

MARCH 9, 2010

PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA

A regular meeting of the Mishawaka Plan Commission was held Tuesday, March 9, 2010, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Ross Deal, Ross Portolese, Murray Winn, Carol Sergeant, Edward Salyer, and Rosemary Klaer. Absent: Gary West, Matt Lentsch, and Don McCampbell. In addition to members of the public, the following were also in attendance: John Gourley, Ken Prince, Greg Shearon, Peg Strantz, and Kari Myers.

Murray Winn explained the Rules of Procedure.

The Minutes of the February 9, 2010, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

REPLAT #10-01

A petition submitted by Health Quest Realty/Garatoni Realty seeking approval of the First Replat of HeathQuest – Grape Road Minor Subdivision.

Jeff Ballard with Danch, Harner & Associates, Inc., 1643 Commerce Dr., South Bend, represented the Petitioners. He said they are requesting to replat lots three (3) and four (4) of the original seven (7) lots in order to create a connector drive between Buffalo Wild Wings and Tanglewood Trace Drive.

Murray Winn closed the Public Hearing on Replat #10-01.

Staff Recommendation

The Planning Department recommends that the Petitioner's request for preliminary and final replat approval of the First Replat of Healthquest-Grape Rd Minor subdivision be approved. This recommendation is based on the fact that the Plat meets all the requirements of Section 133-107 (Preliminary Replat) & Section 133-110 (Final Replat).

MOTION: Carol Sergeant moved to approve Replat #10-01. Edward Salyer seconded; motion carried with a vote of 6-0.

PETITION #10-02

A petition submitted by Matthew A. and Stephanie K. Corban to rezone **518 West Marion Street**, from I-1 Light Industrial District to R-1 Single Family Residential District.

Matthew Corban, 518 W. Marion Street, said he and his wife are selling the house and need to rezone for the sale to go through.

Ross Deal asked how long they have lived in the house. Mr. Corban said 8 years.

Mr. Winn closed the Public Hearing on Petition #10-02.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 10-02 to rezone 518 West Marion Street from I-1 Light Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

1. *There are I-1 Light Industrial zonings to the northwest and northeast along the railroad tracks, but the neighborhood surrounding the property are used as single family dwellings. This*

property's proximity to the long established Battell Park area, and its historic use as a single family dwelling would be compatible to the area;

2. *The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;*
3. *Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;*
4. *As opposed to the range of potential industrial 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 low density residential so the rezoning is consistent with the historic residential uses in the area.*

MOTION: Rosemary Klaer moved to forward Petition #10-02 to the Common Council with a favorable recommendation. Ross Portolese seconded; motion carried with a vote of 6-0.

REPLAT #10-03 A petition submitted by Riverwalk Town Homes LLC seeking approval of the 12-lot Riverwalk Second Minor Subdivision.

Jeff Ballard with Danch, Harner & Associates, Inc., 1643 Commerce Dr., South Bend, represented the Petitioners. He said the request is to replat twelve (12) lots in order to allow for individual ownership of the townhomes.

Mr. Deal asked if this will eliminate the homeowners association. Ken Prince said probably not and per the assessor is being done for tax purposes.

Mr. Winn closed the Public Hearing on Replat #10-03.

Staff Recommendation

The Planning Department recommends that the Petitioner's request for preliminary and final replat approval of the Riverwalk Second Minor Subdivision be approved. This recommendation is based on the fact that the Replat meets all the requirements of Section 133-107 (Preliminary Replat) & Section 133-110 (Final Replat).

MOTION: Ross Portolese moved to approve Replat #10-03. Ross Deal seconded; motion carried with a vote of 6-0.

ADJOURNMENT: 7:10 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner