

DECEMBER 8, 2020

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, December 8, 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, Matt Lentsch, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Dale "Woody" Emmons, Chris Niedbalski, Nick Troiola. In addition to members of the public, the following were also in attendance: Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the November 10, 2020, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #20-21 A petition submitted by Smita V. Patel to rezone **2754 Lincolnway East** from C-1 General Commercial District to C-10 Filling Station Commercial District. *Continued from the November 10, 2020 meeting.*

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the Petitioners and potential owners. He said they wish to purchase the eastern portion of the property for a gas station/convenience store. It is currently vacant.

Mr. Huber said the entire parcel is zoned C-1 General Commercial and they are only interested in rezoning a portion for the gas station use. There are many commercial zonings and uses in the immediate area.

Mr. Huber said they are presenting a conceptual site plan at this time and going into it with 2 facets. Mainly there is a traffic safety issue along Lincolnway and they are looking to address environmental concerns as well.

Mr. Huber said they have had discussions with the City about some of their concerns; mostly access. He said it was suggested at looking at reducing the existing median. He said a new turn lane was created to allow traffic to turn north into the site. Mr. Huber said they have run it past INDOT, but they have responded positively and are willing to consider and they will consider with rezoning based on that.

Mr. Huber said another factor is access easements with the hotel for good flow back and forth between. They want to share existing access and eliminate current access and share with hotel and boat launch to make sure there is no stacking issues.

Mr. Huber said they are pushing the project as far south as they can to put as much space between the site and the river. They are hoping to leverage the north half of the site with

rain gradient and state-of-the-art stormwater run-off to stay contained on the site and by having undeveloped land to the north allows for green infrastructure.

Mr. Huber said similar techniques were used by Family Express with they developed along Juday Creek and they have had conversations with them. They are committed to the same level of protection to the river as they had for Juday Creek.

Mr. Huber said they asked for the continuance last month due to concerns from the neighbors and last week they had a neighborhood meeting. He said they shared the same presentation with them and listened to their concerns. As they move through the process, they want to stay in dialogue with the neighbors so they are aware of the property and INDOT approvals. They will also make sure environmental standards are maintained.

Mr. Winn asked where would the cross access be with the commercial property to the east. Mr. Huber said there is quite a grade change between the property to the east and Engineering asked them to look at that issue and they will explore those opportunities.

Mr. Winn asked about the entrance. Mr. Huber said Engineering said if they eliminated the straight access and one a little further back and they will address the current existing dead end entrance.

Mr. Freeman asked about concerns regarding Laing Ditch south of the property. Mr. Huber said they are directing all stormwater on the site away from the river and ditch.

Mr. Lentsch asked if they knew what the property elevation was relative to the river. Mr. Huber said he doesn't have that information. He said there is a portion closer to the river and if any part is in the flood plain they will have to bring in fill to raise the elevation.

Mr. Lentsch asked what the water table is. Mr. Huber said he didn't know, but will work with whatever the standards are.

In Favor

John Piraccini, 633 Windy Cove, Mishawaka, said regarding access to east, the owner is out of town, but will try and have a conversation with him to see if he will allow access.

Mr. Piraccini also said they will not be clearing any woods along the river.

Mr. Piraccini said the main issue is the storm septon system and that takes the run-off and this is a stormwater system designed to protect the river from pollutants. He said that system was installed at the Family Express at Douglas and Fir and the concern isn't the tanks, but the service.

Doug Merritt, 2319 Lincolnway East, Mishawaka, said the neighbors came together and would like to go on record that they are concerned about multiple factors and the zoning change itself they fully appreciate and understand the nature of the petition. He said the use isn't unheard of for a commercial corridor. Their concerns lie with the environmental aspect and traffic.

Mr. Merritt thanked Abonmarche and Mr. Piraccini for listening to the neighbors and being transparent. He said they would also like to see a private petitioner funded traffic study, but ultimately INDOT has jurisdiction. Mr. Merritt said he has contacted nearly every agency about the impact of the use.

Mr. Merritt said it also spills over to their section of Lincolnway as it narrows down from the wide intersection to one lane westbound. They did have a great discussion and he urged the Commission to please continue transparency and available documentation and understand it's a contingent deal and would like more information when it becomes available.

Mr. Lentsch closed the Public Hearing on Petition #20-21.

Staff Recommendation

*Staff recommends in **favor** of rezoning Petition 20-21 to rezone approximately 2.1 acres located east of 2754 Lincoln Way East from C-1 General Commercial to C-10 Filling Station / Car Wash to allow for the construction of a convenience store with gas pumps. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions – The subject property, which includes a large underutilized parking area for an adjacent hotel, is located along the highly travelled Lincoln Way corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include a hotel to the west; a park, fast-food restaurants, and a vacant commercial building to the south; and a multi-tenant strip center to the east.*
- 2. Character of Buildings – The adjacent properties include several multi and single-tenant commercial buildings ranging in size from 2,300 sq. ft. to 43,500 sq. ft. The proposed approximate 5,750 sq. ft. building and gas pump canopy will be of similar character to these existing buildings.*
- 3. The most desirable/highest and best use – Due to the property's location adjacent to various commercial uses and being along one of the most heavily travelled corridors in the City, the most desirable use of the property is similar higher intensity commercial, retail, or restaurant use.*
- 4. Conservation of property values – The rezoning should not be injurious to property values in the surrounding area. The proposed convenience store with gas pumps is compatible with the adjacent existing and permitted land uses.*
- 5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.*

MOTION: Chris Tordi moved to forward Petition #20-21 to the Common Council with a favorable recommendation. Murray Winn seconded; motion carried with a vote of 6-0.

PLAT #20-07 A request submitted by R H Line LLC seeking approval of the one (1) lot "RH Line Fir Road Minor Subdivision".

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the applicant. He said they were here last month for site plan approval for the dental facility and as part of the approval it was requested they plat the property and dedicate easements. Mr. Shearon said when the development to the north comes into play, they will subdivide into two parcels at that time.

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

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for the "RH Line Fir Road Minor Subdivision". 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 Plat #20-07. Kathleen White-Gadacz seconded; motion carried with a vote of 6-0.

PLAT #20-08 A request submitted by School City of Mishawaka seeking approval of the two (2) lot "Liberty Elementary School Subdivision".

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of School City of Mishawaka. He said they were asked to identify the potential layout of new Fire Station #2. They are seeking approval to create the parcel for future development.

Mr. Winn asked where the kids will play soccer. Mr. Huber said there is lots of room behind the school and current property not being used by the school.

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

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for the "Liberty Elementary School Minor Subdivision" pending submittal of a revised and executed plat for recordation. 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 Plat #20-08. Chris Tordi seconded; motion carried with a vote of 6-0.

DESIGN REVIEW:

DR #20-11 A request submitted by RH Line, LLC requesting a waiver from the Mishawaka Design Review Ordinance Section 105-76 Architectural Materials and Section 105-77 Architectural Color/Texture for 52921, 52885, and Part of 52861 Fir Road to allow white and gray fiber cement siding on a commercial building.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the applicant. He said they were here last month for final site plan approval for the dental office.

Mr. Shearon said the owner wants to provide a farmhouse type of architectural theme and are requesting some cement fiber which will look like lap wood siding. He said this is hardier than the wood and easier for upkeep.

Mr. Lentsch closed the Public Hearing on Design Review #20-11.

Staff Recommendation

Staff recommends approval of Design Review Waiver 20-11 to allow fiber cement lap siding, and fiber cement board and batten siding, as appropriate exterior architectural materials. The proposed materials are a high quality, durable, and sturdy material that meets the intent of Design Review requirements. The Plan Commission has approved similar waiver requests for other commercial/retail buildings that have utilized fiber cement lap siding or board.

MOTION: Murray Winn moved to approve Design Review #20-11. Kathleen White-Gadacz seconded; motion carried with a vote of 6-0.

ADJOURNMENT: 7:34 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner