

JANUARY 9, 2018

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, January 9, 2018, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Matt Lentsch, Murray Winn, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Chris Jamrose, Dale "Woody" Emmons, Don McCampbell, and Nick Troiola. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

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

ELECTION OF OFFICERS:

MOTION: Dale Freeman moved to nominate Murray Winn as President. Matt Lentsch seconded; motion carried with a vote of 5-0.

MOTION: Chris Tordi moved to nominate Matt Lentsch as Vice-President. Dale Freeman seconded; motion carried with a vote of 5-0.

MOTION: Matt Lentsch moved to reappoint the Planning Staff for 2018 and Kari Myers as Commission Secretary. Kathleen White-Gadacz seconded; motion carried with a vote of 5-0.

Mr. Winn explained the Rules of Procedure.

The Minutes of the December 12, 2017, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PLAT #18-01 A request submitted by PD Realty, LLC seeking approval for the two (2) lot Pemberton Davis East McKinley Avenue Minor Subdivision.

Steve Ruby, The Troyer Group, 917 Union Street, Mishawaka, appeared on behalf of PD Realty. He said there are two lots currently and they are being reconfigured to set up two individual lots; still owned by PD Realty. He also said they have addressed all comments.

Mr. Lentsch asked if they had met with Engineering relative to the sewer. Mr. Ruby said yes, their request was to provide an easement to a manhole that serves the business lot and because of the lot line shifting and they have addressed that.

Mr. Winn closed the Public Hearing on Plat #18-01.

Staff Recommendation

Planning Staff recommends approval of the Preliminary and Final Plat for the Pemberton Davis East McKinley Avenue Minor Subdivision pending submittal of a signed plat for recordation. This recommendation is based upon the fact that the subdivision meets all of the requirements of Section 133-73 / Preliminary Plat and Section 133-76 / Final Plat of the City of Mishawaka Subdivision Control Ordinance.

MOTION: Dale Freeman moved to approve Plat #18-01. Kathleen White-Gadacz seconded; motion carried with a vote of 5-0.

REPLAT #18-02 A request submitted by the City of Mishawaka, Habitat for Humanity, and Jasmine Williams, seeking approval for the three (3) lot Habitat for Humanity 4th Street First Minor Subdivision.

Ken Prince, City Planner, appeared on behalf of the City and Habitat. He said in the City, in our partnership with Habitat, has submitted the request.

Mr. Prince said the first home has been constructed and they are included in the plat and will also be included in the subdivision. He said when the home was constructed, it was done in a metes and bounds format, but should be included in the plat.

Mr. Prince said the City is conveying these two lots, soon to be three, to Habitat and they are trying to hold those two lots from being built until the design on the Controlled Sewer Overflow project. He said there is also some clean up of the corner lot due to it being a former gas station.

Mr. Winn closed the Public Hearing on Replat #18-02.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for the Habitat for Humanity 4th Street First Minor Subdivision Replat. This recommendation is based on the fact that the Replat meets all the requirements of Section 133-107 (Preliminary Replat) and Section 133- 110 (Final Replat).*

MOTION: Matt Lentsch moved to approve Replat #18-02. Kathleen White-Gadacz seconded; motion carried with a vote of 5-0.

PETITION #18-03 A petition submitted by J2K Investments, Inc. requesting to rezone **3805 Lincolnway East** from C-7 Automobile Oriented Restaurant Commercial District to C-9 Automobile Sales Commercial District.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of J2K Investments. He said the property is currently zoned C-7 and is a vacant drive-in restaurant. Mr. Shearon said the request is to rezone the property to C-9 to allow for a car lot. He said they have read the conditions and have submitted a plan addressing Engineering comments.

Mr. Trodi asked if the building will be reused. Mr. Shearon said yes, the plan is to use the building.

Mr. Lentsch asked if they would need to come back if they make any changes to the building. Mr. Shearon said staff said a preliminary site plan would need to be submitted. If they demolish the building, it would require a full site plan.

Mr. Winn asked if it would be strictly sales. Mr. Shearon said yes, C-9 zoning doesn't allow for service, sales only.

Mr. Tordi asked if there is a drawing of what part of the building would be used. Mr. Shearon said there would be office space inside and they will remove some pavement for required setbacks.

Mr. Prince asked if they had figured out what they would be doing. Mr. Shearon said yes, the building will remain and cars will be parked as shown on the plan.

Mr. Winn closed the Public Hearing on Petition #18-03.

Staff Recommendation

*Staff recommends in **favor** of Petition 18-03 to rezone approximately 0.28 acres located at 3805 Lincolnway East from C-7 Automobile Oriented Restaurant District to C-9 Automobile Sales Commercial District to allow for an automobile sales lot.*

This recommendation is based on the following findings of fact:

- 1. Existing Conditions –Lincolnway East is a major east/west corridor, with a wide variety of commercial and residential uses.*
- 2. Character of Buildings – The existing business has striped parking spaces for just over 20 vehicles. The rezoning will require landscaping and access upgrades be made to the site.*
- 3. The most desirable/highest and best use – Being along one of most heavily travelled corridors in the City, the most desirable use of the property is a higher intensity commercial use.*
- 4. Conservation of property values – The rezoning should not be injurious to property values in the area. The Lincolnway East corridor is a mix of residential, commercial, and automotive uses, therefore, C-9 Automobile Sales uses are compatible with the existing uses along the corridor from Capital to Bittersweet.*
- 5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, identified most of the Lincolnway corridor, between Capital and Bittersweet as General Commercial. Since the C-9 District still allows all C-1 General Commercial uses, it still meets the goals of the Comprehensive Plan.*

MOTION: Kathleen White-Gadacz moved to forward Petition #18-03 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 5-0.

PETITION #18-04 A request submitted by Gumwood Acquisitions, LLC, to amend the Northwest corner of Gumwood and Cleveland Planned Unit Development to refine the plan; delete the option of constructing assisted living housing and nursing homes; reduce the number of curb cuts on Gumwood Road; reduce the minimum distance of

“throat/stacking area”; permit building heights up to four (4) stories and forty-eight feet (48’); and allow “fiber cement” as an exterior building material.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioner. Anson Keller, DkGr Architects, was also in attendance.

Mr. McMorrow said the property was zoned to PUD in 2013 to develop with commercial, multi-family, assisted living and nursing home uses. The first phase, Gumwood Flats, was built in 2015 and in 2016 they are happy to report is 100% leased and very successful. Mr. McMorrow said they have made a commitment to Mishawaka to develop the property responsibly and building as needed.

Mr. McMorrow said Phase I is complete. He said during the development of Phase I they entertained offers from assisted living facility developers, but couldn’t reach a deal. He said the type of hybrid transitional use, residential with commercial, is a perfect transition from apartments to the north and commercial to the south.

Mr. McMorrow referred to the plan being showed on the overhead. He said there will be four buildings with 178 dwelling units and most will be 1-2 bedroom units with a few having 3 bedrooms. Two buildings will have ground retail space. Access to this phase will be from 2 point. They’ll use the existing entrance to Phase I and then construct a new driveway at the south end of that phase which is now a signalized intersection on Gumwood and they will maintain access to the City’s wellfield. He said the revised plan will not feature assisted or nursing facilities.

Anson Keller, DkGr Architects, said it’s a good opportunity for everyone. He said they are trying to create an active streetscape for the retail interests they’ve had for the property.

Mr. Keller said as far as the fiber cement material they are proposing is being used all over the country. He said it’s durable and cost effective. He said it has been used in several other developments in the city and it’s an appropriate material. Mr. Keller said using brick and composite and it’s a mix of materials that will last.

Mr. Lentsch asked if any colors have been identified. Mr. Keller said they have stuck with the earth tones that have been recommended; tans, browns. He said it’s a very organic material palette, with stone accents.

Mr. Winn asked if the entrance to the retail portion will be from signalized entrance rather than the Grandview Flats entrance, or can you get to it from either side. Mr. McMorrow said you can get to from either side. He said they were talking about tying both phases together, but can access the retail from both entrances.

Mr. Lentsch said you have referred to responsible building and responding to demand, so what you are showing is in the works. Mr. Keller said yes, it’s for potential tenants that have expressed interest in that space.

Mr. Winn closed the Public Hearing on Petition #18-04.

Mr. Tordi asked Mr. Prince if the fiber cement material is something we approve of. Mr. Prince said it’s a more modern material that wasn’t widely used when the Design Review Ordinance was written. He said when we include it in a new ordinance, we might alter percentage of building area to be used on.

Staff Recommendation

Staff recommends in favor of amending the preliminary Northwest Gumwood and Cleveland Road Planned Unit Development (commonly known as the Grandview PUD) as follows:

- *Refine the preliminary site plan dated 11/12/13 as approved per Petition 13-43 (Ordinance 5434) to the preliminary site plan dated 12/19/17 submitted with this petition;*
- *Delete assisted living and nursing homes as permitted uses;*
- *Reduce by one (1) the number of curb cuts on Gumwood Road;*
- *Reduce the minimum on-site throat/stacking area from 200 lineal feet to 115 lineal feet for each of the remaining proposed entrance points (access drives) from its intersection with the public right-of-way;*
- *Permit a maximum four (4) story or forty-eight (48) foot building height; and*
- *Allow fiber cement as an exterior building material.*

The amended conditions of approval and development regulations, with changes italicized, are attached as Exhibit "A". Omissions from the original conditions and development regulations were made when appropriate.

This recommendation is based on the following findings of fact:

1. *Existing Conditions - The subject parcels are located on Gumwood Road and S.R. 23, both heavily traveled corridors. Existing similar multi-residential and commercial developments are located to the north and across Gumwood Road to the east.*
2. *Character of Buildings in Area - The character of a majority of the buildings along Gumwood Road and W. Cleveland Road (S.R. 23) are commercial. The buildings north and west of the proposed site are predominantly multi-family and single-family residential making the proposed transitional mixed-uses on the north side of the PUD property appropriate.*
3. *The most desirable/highest and best use – Due to the parcels' location and the significant commercial development along the Main Street/Gumwood Road corridor combined with the adjacent multi-family and single-family residential uses, the most desirable use for the property is a transitional mix of commercial and residential uses.*
4. *Conservation of property values- The proposed zoning will not be injurious to property values in the surrounding area due to the similar adjacent commercial and mixed-use retail and multi-family residential 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 #18-04 to the Common Council with a favorable recommendation. Chris Tordi seconded; motion carried with a vote of 5-0.

SITE PLAN:
SP #18-A

A request submitted by Theresa R. Cruthird, MD, seeking final site plan approval of Generations AdventurePlex located at the northwest corner of Edison and Hickory.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the applicants. Mr. McMorrow said Dr. Cruthird is looking to introduce an entertainment venue featuring roller skating, laser tag, etc., to the area.

Mr. McMorrow said the initial phase will be 24,000 sqft and a featured part of the design is the pedestrian sidewalk that runs from the front door across to the parking lot to the plaza in front of the cinema. He also said the plan for the first phase provides all parking for the first phase. Mr. McMorrow said staff pointed out that if the second phase is built there will probably be a shortfall of parking and they'll come back to the Board of Zoning Appeals for parking relief. He said there is defacto shared parking lot and they are providing driveway access from the existing access. They are also not proposing new access and no change for motorists.

Mr. McMorrow said they are in receipt of the staff report and they have addressed comments from Engineering, Planning, and Fire.

Mr. Winn asked about drainage for the facility. Mr. McMorrow said soils are sandy and there will be a basin on the east side that will handle run-off and one near Hickory Road for roof run-off.

Staff Recommendation

*Provided revised plans are submitted addressing the Planning, Engineering and Fire Department review comments, Staff recommends that the final site plan for the 28,800 sq. ft. entertainment complex – to be known as Generations AdventurePlex - be **approved**. This recommendation is based upon the site plan meeting all the requirements of Section 137-35 regarding Final Site Plan Approval.*

MOTION: Chris Tordi moved to approve Site Plan #18-A. Matt Lentsch seconded; motion carried with a vote of 5-0.

ADJOURNMENT: 7:32 p.m.

Kenneth B. Prince /s/
Kenneth B. Prince, City Planner

Kari Myers /s/
Kari Myers, Administrative Planner