

AUGUST 10, 2021

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, August 10, 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 Tordi, and Kathleen White-Gadacz. Absent: Chris Niedbalski, Matt Lentsch, Nick Troiola, and Dale Freeman. In addition to members of the public, the following were also in attendance: David Bent, Derek Spier, Christa Hill, and Kari Myers.

Mr. Tordi explained the Rules of Procedure.

The Minutes of the July 13, 2021, meeting, were approved as presented.

Conflict of Interest was not declared.

PUBLIC HEARING:

PLAT #21-06 A request submitted by D Jay Harrell seeking approval of the two (2) lot "Harrell Minor Subdivision".

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan St., South Bend, appeared on behalf of the applicants. He said the owner has frontage on both Ballard Avenue and Harding Avenue and wants to divide the parcel in half just as the lots to the north and south have done over the years.

Mr. Tordi closed the Public Hearing on Plat #21-06.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Plat for "Harrell Minor Subdivision". This recommendation is based on the fact that the plat meets all the requirements of Section Section 133-73 / Preliminary Plat & Section 133-76 / Final Plat of the City of Mishawaka Subdivision Control Ordinance.*

MOTION: Kathleen White-Gadacz moved to approve Plat #21-06. Dale "Woody" Emmons seconded; motion carried with a vote of 5-0.

PLAT #21-07 A request submitted by John and Kelly Connon seeking approval of the two (2) lot "Connor Minor Subdivision".

Ed Fisher, Fisher Land Surveying Services 303 E. Third Street, Mishawaka, appeared on behalf of the applicants. He said the purpose of the plat is to divide the parcel into two lots.

Mr. Fisher said the parcel on the south is a single-family home that is zoned C-1 and they are rezoning and subdividing so they can sell the house to their daughter.

Mr. Tordi closed the Public Hearing on Plat #21-07.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Plat for "Connon Minor Subdivision". This recommendation is based on the fact that the plat meets all the requirements of Section Section 133-73 / Preliminary Plat & Section 133-76 / Final Plat of the City of Mishawaka Subdivision Control Ordinance.*

MOTION: Murray Winn moved to approve Plat #21-07. Kathleen White-Gadacz seconded; motion carried with a vote of 5-0.

PLAT #21-08 A request submitted by Smita Patel seeking approval of the one (1) lot "Lincolnway Capital Corner Minor Subdivision".

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicant. He said the request is to create a one lot plat for Dunkin Donuts that was rezoned last month. He said they will be presenting for final site plan approval later this evening.

Mr. Huber said they are finalizing the cross-access easement from the property to the west. Those will be finalized and on the final site plan.

Mr. Winn asked if he was working on creating a left turn from Lincolnway East. Mr. Huber said they are working with INDOT and they anticipate permits by September 10 if approved this evening.

Mr. Emmons asked when construction would begin. Mr. Huber said yet this fall and will take about 6 months.

Mr. Tordi closed the Public Hearing on Plat #21-08.

Staff Recommendation

Planning Staff recommends approval of the Preliminary and Final Plat for the "Lincolnway Capital Corner Minor Subdivision" pending submittal of a revised and fully executed plat for recordation. This recommendation is based upon the fact that the subdivision 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: Kathleen White-Gadacz moved to approve Plat #21-08. Dale "Woody" Emmons seconded; motion carried with a vote of 5-0.

PETITION #21-11 A request submitted by John and Kelly Connon requesting to rezone **115 Kline Street** from C-1 General Commercial District to R-1 Single Family Residential District.

Ed Fisher, Fisher Land Surveying Services, 303 E. Third Street, Mishawaka, appeared on behalf of the petitioners. He said this is the petition to rezone the single-family parcel from Plat #21-07. The rezoning is needed so they can sell the property.

Mr. Tordi closed the Public Hearing on Petition #21-11.

Staff Recommendation

The Planning Department recommends **approval** of Petition #21-11 to rezone 115 Kline Street from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:

1. While Lincolnway East is a commercial corridor, there are still plenty of houses, and properties taking access from side streets are primarily residential, and rezoning the rear of the property to R-1 would be compatible to the area;
2. Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner given the context of its location, its relationship to surrounding properties, and the lack of potential development as a commercial project, staff feels that the most desirable use for this property is a single-family use;
3. Because the parcel is located off of the main road, near other similar residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;
4. The size of the building does not lend itself to many commercial uses, outside of a small office. As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,
5. The City’s Comprehensive Plan calls for general commercial along Lincolnway, but is mostly residential after the first building. Rezoning to residential would be compatible with the nearby residential uses in the area.

MOTION: Murray Winn moved to forward Petition #21-11 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 5-0.

PETITION #21-12 A request submitted by Byrkit Property Group LLC requesting to annex and zone the **58200 block South Byrkit Avenue** to I-1 Light Industrial District.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the petitioners. He said they would like to annex and zone the property to I-1 Light Industrial to allow for future expansion of the facility located adjacent and to the west of the petition site. Mr. Ballard said there are no immediate plans for expansion, but are working toward that goal.

Mr. Tordi closed the Public Hearing on Petition #21-12.

Staff Recommendation

Staff recommends approval of Petition 21-12 to annex and establish zoning to the I-1 Light Industrial District for property east of and adjacent to 1420 Industrial Drive. This recommendation is based on the following Findings of Fact:

1. *Existing Conditions – The subject property is vacant industrial land in Unincorporated St. Joseph County.*
2. *Character of Buildings in the Area – The character of buildings and land uses located along Twelfth Street, between Merrifield Ave and Byrkit Ave are primarily industrial, with a few other commercial land uses.*
3. *The most desirable/highest and best use – Because of the property’s location adjacent existing industrial development, the most desirable use for the property is industrial.*
4. *Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area. The possibility of expansion of the existing adjacent industrial use is compatible with industrial and commercial uses.*
5. *Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, identified this area as industrial, which is how it has developed.*

MOTION: Dale “Woody” Emmons moved to forward Petition #21-12 to the Common Council with a favorable recommendation. Murray Winn seconded; motion carried with a vote of 5-0.

SITE PLANS
SP #21-05

A request submitted by Pizza Hut of America, Inc. seeking final site plan approval of the 2,327 sqft Wendy’s drive-thru restaurant at **2777 Lincolnway East**.

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicant. He said these are the plans for the recently rezoned site.

Mr. Huber said they are removing the direct access from Lincolnway and access will be from Mariellen.

Mr. Huber said they have read through the comments and they have nearly completed the revisions and he anticipates submitting them shortly.

Mr. Tordi asked if this was a bit different from a traditional Wendy’s. Mr. Huber said yes, that is correct. The pandemic has changed a lot of that type of business with more of a focus on the drive-thru aspect. Mr. Huber said it’s a bare minimum site; only 30 seats on the smaller side and the corridor caters to this type of drive-thru.

Mr. Tordi asked if it would have multiple drive-thru lanes. Mr. Huber said, no, just a single lane.

Mr. Tordi asked if online orders were picked up at the drive-thru. Mr. Huber said no, inside.

Staff Recommendation

*Staff recommends that the request for final site plan for Wendy’s - a 2,327 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: Kathleen White-Gadacz moved to approve Site Plan #21-05. Murray Winn seconded; motion carried with a vote of 5-0.

SP #21-06 A request submitted by Smita Patel seeking final site plan approval of the 1,844 sqft Dunkin Donuts at **2754 Lincolnway East**.

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, presented the plans for Dunkin Donuts. He said access would be from the hotel access shared drive; no direct access on Lincolnway.

Mr. Huber said they are working out cross-access easements and should function pretty well for the overall site and he said they are in the process of addressing comments.

Staff Recommendation

*Staff recommends that the request for final site plan for Dunkin' Donuts - a 1,844 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: Kathleen White-Gadacz moved to approve Site Plan #21-06. Dale "Woody" Emmons seconded; motion carried with a vote of 5-0.

ADJOURNMENT: 7:18 p.m.

Derek Spier, Senior Planner

Kari Myers, Administrative Planner