

OCTOBER 13, 2020

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, October 13, 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, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Dale “Woody” Emmons and Nick Troiola. In addition to members of the public, the following were also in attendance: Ken Prince, David Bent, Derek Spier, Christa Hill, and Kari Myers.

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Mr. Lentsch explained the Rules of Procedure.

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The Minutes of the September 9, 2020, meeting, were approved as distributed.

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Conflict of Interest was not declared.

**PUBLIC HEARING:**

**PETITION #20-07** A petition submitted by the City of Mishawaka Municipal Water Utility requesting to amend the City North Well Field – Grandview Planned Unit Development to permit an elevated water storage tank not to exceed 150’ in height.

Ken Prince, City Planner, read the following prepared statement:

Good evening,

I am Ken Prince, both the City Planner and the current President of the Mishawaka Utilities Board, tonight I am representing Mishawaka Utilities. Mishawaka Utilities Water Division is requesting that the City North Wellfield Planned Unit Development be amended to allow for the construction of an elevated water tank, 150 feet in height.

Together with me this evening is Dave Majewski, the Manager of Mishawaka Utilities Water Division and Jamie Poczekay who is the design engineer and project manager for our consulting engineer DLZ.

To start, the planning that has led to this request goes back to 2015 when the City completed our last water needs assessment for the City’s entire water system. At that time is when we made the decision to look for a replacement wellfield site to replace the current Gumwood Road wellfield. The City has since acquired property east of and including the Juday Creek Golf course where a new wellfield is planned where we hope to start construction next year.

The Gumwood wellfield was proposed to be closed because of the small size of the property, the high manganese content of the water, and most importantly, the water production capacity of wellfield did not meet the needs of the projected City long term growth needs. The Wellfield was annexed into the City in 2015 and at the time it contained 23.5 Acres. At the time of annexation, a range of uses in addition to the wellfield use were approved for the wellfield site. These included both residential and commercial uses. At the time there

was a desire expressed by the adjacent subdivision that no internal connection be made to the property and as such, the wellfield was essentially zoned as an extension of the Grandview Planned Unit Development, understanding that similar uses and shared access points with Grandview would be developed over time. As part of the planning associated with the creation of a new City Wellfield was to look at other system wide deficiencies.

The reason for the new tower is twofold. As the City has grown, there is a greater demand for water. The current tower located north of the Indiana Toll Road just east of Grape Road is 1 million gallons. The Proposed tower is 1.5 million gallons. Pressure is the other reason. The elevation of the current tank by virtue of its location and constructed height is not tall enough to create as much pressure as we would like to see. The new tower will raise the average pressure by approximately 15 psi across the pressure district, while also providing more storage and greater fire protection.

The proposed tank is intended to replace the existing water tank by the toll road. As part of the design process, our consulting engineer reviewed the potential of keeping the existing tank and adding a new location. They also looked at varying options for new locations. Because of the need to increase pressure, the existing tank did not work because of the lower than desired pressure. From a cost perspective, replacement was deemed the best alternative. In regards to identifying a new tower site, we asked DLZ to look at multiple sites including toward the intersection of Capital Avenue and the Indiana Toll Road. It was determined that a location further to the east would not effectively address the pressure deficiencies of our existing system and would require a significant amount of new large pipe infrastructure to be installed.

The proposed location here at the Gumwood Wellfield addressed both existing pressure deficiencies, but also has the added benefit of minimizing the need for installing new underground piping since it was already in place as part of the wellfield.

Once the desired site was chosen, we looked at placement. The area needed for the tank is roughly 250' x 250', just under an acre and a half. This is significantly less than the roughly 18 acres that is currently owned by the City. As you may recall, the City sold the southern 5.75 acres of the original 23.5-acre site to Great Lakes Capital as part of the Development of the Grandview PUD.

Unlike other development, there is no real traffic generated or other development concerns to address other than what it looks like as a large object in the landscape. As such, significant care was taken to locate it in the area that was furthest away from existing development. Although we inherently do not feel that the water tower is a negative to the landscape, we do understand that from an appearance standpoint it changes the area. As such the proposed location is on the far south east corner of the wellfield. This places the tower site 400 feet from the single-family home properties that abut the existing Gumwood Wellfield to the west. This also places the site 135' from the parking area that is located to the west of the recently completed Grandview mixed use building where Bar Louie is located. We felt that this location was ideal and would allow new development to be constructed around the perimeter of the tower where the tower can actually be integrated into the area as it develops.

If approved, we hope to start construction in the Spring of 2021. If this happens, we would estimate that it will take two construction seasons to build and that the new tank could be on-line by late 2022.

Lastly, before I conclude, as part of our advertising and sending out notices we did receive a few questions that I would like to answer here just for everyone's information.

- 1) We were asked if the tower and proposed construction would have any impact on the private wells that are located in the single family subdivision to the west.

The answer is that the tower will not have any effect on private wells. The wells on the site where the new tower will be constructed will be abandoned and sealed after completion. Once our new Juday Creek Wellfield is on-line, we will not be pulling any water out of the existing Gumwood Well-Field. The new wellfield is located over a mile away from this site and will have no impact on the wells in this area.

- 2) We were asked if this tower affect our property values?

Opinions on what is impactful to property values are subjective, but we do not believe so. Again, We have had DLZ position the proposed tower location to maximize the distance from existing single family homes on the City's wellfield property. Once the City Wellfield property is redeveloped, we believe there will also be development between the adjacent subdivision and the proposed tower site which would inherently provide separation. For reference, the City has an existing water tower on East Third Street in the City. That tower site is located approximately 50 feet from multiple single family residential properties.

We have also had discussions with the Great Lakes Capital, who developed and owns the Grandview development that are adjacent to the proposed tower site to the east. We have worked with them to make sure the proposed tower site is not just utilitarian but that it can be an amenity. A walk has been shown on the plans that goes around the perimeter of the fenced in enclosure that we anticipate would be used by apartment residents. The Great Lakes Capital property is obviously much closer to the proposed tower and they have not expressed concerns. At 150' in height, the tower will be visible from far away. Just like the other water towers operated by the City, we feel that the tower will fit in the landscape appropriately as a landmark.

That concludes my presentation. We are happy to answer any questions that you might have.

Mr. Winn said the City also has hydrants to the north of this and this would do nothing but improve fire protection to the area. Mr. Prince said he would refer to the City Engineer for a better answer. Ms. Jamrose said yes, it will increase pressure.

Dave Majewski, Manager Water Division, said this project addresses water pressure issues. He said they have to have 38 to 39 PSI and have to keep it above 20 and this will bump up to about 55 on the low end to 80. They will gain that pressure to the north and south.

Mr. Lentsch closed the Public Hearing on Petition #20-07.

### **Staff Recommendation**

*Staff recommends in **favor** of amending a part of the City North Wellfield Planned Unit Development located northwest of W. Cleveland Road (S.R. 23) and Gumwood Road to allow for an elevated water storage tank not to exceed 150' in height in addition to the existing and approved municipal wellfield. Subject to the following conditions of approval:*

### **Permitted Uses:**

1. Permitted uses shall be limited to municipal well fields and an elevated water

*storage tank not to exceed 150' in height. Antennas and accessory attachments to the water tower may project above the maximum height.*

- 2. Accessory uses and improvements, including but not limited to, access drives, communication structures and equipment, an overflow basin, and tower maintenance area shall be permitted.*
- 3. Outside storage shall be prohibited excluding materials pertinent to the municipal well field and construction or normal usage of the elevated water storage tank.*

**Signage:**

- 1. All graphics and lettering on the elevated water tank shall be subject to the review and approval of the Board of Public Works and Safety.*

**Lighting:**

- 1. All site lighting, excluding lighting fixed to the tower or up-lighting shining on the tower, shall be limited to 25 feet in height. 90-degree cut-off fixtures or city ornamental lighting shall be required for site lighting and wall mounted fixtures. Lighting of the tower shall be mounted as to not shine on the adjacent property.*

**Landscaping & Screening:**

- 1. Landscaping along the west, north, and east property lines shall be provided as conceptually shown on the preliminary site plan.*
- 2. Ornamental security fencing shall be required around the site perimeter not to exceed 8' in height.*

*This recommendation is subject to the conditions of approval in the attached Exhibit A and based on the following findings of fact:*

- 1. Existing Conditions – The subject property, being vacant land within the existing City north municipal wellfield, is located along the heavily traveled Cleveland Road (S.R. 23) and Gumwood Road corridors. Vacant land immediately adjacent to the property has been approved for its current and continued use as a municipal wellfield and for future commercial, multi-family residential, assisted living, and nursing home use. The existing Grandview Planned Unit Development to the east and north includes multi-family residential and commercial uses.*
- 2. Character of Buildings in Area – The character of a majority of the buildings along Cleveland Road (S.R. 23) and Gumwood Road are commercial. The buildings north and east of the subject property are predominantly multi-family residential with limited commercial use. Single-family residential uses are located approximately 400' to the west within unincorporated St. Joseph County.*
- 3. The most desirable/highest and best use – Due to the existing and permitted multi-family residential and commercial uses that can be developed on vacant property within the adjacent PUDs, the highest and best use of the property is multi-family residential or commercial. The proposed amendment for an elevated water storage tank to support current and future development within the northern part of the City is consistent with the surrounding existing and permitted land uses.*

4. *Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area. A majority of the property within the adjacent PUDs to the north, west, and south of the area being amended remains undeveloped, but has been approved for various commercial and multi-family residential use. Existing commercial and multi-family residential uses are located to the north and east within the Grandview PUD. If approved, the adjacent properties will be protected by the conditions of approval placed on the PUD amendment.*
  
5. *Comprehensive Plan – Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.*

**MOTION:** Dale Freeman moved to forward Petition #20-07 to the Common Council with a favorable recommendation. Murray Winn seconded; motion carried with a vote of 7-0.

**DESIGN REVIEW:**

**DR #20-08**

A request submitted by Costco Wholesale on behalf of INOVA Federal Credit Union requesting a waiver from the Mishawaka Design Review Ordinance Section 105-76 Architectural Materials to allow fiber cement panels, metal panels, simulated stone veneer panels, architectural panels and EIFS at **605 East University Drive, Granger.**

Matthew Smith, Anchor Construction, 7121 Grape Road, Granger, appeared on behalf of INOVA. He said his client has made significant effort to choose materials that will complement the adjacent materials as well as keeping their property value in mind.

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

**Staff Recommendation**

*Staff recommends approval of Design Review Waiver 20-08 to allow fiber cement panels, metal panels, simulated stone veneer panels, architectural panels, and exterior insulation and finish system (EIFS) as appropriate exterior architectural materials. The Plan Commission has approved similar waiver requests for architectural materials on other commercial/retail buildings to allow for design flexibility and to encourage a diverse rather than uniform appearance.*

**MOTION:** Kathleen White-Gadacz moved to approve Design Review #20-08. Chris Niedbalski seconded; motion carried with a vote of 7-0.

**DR #20-09**

A request submitted by First United Methodist Church, **201 East Third Street** requesting a waiver from the Mishawaka Design Review Ordinance Section 105-115 Fences and Walls to allow an aluminum fence.

Dennis Rhoads, Chairman of Trustees, First United Methodist Church, 201 E. Third Street, appeared on behalf of the request. He said they've had a preschool at the church for 40 years and they are adding a voucher program and that requires an outdoor play area.

Mr. Rhoads said the area in question is a sunken area and there would be a gate on the east end next to the handicap ramp and would allow a lawn mower to the area. The children would enter through the sunken garden and be in a secure area with a camera.

Mr. Rhoads said it will be an aluminum fence, 4' tall, and have no spikes but flat on top for the safety of the children. He said the black aluminum fence would tie into the features of the church.

Mr. Rhoads said it's required by the state. At some point they will be adding equipment, but that's not required at this point.

Mr. Winn asked if the fence would have concrete anchoring. Mr. Rhoads said yes, it will be installed by Milestone Fence.

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

#### **Staff Recommendation**

*Staff recommends approval of Design Review Waiver 20-09 to allow an aluminum fence a children's play area on the south side of the church. The proposed fencing is designed to look like steel, but at a more reasonable price.*

**MOTION:** Murray Winn moved to approve Design Review #20-09. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

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#### **DR #20-10**

A request submitted by M J Investments, LLC, requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-78 Architectural Features/Details and Section 105-177 Signage Lighting to allow LED lighting in the wheels that move/flash/chase and change color in previously approved car to be mounted on the on east wall at **101 East Mishawaka Avenue.**

Stacey Holdeman, Premiere Signs, 400 N. Main Street, Goshen, appeared on behalf of the request. She said they are requesting LED lighting in the wheelwells in the car that was recently approved. She said the owner wants to give the illusion of movement. Ms. Holdeman also said the lights will not flash; they are programmable and change the frequency of movement.

Ms. Holdeman said there will also be painted tire tracks on the wall and Mr. Becker wants stationary lights in the tracks. They will only be white and not move.

Mr. Winn asked if the lights in the tracks would be adjustable. Ms. Holdeman said no, always on, always the same color which will be a middle-grade white LED.

Mr. Winn asked if the lights would do everything you requested except flash. Ms. Holdeman said they want them to look like the wheels are turning.

Ms. Gadacz asked if there was a reason for this. Ms. Holdeman said the owner thinks it would be cool. She said some of his other ideas were the helicopter on top of Hi Ho Restaurant in Town and Country Shopping Center and a piano on top of Shirk's Piano Store.

Mr. Lentsch closed the Public Hearing on Design Review #20-10.

**Staff Recommendation**

*Staff recommends approval of Design Review Waiver 20-10 to allow LED lighting in the wheels of an automobile affixed to an exterior building wall and LED lighting of the tire track graphics on the exterior building wall at 101 E. Mishawaka Avenue subject to the following conditions:*

- 1. The LED strip lighting within the wheels of the automobile shall be monitored in regard brightness and the rate at which the lights rotate or chase. Adjustments may be required to minimize glare and distraction if motorists are negatively affected. The lighting shall not be permitted to flash.*
- 2. The LED strip lighting within the tire track graphics shall not be permitted to move, flash, or chase.*

*The proposed improvements will meet the intent of the design review ordinance while promoting design flexibility and creativity.*

**MOTION:** Kathleen White-Gadacz moved to approve Design Review #20-10. Dale Freeman seconded; motion carried with a vote of 6-1 (*Tordí*).

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**ADJOURNMENT:** 7:31 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner