

MAY 14, 2019

**PLAN COMMISSION
CITY OF MISHAWAKA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, May 14, 2019, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Chris Jamrose, Murray Winn, Dale "Woody" Emmons, Chris Niedbalski, Matt Lentsch, Nick Troiola, Dale Freeman, and Kathleen White-Gadacz. Absent: Chris Tordi. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, and Kari Myers.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the April 9, 2019, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #19-04 A petition submitted by KISO INC. requesting to rezone **1211 West Sixth Street** from C-1 General Commercial District to R-2 Two-Family Residential District. *Continued from the April 9, 2019, meeting.*

Ruth Sila, 10994 Fairview Avenue, Osceola, said she is requesting to rezone the former Jerry's Pub from commercial to R-2. She said the front portion of the pub will be a single unit and the back is already a two-bedroom unit.

Ms. Sila apologized for not attending the April hearing as she didn't know she had to attend.

Mr. Emmons asked if she would be living there. Ms. Sila said no, it will be a rental.

Mr. Emmons asked if the rear unit was already rented. Ms. Sila said no, as it was her understanding it couldn't be rented until the rezoning was complete.

Mr. Emmons asked if construction was underway. Ms. Sila said she has started, but has been slow-going.

Mr. Lentsch closed the Public Hearing on Petition #19-04.

Staff Recommendation

*The Planning Department recommends **approval** of Petition 19-04 to rezone 1211 W. Sixth Street from C-1 General Commercial District to R-2 Two-Family Residential District. This recommendation is based upon the following findings of fact:*

1. *There are few commercial uses near the property, and the surrounding neighborhood is residential in nature and maintaining its historic use as a residential property 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 a two-family use;*
3. *Because the parcel is located in an area of residential uses, the rezoning to R-2 Two-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-2 Two-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 low density residential and its potential use as a residential property is compatible and consistent with the historic residential uses in the area.*

MOTION: Murray Winn moved to forward Petition #19-04 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 8-0.

PLAT #19-01 A request submitted by Cressy Land Investment, LLC, seeking approval of the one (1) lot JSK Mishawaka Subdivision. *Petitioner has requested the item be continued.*

The Petitioner has requested the item be continued to the June 11, 2019, public hearing. The Commission unanimously approved the request.

REPLAT #19-03 A petition submitted by Willie & Denise Graham, Jr & Jubilee Blds & Remodeling, Inc. seeking approval of the one (1) lot Highland Village P.U.D. 9th Replat.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioners. He said they have a home on the northerly portion of the property and purchased the parcel to the south and want to put up a shed on that portion. Mr. Lang said they found it would take more than just applying for a building permit because it is on a separate parcel.

Mr. Lentsch closed the Public Hearing on Replat #19-03.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for Highland Village P.U.D. 9th Replat pending revisions to the plat. A revised and executed plat must be submitted prior to being recorded. 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) of the City of Mishawaka Subdivision Control Ordinance.*

MOTION: Nick Troiola moved to approve Replat #19-03. Dale Freeman seconded; motion carried with a vote of 8-0.

PETITION #19-06 A petition submitted by John Coussens and Cressy Land Investment LLC requesting to amend the Coussens-Golden Corral PUD for addition of property for parking and stormwater management for proposed multi-family housing development.

Mike Huber, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioners and said the developer, Saxon, was also in attendance. He said they are proposing a multi-family property and they previously amended the PUD and since then the parcel to the south that fronts Edison Lakes Parkway has come under contract and will add to the PUD. Mr. Huber said the property will be used to manage parking and stormwater management. He said as it sits, if not buying or adding, it would be a small property that wouldn't be usable due to being in the floodplain. Mr. Huber said fountains will be added as an amenity.

Mr. Lentsch closed the Public Hearing on Petition #19-06.

Staff Recommendation

Uses:

1. *Permitted uses for all property in the original PUD (Ordinance 5348) and expanded 1.5 acre area included in this amendment shall be limited to those uses identified in the C-1 (General Commercial) and C-2 (Shopping Center Commercial) zoning districts based on City of Mishawaka Zoning classification defined and in effect on the date of approval by the Mishawaka Common Council.*
2. *Permitted uses on the south 10 acres of the original PUD and expanded 1.5 acre area included in this amendment shall be expanded to include R-3 Multifamily Residential uses.*
3. *Permitted uses on the area adjacent to the Edison Lakes Parkway including all or a portion of Lot 1 of Portillo's Main Street Minor Subdivision shall be limited to those uses identified in the C-1 (General Commercial) zoning district.*
4. *Outside sale display for loose items shall be prohibited unless specifically approved by the Planning Commission as part of a final planned unit development site plan submission.*
5. *Off-premise signs/billboards shall be prohibited.*

Traffic Impact:

1. *Phasing of improvements, including the proposed internal collector drive (proposed street) shall be as determined by the City Director of Engineering.*
2. *The number and or type of curb cuts on any City Street and the internal access drive/street shall be as determined appropriate by the City Director of Engineering. Improvements shall take place consistent with an approved master plan as required herein.*

Internal Road/Sidewalk connections:

1. *Private vehicular connections between this property and adjacent properties shall be required, the location and number of connections required shall be determined as part of future planned unit development site plan submissions. 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. *A minimum of two access points are required for the proposed multifamily residential apartment complex.*
3. *Sidewalks connecting the apartments and the hospital sites shall be constructed by the developer. A pedestrian access/sidewalk plan shall be submitted and approved by the City Director of Engineering.*

Stormwater Run-off/Utilities/Infrastructure:

1. *The applicant/developer shall prepare a master plan to identify and provide for appropriate access and utility extensions. All improvements shall be subject to the review and approval of the City Director of Engineering.*
2. *The type of stormwater facilities proposed on the site shall be limited/restricted as directed by the City Director of Engineering. The 75' Drainage Easement on the east side of the property shall remain vegetated. Any proposed encroachment into this easement shall require compensatory improvements to the vegetation and or ditch as may be directed by the City Director of Engineering, subject to the review and approval of the St. Joseph County Drainage Board.*
3. *All costs associated with the extension of utilities, road improvements, or other infrastructure shall be the responsibility of the applicant/developer. Extension of utilities shall occur in a location and size as directed 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.*
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. *Standard Mishawaka On-Premise Sign Standards shall be varied to allow for a hierarchy of signage (given the large site) and to otherwise further the intent of this chapter as follows. No more than three freestanding site signs shall be located along Douglas Road, regardless of the number of lots proposed. All freestanding signs shall otherwise be designed as per the applicable City requirements:*
 - a. *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 150 lineal feet.*
 - b. *One multi-tenant sign shall be permitted along Douglas Road (separate from the two outlots shown with Douglas Road Frontage). This sign shall be exclusively for properties that do not have a freestanding sign on Douglas Road. If constructed, this sign shall be constructed in a center landscape median within the proposed entry drive, or otherwise separated and made to be distinctly separate from the outlot signage located along Douglas Road. This sign shall be limited to 12' in height and contain a display area of no more than 60 square feet. No more than 1/3 of the display area for each sign may be utilized as an electronic reader board. The sign shall include a masonry base no less than 5' in height. All freestanding signs shall be separated from each other by a minimum of 150 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.*
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. *The parcels located along Edison Lakes Parkway and Holy Cross Parkway shall be permitted two (2) signs. One (1) for the outlot/development parcel and one (1) for the apartment site subject to the 1.a. requirements above.*
5. *An internal directional signage plan for the apartment site shall be submitted subject to Staff approval. Signs shall be not directly visible from the public right-of-way and shall be subject to the height and size requirement per 1.a above.*

Building Limitations/Architecture:

1. *All proposed buildings shall be constructed of 100% approved materials as identified within Section 105.76 of the City of Mishawaka Municipal code as*

amended, except that hardi-board maybe used as an accent material, not to exceed 1/3 of the area of any single building face. Materials and colors shall be varied to provide architectural interest.

- 2. For all development 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. A minimum 25' building setback from the Indiana Toll Road right-of-way shall be provided.*
- 3. The maximum building height for the site shall be 48', except for hotel uses that shall be permitted to construct a maximum of four stories not to exceed 70' in height.*
- 4. The maximum building height for the proposed apartment complex shall be limited to five (5) stories.*

Parking/Landscaping:

- 1. The number of parking spaces required for the proposed apartment complex shall be provided at a rate of 1.2 spaces per apartment unit.*
- 2. A minimum pavement setback of 5' in width shall be provided between internal lots/development parcels. A minimum 25' pavement setback shall be provided along all public right-of-way 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. For large shopping areas where shopping carts are utilized, cart corrals shall be provided. Corral's shall be identified and removed from total number of parking spaces provided. Curbed landscape islands shall be provided to break up large pavement areas as determined by the Planning Commission as part of the review of any planned unit development site plan.*
- 4. Earth mounding shall be provided along public road right-of-way, between parking areas and public streets. A minimum 25-foot green buffer area shall be required along all public road right-of-way and internal collector drives. Each individual outlot within all development parcels shall comply with the landscape requirements of the C-1 General Commercial zoning district. All side property lines within 100' of Main Street right-of-way shall comply with the front yard landscaping standards identified within the C-1 General Commercial zoning district.*
- 5. Sidewalks and utilities may be provided within 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.*
- 6. Phasing of required landscaping shall be reviewed as part of every final planned unit development plan submission.*

7. *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 public right-of-way and internal collector drives.*

Phasing:

1. *The phasing and development of infrastructure for the development shall be reviewed and approved by the Planning Commission concurrently with the first 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.*

MOTION: Kathleen White-Gadacz moved to forward Petition #19-06 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

DR #19-03 A request submitted by Schreiber Morauski Realty, LLC, requesting a waiver from the Mishawaka Design Review Ordinance Section 105-170 Exterior Signage Colors for 114 West First Street, Mishawaka, Indiana.

Stacey Holderman, Premiere Signs, 400 N. Main Street, Goshen, appeared on behalf of Chicory Café and event center. She said they are seeking a waiver for the letters over the north facing door to be red which the Design Review Ordinance considers "bold". Ms. Holderman said red is Chicory Café's color and will match the sign at their South Bend location.

Mr. Winn asked if the sign would be illuminated. Ms. Holderman said yes, but will not flash.

Mr. Lentsch closed the Public Hearing on Design Review #19-03.

Staff Recommendation

The Plan Staff recommends approval of Design Review Waiver #19-03 to allow red "Chicory Café" letters on the north side of the building at 114 W First Street.

MOTION: Murray Winn moved to approve Design Review #19-03. Chris Niedbalski seconded; motion carried with a vote of 8-0.

SP #19-01 A request submitted by Roth Properties Solutions, LLC, seeking approval for a 4,824 sqft electrical contractor's office.

Jason Roth, Roth Electrical, presented the site plan for the office and warehouse. He said he plans to use architectural stone on the bottom and cement board and lap siding that is viewed from the road.

Mr. Prince said the cement board siding will require a design review waiver. He said the Commission can approve the site plan barring the cement board. Mr. Roth can file and come back next month for the waiver request.

Staff Recommendation

*Staff recommends that the request for final site plan for Roth Electrical – a 4,824 sq. ft. electrical contractor’s office and warehouse - be **approved**. A revised plan set addressing all departmental review comments shall be provided prior to recordation of the plans or issuance of any permits. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan approval.*

MOTION: Nick Troiola moved to approve Site Plan #19-01 barring the cement board. Dale Freeman seconded; motion carried with a vote of 8-0.

SP #19-02

A request submitted by Saxon Partners seeking approval of 232 unit multi-family residential development north of Edison Lakes Parkway and Holy Cross Parkway intersection.

Mike Huber, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Saxon Properties, seeking final site plan approval for the proposed residential property.

Mr. Huber said they amended the original PUD had a site plan that is different what is currently proposed. They were no part of the previously approved PUD amendment as that was developed by another firm.

Mr. Huber said the concept is organized around common green space. There are five buildings and the project will be phased. He said there are also four buildings that serve as connectors. The residential buildings will be story total with 4 floors of apartments and ground floor parking.

Mr. Huber said they are looking at a phased approach. Phase 1 will be buildings AE, and D and connector buildings 1 and 4. Phase 2 will follow and all will be in compliance with parking.

Mr. Huber said stormwater will be stored on site. He said the Juday Creek Taskforce asks that there be no discharge into the ditch. They will keep all stormwater on site. Mr. Huber said they went back to the taskforce and they have approved their retention plan.

Mr. Huber said staff recommendations are for one access point and they will provide two. They also have an access point in the northwest corner that they are providing. He said they are allowing to access from Portillos on a temporary basis until they can get cross access.

Mr. Huber passed out building design concepts of projects that will be similar in concept. They will have a modern look to them.

Mr. Huber said the Fire Department asked for an additional fire hydrant and they have submitted revised drawings addressing that. All other comments have been addressed.

Mr. Prince said architectural will be refined and they will need to make sure the design review guidelines are met.

Staff Recommendation

Staff recommends that the request for final site plan for Saxon Residences at Edison Lakes – a multi-family residential apartment complex consisting of five (5) apartment buildings

*with 368 units and attached community/amenity areas - be **approved**. A revised plan set addressing all departmental review comments shall be provided prior to recordation of the plans. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan approval.*

MOTION: Chris Niedbalski moved to approve Site Plan #19-02. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

ADJOURNMENT: 7:30 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner