are out of space. They have 125 track and field, several national championships and need a place to train.

Mr. Natali said the facility won't just be for Bethel, but they will have the opportunity to do clinics with high school and middle schoolers.

Mr. Natali said this is not a spectator place and no track meets will be held here. Not a lot of traffic going thru and most of the access will be people walking from campus.

Jerry White, 1275 Larkspur, Niles, MI, VP for Finance, also spoke in favor of the project.

Dan Brincefield, Engineering Resources, Ft. Wayne, said they have received comments and are addressing them.

Staff Recommendation

*Staff recommends that the request for final site plan for the Bethel Athletic Training Facility - a 24,431 sq. ft. building - 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: Kathleen White-Gadacz moved to approve Site Plan #20-05. Chris Niedbalski seconded; motion carried with a vote of 8-0 (*Lentsch abstained*).

SP #20-06

A request for final site plan submitted by Murphy Rice, LLP seeking approval of the 5,620 sqft office building to be located at the **southwest corner of Spring and First Street.**

Martin Murphy, Alliance Architects, 929 Lincolnway East, South Bend, represented the applicant. He said Murphy Rice is currently in South Bend and are looking to move to Mishawaka.

Mr. Murphy said storm drainage will be on municipal system and will be applying for a design waiver.

Staff Recommendation

*Provided revised plans are submitted addressing the Planning and Engineering Department review comments, Staff recommends that the final site plan for the proposed two-story 5,620 sq. ft. office building to be occupied by Murphy Rice LLC 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 #20-06. Dale “Woody” Emmons seconded; motion carried with a vote of 9-0.

OLD BUSINESS
SP #19-08

A request submitted by Marc Campbell seeking approval of a six (6) building Mini Storage facility at **217 S. Elder Road**. *Item continued from the March 10, 2020, meeting. Petitioner is requesting item be continued to June 9, 2020, meeting.*

The Commission unanimously approved the Petitioner’s request to withdraw the item.

ADJOURNMENT: 9:07 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner