

NOVEMBER 12, 2013
PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA

A regular meeting of the Mishawaka Plan Commission was held Tuesday, November 12, 2013, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Gary West, Matt Lentsch, Dale "Woody" Emmons, Ross Portolese, Murray Winn, Don McCampbell Nick Troiola, and Edward Salyer. Absent: Rosemary Klaer.

Murray Winn explained the Rules of Procedure.

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

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #13-39 A petition submitted by 5 Star Investment Group II, LLC, requesting to rezone **1019 West Marion Street** from C-7 Automobile Oriented Restaurant Commercial District to R-1 Single Family Residential District.

Jeff Lawler, 5 Star Investment Group, 426 W. 7th Street, Mishawaka, said they are requesting to rezone a residential rental property for the current tenant can purchase the property. He said the property needs to be rezoned so the purchaser can obtain financing.

Mr. Lentsch asked if they had a contingent buyer. Mr. Lawler said yes, the current tenant.

Mr. Lentsch asked if it needs to be rezoned to obtain financing. Mr. Lawler said yes, they are seeking FHA financing and the home needs the required zoning designation in order to authorize the purchase because if it were to be destroyed, the home could not be rebuilt with its current commercial zoning.

Mr. Winn closed the Public Hearing on Petition #13-39.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 13-39 to rezone 1019 West Marion Street from C-7 Automobile Oriented Restaurant Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

1. *There are a few commercial zonings in the neighborhood, but the neighborhood surrounding the property are used as single family dwellings, and its historic use as a single family dwelling 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 because given the context of its*

location, its relationship to surrounding properties, and the potential of development as an commercial 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 uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;*
4. *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 low density residential and its historic use as a single family home is compatible and consistent with the historic residential uses in the area.*

MOTION: Ross Portolese moved to forward Petition #13-39 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

PETITION #13-40 A petition submitted by Memorial Health System, Inc., requesting to amend the Cass Road/East University Drive Planned Unit Development, **500-700 Block of East University Drive** to allow a members-only retail warehouse, fueling station, and tire center.

Ted Johnson, TJ Design Strategies, 2311 W. 22nd Street, Oak Brook, IL, appeared on behalf of Costco Wholesale Corporation. He said Costco has a letter of intent with Memorial Health Systems to purchase the property.

Mr. Johnson said they would like to amend the Planned Unit Development to allow for a members-only warehouse with a fueling facility and tire center. He said he has been working with the Planning staff over the last few weeks regarding some special conditions which are outlined in the staff report. Mr. Johnson said Costco has accepted those conditions.

Nick Troiola asked Mr. West, in terms of traffic flow, will the City be making any changes. Mr. West said they are currently conducting a traffic signal analysis and are working with a consultant to see if they can meet a warrant to put in a traffic signal. If so, it would be a special access warrant that Costco would pay for cost of installation. Mr. West said they are progressing with the study. He also said the fueling center would be located at the northwest corner of the property and there also would be one out lot.

Mr. Johnson said the traffic study should be completed this week and Engineering should have in their hands by next week. He said this is a conceptual site plan and when they are ready to submit for the next phase of the process, they'll be working with staff to determine if a decel lane would be needed.

Mr. Lentsch asked if there were any recommendations or conditions that were an issue. Mr. Johnson said yes and they will be talking with the adjacent shopping center regarding cross access. He said the concern is if the shopping center wasn't in a position to say yes, how it would affect Costco's site plan. Mr. Johnson said if a deal can't be worked out with the

shopping center now, it may come at a later date. He also said they will work with staff to provide cross access based on the final topography of the site.

Mr. Winn closed the Public Hearing on Petition #13-40.

Staff Recommendation

Staff recommends in favor of Petition # 13-40 to amend the Cass Road East University Drive Planned Unit Development zoning district to allow a members only retail warehouse, fueling station, and tire center, subject to the following conditions:

Uses:

- 1. Permitted uses for the site shall be limited to those uses identified in the C-1 General Commercial zoning district based on City of Mishawaka Zoning classification defined in and in effect on the date of approved by the Mishawaka Common Council. In addition, a fueling center and tire service and sales center shall be permitted as an accessory use to a members only retail warehouse. The uses permitted on the outlot shall be limited to the C-1 General Commercial Zoning District.*
- 2. Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.*
- 3. Off-premise signs/billboards shall be prohibited.*

Traffic Impact:

- 1. All traffic/transportation improvements required for the completion of this project shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering.*
- 2. The number and/or type of curb cuts on University Drive shall be evaluated and approved as part of the final site plan approval process, and shall be revised as may be determined appropriate by the City Director of Engineering.*

Internal Road Connections:

- 1. An access easement(s) shall be provided to the shopping center located to the west, the location and number of connections shall be reviewed as part of the final planned unit development site plan approval process.*

Stormwater Run-off/Utilities:

- 1. The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.*
- 2. Proposed stormwater retention areas shall specifically include the volumes associated with any required improvements to University Drive that are required as a result of the proposed development as may be directed by the City Director of Engineering.*
- 3. A 20' wide north/south utility easement shall be provided along the East property line of the site for a City sanitary sewer forcemain. The location of this easement shall be coordinated with and separate from required landscaping/buffer plantings.*

The sanitary sewer forcemain will be installed by the City and is intended to be placed before or concurrent with the proposed development.

- 4. All costs associated with the extension of utilities required for the proposed development shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed by applicable codes and the City Director of Engineering.*

Lighting:

- 1. All site lighting shall be limited to 35 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures.*
- 2. A lighting plan shall be submitted with each subsequent final planned unit development plan submission.*
- 3. Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.*
- 4. Canopy lighting within the proposed fueling center shall be recessed in the canopy or otherwise designed so that the light source is not visible from the perimeter of the fueling station development area/University Drive.*

Signage:

- 1. No greater than three freestanding signs may be permitted within the Development. One sign shall be permitted for the fueling station, one for the members only retail warehouse, and one for the outlot. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic readerboards. All freestanding signs shall be separated from each other by a minimum of 150 lineal feet.*
- 2. Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.*

Building Limitations/Architecture:

- 1. All proposed buildings shall be constructed of 100% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal Code as amended. In addition to approved materials, the developer may use textured architectural metal panels for up to 2/3 of the north, west, and south sides of the members only retail warehouse building. Metal panels may be placed on 100% of the east side of the building. The coating and textures of the metal panels shall be varied to provide architectural interest. A minimum of 1/3 of the surface area of the facades of the west, north, and south side of the building shall be a stone veneer or other high quality visually appealing masonry deemed appropriate by the developer. Final building elevations and colors shall be reviewed by the Planning Commission as part of any final planned unit development site plan submission.*

2. *For all developmental parcels – there shall be a minimum building setback of 75' from the public right-of-way of University Drive. A minimum side and rear building setback of 50' shall be provided along exterior lot/property lines. For the outlot, the internal side and rear building setback lines shall be 25'.*
3. *The maximum building height for the entire development shall be 48'.*

Parking/Landscaping:

1. *A minimum pavement setback of 10' in width shall be provided between developmental parcels and to the west property line. A minimum 25' pavement setback shall be provided along University Drive and the Indiana Toll Road.*
2. *For large shopping areas where shopping carts are utilized, cart corrals shall be provided. Corrals shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any final planned unit development site plan.*
3. *All development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district.*
4. *All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principal building. Dumpster locations shall be located away from any roads behind principal buildings and located away from internal collector drives.*
5. *A 15' wide (minimum) landscape buffer yard shall be provided between the adjacent apartments to the East and the proposed development. The buffer yard shall run continuously from the Indiana Toll Road right-of-way to the University Drive right-of-way. The buffer yard shall include 65 evergreen trees planted at a 10'-12' height, 17 shade trees, 2 ½ inch caliper or greater, and 20 ornamental trees 2" caliper or greater. Plantings shall be clustered for aesthetics and to maximize the desired buffer. This shall also fulfill the C-1 landscape requirement for planting along the East property line. This buffer shall be installed in the first phase of the development and shall include the area within the outlot.*
6. *In addition to the C-1 Commercial Landscaping requirements, three evergreen trees planted at a 10'-12' height shall be provided between University Drive and the proposed fueling station canopy intended to visually buffer the view between the church and the fueling area. These trees shall be planted in a single cluster of three.*

MOTION: Matt Lentsch moved to forward Petition #13-40 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 8-0.

PLAT #13-41 A request submitted by Quad Leasing seeking approval of the two (2) lot Quad Minor Subdivision.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioner. He said there are two (2) light industrial buildings on the site and they will split the property to they can sell the lots separately.

Mr. Lang said a common curb cut and cross parking has been provided.

In Favor

Kenny Beckham said he operates a business in North Liberty and plans to move to this location.

Mr. Winn closed the Public Hearing on Plat #13-41.

Mr. Emmons asked Mr. Beckham if he could name the business. Mr. Beckham said AK Tool & Die. He said he's been in business for 14 years.

Staff Recommendation

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

MOTION: Nick Troiola moved to approve Plat #13-41. Edward Salyer seconded; motion carried with a vote of 8-0.

PLAT #13-42 A request submitted by Michiana Tennis Association, LLC, seeking e two (2) lot LTCI Fir Road Subdivision.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, presented the request. He said the subdivision will create separate tax parcels along Fir Road for the skilled nursing facility.

Mr. Mosness also said they are asking for a variance for zero frontage for the lot in the back and will provide access to that lot, ingress/egress and easement to the lot.

Mr. Winn closed the Public Hearing on Plat #13-42.

Mr. Winn asked if the variance request was within the Plan Commission's power to approve. Mr. Prince said it isn't a variance for hardship, but variance from the subdivision requirements. He said he would verify, but believed the Commission had the authority to approve.

Staff Recommendation

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

The Planning Department recommends approval for a variance to allow a platted lot that does not have frontage along a public right-of-way. This recommendation is based upon the following findings of fact:

1. *Granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property because all appropriate access easements will be incorporated.*

2. *The conditions upon which the request for a variance is based are a unique to the property for which the variance is sought and are not applicable generally to other property.*
3. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of this regulation is carried out. The property is significantly narrower along Fir Road than it is in depth, which makes it difficult to provide the required frontage widths along Fir Road in order to create 2 separate lots.*

MOTION: Edward Salyer moved to approve Plat #13-42. Don McCampbell seconded; motion carried with a vote of 8-0.

DESIGN REVIEW:
DR #13-10

A request submitted by Gurley Leep Automotive Group requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-76 Architectural Materials and Section 105-77 Architectural Color/Texture for a new building to be located on vacant property west of **221 West Douglas Road**.

Mark Roshens, Van Vooren Construction, 55667 Current Road, Mishawaka, appeared on behalf of Gurley Leep Automotive Group. He said they are requesting a waiver in order to use stucco panels on the north elevations. Mr. Roshens said the other three elevations will be architectural siding. The building will be an 11,000 sqft warehouse for Gurley Leep.

Mr. Emmons asked why they were requesting the waiver. Mr. Roshens said they are using stucco that looks like EIFS and standard metal siding.

Mr. Winn closed the Public Hearing on Design Review #13-10.

Staff Recommendation

It is the Staff's opinion that the proposed façade materials are appropriate. The building is located approximately 275-feet from the Douglas Road right-of-way. Given the significant setback of the proposed building, visibility of the east and west facades of the proposed building will be diminished. The proposed "stucco-choice" metal panels are design to look like stucco. Stucco is listed as an appropriate material in the Design Review Ordinance. Therefore, the proposed stucco metal panels meet the intent of the Design Review Ordinance for providing aesthetically pleasing architectural materials.

MOTION: Don McCampbell moved to approve Design Review #13-10. Ross Portolese seconded; motion carried with a vote of 8-0.

SITE PLAN:
SP #13-H

A request submitted by Long Term Care Investments V, LLC, for final site plan approval of 84 bed, 55,880 sqft skilled nursing facility to be located in the 5800 block of Fir Road.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, presented the Site Plan request. He said the property is approximately 6 acres and they would like to break ground yet this year, weather permitting.

Mr. Emmons asked about the time frame. Mr. Mosness said construction would take about a year.

Mr. Lentsch asked if it would be all skilled nursing. Mr. Mosness said yes, skilled nursing with 84 beds.

Mr. Winn asked if it would be built all at one time or in phases. Mr. Mosness said all at one time.

Staff Recommendation

Provided that building elevations are submitted and approved, Staff recommends in favor of final PUD site plan for the Fir Rd Skilled Nursing Facility. 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 "Woody" Emmons moved to approve Site Plan #13-H. Matt Lentsch seconded; motion carried with a vote of 8-0.

Ken Prince said there will be a ribbon cutting ceremony for the new sculpture and newest section of the Riverwalk thru Central Park on Saturday, November 23, at 9:00 a.m. Invitations will be mailed soon.

Mr. Prince said if anyone would like their packets via email vs. hand delivery, please let Kari know as we're trying to cut down on delivery time and cost of supplies.

ADJOURNMENT: 7:25 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner