

AUGUST 11, 2015
PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA

A regular meeting of the Mishawaka Plan Commission was held Tuesday, August 11, 2015, 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, and Victor Kasznia. Absent: Nick Troiola and Kathleen White-Gadacz. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Christa Hill, and Kari Myers.

Mr. Winn explained the Rules of Procedure.

The Minutes of the June 9, 2015, and July 14, 2015, meetings were approved as distributed.

Matt Lentsch declared a Conflict of Interest on Design Review #15-05.

No additional Conflicts of Interest were declared.

PUBLIC HEARING:

PETITION #15-21 A petition submitted by Mary Golota, Golota Family Trust & Golota Charitable Remainder Unitrust requesting to amend the Northwest Capital and Toll Road Planned Unit Development to permit pre-cast concrete liner panels with brick look for exterior building façade.

Daryl Knip, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioners. He said this project is on the north side of Beacon Parkway.

Mr. Knip said the project will be a two-story office building with 300 parking spaces which will be the Bayer Corporate office. He said the request is to amend the Planned Unit Development to allow pre-cast concrete panels to be used on the building. He said it will have a brick pattern and be stained to look like brick.

Mr. Lentsch asked how the materials will stand up over time. Mr. Knip said it's a long-term masonry concrete panel.

Mr. Winn asked if both materials shown will be different colors. Mr. Knip said both will be imitation brick; one will be red and he's not sure about the color of the second one.

Mr. Emmons asked if the other color would be white. Mr. Knip said he believes it's a stone or masonry and the red is pre-cast.

Mr. Emmons said the white looks like concrete and he's not in favor of the building looking like brick and concrete. Mr. Knip said it isn't unfinished concrete.

Mr. Prince said the issue is the material and the color selection will be part of the final site plan. He said the intent is to mimic limestone. Mr. Prince said they're only requesting a change in material.

Mr. Kasznia asked if it will all be pre-cast concrete with white and red sections. Mr. Knip said they are still working on the building design, but right now they're requesting a waiver of the building materials.

Mr. Winn closed the Public Hearing on Petition #15-21.

Staff Recommendation

Staff recommends in favor of amending the NW Capital Avenue and Toll Road PUD to allow for the use of precast concrete linear panels with a brick pattern that is stained to look like brick. This recommendation is based upon the following findings of fact:

- 1. Existing Conditions - The proposal is in keeping with the existing area and future proposed developments by maintaining commercial uses.*
- 2. Character of Buildings in Area - The character of the buildings located in the area will be commercial. The proposed facility will be commercial in nature.*
- 3. The most desirable/highest and best use - Due to the presence of the commercial activity in the surrounding area, and the surrounding approved PUDs, the most desirable/highest use is the proposed commercial use.*
- 4. Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the proposed will be compatible with the surrounding commercial developments in the area.*
- 5. Comprehensive Plan - This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka.*

MOTION: Ross Portolese moved to forward Petition #15-21 to the Common Council with a favorable recommendation. Matt Lentsch seconded; motion carried with a vote of 7-0.

PETITION #15-22 A petition submitted by Beacon Health Systems, Inc. and Memorial Health Systems, Inc. requesting to amend the Beacon Parkway at Capital Avenue Planned Unit Development to amend various developmental conditions.

Phil Panzica, Panzica Building Corporation, 422 E. Monroe Street, South Bend, appeared on behalf of Beacon Health Systems. He said they are asking for a few adjustments to the Planned Unit Development.

Mr. Panzica said the first request is to allow a minimum setback along Beacon Parkway of 50' vs. 75' and 40' along Capital Avenue vs. 75'. He said having the building set back 150' from the roadway is a long way and landscaping would use a lot of water. Mr. Panzica said along Beacon there is 20' of grass area and the reduction to 50' is appropriate. He also said the buildings are set at an angle so as to not push building up to the property line.

Mr. Panzica said the second request is a reduction of parking spaces from 4 per 1,000 sqft to 3 spaces per 1,000 sqft. He said 4 spaces are excessive and they won't be using that amount of space for parking. Mr. Panzica said if necessary, there is room for expansion.

Mr. Panzica said the third request is a clarification of site lighting. He said the ordinance limits the height to 25' and they'll use a 25' pole on a 3' base. The base keeps the poles from being damaged if a vehicle should run into it.

Mr. Panzica said request #4 is for pre-cast concrete panels similar to the previous request. He said they've done a fine job and looks like brick a mason would have laid and it truly looks authentic. Mr. Panzica said the client viewed an 8' X 8' panel of brick and an 8' X 8' panel of the pre-cast concrete and they couldn't tell the difference. He said it's very common in the industry and is very durable with the pigment holding color for 25 years.

Mr. Panzica said request #5 is for the elimination of an earthen berm. He said it wouldn't do much for them since cars are above the elevation. He said trees will soften the edge of the property.

Mr. Panzica said request #6 is for tree spacing along both roadways. He said with approximately 1,400 ft of property line, spacing may not look natural in that setting. Mr. Panzica said they will maintain the same number of trees, but space them differently. This will be reviewed during final site plan.

Mr. Panzica said the final request is to allow 5' ornamental fencing in the setback along Capital Avenue. He said the client wants an outdoor grass area and they want to maintain that on property and the speed limit along Capital Avenue is 50 mph.

Mr. Panzica said they would abide by all previous PUD conditions.

Mr. Winn closed the Public Hearing on Petition #15-22.

Staff Recommendation

Staff recommends in favor of PET 15-22, amending the Walker PUD to allow for the following amendments to the PUD standards:

- 1. To allow a minimum 50-ft front-yard setback along Beacon Parkway and a 40-ft building setback along Capital Avenue and internal collector drives.*
- 2. To allow parking provided at a rate of a minimum of 3 spaces per 1000 sf of gross floor area.*
- 3. To allow a maximum height of lighting poles with bases to be 28-ft. Use of ornamental light standards similar to lighting on Beacon Parkway allowed on interior sites.*
- 4. To allow pre-cast linear embossed brick texture material with a stain finish and EIFS as appropriate architectural materials.*
- 5. To allow the elimination of the required 3-ft earth berm and hedge plantings along Capital Avenue and Beacon Parkway.*
- 6. To allow flexibility in spacing of required trees along Capital Avenue and Beacon Parkway. However, required number of tree planting shall be adhered to. Tree plantings may be a combination of evergreen and/or deciduous trees.*
- 7. To allow for 5-ft ornamental fencing within the setback along Capital Avenue.*
- 8. Previously approved PUD standards shall be adhered to.*

This recommendation is based upon the following findings of fact:

- 1. Existing Conditions - The proposal is in keeping with the existing area and future proposed developments by maintaining commercial uses.*

2. *Character of Buildings in Area - The character of the buildings located in the area will be commercial. The proposed facility will be commercial in nature.*
3. *The most desirable/highest and best use - Due to the presence of the commercial activity in the surrounding area, and the surrounding approved PUDs, the most desirable/highest use is the proposed commercial use.*
4. *Conservation of property values - The proposed amendment will not be injurious to property values in the surrounding area, because the proposed will be compatible with the surrounding commercial developments in the area.*
5. *Comprehensive Plan - This area was not identified within The Comprehensive Plan. However, the proposed is consistent with the commercial development of the area and commercial activity as identified in the Capital Avenue Land Use Plan jointly prepared by St. Joseph County and the City of Mishawaka.*

MOTION: Matt Lentsch moved to forward Petition #15-22 to the Common Council with a favorable recommendation. Victor Kasznia seconded; motion carried with a vote of 7-0.

DESIGN REVIEW:

DR #15-05

A request submitted by First United Methodist Church, **201 East Third Street** requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-171 to allow the use of an electronic digital display sign with automatic changing images and copy.

Dennis Rhoads, Secretary, Board of Trustees, First United Methodist Church, 201 E. Third Street, Mishawaka, presented the request. He said they are requesting to put an electronic message sign inside the sign frame at Third and Main. He said the sign was destroyed about 4 years ago and they held off replacing due to the Church Street project.

Mr. Rhoads said they replaced the base and it's lower than the previous sign and they want to place an electronic message sign inside the frame. He said it will be amber single color sign. Mr. Rhoads said this sign would have the Pastor's name, message, and bible verse for that Sunday. It won't be used like the board on 4th and Church Street and only one side of the sign will be lit.

Mr. Emmons asked if the sign will fit within the framework. Mr. Rhoads said yes, it's a new frame and will fit inside and be sealed.

Mr. Kasznia asked if it will be event driven or just informational. Mr. Rhoads said yes, they didn't want the sign to detract from the historical front of the building. It will be single color and for the general purpose of that Sunday's message.

Mr. Lentsch said you had a similar sign approved several years ago. Mr. Rhoads said yes and they've received many comments from people traveling through the city. They're very pleased with it.

Mr. Winn closed the Public Hearing on Design Review #15-05.

Staff Recommendation

The Staff also considers the digital display is appropriate provided:

1. *the sign shall not flash,*

2. *there shall be at the least an eight (8) second time interval between each successive display frame,*
3. *the sign shall not have animated movement,*
4. *the sign shall have dimming capacity, transitioning from daytime to nighttime.*

These restrictions are the same as were imposed when the existing digital display was approved four years ago and there have been no complaints.

The Plan Staff recommends approval of Design Review Waiver 15-05 to permit a digital/automatic changing display to be installed in an existing sign at the southeast corner of E. Third and Church Streets.

MOTION: Victor Kasznia moved to approve Design Review #15-05. Don McCampbell seconded; motion carried with a vote of 6-0 (Lentsch abstained).

**SITE PLAN:
SP #15-C**

A request submitted by Beacon Health Systems and Memorial Health Systems Inc. for final site plan approval of a 2-story, 67,610 sqft health and fitness facility.

Phil Panzica, Panzica Building Corporation, 422 E. Monroe Street, South Bend, appeared on behalf of Beacon Health Systems. He said the plan encompasses about 13 acres in area.

Mr. Panzica said one building would be a fitness center and space for a proposed services building for the future.

Mr. Panzica said parking would be shared parking for 375 cars with substantial area for grass and trees. He said a road would come off of the main intersection and will have a provide road to have opportunities to head southwest on the site.

Mr. Panzica said they requested changes to the PUD to allow for closer setbacks and still have the required setbacks for growth and expansion.

Mr. Panzica said all departments have reviewed the request and they have a few details to work out, but they are not problems; that's just how they handle those items.

Mr. West said he appreciates that they'll provide elevations. He also asked if drainage for the service building is included in the calculations because it was unclear. Mr. Panzica said yes, it covers all hard surfaced areas. He also said the soils on the site are loose sandy and it will be a dry basin. In the future they may wish to line the basin and have it as a water feature, but initially it will be dry.

Staff Recommendation

Provided a revised site plan is submitted addressing the outstanding items, Staff recommends that the request for final site plan for Beacon Health 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: Don McCampbell moved to approve Site Plan #15-C. Matt Lentsch seconded; motion carried with a vote of 7-0.

NEW BUSINESS:

Mr. Prince said he received a request from the Parks Department. He said he's has extensive discussions with Parks Superintendent Terry Zeller and in the past signs have gone up with approval and we're attempting to get approval for Mishawaka Heritage Festival banners that will be put up in several areas.

Mr. Prince said there are three locations within the C-3 district; Beutter Park, Central Park, and Kate's Garden. The other locations will require a variance.

Mr. Prince said promotion of the event is appropriate and it also shows a need to revise the Sign Ordinance in order to advertise such events. Today he's just asking for a waiver for the banners in C-3 district.

Mr. West asked how they will be mounted. Mr. Prince said metal posts mounted with zip ties. They will be kept out of line of site.

Mr. West moved to approve. Don McCampbell seconded; motion carried with a vote of 6-0.

PRIVILEGE OF THE FLOOR:

Boy Scout Troop 105 from St. Joe Church in Mishawaka said they attended the meeting as a requirement for their "Citizenship in the Community" merit badge.

ADJOURNMENT: 7:30 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner