

OCTOBER 8, 2019

**PLAN COMMISSION
CITY OF MISHAWAKA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, October 8, 2019, at 7:03 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Chris Jamrose, Murray Winn, Chris Niedbalski, Matt Lentsch, Chris Tordi, and Dale Freeman. Absent: Dale "Woody" Emmons, Nick Troiola, and Kathleen White-Gadacz. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the September 10, 2019, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #19-11 A request submitted by GLC-MAP McKinley Trust, LLC, requesting to rezone **410 West McKinley Avenue** from C-7 Automobile Oriented Restaurant Commercial District to C-4 Automobile Oriented Commercial District. *Continued from the September 10, 2019, meeting.*

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the petitioner and contract purchaser. He said the owner has recently worked with the city to dedicate some land on Grape Road which allows the City to put in the hike and bike path. Mr. McMorrow said the property is located at the northwest corner of Grape and McKinley and is currently Rally's. This land is bigger than the Rally's property.

Mr. McMorrow said the concept plan submitted with the petition is intended to occupy 1.1 acres of the corner. He said the Rally's footprint only occupies about 7/10ths of an acre. He said it can comfortably accommodate things needed for a car wash. He said it's worth noting that the property to the west is also zoned C-4 and is an extension of that zoning.

Mr. McMorrow said there will be no new access drives on Grape or McKinley and will utilize a revamped entrance a bit to the north and will modify the entrance as it comes off of McKinley. He said right now, the entrance is about 50' and will reduce about half and will have a tree lawn and entry.

Mr. McMorrow said the intent is to comply in all aspects with C-4 with the exception of parking spaces. He said they acknowledge receipt of comments from planning and engineering. Mr. McMorrow said they do plan on widening the access drive and will sign and stripe. They will work with Engineering to come up with an appropriate plan to off-set parking. He said the architect is confident that building materials are in line with the design review ordinance.

Mr. Lentsch closed the Public Hearing on Petition #19-11.

Staff Recommendation

*Staff recommends Petition 19-11 to rezone a 1.76 acre area at the northwest corner of W. McKinley Avenue and Grape Road (410 W. McKinley Avenue) from C-7 Automobile Oriented Restaurant Commercial to C-4 Automobile Oriented Commercial for a proposed carwash facility be forwarded to the Common Council with a **favorable** recommendation. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions – The subject property consists of a drive-thru restaurant and is located along McKinley Avenue and Grape Road. These roads are highly travelled commercial corridors providing major east-west and north-south access through the City. Adjacent land uses include a multi-tenant commercial shopping center to the north, an automobile sales business to the west, a bank and multi-tenant commercial building to the south across W. McKinley Avenue, and an emergency animal hospital, bank, and insurance agency to the east across Grape Road.*
- 2. Character of Buildings – The character of the buildings in the area are predominantly single and multi-tenant commercial.*
- 3. The most desirable/highest and best use – Because of the parcel's location and existing commercial development along McKinley Avenue and Grape Road, the most desirable use of the property is commercial.*
- 4. Conservation of property values – The proposed rezoning should not be injurious to property values in the area. The proposed carwash facility and other permitted C-4 Auto Oriented Commercial uses are compatible with the adjacent existing uses.*
- 5. Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within this property. The proposal is consistent with the Comprehensive Plan.*

MOTION: Dale Freeman moved to forward Petition #19-11 to the Common Council with a favorable recommendation. Murray Winn seconded; motion carried with a vote of 6-0.

PETITION #19-12 A petition submitted by Szabolcs Szemethy requesting to rezone **935 East Fifth Street** from I-1 Light Industrial District to R-1 Single Family Residential District.

Szabolic Szemethy, 935 E. Fifth Street, Mishawaka, said he has been living in the building since 1992 as he had no chance to go anywhere else.

Mr. Lentsch asked if there were other residential properties around him. Mr. Szemethy said, on both sides.

Mr. Lentsch closed the Public Hearing on Petition #19-12.

Staff Recommendation

*The Planning Department recommends **approval** of Petition #19-12 to rezone 935 E Fifth to R-1 Single Family Residential District. This recommendation is based upon the following findings of fact:*

1. *Many of the properties in the immediate vicinity are residential in use. The owner's testimony and Mishawaka Utility records support its historic use as a single-family dwelling;*
2. *The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because as a single-family home, there will be less impact to the neighborhood, than if it were to be used as an industrial building again;*
3. *Because the parcel is located in an area of residential properties, the rezoning to R-1 Single-Family Residential is a desirable use for this property;*
4. *As opposed to the range of potential development that could occur with the current industrial zoning, rezoning this parcel 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 will allow the property owner to use it as any other single-family home; and,*
5. *The City's Comprehensive Plan identifies the area low density residential, which is consistent with the use for the past 30 years.*

MOTION: Chris Tordi moved to forward Petition #19-12 to the Common Council with a favorable recommendation. Chris Niedbalski seconded; motion carried with a vote of 6-0.

PETITION #19-13 A petition submitted by Beacon Health Systems, Inc., requesting to amend the NW Capital and Toll Road Planned Unit Development (**3220 Beacon Parkway, Granger**) to add a helipad as a permitted use.

Phil Panzica, Panzica Architecture Group, 416 E. Monroe Street, South Bend, appeared on behalf of Beacon Health Systems. Also present, Greg Piper, executive director of the hospital and an FAA consultant for the helipad.

Mr. Panzica said the hospital is complete and on track for an October opening. He said initially in 2018, they amended the PUD for a hospital and at the time a helipad wasn't considered. However, as they went through the process they felt it was in the patients best interest for patient transfer with the intent to stabilize and then transfer to a specialty. He also said the use of the helipad would be very limited.

Mr. Panzica said they studied the area and have applied for an FAA permit. The two routes being considered to keep away from any residential and be across open land.

Opposition

Dean Vellos, 15649 Spring Mill Drive, Mishawaka, said he isn't here to object, but he and his partners are neighbors to the west. He asked how close would the helipad actually be to his land.

Rebuttal

Rex Alexander, FAA consultant, 12308 Redding Drive, Fort Wayne, IN, said the heliport will be co-located at Beacon. He said he would have to look at a map as he isn't sure where it's located. Mr. Prince said it looks like it would be over 100' from the adjacent property.

Greg Piper, Beacon Health, 615 N. Michigan Street, South Bend, said the helipad would be used perhaps once a month and outbound only.

Mr. Lentsch closed the Public Hearing on Petition #19-13.

Staff Recommendation

Staff recommends approval of Petition 19-13 to amend part of the Walker and Northwest Capital – Toll Road Planned Unit Developments to allow a heliport as a permitted accessory use for a hospital.

All other previously approved development standards and conditions of approval per Ordinance 5620AA shall be adhered to.

This recommendation is based upon the following findings of fact:

- 1. Existing Conditions – The subject property, located along Beacon Parkway west of Capital Avenue, is only partially developed with the recently constructed Beacon Granger Hospital. Additional medical related uses, retail, or restaurants are anticipated on the property. Adjacent land uses include a multi-tenant commercial strip center and vacant parcel to the north, agricultural land approved for commercial uses to the west, a health and fitness facility and undeveloped commercial outlots to the south, and agricultural land and single-family residential homes to the east. Although not currently a highly travelled corridor, Beacon Parkway provides a major point of entry in the northern part of City from the Indiana Toll Road. Traffic volumes within the area will likely increase due to the anticipated commercial and residential growth in the northeast part of Mishawaka and Granger.*
- 2. Character of Buildings in Area – There are very few buildings within the immediate area. With the exception of the low-density residential homes to the northeast of Capital Avenue, the three existing buildings are commercial or office. These buildings include the Beacon Granger Hospital, the Beacon Health & Fitness facility, and the Beacon Corporate Services building currently under construction.*
- 3. The most desirable/highest and best use – Due to the presence of commercial activity in the surrounding area, and the surrounding approved Planned Unit Developments, the most desirable/highest use is commercial.*
- 4. Conservation of property values – The proposed amendment will not be injurious to property values in the surrounding area because use of the heliport will be minimal.*
- 5. Comprehensive Plan – The property is not included within the extents of the Mishawaka 2000 Comprehensive Plan. However, it is within the extents of the Capital Avenue Land Use Plan which identifies recommended land uses for this parcel and area as commercial office and retail, hotel, medical, and research parks. This plan was jointly prepared by St. Joseph County and the City of Mishawaka.*

MOTION: Murray Winn moved to forward Petition #19-13 to the Common Council with a favorable recommendation. Chris Tordi seconded; motion carried with a vote of 6-0.

PETITION #19-14 A petition submitted by Beacon Health Systems, Inc., requesting to vacate a 20' strip of right-of-way (former Evergreen Road).

Phil Panzica, Panzica Architecture Group, 416 E. Monroe Street, South Bend, appeared on behalf of Beacon Health Systems. He said in the planning of this project, this piece of land abuts Capital Avenue. Years back, there was Evergreen Road starting on Cleveland Road, turned 45 degrees and went northeast to SR 23. The road was never deeded and farmers used it; it was right-of-way by prescription.

Mr. Panzica said several years ago Beacon along with John Becker had Evergreen Road vacated and most of the roadway was dedicated at that time. There exists a small area when the county built part of Capital Avenue attaching to the Toll Road they created a right turn out. Mr. Panzica said INDOT had a piece of land that was deeded to them and Beacon wished to have the property lined cleaned up. INDOT said if the right-of-way was no longer in use, the adjacent property owner can request it be vacated. He said INDOT is willing to get rid of and we're just here trying to clean up this real estate.

Mr. Panzica said by vacating this strip of land, Beacon will have possession of this land. They have purchased it from the county and INDOT is willing to sell their piece so now all three pieces will be under Beacon's control. He said this has been a long process working through the problem.

Mr. Lentsch closed the Public Hearing on Petition #19-14.

Staff Recommendation

Staff recommends in favor of Petition 19-14 to vacate a 20' x 155' strip of the Evergreen Road right-of-way south of Capital Road approximately 250 feet northwest of Beacon Parkway. This recommendation is based on the following findings of fact:

- 1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for an unimproved and unneeded strip of right-of-way to be combined with the adjacent property.*
- 2) The vacation of the established unimproved right-of-way will not make access to any adjacent property difficult or inconvenient.*
- 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. The existing right- of-way is currently unimproved.*
- 5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan. The adjacent property, which was annexed in 2008, is outside the boundaries of the Mishawaka 2000 Comprehensive Plan.*

MOTION: Chris Niedbalski moved to forward Petition #19-14 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 6-0.

DESIGN REVIEW:

DR #19-08

A request submitted by Hanei Developments, LLC, requesting a waiver from the Mishawaka Design Review Ordinance Section 105-76 Architectural Materials to allow 6% of south building wall to meet exterior façade requirements at proposed facility on vacant property **north of 1030 West Edison Road.**

Joe Grabil, 202 Lincolnway East, Mishawaka, said this is also a family entertainment center near Movies 14. He said in this case, there is a planned expansion of the facility and they are asking for more metal on the façade and the other facades are compliant.

Mr. Lentsch closed the Public Hearing on Design Review #19-08.

Staff Recommendation

Staff recommends approval of Design Review Waiver 19-08 to allow less than the required two-thirds (2/3), or 66.7%, of the east, north, and south building façade consisting of appropriate architectural materials. The combination and percentages of the proposed materials are reasonably consistent with the intent of the commercial design requirements. The Plan Commission has approved similar waiver requests for other commercial/retail buildings to allow for design flexibility and to encourage a diverse rather than uniform appearance.

MOTION: Dale Freeman moved to approve Design Review #19-08. Murray Winn seconded; motion carried with a vote of 6-0.

DR #19-09

A request submitted by Wall Mishawaka Real Estate Investments, LLC, requesting a waiver from the Mishawaka Design Review Ordinance Section 105-76 Architectural Materials to allow the use of fiber cement architectural panels at **3909 North Main Street.**

Andrew Cunningham, Jones Petrie Rafinski, 325 S. Lafayette Blvd., South Bend, appeared on behalf of Urban Air Recreational Facility. He said the design review ordinance requires 2/3 of the façade be specific architectural materials. Mr. Cunningham said they are proposing a high quality material, earth tones building material. He said would be metal wall material, texture clad material and fiber cement panel.

Mr. Cunningham said the metal wall panels are not expressly listed as a permissible material. He said the fiber cement panel is used quite a bit and is a nice material and when used in conjunction with others will create an attractive façade. Mr. Cunningham said staff requested they take the fiber panel all around the outside of the building.

Mr. Tordi asked if they agreed with staff recommendations. Mr. Cunningham said yes.

In Favor

Joe Grabil, 202 Lincolnway East, said this is an attractive project and has spoken in favor of other similar projects.

Mr. Lentsch closed the Public Hearing on Design Review #19-09.

Staff Recommendation

Staff recommends approval of Design Review Waiver 19-09 to allow fiber cement panels and rib metal wall panels as appropriate exterior architectural materials subject to the requested modification. The fiber cement panels are a high quality, durable, and sturdy material that meets the intent of Design Review requirements, while the rib metal wall panels will be used on less than one-third of each applicable building façade. The Plan Commission has approved several Design Waivers for other commercial/retail buildings that have utilized fiber cement lap siding or board.

MOTION: Chris Tordi moved to approve Design Review #19-09. Murray Winn seconded; motion carried with a vote of 6-0.

**SITE PLAN:
SP #19-04**

A request submitted by Cressy Land Investments LLC, seeking approval of the 55,880 sqft, 4-story Towneplace Hotel located on the vacant parcel northeast of 4340 N. Main Street and south of Juday Creek. *Continued from the September 10, 2019 meeting. Petitioner is requesting the item be withdrawn.*

The Commission unanimously approved the item be withdrawn.

ADJOURNMENT: 7:41 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner