

JANUARY 12, 2021
PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA

The regular meeting of the Mishawaka Plan Commission was held Tuesday, January 12, 2021, at 7:00 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, Dale Freeman, and Kathleen White-Gadacz. Absent: Nick Troiola and Chris Tordi. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

Matt Lentsch turned the meeting over to Ken Prince, City Planner, for the election of officers.

ELECTION OF OFFICERS:

MOTION: Dale Freeman moved to nominate Matt Lentsch as President. Chris Niedbalski seconded; motion carried with a vote of 6-0 (*Lentsch*).

MOTION: Murray Winn moved to nominate Chris Tordi as Vice-President. Dale Freeman seconded; motion carried with a vote of 6-0 (*Tordi*).

MOTION: Dale Freeman moved to reappoint the Planning Staff for 2021 and Kari Myers as Commission Secretary. Dale "Woody" Emmons seconded; motion carried with a vote of 7-0.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the December 8, 2020, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #20-24 A petition submitted by GW Mishawaka II, LLC requesting a rezoning of **5505 and 5603 Grape Road** from C-1 General Commercial District to C-7 Automobile Oriented Restaurant Commercial District.

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the Petitioner. He said the request is to rezone the front portions of the property in front of ABC Warehouse and the now vacant bookstore. Mr. Huber said there are other drive-thru restaurants up and down the corridor such as Burger King, Steak N Shake, McDonalds. They feel this is consistent with Grape Road and will be an added benefit to rejuvenate the center.

Mr. Huber said they realize there will be traffic issues bringing in new development and want to work with Engineering to initiate discussions to create an access plan for this site

that will also serve the development. A site plan will be developed and presented later in the year when they get to that stage.

Mr. Huber said they were contacted by University Park Apartments who had some concerns. He said they agreed to continue to work with them to make sure they are not negatively impacting their parcel.

Mr. Huber said this request is for rezoning only and as they go through the final stages they will create plats for the lots.

Mr. Emmons questioned the one egress off of Grape Road. Mr. Prince said there is one full access off of Grape Road and they are proposing an additional one. He said there are also two off of Douglas Road.

Mr. Lentsch closed the Public Hearing on Petition #20-24.

Staff Recommendation

*The Planning Department recommends **in favor** of Petition #20-24 to rezone 5055 and 5603 Grape Road to C-7 Automobile Oriented Restaurant Commercial District. This recommendation is based upon the following findings of fact:*

- 1. Existing Conditions. As Grape Road is a busy commercial corridor, the majority of the properties in the immediate vicinity are commercial in use and would be compatible to the area;*
- 2. Character of Buildings - The character of the buildings in the area are predominantly commercial*
- 3. The most desirable/highest and best use - Because the parcel is located adjacent to another C-7 zoned property, the rezoning to C-7 Automobile Oriented Restaurant Commercial District is a desirable use for this property;*
- 4. Conservation of property values - The proposed rezoning should not be injurious to property values in the surrounding area as the existing C-1 General Commercial zoning classification permits multiples commercial uses on the property; and*
- 5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan identifies the area as General Commercial, and given its location along Grape Road, the proposed commercial use is consistent with the Plan.*

MOTION: Murray Winn moved to forward Petition #20-24 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

PETITION #20-25 A petition submitted by Family Video Movie Club, Inc. to amend the Bercado Planned Unit Development for property at **520 Bittersweet Road** to allow fuel pumps and convenience store and allow a parking reduction.

George Lepeniotis, Krieg Devault, 4101 Edison Lakes Parkway, Mishawaka, appeared on behalf of the Petitioner. He said the PUD is located at the northeast corner of Vistula and Bittersweet and is currently the vacant Family Video with Little Caesar's pizza next door.

Mr. Lepeniotis said the market has changed and the plan is to convert the site to a convenience store with gas pumps. They will retain the building and a change would be made for parking lot configuration to allow for the gas pumps and canopy. He said the property is bounded by a medical clinic, apartments, church, and a few single-family homes.

Mr. Lepeniotis said everything will be maintained largely as it exists. The parking requirement is 39 spaces and they are asking for 24. He said staff has taken a look at that, but given that there are enough areas for vehicular traffic at the pumps, that shouldn't create traffic flow issues.

Mr. Lepeniotis said the development will abide by and exceed the required setbacks. They are only going to amend the uses and if approved, would provide a final site plan to ensure all conforms to the ordinance.

Mr. Emmons asked if they had contacted the residents in the vicinity. Mr. Lepeniotis said they have been put on notice.

Mr. Emmons asked if they had sent out letters. Mr. Lepeniotis said Danch, Harner is handling some of the development.

Mr. Emmons said before it comes here we ask that residents have a voice. Mr. Lepeniotis said they were advised of this meeting. Mr. Emmons said no, it needed to happen before this meeting and said he can't vote for something that the residents have had no voice in.

Mr. Freeman said he isn't objecting to the process. He asked if they would have limited hours and do you know if it would be a 24-hour station. Mr. Lepeniotis said he didn't know.

Mr. Freeman said if there is a public gathering they will be asking those questions.

Mr. Lentsch closed the Public Hearing on Petition #20-25.

Mr. Emmons said he has no confirmation they have contacted the neighbors in the surrounding area.

Mr. Niedbalski asked if people in the surrounding area get notified. Mr. Prince said there is a legal requirement to advertise in the newspaper and we send a courtesy notice to neighbors within 300'. He said Council asks if there is a more controversial item, they have a neighborhood meeting.

Ms. White Gadacz asked if the letter gives the date.

Mr. Lentsch asked if the developer met the legal requirements. Mr. Prince said yes and staff as well.

Staff Recommendation

*Staff recommends **approval** of Petition 20-25 to amend part of the Bercado Planned Unit Development (PUD) to allow a convenience store with fuel pumps, from the required C-2 Commercial District development standards to the C-10 Commercial Development standards, and to allow a reduction in the required number of parking spaces for the existing building subject to the following conditions:*

- 1. Permitted uses shall be amended to include a convenience store with fuel pumps. C-2 Shopping Center Commercial uses shall continue to be permitted.*
- 2. A minimum of twenty-four (24) parking spaces shall be provided.*

3. *A minimum 15' parking setback shall be provided along Bittersweet Road.*
4. *A 5' high steel or aluminum picket fence with an adjacent 36" minimum height solid hedgerow shall be provided along the east property line.*
5. *Freestanding off-premise signs shall not be permitted.*
6. *Except as noted above, the site shall comply with all other C-10 Filling Station / Car Wash area, height, and development regulations.*

The recommendation is based on the following findings of fact:

1. *Existing Conditions – The property is currently developed with a 7,108 sq. ft. multi-tenant commercial building subject to the C-2 Shopping Center Commercial uses. Adjacent uses include a medical clinic to the north, an apartment complex to the east and south, and single family houses and a church/school to the west. The Bittersweet Road corridor includes many commercial buildings and uses south of the St. Joseph River.*
2. *Character of Buildings in Area – The character of the buildings along the Bittersweet Road corridor vary and include single-family houses, single and multi-tenant commercial/retail buildings, a fueling station, a car wash, and a multi-family residential apartment complex.*
3. *The Most Desirable/Highest and Best Use – Due to the property's location along a primarily commercial corridor, the most desirable use of the property is for continued commercial use. The proposed use will be compatible with the existing adjacent land uses.*
4. *Conservation of Property Values – The proposed zoning will not be injurious to property values in the surrounding area. The property is currently zoned for C-2 Shopping Center commercial uses.*
5. *Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, identified this area for medium density residential development as currently exists to the east and south. The presence of existing commercial development along Bittersweet Road has profoundly changed the character of the area since the early 1990's.*

MOTION: Dale Freeman moved to forward Petition #20-25 to the Common Council with a favorable recommendation. Chris Niedbalski seconded; motion carried with a vote of 6-1 (Emmons).

ADJOURNMENT: 7:27 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner