

FEBRUARY 12, 2013
PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA

A regular meeting of the Mishawaka Plan Commission was held Tuesday, February 12, 2013, at 7:38 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Gary West, Matt Lentsch, Nick Troiola, Edward Salyer, and Rosemary Klaer. Absent: Dale "Woody" Emmons, Ross Portolese, Murray Winn, and Don McCampbell. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Peg Strantz, and Kari Myers.

Matt Lentsch explained the Rules of Procedure.

The Minutes of the January 8, 2013, meeting, were approved as distributed.

Conflict of Interest was not declared.

PETITION #13-02 A petition submitted by Meijer Stores Limited Partnership/Meijer Realty Company requesting to rezone property located in the **3600 Block of South Bremen Highway** from C-1 General Commercial District and C-4 Automobile Oriented Commercial District to C-7 Automobile Oriented Restaurant Commercial District.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioner. He said the property has C-1 and C-4 zoning and they are requesting to rezone to C-7 for a proposed McDonald's Restaurant. Mr. Ballard said the restaurant will be 4,580 sqft with a double drive-thru. He said the Board of Zoning Appeals approved a variance for reduction in parking earlier this evening.

Mr. Lentsch closed the Public Hearing on Petition #13-02.

Staff Recommendation

The Planning Department recommends approval of Petition 13-02 to rezone property located at the southeast corner of Bremen Highway and Fulmer Road from C-1 General Commercial and C-4 Automobile Oriented Commercial to C-7 Automobile Oriented Restaurant Commercial. This recommendation is based upon the following findings of fact:

1. *Given the property's close proximity to commercially zoned property and heavily traveled corridors, the C-7 zoning would be compatible with the surrounding commercial properties and the existing C-7 zoned properties in 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 because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is the C-7 Automobile Oriented Restaurant Commercial.*

3. *Because the parcel is located adjacent to commercial properties and along heavily traveled corridors, the C-7 zoning classification would be compatible and is a desirable use for this property;*
4. *C-7 zoning classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding commercial area by further expanding commercial development in the area.*
5. *The proposed C-7 Automobile Oriented Restaurant Commercial zoning is consistent with the City's Comprehensive Plan which indicated general commercial for this area.*

MOTION: Edward Salyer moved to approve Petition #13-02. Rosemary Klaer seconded; motion carried with a vote of 5-0.

PLAT #13-03 A request submitted by Cressy & Everett Investments seeking approval of the two (2) lot Day Road Subdivision.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of Cressy & Everett. He said the property was rezoned late last year for the development of a memory care facility. The facility will be located on lot 2, the larger lot, and the building will be one-story, 37,400 sqft with 54 residential apartments and access from Day Road and Park Place. Mr. Ballard said there will be 30 parking spaces, 15 for visitors and 15 for employees.

Mr. Lentsch closed the Public hearing on Plat #13-03.

Staff Recommendation

The Planning Department recommends approval of the Preliminary and Final Plat for the (2) lot Day Road subdivision because the plat meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.

MOTION: Gary West moved to approve Plat #13-03. Edward Salyer seconded; motion carried with a vote of 5-0.

SITE PLAN:
SP #13-A

A request submitted by Cressy Land Investments for final site plan approval for a 37,417 sqft memory care facility to be located at the northeast corner of Day and Fir Roads.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, presented the request for final site plan approval. He said the memory car facility will focus on the care of patients with Alzheimer's disease. Mr. Ballard said it's an assisted care facility, not a nursing home.

Mr. Ballard said the exterior will be nicely done with a residential feel with masonry stone and siding products that meet Mishawaka's Design Review Ordinance requirements. He said the developer will work with The Forest on maintaining the natural state of landscaping and they want to protect as much of the forest as they can.

Mr. Ballard said late last year the Board of Zoning Appeals approved a reduction in the number of parking spaces. He said there will be approximately 30 employees covering three shifts with the main volume of employees working first and second shifts.

Mr. Ballard said they have worked with the Engineering and Fire Departments to have the site plan approved and are currently working with Utilities.

Staff Recommendation

The Planning Department recommends that the Petitioner's request for site plan approval for the Day Road Memory Care Facility be approved. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan Approval.

MOTION: Nick Troiola moved to approve Site Plan #13-A. Rosemary Klaer seconded; motion carried with a vote of 5-0.

Mr. West said he had another public meeting at 6:30 p.m. and appreciated everyone's patience and apologized for the delay.

ADJOURNMENT: 7:50 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner