

**JANUARY 14, 2014**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, January 14, 2014, 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, Murray Winn, and Nick Troiola. Absent: Ross Portolese, Don McCampbell, Edward Salyer, and Rosemary Klaer. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, and Kari Myers.

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Murray Winn turned the meeting over to Ken Prince, City Planner, for the election of officers.

**ELECTION OF OFFICERS:**

**MOTION:** Matt Lentsch moved to nominate Murray Winn as President. Nick Troiola seconded; motion carried with a vote of 4-0.

**MOTION:** Gary West moved to nominate Don McCampbell as Vice-President. Murray Winn seconded; motion carried with a vote of 5-0.

**MOTION:** Gary West moved to reappoint the Planning Staff for 2014. Matt Lentsch seconded; motion carried with a vote of 5-0.

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Mr. Winn explained the Rules of Procedure.

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The Minutes of the December 10, 2013, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**PETITION #14-01** A petition submitted by Target Leasing Corp. to amend the Heritage Woods Planned Unit Development to allow an assisted care facility which will include units for assisted care, units for independent living, and eight (8) villa units.

Mike Danch, Danch, Harner & Associates, Inc., 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioners. He said they are seeking to amend the Heritage Woods Planned Unit Development from assisted living to a similar facility with independent care and villas.

Mr. Danch said Primrose Retirement Communities, out of Aberdeen, South Dakota, has been in business since 1989 managing these types of facilities and this will be the third in Indiana; one being in Kokomo and one in Anderson. They have the track record, experience, and financing to do these types of projects.

Mr. Danch said the reason for the change is due to a change in buildings and the only way to make that change is through the PUD amendment process. There will be assisted living, independent living, and eight villa units. He said the whole complex will only have access from Fulmer Road with a parking garage on the southeast corner of the site and there will be extensive screening along the north and west property lines.

Mr. Danch said they have had discussions with Engineering and will be handling back-to-back storms for this site. The sanitary sewer will be off of Fulmer and water will be supplied by the nearby water tower.

Mr. Danch said Planning staff has a list of conditions and they are in agreement with them. He said he met with Mr. Emmons and discussed his concern about parking on the west side of the site. Mr. Danch said as part of site plan approval stage, they'll widen the north/south drive to allow for more off-street parking to accommodate visitors to the villas.

Mr. Danch said the facility will have many amenities including dining room, bistro, library, lounge, meeting rooms for the residents, and health fitness center to name a few. He also said residents of the villas will also be permitted to use the facilities.

Mr. Danch said the cost of improvements is approximately \$11-\$12 million dollars and plan to start construction in April if Council approves the amendment and construction will take approximately one year to complete. He said the design of the buildings will be residential in nature (showed elevations) with hardy-plank and stone.

Mr. Emmons said regarding the amenities; will they be available to the residents in the villas. Mr. Danch said yes, for a fee.

Mr. Emmons asked if they would be using local contractors. Mr. Danch said yes and hiring locally to staff the facility. He said they are anticipating 35 employees as this is a 24-7 operation with 10-11 employees on staff at any one time.

Mr. Emmons asked if they would be full-time employees. BJ Schaeffbauer, Primrose Retirement Communities, 815 N. 2<sup>nd</sup> Street, Aberdeen, South Dakota, said employee pay range would be about \$40,000 to \$50,000 up to \$65,000 to \$70,000 for management positions. CNA's, dietary staff would be in the range of \$10.50 to \$14.50 per hour. Annual payroll at type of facility is approximately \$1 million.

### **Opposition**

John Babcock, 2206 Ridge Place, president of Blair Hills Association, showed an aerial of a wooded area to the east of the project site designated by the Department of Natural Resources as a classified forestry area. Mr. Babcock said he isn't against the proposal but his main concern is the location of the retention ponds and how they will be constructed. He asked if it was possible to put in an earthen berm near the water tower to the bottom of the project as it looks like the ponds back up to the forestry property line.

Mr. Lentsch asked Mr. Babcock if he was asking for a buffer. Mr. Babcock said yes, for some kind of berm on the east side of the retention ponds. He said he would like to see some trees along the north edge as there's nothing there except for a field.

### **Rebuttal**

Mr. Danch said there is a tree line along the east property line. There will be a separate area along our property and the adjacent property line. He said the City of Mishawaka has a water line easement along that property line and therefore cannot plant trees along the water line. Mr. Danch said there will be a separation between the Primrose property and their area. He said there is already a natural pond on the forestry area and we'll separate.

Mr. Danch said for this site they are doing back-to-back storms meaning they'll hold twice the amount of water on their site. The large basin at the southwest corner is for a water feature but that takes up some of the water capacity so they have to have someplace else on the site to hold the water. He said they certainly will respect the Association's wishes as much as is possible.

Mr. Emmons asked if they could put something on the edge of the retention ponds. Mr. Danch said they would take a look at it during final Engineering.

Mr. Winn closed the Public Hearing on Petition #14-01.

### **Staff Recommendation**

Staff recommends in favor of amending the Heritage Woods PUD to allow health care living facilities and single-family residential villas with the attached PUD conditions. This recommendation is based on the following findings of fact:

1. The subject parcel is adjacent to residential zoned residential and an existing living care facility is located to the south.
2. The character of the buildings within the surrounding area is residential. The referenced conditions of approval would ensure that the proposed development would be compatible with adjacent residential uses.
3. Because of the parcel's location and the residential development in the area, the highest and best use for the property as a health living care facility and residential villas respects the close proximity of adjacent single family homes.
4. The proposed zoning will not be injurious to property values in the surrounding neighborhood, because the single family uses immediately adjacent to the project to not yet exist. The planned coordination between Autumn Ridge Section 3 and the proposed development will allow potential purchasers in each development to show what has been approved before buying.
5. The proposal is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan that identify this area as low density residential. The proposed living care facilities usually have less traffic impact than a corresponding similarly sized single family residential subdivision.

**Proposed Uses:**

- 1) Uses shall be limited to assisted and independent living care facilities, and single-family residential units and villas. Building heights shall be limited to a maximum of 2-stories in height.
- 2) All loading docks, dumpsters, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a masonry wall matching the building materials of the principal building.

**Road Connections/Right-of-Way Improvements/Sidewalks:**

- 1) Deceleration lanes/passing blisters may be required for entrance location on Fulmer Road at the direction of the City of Mishawaka Engineering Department.

**Lighting:**

- 1) 90-degree full cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas adjacent to (in sight of) residential areas. Lighting within 100-feet of residentially zoned property shall be limited to 15-feet in height.
- 2) Lighting in along streets shall comply with Mishawaka Utilities standard fixtures and pole spacing and shall be paid for by the developer.

**Signage:**

- 1) Signage for all lots of the PUD shall be limited to the restrictions the Sign Overlay District for Bremen Highway. A maximum of one monument signs may be provided along Fulmer Road.
- 2) Directional signage standards shall be submitted concurrently with the first final planned unit development plan submission.

**Architectural:**

- 1) Architectural building standards shall be submitted for both building and signage – Architectural building material shall be consistent with the City's Design Review Ordinance for the 2-story living care facility. However, appropriate materials may be extended to include modern architectural materials, such as hardy-board siding, approved and deemed appropriate by the Planning Commission as part of the final PUD site plan. The proposed single-family residential villas may utilize standard residential architectural building materials as desired.
- 2) Residential style shingled roofs shall be provided for all structures. Deviations may be considered by the Planning Commission, provided they are in keeping with a residential concept.

**Parking/Landscaping:**

- 1) A 3-foot high earth mound shall be provided along Fulmer Road. A minimum 20-foot wide green buffer area shall be required along all public right-of-way. Landscape requirements of the C-1 General Commercial zoning district shall apply for property along Fulmer Road and the future proposed north south road as shown as Falling Oak Drive on the preliminary site plan.
- 2) Utility areas shall be provided separate from required landscaped areas. The minimum width required to install required landscaping shall be 5' outside of any utility or access easement.
- 3) A minimum of parking ration of 0.90 parking spaces per residential unit shall be provided for the 2-story living care facility. The (8) single-family residential villa shall provide a (1) parking space per unit.
- 4) Perimeter screen plantings shall be as follows:
  - a. Evergreen plantings and/or a combination of evergreen planting and deciduous tree/shrubs shall be provided between the future residential lots to the west and the proposed single-family residential villas, and along the north property line.
  - b. Evergreen trees shall be installed at a minimum of 7' in height. Deciduous tree shall be installed at a minimum 2 ½" caliper as specified in the Commercial Landscape Ordinance. Spacing of screening plant material shall be utilized as to create a desirable visual buffer subject to staff review and approval.

**Building Setbacks:**

- 1) A 40-ft front-yard building setback shall be provided along Fulmer Road and the proposed north/south road shown as Falling Oak Drive on the proposed site plan.
- 2) A 30-ft rear-yard building setback shall be provided along the northern property line.
- 3) A 20-ft side-yard shall be provided along the west and east property lines.

**MOTION:** Matt Lentsch moved to forward Petition #14-01 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 5-0.

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**SITE PLAN:**

**SP #14-A** A request submitted by Crest Net Lease, Inc., for final site plan approval of the 9,675 Belle Tire facility to be located at 4811 Grape Road.

Jeff Ballard, Danch, Harner & Associates, Inc., 1643 Commerce Drive, South Bend, appeared on behalf of Belle Tire. He said Belle Tire is a sizeable company with 85 locations and are seeking to build a 9,675 sqft automotive tire service center at the former Ryan's Steakhouse location (4811 Grape Road). Mr. Ballard said the plan is to demolish the existing building and parking lot and start new.

Mr. Ballard said they will keep the existing pond in place in back and construct a new stormwater retention basin as the existing has become a habitat and they have room to work with.

Mr. Ballard said the building will be high quality masonry with 10 bays. Corndance Restaurant is located to the south and they were initially concerned the hours would conflict with the hours, but Belle Tire is not typical of other retail in the area as they are closed most days by 6:00 p.m.; a few days they stay open until 8:00 p.m., but the hours work well with the restaurant.

Mr. Ballard said the plan includes a cross access easement which ties to the existing access to Corndance and goes to the property to the north for eventual development. Parking, site lighting, and landscaping all meet the standards of the ordinance. He said Engineering and Planning had a few issues and they have resolved those including screening along the front and resized the retention pond.

Mr. Lentsch asked when construction would begin. Mr. Ballard said as soon as the weather breaks; perhaps April and the construction timeline is approximately 4-5 months.

Mr. Emmons asked if they would be using local people for construction. Mr. Ballard said he assumes so as they don't have a standard construction company they travel with.

Mr. Emmons asked how many employees would there be. Mr. Ballard said there would be approximately 15-20 employees, including administrative. He said there would be 10 bays and they don't just do tires, but also maintenance.

Mr. Emmons asked if they were full time positions. Mr. Ballard said yes, for the most part the majority will be full time.

**Staff Recommendation**

*Provided the aforementioned items are submitted the Staff recommends that the request for final site plan approval for the Belle Tire 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:** Matt Lentsch moved to approve Site Plan #14-A. Gary West seconded; motion carried with a vote of 5-0.

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**ADJOURNMENT:** 7:30 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner