

**OCTOBER 13, 2015**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Plan Commission was held Tuesday, October 13, 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, Murray Winn, Don McCampbell, Nick Troiola, Victor Kasznia, and Kathleen White-Gadacz. Absent: Ross Portolese. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Christa Hill, and Kari Myers.

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Mr. Winn explained the Rules of Procedure.

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The Minutes of the October 13, 2015, meeting were approved as distributed.

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Conflict of Interest was not declared.

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**PETITION #15-25** A petition submitted by the City of Mishawaka for approval of an ordinance replacing the Flood Plain Ordinance of the City of Mishawaka, Indiana.

Ken Prince, City Planner, said periodically we're required by FEMA to amend the Flood Control Ordinance in order to participate in National Flood Insurance. The last time the ordinance was in 2010 and all the information that is there currently, is still there. Flood elevations must still be verified as identified on the flood plain maps. He said he didn't compare the ordinances word for word, but is substantially the same as the 2010 version.

Mr. Winn closed the Public Hearing on Petition #15-25.

**Staff Recommendation**

*The Department of Planning, Building, and Community Development is requesting approval of the adoption of a new Floodplain Ordinance and Floodplain Maps. The City of Mishawaka participates in FEMA's National Flood Insurance Program. The National Flood Insurance Program (NFIP) is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. To remain in the program, the Federal government requires that certain items be adopted. The City has worked with FEMA and the Indiana Department of Natural Resources (IDNR) to fulfill these requirements.*

*Floodmaps have recently been revised by FEMA. In order for the City to continue in the Flood Insurance Program a new floodplain ordinance that spells out the regulations found in Code of Federal Regulations must be adopted. The staff has worked with the State officials and utilized a model ordinance provided by the State that complies with the mentioned Federal Regulations. This new ordinance will replace the entire existing Floodplain Ordinance. The new ordinance includes the establishment of a floodplain manager for the community, regulations regarding building in floodway and floodplains, flood preventative*

*measures for individual homes as well as subdivisions, and procedural process for submitting flood certificates and other administrative processes.*

*The effective date of the new Flood Insurance Study, Flood Insurance Rate Maps, and Ordinance must be adopted prior to December 16, 2015. A letter from FEMA outlining these requirements and effective date has been attached to this report.*

**MOTION:** Nick Troiola moved to forward Petition #15-25 to the Common Council with a favorable recommendation. Vic Kasznia seconded; motion carried with a vote of 8-0.

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**PETITION #15-26** A petition submitted by Mishawaka Utilities requesting to annex and zone property commonly known as the Gumwood Wellfield to S-2 Planned Unit Development.

Ken Prince, City Planner, appeared on behalf of the Utilities Board. He said the request is to annex and zoning of the wellfield. Prior to the annexation for the Grandview PUD, it was separate and not contiguous to the City, but in St. Joseph County. We are now in a position to annex the property.

Mr. Prince said the Wellfield PUD will adopt the same provisions as the Grandview PUD. The City has no intention of abandoning the wellfield, but in time will need to do so. The developer of Grandview has asked us to sell some property in the future and it has nothing to do with this annexation which will bring the wellfield into City control.

Mr. Prince said the standards and uses that are being proposed are identical to those found in the Grandview PUD with residential in the north and commercial to the south. There will be a buffer the full length of the property and will be of the highest standards.

Mr. Troiola said with the wellfield being in the county, who took care of the property. Mr. Prince said Utilities as owner of the property.

**Opposition**

James Anderson, 52555 Lucas Drive, Granger, said in the letter he received, S2 zoning is very vague. What does it mean? Mr. Prince said the Planned Unit Development (PUD) is written for a range of uses and not specific to any zoning and the range of zoning is for the property itself.

Mr. Anderson said eventually the wellfield will run out. How long will that be? Mr. Prince said a minimum of 5 years, as a guess. He said it will take tens of millions of dollars to replace the wellfield and we're investigating that now. Mr. Prince said there hasn't been any engineering done for it or a bond for it.

Mr. Anderson said the property is landlocked. If you plan to do anything with it, it would make him unhappy. Mr. Prince said when Grandview came in, there's a county stub street on two sides and the city required Grandview to put in a connection. He said we could reserve any connection until such a time as the wellfield is abandoned.

Mr. Prince said from a City perspective, it would be clean not to provide a connection, but for public safety purposes.

Mr. Anderson said if not immediately, then when? Mr. Prince said the decision would be made at such time when the wellfield is developed. If it's a park it would need a street and he's not sure if the county would want a cul-de-sac. He said the connection isn't necessary as we don't provide services to that area.

Mr. Anderson added that the wellfield hasn't been mowed at all this summer.

Mike Schlemma, 52800 Farmingdale Drive, Granger, said he lives at the southern end of the area. He asked if there were any plans for access on the south. Mr. Prince said there are no plans to connect the southern section.

Mr. Schlemma asked if it would be a minimum of 5 years before the wellfield is closed. Mr. Prince said from a planning standpoint, it's very unlikely it would be closed by that time. It would need to be closed before any future development and a new wellfield up and running before that could happen.

Mr. Winn closed the Public Hearing on Petition #15-26.

### **Staff Recommendation**

#### ***Traffic Impact:***

1. *The following general conditions shall apply. More specifics and refinements shall be made with each final planned unit development plan submission. A Traffic Impact Study may be required as determined by the City Director of Engineering. All traffic/transportation improvements required for this property (including but not limited to Gumwood Road and State Road 23) shall be paid for by the applicant/developer concurrent with development as directed by the City Director of Engineering, subject to modification by any potential development agreement with the City should one or more be established.*
  - a. *The primary access for the property is intended to be routed through what has been approved as the Grandview Planned Unit Development. Any modifications shall be limited as determined appropriate by the City Director of Engineering and the applicable road authority/jurisdictions.*
  - b. *All improvements required shall be paid for by the developer and shall be identified as part of the phasing plan for the project.*

#### ***Proposed Uses:***

1. *Municipal well fields shall be considered a permitted use over the entire property. Commercial uses shall be limited to those identified within the C-1 General Commercial and C-2 Shopping Center Commercial zoning districts. Commercial uses shall be limited to the south half of the property. Multi-Family Residential uses along with assisted living and nursing home uses may be allowed. However, no commercial uses shall be located on the north half of the property adjacent to the existing single-family residential development to the north. Multi-Family Residential uses, assisted living, and nursing home uses shall be permitted on the entire PUD, potentially to act as a transitional use between the existing single-family residential uses and the proposed commercial uses to the south located on the Grandview Planned Unit Development.*
2. *Off-premise signs/billboards shall be prohibited.*

3. *Outside storage and display shall be prohibited.*
4. *All loading docks, dumpsters, ATM machines, and mechanical equipment shall be screened from view. Dumpsters shall be screened by a wall matching the building materials of the principle building. Dumpster locations shall be located away from any roads behind principle buildings and located away from internal collector drives.*

**Road connections:**

1. *The City has not made a determination on whether or not the stub streets from the adjacent subdivisions shall be extended or connected over time. An appropriate connection and or turn-a-round on the property shall be provided within any proposed redevelopment project.*
2. *Access and utility easements shall be dedicated to adjacent properties, where deemed appropriate by the City Director of Engineering.*

**Stormwater run-off:**

1. *The type of stormwater facilities proposed within the PUD shall be limited/restricted as required by City well-head protection standards and as may be directed by the City Director of Engineering based on the close proximity of the City Well Field. The purpose is to limit potential groundwater infiltration in that area.*
2. *An emergency overflow outlet for proposed retention ponds into City storm sewers may be provided by the City if deemed appropriate by the City Director of Engineering.*

**Lighting:**

1. *All site lighting shall be limited to 25 feet in height. 90-degree cut-off fixtures shall be required for both pole and wall mounted fixtures. Shielding of lighting shall be required in the areas to the rear of buildings adjacent to (in sight of) residential areas.*

**Signage:**

1. *Signage shall be limited to what is permitted in the on-premise sign ordinance by the proposed use. A sign easement will be provided to this property from the Grandview PUD to be located along Gumwood Road. The required location is at the proposed entrance opposite Heritage Square Drive. This sign shall be subject limited to a maximum of 60 square feet with a maximum length not exceeding 12 feet.*
  - a) *Signs shall be located a minimum of 200 feet apart from one another (including the sign easement) except that signs may be located closer where an entrance drive is located between them.*
2. *All freestanding signs shall have a masonry base.*
3. *General façade and directional signage standards shall be submitted concurrently*

*with the first final planned unit development plan submission. Limits on the height of letters/signage for façade signs shall be reviewed and evaluated by the Planning Commission at that time.*

- 4. Seasonal banners and general development identification banners may be allowed for decorative and parking lot light poles throughout the property.*
- 5. Temporary Construction fence coverings which may include information about the project, elevations, renderings, slogans, logos and coming soon info may be allowed.*
- 6. Directory Kiosks placed strategically around the center to help customers locate businesses with a directory map of the development and advertising for retailers and other businesses may be allowed.*
- 7. Freestanding sandwich boards may be placed internally in the development, but shall not be placed where readable from SR 23 or Gumwood Road.*

**Landscaping:**

- 1. Development of the property shall comply with the landscape requirements of the C-1 General Commercial zoning district.*
- 2. Utility areas shall be provided separate from required landscaped areas. If utilities are located within the required green areas, an additional 10 feet of green area shall be required for planting.*
- 3. A 2-foot high earth mounding planted with evergreen trees, minimum 8' height, spaced 10'to12' max along with a 6' minimum height opaque fence shall be provided along the west property lines abutting existing residential property.*
- 4. If decorative ponds with fountains are proposed along public roadways, the landscaping requirement shall be reduced to eliminate the need for the 2' berm and shrubbery/low planting between the road and building/parking areas and where the normal water elevation of the pond is located*
- 5. All developments within the PUD, including the multi-family residential development, shall comply with the landscape requirements of the C-1 General Commercial zoning district. This shall be in addition to any required buffer planting.*
- 6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission. Phasing of installation shall occur concurrent with development, except that the Planning Commission may require the installation of screening and buffering along property lines prior to when adjacent developments are proposed when deemed necessary/appropriate.*

**Parking:**

- 1. A minimum of (1.5) parking spaces per residential unit shall be provided for the multi-family residential use. Parking ratio may be reduced to a minimum of (1.25) per residential units for one bedroom apartments only. Garages, parking lots, and on-street parking may be utilized for required parking.*

2. *A minimum of (0.75) parking spaces per bed shall be provided for assisted living and nursing home uses.*
3. *All other uses shall comply with the corresponding parking requirements as identified in the City of Mishawaka Zoning Ordinance.*

### **Building/Parking Setbacks**

1. *A minimum 25' building setback shall be provided along the north, south, and east property lines where the property abuts the Grandview Planned unit Development.*
2. *A minimum 10' parking setback shall be provided along the north, south, and east property lines where the property abuts the Grandview Planned unit Development.*
3. *A minimum 35-ft building and parking setback shall be provided along the west and north property lines abutting existing single family residential property.*
4. *A minimum 10' building and parking setback shall be provided along internal roads and between property lines within the Planned Unit Development, however, a 0' parking setbacks may be allowed to provide for shared parking bays at various locations within the development as deemed appropriate by the Planning Commission upon review as part of each subsequent final planned unit development site plan submission.*

### **Phasing:**

*1. The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first final planned unit development site plan submission. Future modifications and requirements may be placed by the Planning Commission concurrent with each subsequent planned unit development site plan submission to provide for the interconnectivity of roads and other related infrastructure.*

*This recommendation is based on the following findings of fact:*

1. *Existing Conditions - The subject parcel is located northwest of Gumwood Road and S.R. 23, both heavily traveled corridors. The site is located immediately across the street from existing similar multi-residential and commercial developments, and is separated by the Grandview Planned Unit Development, of which this parcel over time will serve as a likely extension of it.*
2. *Character of Buildings in Area - The character of many of the buildings located along Gumwood Road and S.R. 23 are commercial. The buildings north and west of the proposed site are predominantly residential, making the proposed transitional multi-family residential uses on the north side of the PUD property appropriate.*
3. *The most desirable/highest and best use - Because of the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor, combined with the surrounding single family residential subdivisions, makes the most desirable use for the property a mix of commercial and transitional office and residential uses. Although there are adjacent single family residential properties to the north and west, the lack of any current internal road connection combined with required presence of City utilities, rather than the adjacent septic and well systems associated with the existing residential developments, warrants a higher more intense uses than single family residential.*

4. *Conservation of property values - The proposed zoning will not be injurious to property values in the surrounding area, because the proposed/required blend of uses transitions the proposed uses from higher to lower intensities where the development is adjacent to existing neighborhoods. Furthermore, if approved, the adjacent residential parcels would be protected by the series of conditions placed on the planned unit development. These conditions include among other significant restrictions as requiring substantial screening and landscape "green" buffer yards between uses.*
5. *Comprehensive Plan - Although this specific property was not guided in the Mishawaka 2000 plan, the petition is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan. The Plan, created in 1990, guided general commercial uses along the Main Street (Gumwood Road extended) Corridor. The continued change and expansion of the commercial areas of the City are proportionate to the substantial residential growth that occurred in an almost uncontrolled manner in the unincorporated County from the time of adoption of the Mishawaka 2000 Comprehensive Plan in the early 1990's.*

**MOTION:** Matt Lentsch moved to forward Petition #15-26 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 8-0.

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**PETITION #15-27** A petition submitted by SEC Investments LLC requesting to annex and zone property located near the **southeast corner of Fir and Douglas Roads** to C-1 General Commercial District.

Mike Danch, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioner. Mr. Danch said the southeast corner of Fir and Douglas was annexed into the City in 2010 and nothing has happened since that time. He said the owner has been able to pick up this property and also wants to bring into the City with a C-1 zoning to square up the property. Mr. Danch said there's no specific use planned for the property and they're hoping the market will pick back up.

Mr. Lentsch asked if Mr. Danch had any thoughts on types of uses. Mr. Danch said probably retain, perhaps a pharmacy, but not sure if it's still possible as drug stores haven't been doing a lot of development lately.

Mr. Lentsch asked if there were any future plans for less restrictive zoning. Mr. Danch said no, C-1 is the one they would go with unless someone would want something in particular he doesn't see it.

Mr. Lentsch asked what C-1 zoning permitted. Mr. Prince said general commercial which includes a wide range of uses such as restaurants, retail, offices, however, no more than 2 businesses at the location. He said no automobile or convenience stores at that corner.

Mr. Danch said with the size of the property it would be probably be a single building with parking.

### **Opposition**

John McNamara, County Surveyor, said five years ago when this corner was originally presented, it was necessary to present a plan to the Juday Creek Task Force as per IDEM, and as of yet he hasn't seen anything on this proposal. He said he read about it in the newspaper.

Mr. McNamara said he's concerned about pollution into Juday Creek and the residents downstream from spills and groundwater contamination as water from this site would go into the creek. He said that prior to approval, they submit something to the Juday Creek Task Force.

Mr. West asked Mr. McNamara how long a review would take. Mr. McNamara said they could have a meeting in a week or two. There's no published agenda or advertising; simply a matter of getting the information to the gentleman at MAACOG and they call a meeting.

Mr. Danch said he would work with Mr. McNamara on the site plan and he'll do that once they have a plan.

Mr. Lentsch asked Mr. Danch when that would be. Mr. Danch said it will be submitted prior to site plan approval.

Mr. McNamara said he isn't for or against it; just wanted to bring to our attention.

Mr. Winn closed the Public Hearing on Petition #15-27.

### **Staff Recommendation**

*Staff recommends in favor of Petition # 15-27 to annex and zone approximately 0.58 acres located at 15002 east Douglas Road into the City of Mishawaka with a zoning of C-1 General Commercial. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions- Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located at the intersection of two arterial roadways within an area that continues to develop with commercial uses. Traffic is intended to increase along both corridors. A convenience store has been proposed for the opposite (northwest) corner of the intersection.*
- 2. Character of Buildings – The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.*
- 3. The most desirable/highest and best use – Because of the parcels' location and the existing commercial development along the Douglas and Fir Road corridors, the most desirable use for the property is commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties undesirable for residential purposes.*
- 4. Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.*
- 5. Comprehensive Plan- The properties on the east side of Fir Road are guided by the Comprehensive Plan amendment performed jointly by the City and St. Joseph County that was adopted in 2003. At the time, a conscious decision was made not to guide existing developed properties such as these. The large open undeveloped area behind this parcel to the south and east (with no frontage on Douglas and Fir Roads) was guided as a future professional office park. Given the location of this parcel at the intersection of two arterial roadways, although not guided by the Capital Avenue Plan, the redevelopment of these "frontage properties" was inevitable and will likely be determined by the market in a piece meal fashion. The hospital and other commercial developments has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth.*

*Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.*

**MOTION:** Nick Troiola moved to forward Petition #15-27 to the Common Council with a vote of 8-0. Kathleen White-Gadacz seconded; motion carried with a vote of 8-0.

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**PETITION #15-28** A petition submitted by Donald & Patricia Cressy Foundation requesting to rezone the **northeast corner of Edison Road and Hickory Road** from C-1 General Commercial District to C-10 Filling Station Commercial District.

Stephen Studer, 4101 Edison Lakes Parkway, appeared on behalf of the Cressy Family. He said Mike Danch, George Cressy, and Joe Welch with Family Express the contingent purchaser.

Mr. Studer also said he would be presenting Petitions #15-28 and #15-29 together as they are for same zoning and uses.

Mr. Studer said the Douglas and Fir Road site is consistent with the Comprehensive Plan. They propose to install a state-of-the-art fuel containment system and in 2010 the Plan Commission recommended approval for this same site.

Mr. Studer said the Edison and Hickory location will also have a car wash. He said all three corners are developed as commercial and the use is also consistent with the Comprehensive Plan. Mr. Studer also pointed out that staff has made a favorable recommendation.

Mr. Studer said the contingent purchaser, Family Express Corporation, is located in Valparaiso, they have 65 stores, and support 350 not-for-profit organizations and had 25,000,000 visits to sites located mainly in the northwest part of the state. He said they pay higher than average wages and provide free ATM services.

Mr. Studer said today, in Las Vegas, Family Express is receiving the Convenience Store of the Year award. They are replacing RaceTrac Petroleum, Inc., the gold standard of convenience store. Mr. Studer said they beat out Exxon, Speedway and are the smallest chain to receive this award and when they have 25,000,000 visits to 65 stores, that says a lot. He said they were also recognized by IvyTech by how they run their business.

Mr. Studer said Family Express has their own bakery and deliver fresh milk, sandwiches, and chips and such every day. They are known for their square donuts and fresh donuts and milk are delivered 364 days a year.

Mr. Studer says they pay higher than standard wages. He said when Walmart said they would start paying their employees \$9 an hour, Family Express was already paying \$10 per hour. He said training is utmost and within their headquarters they have a store where training takes place and all employees are trained at headquarters.

Mr. Studer said the buildings are designed to look like a bank; all brick, pillars, state-of-the-art, substantial sites.

Mr. Studer said a concern has been raised about fuel centers and many are aware he practices environmental law, and is very sensitive to Juday Creek. He said behind Tab "D"

in the booklet provided to the Commissioners, you will see Family Express uses double-walled fiberglass tanks as metal tanks get pin holes over the years. They also use hydrostatic monitoring and are continuously monitored. You can't buy better. Mr. Studer said any movement between barriers and they know immediately. Not only are the tanks double-walled, but the piping is as well as it provides a second barrier.

Mr. Studer said these tanks are used for jet fuel at airports and any breach is interior to the tank. Automatic shut-offs are designed for a high water table. As for the hydrostatic monitoring system, you can't get a better system and everyone should use such a system. He said it's an expensive system, but they go out of their way to make sure there are no issues.

Mr. Studer said in addition, they never fill their tanks to more than 90% capacity to make sure there are no overflow issues. In addition, every month they test the amount of sales of fuel and send to the lab to make sure all gas is accounted for. This would be done at both facilities.

Mr. Studer said regarding the concerns regarding Juday Creek. He said he worked with Dr. Hellenenthal at Notre Dame building the golf course and they worked to make sure it was protected. Mr. Studer said he appreciates the resource and as Mr. Prince said, we're 1/3 the length of a football field away. They are required to keep all stormwater on site and they are willing to install a sophisticated storm captor system and he said this system has been used elsewhere on Juday Creek. Bader Dentist, who is much closer to the creek, uses the system and it was installed to prevent run off. He said it's expensive and designed to keep things from going into the groundwater. That's another reason they were named convenience store of the year.

Mr. Studer said the reason for opening two locations at the same time is it isn't efficient to operate just one store in an area as fresh milk and donuts are delivered daily. He said it took a long time to find two sites that would work the best. Mr. Studer said safety is their priority concern, with 24 hour monitoring by employees and they want people to feel safe when they come in.

Mr. Studer said Mr. Danch can answer any site plan questions. He said they'll talk to Friends of Juday Creek and set up a meeting with MAACOG to make sure their needs are met.

Mr. Lentsch said he understands the placement of the location at Edison and Hickory, but is perplexed why the other site (Fir and Douglas) has been selected. Mr. Studer said they think it's an area of growth for the City; near the new Bayer facility and Capital Avenue. Douglas Road is a primary road and there's a lack of high-end quality stores in the area. Mr. Studer said they wanted two stores in Mishawaka, but not next to each other.

Mr. Lentsch asked Mr. Studer why he thought the convenience store represents the highest and best use for this site. Mr. Studer said given the size of the size, approximately 1.65 acres, you wouldn't put a strip mall in there. He said C-10 zoning would be the highest and best use and that zoning district also permits C-1 uses as well.

Mr. Studer also said they weren't bringing a gas station to this location as they didn't want the excess water; wanted to keep simple. He said not a lot of uses could be put there. There might be others, perhaps a bank, but there's been no interest. Mr. Studer said the site has been vacant for some time and it's prime for development.

Mr. Lentsch asked how they thought it fit within a medical corridor. Mr. Studer said there are no gas stations on Main Street and they feel this will help serve the hospital the VA Clinic. It's a main corridor leading into the City and those driving by the site on the way to the hospital or clinic will have a clean, safe environment. Mr. Studer said it will even have a \$30,000 espresso machine in it; it will be a great service to the folks going to the hospital and nearby medical offices.

Mr. McCampbell asked about the word "pump" mentioned earlier. Is something pumped into a truck and taken away from the location? Mr. Studer said yes, it separates it and takes residue and oil away making sure during a storm event that nothing is spilled. He said they are taking the extra step to make sure nothing happens. In the event something does happen, there's one more thing added to make sure it's segregated from the water.

Mr. Lentsch asked if the company has built a station near a creek or water site. Mr. Studer said yes, in LaPorte, 25 yards from the lake.

Mr. Lentsch asked what kind of precautions were taken. Joe Welch, Family Express, 213 State Road 49, Valparaiso, said they take the same precautions at every store as stated in Mr. Studer's presentation and they would take the same precautions here.

Mr. Lentsch asked how many years has the station in LaPorte near the lake be there. Mr. Welch said he didn't know.

Mr. Lentsch asked how many spills have there been. Mr. Welch said he didn't know.

Mr. Studer said he deals with underground storage tanks every day and hasn't dealt with any that are new. The problems are with tanks that are 20-25 years old. He said there's a big difference between steel and fiberglass.

Mr. Lentsch asked how many years do you operation a station before you sell or abandon it. Mr. Studer said the first store opened in 1975 and is still operating. These are company-owned stores. He said environmental law says that if you close a convenience store you pay into a trust fund and if you have a leak you pay \$20,000 and the state may pay up to \$2,000,000 for clean up.

Mr. Studer said they last as long as they continue to make money. Some stores stay in business 40 years. He said these stores get a lot of business and they want to expand and they want to be here.

Mr. Troiola asked if Family Express has sold or closed a store.No.

Ms. Gadacz asked did they ever building a convenience store without gas. Mr. Studer said no, it's a symbiotic relationship.

Mr. Kasznia asked how many retention systems have been put in stores and have you put this system in other stores. Mr. Studer said they have some stores that are near protected waterways. They'll use the special monitoring and piping. He said West Lafayette has one and it depends on the location and community. Mr. Studer said they have to keep all their stuff on site. He said you can't keep a catastrophic event from happening; the hospital can't stop it, but this is the best system you can get and they are well aware of the sensitivity to Juday Creek.

Mr. Prince asked Mr. Studer if they could meet with the Juday Creek folks before the Council vote, if convenient for them. Mr. Studer said he could contact MAACOG and set up a meeting.

Mr. Studer said Planning and Engineering had comments regarding the site plan. Mr. Danch said he saw the comments and talked to Chris Jamrose about both sites. He said they will look at drainage and, but there are no red flags. He said there is one issue at the Hickory and Edison site and will work with Engineering on the access.

### **In Favor**

George Cressy, 4100 Edison Lakes Parkway, Mishawaka, said his company is the developer of Edison Lakes Corridor and have been strong proponents of controlled growth. He said when they were approached by Family Express on both locations, they were interested to know more about the company. Mr. Cressy said they visited headquarters and toured 8-10 facilities and met with the founder of the company to learn specifically what sort of development and neighborhood partner they would be. Would they be a good fit?

Mr. Cressy said he can't speak to the environmental issues, but he grew up on Juday Creek and still lives 300' from it and is keenly aware of the desire to protect it. He said he wouldn't be in favor if he thought the company wouldn't do what they said they would do.

Mr. Cressy said the location on Douglas runs from the Toll Road into Elkhart County and along that stretch there's a 7-11 close to the South Bend/Mishawaka city limits and it's a major artery and he's been a proponent of developing. He said this is in their mind, part of their development and they see the structure, the interior, and end product and it's unlike anything in this community and it would be an amenity to those visiting the VA Clinic, hospital, and various offices in Edison Lakes. Mr. Cressy said he wouldn't be here if he didn't think it was a good fit. He said he gets calls every day for property on Main Street and Day Road that aren't good fits and it would be a disservice to what they've tried to do.

Mr. Lentsch said he is interested in the property on Douglas, not the whole corridor and asked if this is the best use in the medical corridor. Mr. Cressy said yes, as far as the medical corridor of Holy Cross Parkway, there's no gas station on Main Street.

### **Opposition**

Lorraine Cooper, 3613 E. Bulla Street, South Bend, said it's a contamination of our wells, traffic, crime, and has information printed from the internet about leakage, and she also listed the number of gas stations within 2.1 miles of the Hickory and Edison site. She also showed photos of how Hickory Road goes from 4 lanes to 2 lanes. She said she has trouble turning into her home.

Ms. Cooper also said she was concerned about the crime rate and gas leaks, and information from the internet regarding contamination of groundwater of residences near gas stations. She said they are in the City of South Bend and they have no city water or sewer and are stuck with wells and they're concerned about contamination.

Mr. Winn asked Ms. Cooper if she was concerned about traffic. She said yes as there were problems nearby.

Tom Burnett, 18907 Cleveland Road, South Bend, says he's in the Juday Creek Watershed and pays taxes for drainage assessment and has a legitimate interest in this. He said he's 73 and when he was a kid, people pumped gas for a job and you had to be careful. Now it's all self service and people are careless and spill all the time. Mr. Burnett also said that

diesel fuel is worse as it doesn't evaporate rapidly like gasoline and there are other contaminants such as oil, and antifreeze; cars are dirty. He said he's worked around cars all his life and any place that has a lot of car traffic is going to be a dirty place especially if they pump gas or other fuels. Mr. Burnett said there are going to be spills, especially filling small containers for small engines and lawnmowers. It's going to happen. Gas will spill and other pollutants will get into the groundwater.

Mr. Burnett said in the Juday Creek area, any rules they have for development near water should be five times as stringent for trout streams. He said we have three trout streams in Indiana and one of them is Juday Creek. On top of that, any development on sandy soils, anything that goes into soil is going to migrate underground into the creek. We only have one Juday Creek.

Mr. Burnett said when he was a kid it was all countryside and nowadays, most development is around cars and he drives by that area every day, Fir and Douglas, and there are plenty of gas stations and we don't need more in the area that jeopardize such a sensitive area because the basin is low. It's irreplaceable. People say, "what could possibly go wrong?", look at BP oil spills and the environmental damage caused. Mr. Burnett said mistakes are going to be made and people will be careless and forget to do their maintenance and once Juday Creek is damaged, you can't go back. You can build a gas station in a less sensitive area; let them pick another site.

John McNamara, County Surveyor, said his arguments are the same for the northwest corner of Fir and Douglas as for the southeast corner of Fir and Douglas.

Beverly Lorence, 14800 Douglas Road, Mishawaka, said she agrees with everything that both people said. She said there are too many gas stations and why do they have to put on ground that is an environmental danger, on both corners. She said the reason they were never to have a gas station on them is Juday Creek is spring-fed and that's the problem. Ms. Lorence said they all have wells and they don't want contamination in that area. She said she knows there's no way to stop gas leakage and spills and containment. There are many promises but they're not true; it won't stop contamination, we have enough.

Ms. Lorence said she is speaking against both proposals. She said there's no reasons why they should be close to Juday Creek which has trout, is spring-fed, but no way to stop contamination. Ms. Lorence said it all sounds good, but they do leak. She said there's been enough oil spills and resources have been diminished and they need to restore things and keep as they area.

Mike Grzeskiewicz, 3623 Bulla Road, South Bend, said he lives on the corner of Hickory and Bulla and is speaking against the Hickory and Edison site and said his primary concern is contamination. He said they talk a good plan for containing spills, but we all know it's not possible to contain everything.

Mr. Grzeskiewicz asked Mr. Cressy if he visited the main office and 8-10 sites. Is it 8 or 10? Mr. Cressy said 8.

Mr. Grzeskiewicz said there's also going to be a car wash across the street from him. He said there's no way to contain water and chemicals that are used in a car wash. He said like Ms. Cooper, he's on a well even though he's in South Bend, he has no choice, and it's a shallow well and anything will contaminate it.

Mr. Grzeskiewicz said he was also concerned about traffic as it's a shortcut to 23. He said rather than go down Grape Road, they go down Hickory and this will just add to it. Mr. Grzeskiewicz said ambulances and fire trucks use Hickory because it's quick. This will just add to the problem. He said he sees not positives in this plan other than for the developers.

### **Rebuttal**

Mr. Studer said there's a new hotel going in nearby and this will also be a resource to them.

Mr. Studer said the first speaker presented information about Johns Hopkins information regarding small spills which is precisely why they are putting in groundwater protection. He said Even Johns Hopkins said they do a find job containing spills. Mr. Studer said gas evaporates quickly and it's usually the heavy oil that gets washed down in drain water hence the extra effort.

Mr. Studer said no one appreciates Juday Creek more than he does. Back in 1930, it was a drain ditch. When they did the Notre Dame golf course, there were no spawn beds within 1/3 of a mile. Six months after the golf course, there were spawning beds close by.

Mr. Studer said just west of Grape Road to the north on Douglas Road is the old Uniroyal Superfund site and it was designed to drain into Juday Creek. It's now monitored by the EPA as to what actually drains into the creek. It's stream fed, and they're very sensitive to this. He said they love Juday Creek and what they're doing will not harm it.

Mr. Studer also said it isn't fair to compare the Deep Horizon spill and these sites. He also said he'll get with Mr. McNamara.

Mr. Studer also addressed other comments about not needing more gas stations. He also said we don't need more hotels or other things as well. It's a business decision. Mr. Studer said it will be an amenity to those visiting the hospital, VA Clinic, hotels, etc.

Mr. Studer reiterated they'll be keeping everything on site; they have to comply with the ordinance. He said he visited the client and wouldn't represent those who don't back up their statements.

Mr. Troiola said the folks on Bulla Street have a valid concern about traffic; can we address that issue with South Bend? Mr. Danch said we're working with Engineering on circulations problems; perhaps a right-in/right-out. He said the property is already zoned commercial; something will go there and Engineering said they believe the access points are a safe distance from the intersection. He said the lanes widen as you get closer to the intersection. Mr. Danch said from Bulla closer to the intersection, you get more lanes and more traffic. We're right at the corner and we're confined to those locations. He also said you aren't really going to pull more traffic to the roads. Mr. Danch said if he lived at Hickory Apartments, he would stop there and then go on home.

Mr. Winn closed the Public Hearing on Petition #15-28.

### **Staff Recommendation**

*Staff recommends in favor of rezoning Petition # 15-28 to rezone approximately 2.3 acres located at the northeast corner of the intersection of Hickory and Edison Roads to C-10 Filling Station Commercial. This recommendation is based on the following findings of fact:*

1. *Existing Conditions- the subject parcel is located at the intersection of two arterial roadways within an area that has long been developed with commercial uses. Traffic*

*is likely to increase along both corridors. The other corners of this intersection have been developed as commercial both within the City of Mishawaka and the City of South Bend.*

3. *Character of Buildings – The character of the buildings in the area are predominantly commercial.*
4. *The most desirable/highest and best use – Because of the parcels’ location and the existing commercial development along Hickory and Edison Roads, the most desirable use for the property is commercial.*
5. *Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.*
6. *Comprehensive Plan- the Comprehensive Plan, created in 1990, guided general commercial development within this area. The proposal is generally consistent with the Comprehensive Plan.*

**MOTION:** Don McCampbell moved to forward Petition #15-28 to the Common Council with a favorable recommendation. Vic Kasznia seconded; motion carried with a vote of 8-0.

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**PETITION #15-29** A petition submitted by Douglas Road Associates, LLC, requesting to rezone the **northwest corner of Douglas Road and Fir Road** from C-1 General Commercial District to C-10 Filling Station Commercial District.

**NOTE:** Please see comments from previous Petition #15-28 as both petitions were presented together.

Mr. Winn closed the Public Hearing on Petition #15-29.

Ms. Gadacz asked if anything had been submitted to the Juday Creek Taskforce.

Mr. Emmons said he would vote no until he has more information. He said he would be making arrangements to go to Valparaiso and visit some stores there. He also said they voted on the same item (Petition #15-29) and turned it down due to groundwater concerns. He also wants Family Express to talk to Juday Creek folks.

### **Staff Recommendation**

*Staff recommends in favor of rezoning Petition # 15-29 to rezone approximately 1.56 acres located at the northwest corner of the intersection of Douglas and Fir Roads to C-10 Filling Station Commercial. This recommendation is based on the following findings of*

*1.Existing Conditions- Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located at the intersection of two arterial roadways within an area that continues to develop with commercial uses. Traffic is intended to increase along both corridors. The southeast corner of this same intersection is currently zoned C-1 General Commercial and is also requesting to expand with an additional annexation.*

2. *Character of Buildings – The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.*

3. *The most desirable/highest and best use – Because of the parcels’ location and the existing commercial development along the Douglas and Fir Road corridors, the most desirable use for the property is commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties undesirable for residential purposes.*
4. *Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.*
5. *Comprehensive Plan- The Comprehensive Plan, created in 1990, guided residential development within this area. Recent development patterns within the area, along with the increasing commercial development within the northern portion of Mishawaka, including the St. Joseph Regional Medical Center development, has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth. Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.*

**MOTION:** Matt Lentsch moved to continue Petition #15-29 to the November public hearing. Kathleen White Gadacz seconded; motion carried with a vote of 5-3 (West, Winn, McCampbell).

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**PETITION #15-30** A petition submitted by Village Green Mishawaka Holdings, LLC, requesting to amend the 12<sup>th</sup> & Byrkit Planned Unit Development to allow for R-3 Multi-Family Residential uses.

Mike Danch, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of Village Green Mishawaka Holdings, and said this property is located about 300’ east of the southeast corner of 12<sup>th</sup> and Byrkit. He said back in 2007 they came and rezoned to PUD and was thinking it would be a commercial development and they asked for various types of commercial and industrial uses.

Mr. Danch said their request is to amend the PUD to do a multi-family development vs. commercial. He said they would like to build 3-story apartment buildings, market rate, 1, 2, and 3 bedrooms, \$700-\$1,000 per month, not Section 8. Mr. Danch said they were looking at approximately 360-375 units. He said the reason for the variation is market conditions for number of bedrooms. Mr. Danch said the majority would be 2-bedroom apartments, and maybe 10-15% would be 3 bedrooms and remainder 1 bedroom.

Mr. Danch said the complex will have two points of access off 12<sup>th</sup> Street and an access point from Byrkit. Engineering had some comments about wanting decel lanes on 12<sup>th</sup> street.

Mr. Danch also said they’re also working with Engineering on sewer. They may be able to use gravity, but may have a private lift station. They will provide additional right-of-way dedication.

Mr. Danch said this project will be in the \$23-\$25 million price range and would like to be underway with construction this spring.

Mr. McCampbell asked Mr. Danch to confirm it wouldn’t be Section 8. Mr. Danch said that it is correct; it will be market range. They will also have a clubhouse and a pool.

Ms. Gadacz asked what will happen to the mobile home park. Mr. Danch said nothing, it will stay. This property is to the west.

Mr. Emmons asked how many buildings there would be. Mr. Danch said 8-10, but will make that final determination when we get to final site plan.

Mr. Winn asked if there would be a connection between this property and the mobile home park. Mr. Danch said no. The mobile home park has access to Byrkit but the main access from 12<sup>th</sup> Street will remain.

Mr. Kasznia asked if there was any plan to connect to the old Sav-A-Lot. Mr. Danch said there's already a connection.

Mr. Winn closed the Public Hearing on Petition #15-30.

### **Staff Recommendation**

*Staff recommends in favor of Petition #15-30 to amend the 12<sup>th</sup> and Byrkit Planned Unit Development to allow for 360 apartment units subject to the following conditions of approval:*

- 1. Deceleration lanes along 12<sup>th</sup> Street shall be installed as determined by the Department of Engineering and shall satisfy Engineering standards.*
- 2. Perimeter and internal landscaping shall meet C-1 General Commercial standards.*
- 3. Architectural standards shall include architecturally appropriate materials consistent with the City's Design Review Ordinance for all facades visible from the public right-of-way.*
- 4. Right-of-way and easements to be dedicated as required by Department of Engineering and Mishawaka Utilities.*
- 5. All other previously approved developmental standards shall remain the same.*

*The recommendation is based on the following findings of fact:*

- 1 Existing Conditions - The amendment will not alter or negatively impact the existing conditions of the surrounding area because the proposed apartment use, however on a smaller scale, currently exists within the PUD.*
- 2. Character of Buildings in Area - The character of buildings within this area are commercial and industrial, and an apartment development would not be uncharacteristic as several apartment complexes are located within the general vicinity east and west on 12<sup>th</sup> Street.*
- 3. The Most Desirable/Highest and Best Use - The proposed amendment for expanded multi-family residential use within the PUD is not inconsistent with surrounding zoning classifications.*
- 4. Conservation of Property Values - The proposed amendment will not be injurious to property values in the surrounding area, because the multi-family residential use has already been approved as part of this PUD.*

5. *Comprehensive Plan - The Comprehensive Plan had identified this area for general commercial and manufactured home residential and is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan.*

**MOTION:** Don McCampbell moved to forward Petition #15-30 to the Common Council with a favorable recommendation. Vic Kasznia seconded; motion carried with a vote of 8-0.

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**PETITION #15-32** A petition submitted by Donald L. Seggerman and the Devises of the Last Will of Evelyn Marjorie Eberding requesting to annex and zone **15170 Cleveland Road** to C-6 Linear Office Commercial District.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioners and developer. He said they are requesting to annex and zone this property which is approximately 4.7 acres with frontage on Cleveland and Fir Roads. He said the main access would be from Cleveland and Fir as well. On the west side of the property is Fir Trail cul-de-sac which was what remained after University Drive went in.

Mr. Winn closed the Public Hearing on Petition #15-32.

**Staff Recommendation**

*Staff recommends in favor of Petition # 15-32 to annex and zone approximately 4.7 acres located at 15170 Cleveland Road, including adjacent property to the south, into the City of Mishawaka with a zoning of C-6 linear office commercial. This recommendation is based on the following findings of fact:*

1. *Existing Conditions- Although the area was platted and developed decades ago with a tract of single family homes, the subject parcel is located between two arterial/collector roadways within an area that continues to develop with commercial uses. Traffic is intended to increase along both corridors.*
2. *Character of Buildings – The character of the buildings within the surrounding area is single family residential, but the area continues to redevelop for commercial purposes.*
3. *The most desirable/highest and best use – Because of the parcels’ location and the existing commercial development along the University Drive, Cleveland Road, and Fir Road corridors, the most desirable use for the property is linear office commercial. Although there are surrounding residential properties, the increasing traffic along the corridors, makes the long term use of these properties less desirable for residential purposes.*
4. *Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding neighborhood, because higher impact commercial uses already exist in close proximity to annexation area.*
5. *Comprehensive Plan- The properties are not guided by either the Mishawaka 2000 Comprehensive Plan or the Capital Avenue Land Use Plan. The commercial development in this area has altered developmental patterns from what once was a desirable location for residential development to more intensive commercial growth. Residential development is no longer desirable within this area and comprehensive plans must be reevaluated as development trends change over the years.*

**MOTION:** Kathleen White-Gadacz moved to forward Petition #15-32 to the Common Council with a favorable recommendation. Matt Lentsch seconded; motion carried with a vote of 8-0.

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**PETITION #15-33** A petition submitted by Sajida Chaudhry, Donald L. Seggerman, and the Devisees of the Last Will of Evelyn Marjorie Everding requesting to vacate public right-of-way located **adjacent to 15170 Cleveland Road**.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioners. He said regarding the comments from the Electric Department, they are open to vacating the right-of-way, but would like a 20' easement. He said that's something they would look into after annexation.

Mr. Winn closed the Public Hearing on Petition #15-33.

**Staff Recommendation**

*Staff recommends in favor of Petition 15-33 to vacate a portion of Fir Trail running north/south located between Cleveland Road and Fir Road and in favor of the release of utility rights if the changes requested by the Electric Department are submitted. 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. Both properties still have access to Cleveland Road.*
- 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:** Vic Kasznia moved to forward Petition #15-33 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

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**PLAT #15-34** A petition submitted by Browning Real Estate Properties, LLC, seeking approval of the one (1) lot Bayer Healthcare at Beacon Parkway Subdivision.

The Petitioner requests the item be continued to the November public hearing. The Commission moved and approved the request.

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**PLAT #15-35** A petition submitted by Ambrose Property Group VA, LLC, seeking approval of the one (1) lot VA Outpatient Clinic at Trinity Place Subdivision.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Ambrose Property Group VA, LLC. HE said the plat presented illustrates the property along Trinity Place. It bisects a 15 acre piece of property where the VA Clinic will be built and the plat will allow development to proceed.

Mr. Winn closed the Public Hearing on Plat #15-35.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Plat for the VA Outpatient Clinic at Trinity Place Subdivision because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.*

**MOTION:** Don McCampbell moved to approve Plat #15-35. Kathleen White-Gadacz seconded; motion carried with a vote of 8-0.

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**REPLAT #15-36** A petition submitted by ARCP RL Portfolio IV LLC seeking approval of the (2) lot Darden Subdivision Replat.

Tim Ochs, Ice Miller, One American Square, Indianapolis, appeared on behalf of ARCP RL Portfolio, IV, and said this property is an existing lot and developed with Red Robin and Red Lobster restaurants. He said no improvements are proposed for the site.

Mr. Ochs said there are some ownership and sale issues and ownership will be split between the two restaurants to allow for separate ownership. He said earlier, the Board of Zoning Appeals approved variances for setbacks along the common property boundary of the two lots.

Mr. Ochs said one thing to note there is an access point along the west boundary and along the norther boundary there will be a declaration of cross easements recorded as part of this plat to grant cross access easements and cross parking easements so customers can park on each lot. He said this is being done to accommodate transfer of title.

Mr. West asked if there has been any discussion of the entire east boundary which is stormwater management. Mr. Oakes said the declaration will contain agreements for maintenance of the retention pond.

Mr. Winn closed the Public Hearing on Plat #15-36.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Plat for the Replat Lot 1 Main and Day Subdivision, subject to easements as proposed by Engineering, because it meets the requirements identified within the City of Mishawaka Zoning Subdivision Control Ordinances.*

**MOTION:** Don McCampbell moved to approve Replat #15-36. Nick Troiola seconded; motion carried with a vote of 8-0.

**DESIGN REVIEW:**

**DR #15-06**

A request submitted by SLM Management, LLC, requesting a Waiver from the Mishawaka Design Review Ordinance 105-78 Architectural Color and Textures for **1725 East McKinley Avenue**.

Dan Mackowiak, SLM Management, LLC, said they want to use red on the building for the remodel of the former Dog N Mug location. He said the building is undergoing repairs and didn't realize that one of their branded colors, red, required approval. Mr. Mackowiak said they'll be using red in the awnings and on the building and will be consistent with their other locations.

Mr. Winn closed the Public Hearing on Design Review #15-06.

**Staff Recommendation**

*The Staff feels that, given the small area of the canopy to be painted, the proposed building color scheme is appropriate and meets the intent of the Design Review Ordinance standards by updating the site and recommends approval of the Design Waiver.*

**MOTION:** Vic Kasznia moved to approve Design Review #15-06. Nick Troiola seconded; motion carried with a vote of 8-0.

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**SITE PLAN:**

**SP #15-E**

A request submitted by Browning Real Estate Properties, LLC, seeking approval of the 60,000 sqft Bayer Healthcare Office Building on Beacon Parkway.

The Petitioner requests the item be continued to the November public hearing. The Commission moved and approved the request.

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**SP #15-F**

A request submitted by Ambrose Property Group VA, LLC, seeking approval of the 72,080 sqft VA Clinic on Trinity Place west of Fir Road.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the applicant. He said the building will have 88,109 gross usable sqft situated on 14.8 acres.

Mr. McMorrow said the building will be a brown limestone, one-story building and will be set back between 162' and 176' from Trinity Place. The building will straddle Trinity Place where it exists today and they're proposing three curb cuts. One entrance will be for trucks with the other two drives for staff and patient access.

Mr. McMorrow said the site plan is consistent with all currently published zoning standards with the exception of the height of the perimeter fence which received approval by the Board of Zoning Appeals earlier this evening.

Mr. McMorrow said they would continue to work with Engineering on for road run off and front pond which will be a wet basin and should be appealing.

Mr. McMorrow said they submitted revised plans yesterday and they're still working on outstanding issues.

Mr. Emmons asked if the building would have a flat roof. Mr. McMorrow said it's generally flat, but will have the appropriate slope.

Mr. Emmons asked if the roof would be rubber. Mr. McMorrow 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-F 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-F. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

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Mr. Prince provided an update on Greg's position. He said he's been working with the Controller's Office and Mayor's Office to change the role to include economic development. Mr. Prince said they have advertised the position and an offer will be made subject to monies associated with that position being approved.

Mr. Prince asked that the Personnel Committee stay after tonight's meeting as he has a qualified candidate he would like them to speak to.

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**ADJOURNMENT:** 9:04 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner