

OCTOBER 9, 2018

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, October 9, 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, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Dale "Woody" Emmons. In addition to members of the public, the following were also in attendance: Ken Prince, David Bent, Derek Spier, Christa Hill, and Kari Myers.

Mr. Winn explained the Rules of Procedure.

The Minutes of the September 11, 2018, meeting, were approved as distributed.

Mr. Tordi declared a Conflict of Interest on Petition #18-21. No other Conflicts of Interest were declared.

PETITION #18-21 A petition submitted by Garatoni Holdings LP V requesting to rezone **4405 and 4415 Grape Road** from C-1 General Commercial District to C-4 Automobile Oriented Commercial District. *Continued from the September 11, 2018, meeting.*

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, appeared on behalf of the Petitioners along with John Wyant contingent purchaser of the property. He said they were looking to finish what they started on August 14 and they appreciate the opportunity to be back. Mr. McMorrow said they prepared renderings and exhibits and shared with Tanglewood Trace last week.

Mr. McMorrow presented the renderings they shared with Tanglewood Trace which shows a depiction of the car wash and the drive along the back and how it sits in relation to Tanglewood. He emphasized the property is 3.3 acres, but they will only develop about 1.5 acres and all of the wooded area associated with Juday Creek and retention will remain as it is today. Mr. McMorrow said the only development they are proposing is within the lawn area. He also showed photos with the facility superimposed on them to give the Commission and idea of how the facility will look on the site.

Mr. McMorrow said another change he wanted to point out was the covered vac stations showed on the renderings will not be part of this facility. There will be vac stations and all the motorized equipment will be contained within the building.

Mr. McMorrow said some other things they learned in their meeting with Tanglewood Trace was the misconception of the development by the neighbors and perhaps some Commission members. All the wooded vegetation would remain. He also said the living unit where some of the photos were taken will be converted to clinical space.

Mr. McMorrow said another thing they wanted to emphasize is the fact that all equipment will be housed inside. He said doors open and closes on the exit side of the car wash and they are committed to delivering no more noise than ambient conditions today. He said Mr. Wyant stood near Drive and Shine on Main Street and he was unable to perceive the sound of the blowers that are contained within the car wash and that's the state-of-the-art facility they are committed to providing.

Mr. McMorrow pointed out that the City zoned the property to C-1 with the facility next door. He said when Gates was converted to Buffalo Wild Wings and he asks the Commission to consider this an opportunity when considering the 100+ uses that C-1 permits. This facility is a known entity; someone who delivers high quality service to customers. Mr. McMorrow said the building isn't as tall as allowed in C-1 as it is only 23' tall and they are proposing the building to be 75' to 80' away from Tanglewood Trace property, much farther than 5' by ordinance.

Mr. McMorrow read a Letter of Support from Stauffer Investments (owner of Buffalo Wild Wings).

Mr. Lentsch asked how much of the property is being developed? Mr. McMorrow said 1.4 of 3.3 acres with the rest being drainage.

Mr. Lentsch asked if the wood provide a buffer. Mr. McMorrow said the woods are located to the north and will remain as is. It doesn't provide a buffer between the two properties, but does provide a buffer between Tanglewood and other commercial properties on Grape Road.

Mr. Lentsch asked how far the buffer is from the units. Mr. McMorrow said about 90 or so feet from the unit to where vegetation starts. He said they will have fencing on their property and landscaping between the fencing and Tanglewood.

Mr. Lentsch asked if he owned the land. Mr. Wyant said yes.

Mr. Lentsch asked what has changed significantly since your meeting with Tanglewood. Mr. McMorrow said probably perception. He said they did provide the rendered versions of what they proposed at their meeting and they may have had misconceptions about the placement of the car wash.

Mr. Winn closed the Public Hearing on Petition #18-21.

Mr. Lentsch said he thinks about 98% of the time they heed staff recommendations and he thinks it's appropriate in this case that we suggest we take a look at the uses along Grape Road and this is one of those cases where the property hasn't been developed for a lot of reasons. He thinks it's a reasonable development and you can argue if the use will be the best. Mr. Lentsch said for this site, he understands many uses have looked at and haven't been able to be done. From his perspective this is possibly the best use and doesn't think the property values will be impacted in a negative way.

Staff Recommendation

Staff recommends Petition 18-21 to rezone an approximate 3.3 acre lot at the northwest corner of Grape Road and Tanglewood Lane (4405 & 4415 Grape Road) from C-1 General Commercial to C-4 Automobile Oriented Commercial for a proposed carwash facility be forwarded to the Common Council with an **favorable** recommendation. This recommendation is based on the following findings of fact:

1. *Existing Conditions – The subject property consists of a vacant parcel of land with a large retention basin and wooded area, and is located along Grape Road, a highly travelled commercial corridor providing major north-south access through the City. Adjacent land uses include a multi-tenant commercial shopping center across Grape Road to the east, a restaurant to the south, and an assisted living facility to the west.*
2. *Character of Buildings – The character of the buildings in the area are predominantly multi-family residential and commercial.*
3. *The most desirable/highest and best use – Because of the parcel’s location adjacent to an existing assisted living facility, it is the Staff’s opinion that the most desirable use of the property is a less intensive commercial use such as those currently permitted in the C-1 General Commercial District. However, the Plan Commission stated that the highest and best use was the proposed car wash facility due to the existing commercial uses along the Grape Road corridor, lack of development within the northern part of the site that will provide a natural buffer between the assisted living facility and Grape Road, and the provisions for additional fencing and landscaping between the site and the assisted living facility.*
4. *Conservation of property values – It is the Staff’s opinion that the proposed rezoning may be injurious to property values in the area. However, due to the above stated reasons, the Plan Commission believes that the adjacent property values will not be negatively impacted.*
5. *Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. With the proposed fencing, landscaping, and lack of development within the northern part of the site, the proposed use is consistent with the general policies of encouraging compatible adjacent land uses.*

MOTION: Matt Lentsch moved to forward Petition #18-21 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 6-1 (Tordi abstained).

PETITION #18-24 A petition submitted by Heather Coleman requesting to rezone **2051 East LaSalle Avenue** from I-2 Heavy Industrial District to R-1 Single Family Residential District.

Angela Whitfield, 55681 Elder Road, Mishawaka, said she was here on behalf of her daughter, Heather Coleman. Ms. Whitfield said her daughter has moved to Evansville and wants to sell her house. She said during the process she found it was zoned industrial and buyers can’t get a mortgage.

Mr. Winn closed the Public Hearing on Petition #18-24.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 18-24 to rezone 2051 E. LaSalle Avenue from I-2 Heavy Industrial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

1. *There are industrial uses south of the property, but the neighborhood surrounding the property to the north, west, and east are used as single family dwellings, and its historic use as a single family dwelling would be compatible to the area;*
2. *Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development as an industrial project, staff feels that the most desirable use for this property is its historical single-family use;*
3. *Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;*
4. *As opposed to the range of potential industrial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,*
5. *The City's Comprehensive Plan calls for industrial use, however, its historic use as a single family home is compatible and consistent with the historic residential uses in the area.*

MOTION: Don McCampbell moved to forward Petition #18-24 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 8-0.

PETITION #18-25 A petition submitted by Jack and Amanda Dorman requesting to rezone **418 East Mishawaka Avenue** from C-1 General Commercial District to R-1 Single Family Residential District.

Jack and Amanda Dorman, 418 E. Mishawaka Avenue, said they tried to sell their home and found it was zoned C-1 General Commercial and need it rezoned to R-1 to sell.

Mr. Lentsch asked if they planned on living there. Mr. Dorman said yes. FHA won't lend the money without the proper zoning.

Mr. Winn closed the Public Hearing on Petition #18-25.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 18-25 to rezone 418 E. Mishawaka Avenue from C-1 General Commercial District to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

1. *There are commercial uses east of the property, but the neighborhood surrounding the property is primarily residential in nature, and its historic use as a single family dwelling would be compatible to the area;*
2. *Use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, and the potential of development*

as a commercial project, staff feels that the most desirable use for this property is its historical single-family use;

3. *Because the parcel is located in an area of residential uses, the rezoning to R-1 Single-Family Residential is a desirable use for this property;*
4. *As opposed to the range of potential commercial development that could occur with its current zoning, rezoning this property to the R-1 Single-family Residential classification will have a favorable and stabilizing impact on the neighborhood, conserving property values in the immediate and surrounding residential neighborhood; and,*
5. *The City's Comprehensive Plan calls for residential and its historic use as a single family home is compatible and consistent with the historic residential uses in the area.*

MOTION: Kathleen White-Gadacz moved to forward Petition #18-25 to the Common Council with a favorable recommendation. Chris Tordi seconded; motion carried with a vote of 8-0.

PLAT #18-26 A request submitted by Meijer Stores Limited Partnership requesting approval of the two (2) lot UFCU Bremen Highway & Meijer Drive Minor Subdivision.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Meijer and United Federal Credit Union. He said the property in question is 4.96 acres with the bypass to the south. Mr. McMorrow said United Federal Credit Union has a contract to purchase and develop 1.3 acres of that total parcel and want to be at the corner and the remainder will be retained by Meijer.

Mr. McMorrow said there is no access along Bremen Highway and no access to the bypass. He also said they will take care of the miscellaneous "housekeeping" items.

Mr. Winn closed the Public Hearing on Plat #18-26.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for "UFCU Bremen Highway & Meijer Drive Minor Subdivision" pending submittal of a revised and executed 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: Don McCampbell moved to approve Plat #18-26. Nick Troiola seconded; motion carried with a vote of 8-0.

PETITION #18-27 A petition submitted by Foundation for the Center for Hospice and Palliative Care, Inc., and Robert L. and Patricia Kay requesting to vacate right-of-way within the City of Mishawaka.

Chris Chockley, Jones Petrie Rafinski, 325 S. Lafayette Blvd., South Bend, appeared on behalf of Center for Hospice. He said this is the completion of the last major component to complete the campus. Mr. Chockley said they are proposing a parking lot at the corner of

Pine and Madison Streets and the reason for this is to provide a parking lot and safe pedestrian traffic to and from the Rachlin Building. Mr. Chockley said Hospice will construct a 39 car parking lot within those 3 lots. He also said they plan to vacate a portion of Pine and Madison. Mr. Chockley said The Goellers do have an address on Pine Street and needed to maintain that address.

Mr. Freeman asked if access will still be provided to the Riverwalk; will it be through the alley? Mr. Prince said construction contract has been awarded and will extend to Cedar Street.

Opposition

Erica Campbell, 301 Edgewater Drive, said Madison Street is really the only parking she and her kids have as she can park one car in front of her house and Edgewater is parking on one side of the street only. She said she came to City Hall and they suggested she put in a parking pad in her back yard, but Electric said she can't remove a pole in her back yard. She said that area is also used by neighbor kids.

Mr. Lentsch asked what other alternatives are there for parking. Ms. Campbell said nothing unless they open parking on both sides of Edgewater or Cedar. She could put a one-car pad in her back yard.

Ken McCleery, 309 N. Cedar Street, lives next door to the guest house that Hospice owns. He said they have a shared driveway with the neighbor to the north and two residences use the same driveway. He said sometimes they have to park on Madison Street and want to make sure Madison isn't closed off to them down the line.

Mr. McCleery said they seem to find out things after they have been approved. He said if Madison were made into a one-way street out onto Cedar with the additional restriping of parking on Madison to angle on the right that would leave 10 spaces, but he doesn't want to be restricted to parking there only after-hours. Mr. McCleery said they have no other place to park and he doesn't want Madison blocked off.

Mr. Lentsch asked Ken what is the use for Madison in the future. Mr. Prince said it sounds like it could be made public right-of-way that would keep 6 parking spaces available.

Mr. Lentsch asked if it would become one way. Mr. Prince said yes, it pushes all traffic up towards Comfort Place.

Rebuttal

Mr. Chockley said he knows there are parking concerns and will take back to Hospice and doesn't think it would be an issue. He also said he knows there is a concern about leaving spaces on Madison for the public. Mr. Chockley said the palliative is one-way off Cedar and he'll take a look at how circulation patterns will work and how public circulation will work.

Mr. Lentsch asked what does "take a look at" mean. Mr. Chockley said he will take these comments back to Hospice as Mike Wargo wasn't able to attend this evening. He said they are limited to parking spaces on campus and whether there is dedicated resident parking on those spaces. This plan shows vacating half of Madison.

Mr. Tordi asked if he thinks there isn't enough parking in general with those 6 spaces that you don't have enough on campus. Mr. Chockley said he knows when they originally designed the first building in 2011 and were concerned about 95 parking spaces. There is opportunity and discussion about overflow parking or during events. He said there are

agreements, past discussions about parking. On a daily basis parking is adequate, but potential for expansion for overflow for large events.

Ms. White-Gadacz asked what needs to be done to protect the homeowners. Mr. Prince said he would suggest recommending approval as requested with the exception to maintain right-of-way for parking spaces. He said that should protect the interest of the neighbors. The other option would be to continue the item until next month, but he prefers to modify and push to Council.

Mr. Tordi asked Mr. Prince to explain the flow of traffic on Edgewater. Mr. Prince said you can only park on the north side of the right-of-way along Edgewater, but you can park in front of the houses.

Ms. Campbell (from earlier) asked if you vacate the street how does that protect them. Mr. Prince explained that part could remain public right-of-way. He also said we don't maintain alleys like public right-of-way which is another reason Hospice needs to review it.

Mr. Winn closed the Public Hearing on Petition #18-27.

Staff Recommendation

Staff recommends in favor of Petition 18-27 to vacate portions of N. Pine Street and Madison Street, and a 14' wide east-west alley lying east of Pine Street between Madison Street and Comfort Place. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow a new parking lot, access drives, and sidewalks to be constructed for the adjacent Center for Hospice campus.*
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. An ingress/egress easement shall be established and recorded to provide legal access to an existing garage located to the north of the vacated alley.*
- 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: Kathleen White-Gadacz moved to forward Petition #18-27 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 8-0.

PETITION #18-28 A petition submitted by Foundation for the Center for Hospice and Palliative Care, Inc. and City of Mishawaka Department of Redevelopment seeking to rezone **209 North Cedar Street and 602, 608, and 612 Madison Street** from R-1 Single Family Residential District to C-3 City Center Commercial District.

Chris Chockley, Jones Petrie Rafinski, 325 Lafayette Blvd., South Bend, said the Center for Hospice and Palliative Care has purchased the three properties north of Madison Street and the R-1 zoning doesn't allow for parking lot development. He said they are asking to rezone the properties to C-3 like the rest of the campus to allow for parking lot.

Mr. Winn closed the Public Hearing on Petition #18-28.

Mr. Tordi asked how the Riverwalk will be changed. Mr. Prince said the long-term plan for the Riverwalk is for the extension to go all the way to Cedar Street where a house has been torn down.

Staff Recommendation

*Staff recommends in **favor** of Petition 18-28 to rezone multiple parcels at 602, 608, and 612 Madison Street, and 209 N. Cedar Street from R-1 Single-Family Residential to C-3 City Center Commercial to allow for the construction of a parking lot and extension of the Mishawaka Riverwalk. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions – The subject properties, located at the northeast corner of Madison Street and N. Pine Street and at the northwest corner of N. Cedar Street and the St. Joseph River, are primarily vacant parcels previously used for residential purposes. One dwelling, currently used as construction office, and several accessory structures remain on the Madison Street parcels. Adjacent land uses include the Center for Hospice campus to the west and south, in which a staff building and inpatient care facility are currently under construction, and single-family residential uses to north and east.*
- 2. Character of Buildings – The adjacent properties include a combination of one and two-story office, residential care, and single-family residential structures.*
- 3. The most desirable/highest and best use – Due to the parcels location adjacent to the existing Center for Hospice campus, single-family residential uses, and the Mishawaka Riverwalk, the most desirable use of the property is a continuation of these adjacent uses.*
- 4. Conservation of property values – The rezoning should not be injurious to property values in the area. The proposed parking lot and public recreational uses are compatible with the adjacent existing uses.*
- 5. Comprehensive Plan - The 2000 Mishawaka Comprehensive Plan, created in 1990, designated the property as Low Density Residential and Open Space. The proposed rezoning is consistent with the Comprehensive Plan in that the proposed uses are low intensity uses that do not conflict with the goals and objectives of the plan.*

MOTION: Kathleen White-Gadacz moved to forward Petition #18-28 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 8-0.

REPLAT #18-29 A request submitted by Foundation for the Center for Hospice and Palliative Care, Inc., seeking approval of the two (2) lot Center for Hospice Subdivision Second Replat.

Jeff Barnes, Jones Petrie Rafinski, 325 Lafayette Blvd., South Bend, appeared on behalf of Center for Hospice. He said the reason for the second replat is to clean up some items left off from the last replat and to modify boundary lines to address the curvature of the pathway at the southeast corner. He also said the replat addresses configuration changes, streets and alleys that are proposed to be vacated.

Mr. Lentsch asked if the previous rezoning petition will affect this. Mr. Barnes said yes, they originally had shown the boundary line going out to half of Madison Street and included Pine Street. He said if they need to modify that section of Madison Street, they'll have to address that as well.

Mr. Prince said we normally hold the plat for recording until the final action on the vacation. He said pending your recommendation, that's what we would do.

Mr. Winn closed the Public Hearing on Replat #18-29.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for the "Center for Hospice Subdivision Second Replat" 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 replat meets all of the requirements of Section 133-107 (Preliminary Replat) and Section 133-110 (Final Replat) of the City of Mishawaka Subdivision Control Ordinance.*

MOTION: Don McCampbell moved to approve Replat #18-29. Nick Troiola seconded; motion carried with a vote of 8-0.

SITE PLANS:

SP #18-G

A request submitted by United Federal Credit Union seeking approval for 2,595 sqft credit union branch to be located at Bremen Highway and Meijer Drive.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of United Federal Credit Union. He said as indicated earlier, they are proposing to develop 1.3 acres of land at the southeast corner of Bremen Highway and Meijer Drive and it will be the third branch in the city.

Mr. McMorrow said the architecture, design, and building materials will be the same as the location in Toscana Park. Also as indicated earlier, there will be no access to Bremen Highway and the proposed driveway is directly across from the Meijer gas station and they will provide an access easement to the remainder of the parcel.

Mr. McMorrow said parking setbacks will be the same as honored by McDonald's; 50' setback from Bremen Highway, and will provide 26 parking spaces which is in excess of what is required. He said due to not being able to provide shade trees along Meijer Drive, they will need to file a variance.

Staff Recommendation

*Provided revised plans are submitted addressing the Planning and Engineering Department review comments, Staff recommends that the final site plan for the proposed 2,595 sq. ft. United Federal Credit Union with a potential future 740 sq. ft. addition be **approved**. This*

recommendation is based upon the site plan meeting all the requirements of Section 137-35 regarding Final Site Plan Approval.

MOTION: Matt Lentsch moved to approve Site Plan #18-G. Nick Troiola seconded; motion carried with a vote of 8-0.

SP #18-H A request submitted by Beacon Health System seeking approval for a 26,125 sqft office building at Beacon Parkway and Capital Avenue.

William Coleman, Panzica Building Corporation, 416 E. Monroe Street, South Bend, appeared on behalf of Beacon Health System. He said this office building will be the new corporate offices and will be south of the health and fitness facility and house numerous administrative functions which are currently spread out over South Bend, Mishawaka, and Elkhart County. Mr. Coleman said the building will be a two-story, 60,000 sqft structure with a partial lower level. He said they anticipate having meeting rooms in the lower level.

Mr. Coleman said the exterior building materials will be brick, stone, and aluminum glazing glass and very similar in appearance to the hospital project across Beacon. He said one distinction will be this building will have real brick as opposed to the health building using pre-cast concrete. Mr. Coleman said the entrance will be two-story and meeting space has a walk-out feature on the east side of the building.

Mr. Tordi said the Planning Department offered several edits. Mr. Coleman said they have submitted a revised drawing and have no problem with what was requested. Mr. Prince said there is an outstanding issue with abutter line and may need permanent easement and construction of a water line and in about 4 years it will be corrected naturally with the new wellfield. Mr. Coleman said they have already taken steps to address those issues.

Mr. Lentsch asked if the Commission needed to make the approval conditional. Mr. Prince said they always take approvals as conditional and we have to make sure all items are taken care of before permits are issued.

Staff Recommendation

*Provided revised plans are submitted addressing all review comments, Staff recommends that the final site plan for the proposed 61,070 gross sq. ft. office building 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-H. Nick Troiola seconded; motion carried with a vote of 8-0.

ADJOURNMENT: 8:05 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner