

**SEPTEMBER 9, 2015**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Wednesday, September 9, 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, Murray Winn, Don McCampbell, Nick Troiola, Victor Kasznia, and Kathleen White-Gadacz. Absent: Dale "Woody" Emmons and Ross Portolese. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Christa Hill, and Kari Myers.

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Mr. Winn explained the Rules of Procedure.

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The Minutes of the August 11, 2015, meeting were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**PETITION #15-23** A Petition submitted by Ambrose Property Group VA, LLC, requesting to vacate public right-of-way to realign portions of Trinity Place for proposed VA Outpatient Clinic.

Daryl Knip, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioners. He said they have been working with Ambrose Property Group and the City to relocate a portion of Trinity Place in order to provide a larger parcel for the 60,000 sqft VA clinic. Also, all right-of-ways will be removed so the property can be combined into one parcel. He said Ambrose has acquired the property and is dedicating right-of-way.

Mr. Knip said the first phase will begin next week on earth work, gravel road, so the existing road can be removed.

Mr. Winn asked if the portion of Trinity Place is the section that comes in perpendicular off of Fir Road. Mr. Knip said yes and showed the plan on the overhead. He said the road will be straighter with more of a gentle curve.

Mr. West said the road is being relocated from the west side of the cul-de-sac and connects back to the existing road at the edge of Davita's drive.

**In Favor**

Fred Hancock, 15355 Carriage Lane, Mishawaka, said his property is across the road from Davita. He said being a veteran, he's happy about the VA clinic and also in favor of the dog leg being removed. However, since the road has been built snow has never been removed. Mr. Hancock if they are going to build the new road with a sidewalk, he hopes the snow will be removed and taken care of.

Mr. Winn closed the Public Hearing on Petition #15-23.

### **Staff Recommendation**

*Staff recommends in favor of Petition 15-23 to vacate and release utility rights of a portion of Trinity Place. This recommendation is based on the following findings of fact:*

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.*
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.*
- 3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;*
- 4) The proposed vacation will not hinder the use of any public way, utility or place.*
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.*

**MOTION:** Matt Lentsch moved to forward Petition #15-23 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 7-0.

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### **PLAT #15-24**

A request submitted by EIG Edison Park Center, LLC, seeking approval of the two (2) lot Edison Holdings Subdivision, aka **535-615 West Edison Road.**

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, represented the Petitioner. He said EIG Edison Park Center is requesting approval of the two lot subdivision.

Mr. Ballard said the reason for the plat is to facilitate the purchase of the 1.73 acre Lot 1 on the west side of the property. What remains is Lot 2 containing 6.654 acres.

Mr. Ballard also said that earlier this evening the Board of Zoning Appeals approved the various developmental variances which will bring the property into compliance with zoning standards.

Mr. Troiola asked if there would be a change in use. Mr. Ballard said no, right now there are spaces for 46 tenants. The purchaser will keep six of the eight buildings and the uses will remain the same.

Mr. West questioned the easements as Lot 1 has no curb cut. Mr. Ballard said they will provide documents for ingress and egress easements.

Mr. Winn closed the Public Hearing on Plat #15-24.

Mr. Troiola asked Mr. Prince when voting do they need to add a provision based on what Mr. West said about easements. Mr. West said it was in the recommendation and he wanted to make sure the Commission was aware of it. They also need to identify where the sewer will be accessed.

**Staff Recommendation**

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

**MOTION:** Nick Troiola moved to approve Plat #15-24. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

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**SITE PLAN:**

**SP #15-D**

A request submitted by GMX Midland Mishawaka, LLC, seeking final site plan approval for a 9,100 sqft multi-tenant commercial building located south of **5209 N. Main Street**.

Andrew Goodman, GMZ Midland Mishawaka, 3000 Dundee Road, Northbrook, IL, said they were seeking final site plan approval for the multi-tenant commercial building south of the La-Z-Boy store.

Mr. Lentsch asked if PotBelly’s would be a tenant. Mr. Goodman said yes, and Pie Five is another tenant with a signed lease. He said they are looking at 1<sup>st</sup> quarter 2016 to break ground with 3<sup>rd</sup> quarter opening.

Mr. Lentsch asked if the building would be built as one unit. Mr. Goodman said yes.

Mr. Troiola asked Mr. Prince about the outstanding items. Mr. Prince said Engineering was requesting a turn lane into the property and that needs to be worked out. Also, details on the sanitary sewer, but nothing that changes the outline of the plan.

Mr. Lentsch asked Mr. Goodman if they were willing to work with the City to address the items. Mr. Goodman said yes.

**Staff Recommendation**

*Provided a revised site plan is submitted addressing the outstanding items, Staff recommends that the request for final site plan SP 15-D 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 #15-D. Don McCampbell seconded; motion carried with a vote of 7-0.

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**NEW BUSINESS:**

Mr. Prince said after 14 years with the City, Greg Shearon has resigned and will be going to work for a local consulting firm (Danch, Harner & Associates). Mr. Prince thanked Greg for his years of service and wished him well.

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**PRIVILEGE OF THE FLOOR:**

Residents of Windingbrook just south of the proposed VA clinic asked if there were landscaping plans available and inquired about the timeline.

Mr. West said when Trinity Place was originally developed; the developer was anticipating development on smaller lots. He said the VA clinic was so desirable in this community the

City committed to redesigning the road. He said there's a small piece of property on the south side of the road that will remain under Cressy ownership. The homeowners inquired if they could purchase it. Mr. West said he didn't know as there is storm sewer in that area and said it could be discussed once things get further along. He said if it were to be sold it would have to have an easement over the storm sewer pipe and asked the homeowners to give the City at least 4-5 months to develop the plans.

The homeowners asked if property clearing will go right up to the property line. Mr. West said he didn't think so.

Mr. West said this is a privately owned development with a long term lease to the VA; not a government contractor.

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**ADJOURNMENT:** 7:26 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner