

SEPTEMBER 9, 2020

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Wednesday, September 9, 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, Nick Troiola, Chris Tordi, and Dale Freeman. Absent: Chris Jamrose and Kathleen White-Gadacz. 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 August 11, 2020, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #20-18 A petition submitted by BFR (owner) and RFJ Auto-T Properties, LLC (contingent purchaser), requesting to rezone **4211 Grape Road** from C-1 General Commercial District to C-4 Automobile Oriented Commercial District.

Peter Agostino, 131 S. Taylor St., South Bend, appeared on behalf of the Petitioners. He said the plan is to proceed in converting this little shopping center on Grape Road into an extension of the Lexus dealership.

Mr. Agostino said Engineering had some comments and they will comply with them as they go further through the process.

Mr. Lentsch closed the Public Hearing on Petition #20-18.

Staff Recommendation

*The Planning Department recommends **approval** of Petition #20-18 to rezone 4211 Grape Road to C-4 Automobile Oriented Commercial District. This recommendation is based upon the following findings of fact:*

- 1. The majority 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 its relationship to surrounding properties, staff feels that the most desirable use for this property C-4 zoning;*

3. *Because the parcel is located adjacent to C-4 zoned property and due to the proposed sale of the property to the Lexus Dealership, the rezoning to C-4 Automobile Oriented Commercial District is a desirable use for this property;*
4. *Rezoning to C-4 Automobile Oriented Commercial District will have a favorable and stabilizing impact on the corridor as the existing commercial center has several vacancies and the contingent purchaser 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 Medium Density Residential mainly due to the senior living facility to the north and west, but this parcel's historical use as commercial is consistent with the Plan.*

MOTION: Dale Freeman moved to forward Petition #20-18 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

PETITION #20-19 A petition submitted by Richard LaFree seeking to amend the Deer Run PUD to permit I-1 Light Industrial use on Lots 2, 3 and 4.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioner. He said this parcel is at the southwest corner of Deer Run and Fir Road and north of The Preserve apartments.

Mr. Lang said the proposal is to amend the PUD to have I-1 zoning for a packaging facility on that parcel. He said they will make amendments to the site plan as required by Planning and Engineering. At this point, it's preliminary.

Mr. Lentsch closed the Public Hearing on Petition #20-19.

Mr. Spier read a letter from the owner's attorney of The Preserve apartments.

Mr. Winn said the property to the west of these lots are zoned industrial. Mr. Spier said it is part of the Deer Run PUD and when approved years ago the lots to the west were identified as industrial and these lots were identified as commercial uses.

Mr. Winn said the I-1 zoning doesn't allow outside storage? Mr. Spier said that is correct. It's next to an apartment complex.

Mr. Lang said they have no problem complying with the requests.

Staff Recommendation

*Staff recommends **approval** of Petition 20-19 to amend a part of the Deer Run PUD, being more specifically Lots 2, 3, and 4 in the Deer Run Subdivision, Section One, to allow I-1 Light Industrial permitted uses, including but not limited to, a product packaging facility on a part of said real estate subject to the following conditions:*

1. *Permitted uses shall be amended to include all I-1 Light Industrial Uses.*
2. *Overstory or understory trees shall be provided along Fir Road at a rate compliant with the C-1 General Commercial District.*
3. *Parking lot screening per the C-1 General Commercial District shall be provided along the east side of the parking area adjacent to Fir Road.*

4. *One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site.*
5. *Freestanding off-premise signs shall not be permitted.*
6. *The extension of all utilities to the site shall be at the developer's cost and expense.*
7. *All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.*
8. *A sidewalk with the appropriate ADA ramp shall be extended along the Fir Road and Deer Run Drive frontage subject to review and approval by the Engineering Department.*
9. *All other development regulations not specified shall adhere to the I-1 Light Industrial District.*

The recommendation is based on the following findings of fact:

1. *Existing Conditions- The amendment will not alter or negatively impact the existing conditions of the surrounding area. Commercial and industrial uses are currently permitted both within the portion of the PUD being amended and within vacant property in the PUD to the west.*
2. *Character of Buildings in Area- Very few buildings are located within the immediate area. A vacant athletic facility to the north and the Preserve at Fir Road apartment complex to the south are within the boundaries of the Deer Road PUD. Low density single-family residential homes and undeveloped property are located predominantly along the east side of Fir Road.*
3. *The Most Desirable/Highest and Best Use- The proposed S-2 Planned Unit Development amendment for I-1 Light Industrial permitted uses is consistent with surrounding zoning classifications. With adherence to the conditions placed on this amendment and the I-1 Light Industrial development regulations, the proposed use will be compatible with the existing and permitted land uses within the PUD.*
4. *Conservation of Property Values- The proposed zoning should not be injurious to property values in the surrounding area based upon the conditions included in this amendment and the I-1 Light Industrial development regulations. Currently, commercial land uses, including higher intensive uses than those proposed, are permitted within the portion of the PUD being amended.*
5. *Comprehensive Plan- The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for low density residential development. However, the presence of the existing apartments and the vacant athletic facility has profoundly changed the character of the area where low density residential development is no longer appropriate.*

MOTION: Murray Winn moved to forward Petition #20-19 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

PETITION #20-20 A petition submitted by Lionshead Development, LLC, seeking to annex and zone **15165, 15195, and 15201 Cleveland Road, Granger** to R-3 Multi-Family Residential District.

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Boulevard, South Bend, appeared on behalf of the Petitioner. He said they have about 3 acres of this total site that are outside of the City and 3 are inside of the City. They propose a townhome development, multi-family at a density of about 6 units an acre.

Mr. Huber said the townhomes would have 3 stories with rooftop deck and priced above \$300,000.00. He said they will provide parking for 2 cars per home and an additional space for guests.

Mr. Huber said this is an early concept and will bring the full site plan in the future. He said they have multiple builder partners and townhomes are the fastest growing product as it appeals to folks who are downsizing and can be owner-occupied or a rental. It's a nice project to bring to the City.

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

Staff Recommendation

*Staff recommends in **favor** of Petition 20-20 to annex, establish zoning, and approve a preliminary site plan for property located on the north side of Cleveland Road west of Fir Road to allow for the construction of a proposed 73 unit multi-family residential townhome development.*

This recommendation is based upon the following Findings of Fact:

- 1. Existing Conditions - The subject parcels are located along a moderately travelled section of Cleveland Road on which traffic volumes are expected to remain relatively constant. Cleveland Road between State Road 23 and Fir Road does not serve as a major east-west corridor into the city. Adjacent land uses include single-family residential properties to the north, west, and east, and commercial and single family residential properties to the south approved for future commercial use.*
- 2. Character of Buildings in Area - The character of buildings and land uses located along the Cleveland Road corridor from State Road 23 to the west to Fir Road to the east vary greatly. Buildings and uses include low-density single family residential homes, an assisted living/memory care facility, an independent living senior facility, a residential apartment complex, a church, and a medical office building.*
- 3. The most desirable/highest and best use – With the completion of Beacon Parkway to the north, commercial and multi-family residential development along Fir Road, and to a lesser extent along Cleveland Road, is expected to increase. Therefore, the most desirable use for the property is either commercial or multi-family residential reflecting the changing land use patterns in the area.*
- 4. Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area because the proposed multi-family residential use is compatible with the adjacent single-family residential and medical office uses.*
- 5. Comprehensive Plan – This property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, the proposed multi-family use is reasonably consistent with adjacent and changing land uses along the Cleveland and Fir Road corridors.*

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

REPLAT #20-08 A request submitted by Minyahel Mekonnen and Karen A. Mekonnen seeking approval of the one (1) lot Highland Village P.U.D. 13th Replat.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the applicants. He said they have purchased the adjacent lot and they desire to build a garage on that parcel.

Mr. Lang said there are several easements that will continue to be there and stay in place, but will merge the two lots together because you can't have an accessory structure on a lot by itself.

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

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for Highland Village P.U.D. 13th Replat. 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: Dale Freeman moved to approve Replat #20-08. Dale "Woody" Emmons seconded; motion carried with a vote of 7-0.

SITE PLANS:

SP #20-07 A request for final site plan approval submitted by Emeriprez, LLC seeking approval of the 17,511 sqft, 30 unit memory care facility at **430 Cleveland Road, Granger.**

Gary O'Brien, Ingram Civil Engineering, Brentwood, TN, appeared on behalf of Emeriprez and said he has been working with staff on the plans for the facility. He said it will be a 30-bed memory care facility on the Brookdale campus.

Mr. O'Brien said they have received comments and have no problems. He said they have shown an 8' fence on the plans and will be requesting a variance for the additional height. It's for the safety of the residents so they can be outdoors and they need a certain height.

Mr. O'Brien said staff has been very good to work with and he doesn't get that everywhere he goes.

Staff Recommendation

*Staff recommends that the request for final site plan for Clare Bridge at Granger – a one-story 17,511 sq. ft. memory care facility with 30 beds - be **approved**. A revised plan set addressing all departmental review comments shall be provided prior to recordation of the plans and issuance of any improvement location permit. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan approval.*

MOTION: Murray Winn moved to approve Site Plan #20-07. Nick Troiola seconded; motion carried with a vote of 7-0.

SP #20-08 A request for final site plan approval submitted by Costco Wholesale Corporation seeking approval of the 4,800 sqft financial institution and future tenant at **605 East University Drive, Granger.**

Austin Kirby, Anchor Construction 7121 Grape Road, Granger, appeared on behalf of Inova Credit Union. He said the proposed site is an Inova Credit Union and future tenant space as part of the proposed building on the Costco outlet.

Mr. Kirby said they have been working to address items and have submitted a revised plan and everything has been agreeable. He said working with staff has been a positive experience.

Mr. Emmons said it is stated on the site plan that there will be a future tenant. Do you know who that will be? Mr. Kirby said it is not known at this time. He said they have put in a grease interceptor in case of a potential restaurant user, but may not necessarily be that.

Staff Recommendation

*Staff recommends that the request for final site plan for a 4,800 sq. ft. two tenant commercial building be **approved**. A revised plan set addressing all departmental review comments shall be provided prior to recordation of the plans and issuance of any improvement location permit. 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 "Woody" Emmons moved to approve Site Plan #20-08. Chris Niedbalski seconded; motion carried with a vote of 7-0.

ADJOURNMENT: 7:35 p.m.

Derek Spier, Senior Planner

Kari Myers, Administrative Planner