

AUGUST 14, 2012

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, August 14, 2012, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Dale "Woody" Emmons, Ross Portolese, Murray Winn, Don McCampbell, Carol Sergeant, and Rosemary Klaer. Absent: Gary West, Matt Lentsch, and Edward Salyer. In addition to members of the public, the following were also in attendance: David Bent, Greg Shearon, Peg Strantz, and Kari Myers.

Murray Winn explained the Rules of Procedure.

The Minutes of the June 12, 2012, and July 10, 2012, meetings were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #12-20 A petition submitted by Alice Young to rezone **330 West Marion Street** from I-1 Light Industrial District to R-1 Single Family Residential District.

Alice Young, 330 W. Marion Street, said she has lived in the home for 57 years and didn't know until not long ago that it was zoned I-1. The roof over the front porch needs to be replaced and needs the rezoning in order to be able to obtain a permit to do the work because it sits only 6' 9" from the front property line.

Mr. Winn closed the Public Hearing on Petition #12-20.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 12-20 to rezone 330 W. 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 north along the railroad tracks and east of the subject property, but the neighborhood surrounding the property and to the south of the property used as single family dwellings;*
- 2. 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: Ross Portolese moved to forward Petition #12-20 to the Common Council with a favorable recommendation. Woody Emmons seconded; motion carried with a vote of 6-0.

REPLAT #12-21 A request submitted by Direct Line Communications, Inc. seeking approval of the one (1) lot Direct Line Replat.

Ed Fisher, Fisher Land Surveying Services, 303 E. Third Street, Mishawaka, appeared on behalf of the petitioner. He said they are requesting approval of the one lot replat. This is part of the property that was rezoned recently.

Mr. Winn closed the Public Hearing on Replat #12-21.

Staff Recommendation

The Planning Department recommends that the Petitioners' request for preliminary and final Replat approval of the Direct Line Replat 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: Don McCampbell moved to approve Replat #12-21. Ross Portolese seconded; motion carried with a vote of 6-0.

DESIGN REVIEW:
DR #12-07

A request submitted by Jayson Smith on behalf of Joe Grabill requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-169 Exterior Signage Materials, Section 105-170 Exterior Signage Colors, Section 105-171 Signage Form, Section 105-172 Window Signage, Section 105-173 Projecting Signage Clearance, Section 105-174 Signage Size Limitations, Section 105-175 Signage Quantity, Section 105-176 Signage Clutter, Section 105-177 Signage Lighting, and Section 105-178 Signage Style Considerations for **100 North Center Street (Sky Lounge)** to allow banners and uplighting on smokestack. *Continued from the August 14, 2012 meeting. Request to continue to September 11, 2012 meeting.*

Mr. Winn said the Petitioner is requesting this item be continued to September 11, 2012. The Commission unanimously approved.

ADJOURNMENT: 7:05 p.m.

Greg Shearon, Senior Planner

Kari Myers, Administrative Planner