

**MARCH 13, 2018**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, March 13, 2018, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Chris Jamrose, Matt Lentsch, Don McCampbell, Murray Winn, Nick Troiola, Dale Freeman, and Kathleen White-Gadacz. Absent: Dale "Woody" Emmons, Chris Tordi. In addition to members of the public, the following were in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

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Mr. Winn explained the Rules of Procedure.

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The Minutes of the February 13, 2018, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**PETITION #18-06** A petition submitted by City of Mishawaka and Lindy's, Inc., requesting to annex and zone approximately 138 acres near the northeast corner of Fir and Douglas Roads, Mishawaka, Indiana, to S-2 Planned Unit Development.

City Planner, Ken Prince, appeared on behalf of the Petitioners. He said this property is essentially the 18<sup>th</sup> hole and said as part of our ongoing effort to meet the water needs of the City, we have purchased a majority of the property. Part of the agreement would be to reconfigure three holes on part of Penn Farm where the water treatment facility is planned. Mr. Prince said when the City took bids for the reconfiguration, it came in over budget. He said the reason being the property along Fir Road appraised at nearly \$5 million dollars and that's excessive for a wellfield. So, the City purchased three holes to reconfigure and went back to Lindy's and asked for the lesser amount and that is pending this process.

Mr. Prince said we are requesting to annex the golf course, which will allow for it to continue and also for the water treatment facility. He said if you are familiar with Eberhart Petro Golf Course water wells, they look like little holes and that's all that would change.

Mr. Prince said this petition is for the golf property itself. He said as part of this purchase, the City did not purchase the main golf building or banquet facility and we have the first right-of-refusal if they want to ever get out of that business. Mr. Prince said it was important to purchase all 18 holes, but they have no intention of stop running the golf course.

Mr. Lentsch asked if the City would be leasing the golf course to Rogers? Mr. Prince said as part of the agreement, we are leasing it back to them and they have prepaid the first five years.

Mr. Lentsch asked if we were going to purchase the other property to reconfigure the 3 holes. Mr. Prince said we've already purchased the property for reconfiguration and the water treatment facility. He said Parcel A is 114 acre golf course as well as 50 acres from the Penn family. He said we purchased 3 holes along Fir Road and as we go along, we may have extra property.

Ms. Gadacz asked if the terms were renewable annually. Mr. Prince said it's renewed in 5-year increments. He said we need a year's notice to cancel the lease. He said if you can imagine, the clubhouse is appraised at \$500,000.00 and we would need to move the money in the budget to purchase the property.

### **Opposition**

Ms. Elliott, 53398 County Murray, Granger, wanted to know if they would put in an irrigation system. She said she's concerned about the wellfield going in and their wells going dry and doesn't want to go on City water.

Mr. Prince said they have done a study on the property as to the impact and the key point to consider is the aquifer they will pull from is deeper than what the subdivision pulls from. He said it will have minor impact to the upper aquifer and we have legal responsibilities in the creation of the wellfield.

Ms. Elliott asked what is S-2 zoning. Mr. Prince said it's just the zoning classification for a planned unit development that you write specific conditions for a property. These are the only uses planned for this PUD.

Ms. Elliott asked how big the pumping facility would be. Mr. Prince said the City isn't intending for it to be high at all and will be located by the creek.

Joanne Coyle, 53316 Chelle Lane, said they are "enjoying" a noise they haven't had before and asked if they could look forward to more of the sound. Mr. Prince said he's not familiar with that is causing the noise as there is no pumping going on now.

Ms. Jamrose said the dewatering of the site has been over for months.

Mr. Lentsch asked Ms. Coyle if she had heard it recently. Ms. Coyle said yes.

Ms. Jamrose said there was dewatering in October and November for Douglas Road Improvements.

Mr. Prince said the dewatering was a temporary process.

Ms. Coyle asked about the 3 holes. Will the City be taking over the holes; are you going to restructure for other area. Mr. Prince said originally they worked the agreement with the owners, then the property appraised at nearly \$5 million. When we designed and bid the project it was high and then went back to the owners and instead of reconfiguring would they take \$2.5 million for the property, we would buy the 3 holes and not reconfigure the others. Mr. Prince said we are not redoing the golf course at all.

Julie Pawlak, 53326 County Murray Drive, said she was a member of the HOA and for those not aware, they have a high salt content in the neighborhood due to St. Joseph County garage across from Juday Creek. She said water drains toward the neighborhood and they are concerned if water will be pulled and concerned more homes will be affected with salt.

Ms. Pawlak said they have seen an increase in homes and the plume is shifting. Will they continue to see a higher volume of salt due to water removal?

Mr. Prince said when they evaluated the property for the wellfield they knew of the salt issues as part of the testing. He said he can't say they have evaluated the upper aquifer.

Ms. Jamrose said the thick layer of clay will not allow the two aquifers to mingle.

Mr. Prince said he had no idea how that will impact and doesn't know what the county has done to mitigate. He said we will pump from separate aquifer than what the subdivision draws from and said the City hasn't done an analysis on the subdivision for salt.

Ms. Pawlak asked if it was possible they will still see an increase. Mr. Prince said they haven't done an analysis on that.

Ms. Pawlak said they were also seeing corrosion in those homes as well and some families cannot drink their water.

Mr. Lentsch asked if they could hook up to City water. Mr. Prince said no, it would be millions of dollars to rip up the streets thru the subdivision, which they don't want.

Ms. Pawlak asked when will the pumps be running. Mr. Prince said pretty much all of the time.

Ms. Elliott returned to the podium and asked about the difference in aquifer depths. Ms. Jamrose said she thinks 200'+.

Ms. Pawlak returned to the podium and asked if the S-2 zoning could be apartments or condos. Mr. Winn said S-2 can be written for such, but this is for the golf course and wellfield. Mr. Prince said any changes in the PUD would need to come back before the Plan Commission with any requested change.

Ms. Pawlak asked about the properties along Beacon Parkway. Mr. Prince said the properties north of Beacon Parkway are in the City and are served by City utilities. St. Pius had water extended to them at their request.

Mr. Winn closed the Public Hearing on Petition #18-06.

### **Staff Recommendation**

*Staff recommends in favor of rezoning Petition 18-06 to annex and establish zoning for 137.9 acres of property generally bound by Fir Road, the Indiana Toll Road, and Douglas Road, and to permit use as a golf course, golf maintenance, and club house/banquet facilities; and a municipal well field and water production facilities.*

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

- 1. Existing Conditions – The subject parcels, which are occupied by the Juday Creek Golf Course, are adjacent to agricultural land approved for commercial, office, and single-family residential use to the east and south; single-family residential lots, the golf course club house, and the toll road to the north; and single-family residential parcels, a church, an assisted living facility, and a convenience store/gas station to the west. A municipal wellfield and water production facilities are proposed within the subject parcel and on the adjacent property to the east. Fir Road and Douglas*

Road are moderately travelled corridors on which traffic volumes are expected to increase due to the significant commercial and residential growth that has occurred in the northeast part of the City.

2. *Character of Buildings in Area – The character of buildings along both the Fir Road and Douglas Road corridors vary greatly and include, but are not limited to, agricultural land, low-density single family residential homes, a convenience store/gas station, a golf course, skilled nursing/long-term care facilities, an assisted living facility, hotels, a hospital/medical offices, and a television/radio broadcast station.*
3. *The most desirable/highest and best use – With the property’s location between an existing single-family residential neighborhood to the north and vacant agricultural land approved for commercial and office use to the south and east, the most desirable use for the property is for its continued use as a golf course, and a planned municipal wellfield and water production facilities.*
4. *Conservation of property values – The proposed zoning will not be injurious to property values in the surrounding area because the property will continue be used as a golf course with little to no change in the present use.*
5. *Comprehensive Plan – The parcel is not located within the boundaries of the City of Mishawaka Comprehensive Plan. However, the existing and proposed land uses are reasonably consistent with the goals, objectives and policies of the Comprehensive Plan.*

**MOTION:** Matt Lentsch moved to forward Petition #18-06 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

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**PETITION #18-07** A petition submitted by the City of Mishawaka requesting to amend the Penn Planned Unit Development to allow for a golf course, golf maintenance, municipal wellfield and water production facilities, and regional recreational facility.

Ken Prince, City Planner, presented the request. He said the area that was purchased is the lower portion of 12 acres acquired specifically for the water production facility. The area north, 40 acres, was purchased for the reconfiguration of the golf course, which is no longer necessary. He said this amends the previously approved PUD to allow for a regional recreational facility. Mr. Prince said there are currently no plans for such a facility, but it is a prime location for this type of a facility. This request adds to the uses previously approved.

Mr. Lentsch asked if this was for future planning. Mr. Prince said if this goes through, we have the property. He said looking at the entire region, this location is prime due to Capital Avenue, it's on the north side of Mishawaka and its amenities. He also said it's a destination and doesn't have to be located along high-dollar roadway as this type of facility doesn't usually make any money. Mr. Prince said the financial benefit to the region is those coming from outside of the region such as travelling sports teams; this is nothing more than a concept.

### **Opposition**

Carrie Fields, 53056 County Kerry Drive, said she's a sports mom whose kids are on traveling teams and she doesn't love the idea of this in her back yard. She said the houses along the back line will be able to see a huge sports complex lit up at night.

Ms. Fields asked what will the City do to ensure their safety if you build the complex or put up a hotel. Mr. Prince said part of the reason they feel they're being respectful and have no intention of putting in a connector road to the subdivision. It will be hundreds of feet of natural buffer of anything being built and it's unreasonable to think no development will occur on the property. He said at some point the property will be developed whether it's an athletic facility or not.

Ms. Fields said she's concerned for their safety and all the people that could walk into their subdivision and there's a safety factor they should talk about. Mr. Prince said we could work with the golf course on a decorative fence. He said the reality is, if someone wants to go there, they will. He said they would have to walk across the driving range to get there. Mr. Prince said he's concerned for safety as well, but it's not a reasonable expectation. He said Veterans Parkway will connect Cleveland to Douglas and will not negatively impact them, but there are no plans yet for building Veterans Parkway all the way.

Julie Pawlak, 53326 County Murray Drive, said she wants to make sure she understands the future road. She said on Cleveland Road there is a single entrance into their neighborhood and it's been a nice thing, very secure. But, she said by putting things around the edges, it's going to add to security concerns for them.

Mr. Prince said no, it's not planned out, and it's premature before development occurred. He said we do have to plan so things happen correctly over time. It doesn't matter where the road goes as the road will be dictated by development and will not follow the property line. He said you have to leave property on either sides of the road to get value for the development.

Ms. Pawlak said as planning for the future, where do you plan to handle stop lights. Mr. Prince said right now, there is not a warrant for a traffic signal.

Ms. Pawlak asked what will be put along Douglas Road. Mr. Prince said there are a wide range of commercial uses along Douglas as part of the original PUD such as nursing home, hotel, medical facilities, etc.

Mr. Winn closed the Public Hearing on Petition #18-07.

### **Staff Recommendation**

*Staff recommends in favor of amending a part of a Planned Unit Development, known as the Penn PUD, to allow for a golf course, golf maintenance, municipal wellfield and water production facilities, and a regional recreational facility on Lot 2 in the proposed Juday Creek Business Park subdivision.*

*This recommendation includes the following amended conditions, with changes from the original approved conditions in italics. Omissions and edits from the original conditions were made when appropriate.*

### **Uses:**

1. *Outside sale display for loose items shall be prohibited.*
2. *Off-premise signs/billboards shall be prohibited.*

### **Internal Road connections:**

1. *Private collector road connections shall be provided through the site and connected to adjacent properties where deemed appropriate. Applicable private road connections shall be dedicated within easements as part of the each subsequent final planned unit development site plan. Actual construction shall occur concurrent with the development of the adjacent property or as directed by the City, whichever comes first. Modifications to the location of the easement /drive may be approved by the Planning Commission as part of any final planned unit development site plan approval. The applicant shall meet with the adjacent property owners to coordinate the exact connection locations between properties. The exact location of these connection points shall be subject to review and approval by the City.*
2. *At a minimum, internal sidewalks shall be provided within the property connecting to the adjacent roadways. This walk shall connect to any sidewalk that may be provided along Veteran's Parkway or any other future adjacent public right-of-way. Installation of sidewalks shall occur as part of adjacent road construction as may be directed by the City.*
3. *Internal access connections shall be provided to all adjacent parcels of land.*

**Stormwater Run-off/Utilities:**

1. *The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering.*
2. *Proposed stormwater retention areas shall specifically include the volumes associated with proposed public and private road improvements.*
3. *All costs associated with the extension of utilities shall be the responsibility of the applicant/developer of the each final planned unit development site plan. Extension of utilities shall occur in a location and size as directed by the City Director of Engineering.*
4. *A master improvement plan shall be provided for all proposed improvements and impacts to the existing floodplain and Juday Creek drainage corridor. This plan shall be submitted to all applicable entities including but not limited to the St. Joseph County Surveyor and the St. Joseph County River Basin Commission. This plan shall be submitted and approved by the City prior to completing any work in the regulatory floodplain, or within 100' of the bank of Juday Creek.*

**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.*
2. *A lighting plan shall be submitted with each subsequent planned unit development plan submission.*
3. *Ornamental fixtures matching the current City standard may be utilized in addition or instead of the lighting noted above.*

**Signage:**

1. *Each outlot/development parcel may be permitted one freestanding sign. These signs shall be limited to 8' in height and contain a display area of no more than 60 square feet. Each shall include a masonry base (to match the architecture of the building) no less than 3' in height. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. All freestanding signs shall be separated from each other by a minimum of 100 lineal feet.*
2. *Temporary banners, flush mounted to a building shall be limited to one per building/use, and shall not exceed 80 square feet. These banners shall also be subject to any future more restrictive regulation that may be passed by the City.*

***Building Limitations/Architecture:***

1. *All building façades visible from the public right-of-way shall be constructed with 50% approved materials as identified within Section 161.41 of the City of Mishawaka Municipal code as amended.*
2. *For all parcels, there shall be a minimum building setback of 75' from all public right-of-way and private collector drives. A minimum side building setback of 10' shall be provided along lot/property lines. A minimum 25' building setback shall be provided from internal non-public access drives. A minimum 25' rear yard building setback shall be provided.*
3. *The maximum building height for any buildings within the development shall be 60'.*

***Parking/Landscaping:***

1. *A minimum pavement setback of 5' in width shall be provided between development parcels. A minimum 25' pavement setback shall be provided along all public and private internal collector roadways. A minimum 10' pavement setback/green area shall be provided from internal non-public access drives and proposed parking/building areas.*
3. *A 3-foot high earth mounding shall be provided along public road right-of-way and internal collector drives. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual development parcel shall comply with the landscape requirements of the C-1 General Commercial zoning district.*
4. *Sidewalks and utilities may be provided within the required 25' green landscaped areas. If sidewalks and utilities are located within the required 25-foot green area, a minimum utility/sidewalk free area of 10 feet in width shall be required for planting.*
5. *Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.*
6. *All loading docks, dumpsters, 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.*

**MOTION:** Matt Lentsch moved to forward Petition #18-07 to the Common Council with a favorable recommendation. Don McCampbell seconded; motion carried with a vote of 7-0.

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**PLAT #18-08** A request has been submitted by City of Mishawaka, Lindy's, Inc., L&B Penn LLC, Paul D. Penn, Trustee, Tracy L. McKenzie, Trustee, and Jennifer R. Batten, Trustee, requesting approval of the four (4) lot Juday Creek Business Park.

Ken Prince, City Planner, presented the request. He said this request is a division of the previous items that were for use and zoning and as part of a plat you normally dedicate easements and right-of-way. He said we created a parkway and have moved it 20' to the west as part of this.

Mr. Prince said there are separate lots; one is the entire golf course so they can lease it back to the golf course; the next is the Penn property purchased for reconfiguring the wellfield; and the next is located to the east and owned by the Penn's and located along Douglas Road and it may be further subdivided in the future. The purpose of this is to define ownership and roadways.

Ms. Elliott, 53398 County Murray, will there be smelting or car part uses. Mr. Prince said no industrial uses or a rail spur and brought up the wide range of commercial uses.

Mr. Winn closed the Public Hearing on Plat #18-08.

**Staff Recommendation**

*The Planning Department recommends approval of the Preliminary and Final Plat for "Juday Creek Business Park" pending minor revisions to the plat. A revised plat must be submitted prior to being recorded. 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 #18-08. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

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**PETITION #18-09** A petition submitted by In Good Company on behalf of Mervin D. Lung Revocable Trust to amend the Bercado Planned Unit Development to allow for a 27 building, 205 unit apartment complex.

Michael Reese, The Troyer Group, 510 Union Street, Mishawaka, appeared on behalf of In Good Company, the developer proposing to acquire the property and amend the PUD. He said the previous PUD was a larger property and this is the northeast 20 acres and it includes 27 buildings for apartments, 2 story buildings, 205 units total.

Mr. Freeman asked if all access points will be from Vistula Road. Mr. Reese said one from Vistula; their main access to the community and there are 2 potential emergency access, one on Vistula and one connecting to the development to the west. He said that George Schafer had said either would be acceptable, but the developer is just requesting one every day entrance and exit.

Mr. Freeman said the emergency access roads will have to be maintained at all times. Mr. Reese said yes, they were aware of that.

### **Opposition**

Elizabeth Barrett, 741 River Pointe Place, said she lives in River Pointe Estates across Vistula. She said Vistula has a lot of traffic especially at rush hour and this will increase that traffic. She asked what kind of improvements will be done to Vistula to accommodate this? Ms. Barrett said students walk along Vistula to several schools in the area and there are no sidewalks and the shoulders are not improved.

Ms. Barrett said adding 400 cars she's concerned the current road will not be able to handle it. She said she would rather see individual homes on the property, but that's not likely to happen. Ms. Barrett also said she hopes the City realizes the road needs to be improved before people move in.

Darlene Salyer, 606 Bay View Drive, also lives across Vistula from the property. She said Mr. Lung did not want this property purchased for apartments; he told her personally, but has since passed away. Ms. Salyer said she is concerned about more apartments and more traffic. She also said Vistula Road does not have sidewalks. They have lived there nearly 20 years and likes living there and asked the Commission would you want apartments across the street from where you live. She said she was told by a realtor that the value of her home would go down and she's concerned and wanted to know if all the property has been purchased for apartments by Bercado.

Mr. Winn said the original PUD has this property shown for apartments. Mr. Prince said the original PUD for this property, approved in 1972, was designated for apartments; a little over 30 acres. The applicant wants to develop 20 acres. The reason for the amendment is due to the age of the PUD and it has not been developed in that manner.

Mr. Prince said the developer has proposed a decel and acceleration lane and will talk to them about sidewalks along Vistula.

Ms. Salyer asked if all the property will be developed as apartments. Mr. Prince said this request is for part.

Ms. Salyer asked down the road, will it all be developed as apartments. Mr. Prince said he doesn't have a crystal ball, but it's reasonable to think more will be developed.

Ms. Salyer asked when will they begin and how long will it take.

Ms. Salyer said they are concerned about more traffic. She said a couple of years ago a policeman knocked on her door as they had several break-ins in their neighborhood and the suspect was someone from Bercado. Ms. Salyer said she's heard they have drug problems. She's concerned about so many apartments and suggested they be villas or a retirement neighborhood.

Ann Kline, 5311 Breezewood Drive, said she wanted to get clarification where the entrance would be. Mr. Prince said it wouldn't line up with River Pointe Estates entrance.

Ms. Kline asked about sidewalks and said several years ago she requested the City put in a sidewalk because there are no curbs or sewers along Vistula. Will they add curbs? She was told they wouldn't put in a sidewalk, but a put in a small paved path and the road has continually had an increase in traffic due to growth in Osceola.

Ms. Kline also said she's concerned because of the break-ins and the burglars have come from the apartments to the west; she said tracks in the snow led from the apartments to the houses that were broken into. Ms. Kline said they have a lot of problems with kids coming from the apartments damaging mailboxes, lights.

Mike Matzke, 5305 Breezewood Drive, said he agrees with the statements that have been made about traffic being their primary concern. He said Vistula Road is 30 miles per hour, but is not treated as such. He asked if this 20 acre addition closes out the 30 acres and do we need more apartments in the area? He said these are some of his questions and he's not sure how they go to this plan.

Patrick Sherman, 5220 Breezewood Drive, said he isn't opposed to the development in general, but concerned about place-making and making sure what the other people have said about traffic on Vistula and hopes it will drive the City to look at the street and how people move through there.

Mr. Sherman said he anticipates the rest of the development and everything that is being done, additional lighting, sidewalks, and making sure we do what we can so there's an attractive development and wants planning to happen in a good way. He said there are lots of wonderful things in this area and wants to concentrate on our sense of place.

Jonathan Barra, 629 Bayview Drive, said he's here for more information for the group. He asked what type of apartments would they be, what market is being targeted and questions the general need for the development. Is there a real need for this type of development and what are the occupancy rates for things that are comparable?

Mr. Barra said he didn't want to beat a dead horse, but he's concerned about road safety and asks the City to assess Vistula and make necessary improvements.

Mike Salyer, 606 Bayview Drive, said to use an argument that the property was zoned for apartments 45 years ago is invalid. There should be something else done besides saying these are the units that are going in because 45 years ago it was zoned for apartments. Is that logical? Mr. Salyer said he knows full well that things can be zoned differently.

Mr. Salyer said his wife was involved in the expansion of a paved path, but to say you will put an apartment complex in and not take into consideration sidewalks, lighting, and want the residents to sit back and say "have at it." He said they are helpless as you are going to do what you are going to do and we are depending on you to protect us.

Mr. Salyer asked what price point would the apartments be. He said the existing apartments are not exactly luxury apartments. Will they be upper scale, similar to what's there now, Section 8? He said these are questions they have for their property values and their safety. Eventually, he said, their nice subdivision may be surrounded by apartments down to the church.

Daniel Barrett, 741 River Pointe Place, said people have talked about property values and tax base and said much of Mishawaka's development seems to be apartments. He said this is a homeowner neighborhood with few rentals. Mr. Barrett said some of the homes are \$500,000 homes and said what you are doing is isolating this neighborhood and leaving them at the mercy of the development. He asked the Commission to think about the homeownership in this neighborhood and give consideration to the size and quality of what goes in there.

## **Rebuttal**

Michael Reese thanked everyone for their comments and questions. He said he works for The Troyer Group working with the developer and doesn't know the price point for the apartments. He also said the developer is doing due diligence and feels this area warrants the apartments.

Mr. Reese said another architectural firm has put together floor plans and building elevations. He said there are three different building types and will look similar. Mr. Reese said they will be market-rate apartments, mid to upper level looking at the type of construction they are doing and the market they are trying to attract. They are not looking to build more of the same to the west.

Mr. Reese said as far as Vistula Road is concerned, they are showing some improvement with a decel lane and passing blister that will be detailed a lot further working with City Engineering and that part of the design has not yet been established.

Mr. Reese said he isn't sure of the developer's schedule. He feels they want to begin as soon as possible, but still have a lot of engineering work to do; perhaps next year.

Mr. Reese said the development is being planned in two phases. Phase 1 will be the north side of development with community center and phase 2 being south side.

Mr. Troiola said with the price points you mentioned, is it safe to assume it isn't Section 8? Mr. Reese said correct.

Mr. Lentsch said it was mentioned the developer had done a market study to determine need. Mr. Reese said this is a private developer and they have several other communities in Northern Indiana; one in Chesterton which is a higher end development. You can look on their website to see what type they do.

Mr. Lentsch said it's a developer taking on the risk. Mr. Reese said yes, they are putting up the money to purchase the property, building the complex and putting in improvements.

Mr. Winn closed the Public Hearing on Petition #18-09.

Mr. Troiola asked when there is a development that occurs and we know there's going to be an increase in traffic, does the City do any additional traffic studies. Mr. Prince said the City Engineering department reviews to make sure it doesn't impact the current situation. He said a number of things should be looked at based on tonight's comments; lighting, sidewalks. Mr. Prince said he can't guarantee all will be done, but right now they are asking for conceptual approval and a lot of details aren't worked out.

Mr. McCampbell said conditions include road improvements and sidewalks. Mr. Prince said it goes back to his point, if they show a sidewalk, it needs to be in the public right-of-way. We can't ask the developer to do wholesale improvements to the entire road, but we bear a certain responsibility as well.

## **Staff Recommendation**

*Staff recommends **approval** of Petition 18-09 to amend a part the Bercado PUD to allow for the construction of a 205 unit multi-family residential apartment complex subject to the following conditions:*

**Uses:**

- 1. *Permitted uses shall be limited to a 205 unit multi-family residential apartment complex and other accessory uses including but not limited to a club house, playground, dog park, and detached parking garages.*

**Utilities:**

- 1. *The developer shall connect to the City of Mishawaka sanitary sewer, water, and electric as directed by applicable codes, the City Director of Engineering, the Manager of the Water Division, and the Manager of the Electric Division. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.*
- 2. *The extension of all other utilities to and throughout the site shall be applicant/developer's cost and expense.*

**Stormwater Management Infrastructure:**

- 1. *The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.*

**Landscaping:**

- 1. *Landscaping/screening shall be provided as required by the standards of the C-1 General Commercial Zoning District. No landscaping shall be required where existing mature vegetation is preserved, provided the area is a minimum of 25' in width.*

**Signage:**

- 1. *One monument sign not exceeding 8' in height and 60 square feet in area shall be permitted for the site*

**Road Improvements/Right-of-Way Dedication:**

- 1. *Road improvements along Vistula Road shall be installed as determined by the Department of Engineering.*
- 2. *Additional right-of-way and/or easements may be required along Vistula Road as determined by review of the City Director of Engineering and City Planner. If required, the right-of-way and/or easements shall be dedicated as a part the subdivision plat.*

**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. The current City Ornamental street light standard may also be substituted by the developer in lieu of the cut-off fixture requirement noted above.*

**Parking:**

- 1. *Total number of parking spaces required shall be a minimum of 1.5 spaces per unit.*

**Architectural Requirements:**

1. *Building materials and colors shall comply with the C-1 General Commercial Zoning District*

**Pedestrian Access/Circulation**

1. *A sidewalk shall be installed along the south side of Vistula Road within the dedicated right-of-way and along the entire property frontage.*

**Other:**

1. *All other developmental standards not identified shall comply with the R-3 Multiple-Family Residential standards.*

**MOTION:** Matt Lentsch moved to forward Petition #18-09 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 6-1 (*White-Gadacz*).

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**RESOLUTION #18-01** A Resolution Amending the City Municipal Riverfront District

Ken Prince, City Planner, said this goes back to 2004 when the City created a Municipal Riverfront District which allowed for liquor licenses for restaurants. He said Mishawaka is a regional hub for restaurants that serve alcohol and that has driven up the price of liquor licenses. Mr. Prince said the going rate for a 3-way license is \$250,000 and prohibitive for opening businesses. He said there is a state law to create a special district that goes only to them.

Mr. Prince said in 2004 we established that district for the downtown area and we get asked if we can amend that. He said by law, we are bound by a 1500 ft buffer from water sources. Mr. Prince said he put forth this resolution to the Redevelopment Commission. It is consistent with the growth and development of the City and is consistent with the Comprehensive Plan.

Mr. Prince said this has nothing to do with the promotion of alcohol, but development of restaurants where the property exists. All this does is for the area to apply for a license that is much cheaper and can open an establishment. Mr. Prince said when you see restaurants going in on Main Street, such as Cheddars, it prohibits mom and pop places from doing so.

Mr. Freeman thanked staff for their due diligence and thinks it will be a good thing for those who don't have corporate dollars.

**In Favor**

Pat Perri, president of DiLoreto Club, 914 Division Street, thanked the Commission for the opportunity to speak on behalf of this proposal.

Mr. Perri said the last four years have seen a change in leadership and they want to be a good member of the community. He said they have established a scholarship committee and they donate to local organizations. Mr. Perri said they want to be involved in the community and try and grow the club.

Mr. Perri said the club has been in business since 1942 and this opportunity will help build business and improve income by offering more food.

Ms. Gadacz asked Mr. Perri if they had a 2-way license now. Mr. Perri said yes and they have been non-smoking since June of last year.

Mr. Lentsch said with this change, will you be an applicant for a 3-way license. Mr. Perri said according to the ATC, their rental hall will also be included as well as the club.

Joe Trimboli, 1816 Larkspur, said it was a pleasure to speak to reinforce what Mr. Perri has shared. He said they started in 1933 during the depression and a member of the Italian community passed away and was going to be buried in a pauper's grave. He said his father and others got together and said they couldn't allow that to happen. And we have a responsibility to be good citizens of the community.

Mr. Trimboli said they started a non-profit organization, named after a church in Plati, Calabria. In the 1960's the club had over 1,000 members and it dwindled, and for reasons beyond him, they limited their membership. Less than 10 years ago, they only had 2 dozen "A" members. Mr. Trimboli said Mr. Perri got involved and hate to see where members of the Italian community would go for social activities, dwindle and activities stop.

Mr. Trimboli said when service clubs are falling by the wayside, they have been able to ake a handful of members and have raised their "A" membership to over 90, and "B" memberships to over 300. He said they have a vibrant calendar and are starting to pump life into the club. He said five years ago there was a problem with the funding, they sold their license. They are in favor of this as it will help other viable business to get licenses and revitalize this part of Mishawaka.

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

**MOTION:** Dale Freeman moved to approve Resolution #18-01. Nick Troiola seconded; motion carried with a vote of 7-0.

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**DESIGN REVIEW:**

**DR #18-01**

A request submitted by Rose Quest Nutrition Centre requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-171 Signage Form to permit an electronic message center at 410 Lincolnway East, Mishawaka, Indiana.

Steve Tucker, US Signcrafters, 216 Lincolnway East, Osceola, appeared on behalf of Rose Quest. He said the new sign will not be increasing sign area and will be put in the same location; just decreasing the static part of the sign face. He said the sign will be similar to the one installed at First United Methodist Church.

Mr. Tucker said the existing sign has become tired and the new sign will have an eight-second transition and will not flash.

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

**Staff Recommendation**

*The Plan Staff recommends approval of Design Review Waiver #18-01 for Rose Quest Nutrition Centre to install a new sign including an electronic message center as submitted.*

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**ADJOURNMENT:** 8:37 p.m.

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

Kari Myers /s/  
Kari Myers, Administrative Planner