

**April 12, 2022**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, April 12, 2022, 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, Sam Cressy, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Nick Troiola. In addition to members of the public, the following were also in attendance: David Bent, Derek Spier, Ken Prince, Christa Hill, Shad Annis, and Kari Myers.

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Mr. Tordi explained the Rules of Procedure.

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The Minutes of the March 8, 2022, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**REPLAT #22-02** A request submitted by DEV 4506 Lincolnway East LLC seeking approval of the one (1) lot DEV H14, LLC, Minor Subdivision (combining four (4) lots into one lot for development).

Steve Ruby, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicant. He said this is the final replat for the new Drive N' Shine facility. He said they have acquired all of the properties and are still waiting on the recorded vacated right-of-way of Pennsylvania Avenue.

He said this replat will bring all together on one lot, establishing easements, utilities, etc.

Mr. Tordi closed the Public Hearing on Replat #22-02.

**Staff Recommendation**

*The Planning Department recommends **approval** of the Preliminary and Final Replat for the "Dev HT14, LLC, Minor Subdivision" pending submittal of a revised and executed plat for recordation. This recommendation is based upon the fact that the replat meets all the requirements of Section 133-107/Preliminary Replat and Section 133-110/Final Replat of the Mishawaka Subdivision Control Ordinance.*

**MOTION:** Dale Freeman moved to approve Replat #22-02. Murray Winn seconded; motion carried with a vote of 8-0.

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**DESIGN REVIEW:**

**DR #22-06** A request submitted by Candace Brown requesting a Design Review Sign Waiver for **126 North Main Street** from Section 105-170 Exterior Signage Colors.

Candace Brown, 126 N. Main Street, said she is requesting a sign waiver for a front and side sign with colors that are not considered appropriate; pink and purple.

Mr. Emmons said he noticed there is bright red on the building. Ms. Brown said it's an awning and already there.

Mr. Emmons said we discourage against bright colors and it's not appropriate for downtown. Ms. Brown said her logo has been pink for the six years she's been in business. Ms. Brown said again, the red awnings are existing on the building.

Mr. Emmons asked if she would be taking it down. Mrs. Brown said it's on the building and on the next door space as well. It's already there and she can't change it; she can only change her sign. That was the issue she was having, asking permission to use the signs she wants to use with her logo.

Mr. Emmons said we have directives and we are constantly overturning them and letting people do what they want to do. Ms. Brown asked Mr. Emmons if he had any suggestions for what she should do.

Mr. Emmons said he isn't discriminating against her. Ms. Brown said the owner next door has had a banner up for over a year.

Mr. Emmons said we should change the standards. Ms. Brown said when she put up the sign she didn't know any of the rules and she got a letter because she didn't know the rules. She said she looked at Ed's Collectibles signs and it was ok. She felt the Board would think this looks nice.

Ken Prince, Planning Executive Director, said he isn't here to speak in favor or against. He said back in 1999 when contemplating the redevelopment of the Uniroyal site and that's when the ordinance was created. The intent was to provide guidelines for what we wanted to see downtown and was meant to be general direction.

Mr. Prince said we can't write an ordinance to let people do inappropriate things, but can provide the ability to ask for waivers. The applicant has worked with staff and we are only considering the signs. That's why the Plan Commission is an entity to consider and approve. He said most applicants have revised and worked with them before it gets to this point. He said he apologizes for the confusion, but believes the system is working. He also noted that a waiver is different than a variance. Even the CVS letters are taller than allowed, but they knew the guidelines, but complied.

Mr. Tordi closed the Public Hearing on Design Review #22-06.

### **Staff Recommendation**

*The Plan Staff recommends approval of Design Review Waiver #22-06 to allow a pink & purple on the north & west sides of the building at 126 N Main Street.*

**MOTION:** Murray Winn moved to approve Design Review #22-06. Kathleen White-Gadacz seconded; motion carried with a vote of 8-0.

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### **DR #22-07**

A request submitted by Elder & Harmon LLC requesting a Design Review Waiver for **119 South Main Street** from Section 105-75 Architectural Character & Style, Section 105-76 Architectural Materials,

Section 105-77 Architectural Color and Texture, and Section 105-78 Architectural Features/Details.

Douglas Elder and Josh Harmon said they purchased the Gene’s Camera building and it was ugly yellow and red and an eyesore. He said their plans are trying to beautify the downtown.

Mr. Elder said they are a high-end ad agency and are contemporary leaning; not a city hall or the mall. They want to use more of a contemporary look for downtown and their goal is to do business and be a community hub with an open-door policy. They are going for a wood grain cedar look, aluminum siding on the top. He said they were just in Dallas and Austin and a lot of places are going toward that look.

Mr. Tordi closed the Public Hearing on Design Review #22-07.

**Staff Recommendation**

*Staff recommends approval of Design Review Waiver 22-07 to allow metal panels and synthetic wood grain siding as an appropriate exterior architectural material. Both materials are broken up with glass windows. The investment the owners are putting into the building shows a commitment to the downtown. The building will meet the Design Review colors. The Plan Commission has approved 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 #22-07. Sam Cressy seconded; motion carried with a vote of 8-0.

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**SITE PLANS:**  
**SP #22-03**

A request submitted by SCM 10X Mishawaka I, LLC, seeking final site plan approval of a 5,024 sqft restaurant at 5126 North Main Street.

Connor Strege, on behalf of the applicant, said Salt Grass Steak House will be approximately 5,000 sqft. The site was previously approved by the city.

Mr. Strege said you will note in the staff report that items that staff requested and it’s their understanding a revised submittal was sent out last week that addressed those concerns. He also said there is need for a sign variance and design review waiver, beyond those, items have been resolved.

**Staff Recommendation**

*Staff recommends that the request for final site plan for a 5,024 sq. ft. restaurant 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:** Dale Freeman moved to approve Site Plan #22-03. Dale “Woody” Emmons seconded; motion carried with a vote of 8-0.

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**SP #22-04**

A request submitted by Gumwood Acquisitions LLC seeking final site plan approval of 63,360 sqft, 67 unit, Grandview Townhomes.

Steve Ruby, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicants. Mr. Ruby said one note of correction, there are 66 units and not 67.

Mr. Ruby said the development is part of the southern portion of Grandview, 3-4 stories which is still decided. Exterior materials will be brick and cement board. He said they are making revisions to the comments.

Mr. Ruby said one of the features is pocket parks to add green space and various walkways and a 10' wide trail that will connect to Granger Paths. It's going to be built in succession phases of development.

**Staff Recommendation**

*Staff recommends that the request for final site plan for a 66 unit, townhome development 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:** Chris Niedbalski moved to approve Site Plan #22-04. Kathleen White-Gadacz seconded; motion carried with a vote of 8-0.

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**SP #22-05** A request submitted by Dev 4506 LLC seeking final site plan approval of 9,752 sqft Drive N' Shine car wash facility at 4506 Lincolnway East.

Steve Ruby, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicant. He said they are seeking final approval for the new Drive N' Shine. He said it contains four lots acquired by the owner. He said they finalized the replat and are looking to button up the project and get this going.

**Staff Recommendation**

*Staff recommends that the request for final site plan for Drive N' Shine - a 9,182 sq. ft. automatic car wash facility with self-serve vacuums and lube center - 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:** Murray Winn moved to approve Site Plan #22-05. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

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**ADJOURNMENT:** 7:25 p.m.

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Derek Spier, City Planner

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Kari Myers, Administrative Planner