

DECEMBER 10, 2019

**PLAN COMMISSION
CITY OF MISHAWAKA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, December 10, 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, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Nick Troiola. In addition to members of the public, the following were also in attendance: Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

The 2020 Rules of Procedure, 2020 meeting calendar, and fee schedule were approved as distributed.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the November 12, 2019, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #19-16 A request submitted by Kevin Leach requesting to rezone **2228 Lincolnway West** from C-1 General Commercial District to R-1 Single Family Residential District. *Continued from the November 12, 2019, meeting.*

Mr. Prince said this item was again being continued at Staff's request as the Petitioner has not contacted staff to set up a time for Fire and Building to inspect the building.

PLAT #19-04 A request submitted by GLC-MAP McKinley Trust, LLC, seeking approval of the one (1) lot McKinley Commons – Wyant Minor Subdivision.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the Petitioner. He said the property is located at the northwest corner of McKinley and Grape and is the one-acre Rally's hamburger site soon to be redeveloped into a car wash.

Mr. McMorrow said the closing schedule is soon and they wanted to get platted and recorded as they work through the final site plan.

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

Staff Recommendation

Planning Staff recommends approval of the Preliminary and Final Plat for the “McKinley Commons – Wyant Minor Subdivision” pending submittal of an 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: Chris Niedbalski moved to approve Plat #19-04. Kathleen White-Gadacz seconded; motion carried with a vote of 8-0.

PETITION #19-17 A petition submitted by LaFree Properties LLC (1/2 interest) & John A. Jayne L. Piraccini (1/2 interest); and KLT Properties, LLC requesting to vacate right-of-way near the northwest corner of Bremen Highway and Elmwood Avenue.

John Piraccini, 633 Windy Cove Court, Mishawaka, appeared on behalf of all Petitioners. He said you are probably familiar with the site as they have been working with the City for a long time. He said KLT Properties bought the property and spent money to get the road extended and they requested this piece of Elmwood Road be vacated.

Ms. Gadacz said she drove by the site today and there’s no road there yet. Mr. Piraccini said that’s coming up. He said there’s an access road to the properties and it will be improved. This was the most difficult part.

Mr. Lentsch closed the Public Hearing on Petition #19-17.

Staff Recommendation

Staff recommends in favor of Petition 19-17 to vacate a portion of Elmwood Road located west of Bremen Highway and east of Veldman Drive. 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 Elmwood Road realignment, which included the construction of the Meijer Drive extension to the south and Veldman Drive to the west, will result in a more efficient and safe traffic pattern to serve the adjacent properties.*
- 2) The vacation of the established unimproved right-of-way will not make access to any adjacent property difficult or inconvenient. Access for properties to the north and south will be maintained via Bremen Highway and/or the Meijer Drive extension.*
- 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. Utility easements will remain in place until the vacated area is proposed for development.*
- 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 #19-17 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 8-0.

DESIGN REVIEW:

DR #19-13

A request submitted by John F. & Georgia Spalding requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-171 Signage Form for 106 Lincolnway East, Mishawaka, Indiana, to permit a sign to be mounted on metal awning (considered a roof sign).

Stacey Holdeman, Premiere Signs, 400 N. Main Street, Goshen, IN, appeared on behalf of the applicant. She said they have been working with the Spaulding Group on their renovated building front. Ms. Holdeman said they have a metal canopy that will go over the entrance and the letters will mount on the top similar to Burger King, Jesus Grill. She said per code, it's considered a roof sign, but it's really on top of the canopy.

Mr. Emmons asked if it was the sign mounted high on the building. Ms. Holdeman said no, mounted on the awning over the door.

Mr. Emmons asked what is "The Studio." Ms. Holdeman said it's their design studio for architecture; their office.

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

Staff Recommendation

The Plan Staff recommends approval of Design Review Waiver #19-13 to install "The Studio" sign on the canopy at Spalding Design Group. Similar requests were approved for River Rock and Jesus Latin Grill and Tequila Bar.

MOTION: Kathleen White-Gadacz moved to approve Design Review #19-13. Murray Winn seconded; motion carried with a vote of 8-0.

SITE PLAN:

SP #19-06

A request submitted by Grape Road LLC seeking approval of the Gurley Leep Dealership Car Wash Facility at **239 W. Douglas Road**.

Bob Heiden, JPR Engineering, 325 S. Lafayette Blvd., South Bend, appeared on behalf of Gurley Leep, who are interested in putting in a car wash facility at the east end of their dealership on Douglas Road. He said the 5,600 sqft building will be used for used cars and detailing. It will be a dealer-used only facility and not a public space.

Mr. Winn asked if there would be access onto Douglas Road. Mr. Heiden said not new curb cut and will use existing on Douglas Road.

Staff Recommendation

*Staff recommends that the request for final site plan for a 5,600 sq. ft. carwash and detailing facility, to be used exclusively for the adjacent automobile dealership, 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: Dale Freeman moved to approve Site Plan #19-06. Chris Tordi seconded; motion carried with a vote of 8-0.

SP #19-07 A request submitted by KLT Properties, LLC, seeking approval of the 400 unit self-storage facility near the southwest corner of Bremen Highway and Elmwood Avenue.

Brian McMorrow, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of the applicants. He said as Mr. Piraccini mentioned earlier, access will be via an orphan parcel of land owned by INDOT. They will permit the improvements that were contemplated. Mr. McMorrow also said they will need approval from the county for a paper street and the county said they can permit the work anticipated for them.

Mr. McMorrow said staff has done a good job summarizing the history of the project and there are a number of conditions to be satisfied before final site plan. He said they have done so or are in the process of doing so with the various agencies. Mr. McMorrow said these will be finalized over the next few weeks.

Mr. McMorrow asked for approval conditionally upon satisfaction of the outstanding items. He said one item that will require them to come back next month is for fencing and landscaping. He said the first 100' from the west to east is a 100' wide overhead electric easement and NIPSCO easement and there are restrictions on planting materials. He said they think they can get the fence in that's required, but the other items will need relief.

Mr. Winn asked in the future, when the road is extended to the south, will that portion coming off state highway property be removed. Mr. McMorrow said that is part and parcel in the development plan.

Staff Recommendation

*Staff recommends that the request for final site plan for All Secure Self Storage be **approved**. A revised plan set addressing all departmental review comments and the required INDOT and St. Joseph County permits shall be provided prior to recordation of the plans or issuance of an Improvement Location Permit. This recommendation is based upon the site plan meeting all the requirements of Section 137-35 regarding Final Site Plan Approval.*

MOTION: Kathleen White-Gadacz moved to approve Site Plan #19-07. Dale "Woody" Emmons seconded; motion carried with a vote of 8-0.

ADJOURNMENT: 7:20 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner

