

FEBRUARY 9, 2021

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, February 9, 2021, 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, Matt Lentsch, Nick Troiola, Chris Tordi, and Dale Freeman. Absent: Chris Niedbalski 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 February 9, 2021, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #21-01 A petition submitted by RUDRA Twenty Six LLC requesting to rezone 1333 Lincolnway East to C-1 General Commercial District.

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the Petitioner. He said the Petitioner is proposing a small laundromat and office facility at the corner of Byrkit and Lincolnway.

Mr. Huber said one parcel is zoned C-1 and the other is zoned C-4. They wish to rezone the C-4 parcel to C-1 to match the property to the east and create the development.

Mr. Winn asked if it would be a single building. Mr. Huber said yes.

Mr. Winn said he was concerned about parking and access. Mr. Huber said they will work with engineering on those issues.

Mr. Lentsch closed the Public Hearing on Petition #21-01.

Staff Recommendation

*Staff recommends in **favor** of rezoning Petition 21-01 to rezone a 0.11 acre parcel at 1333 Lincoln Way East from C-4 Auto Oriented Commercial to the C-1 General Commercial to allow for the construction of a two tenant commercial building. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions – The subject property consists of a vacant single-family residential structure with a detached accessory structure and is located near the Lincoln Way East and S. Byrkit Road intersection. Lincoln Way East is a highly travelled corridor providing major east-west access through the City of Mishawaka and South Bend. Adjacent land uses include single-family residences, a restaurant without drive-thru, and a convenience store with fuel pumps to the north; a tobacco*

retailer and a single-family residence to the east; and single-family residences to the south and west.

2. *Character of Buildings – The character of the buildings in the area are predominantly commercial and single-family residential.*
3. *The most desirable/highest and best use – Because of the property's location and existing commercial zoning, the most desirable use of the property is commercial. Although single-family residential properties are adjacent to the west and south, the high traffic volume along Lincoln Way East makes long term use of the current commercially zoned property undesirable for continued residential purposes. Furthermore, a majority of the adjacent properties are currently zoned for commercial use.*
4. *Conservation of property values – The proposed rezoning should not be injurious to property values in the surrounding area as the existing C-4 Auto Oriented Commercial zoning classification permits commercial use of the property. Landscaping and screening will be required per the C-1 General Commercial District to adequately buffer the proposed use from the adjacent residential properties.*
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: Murray Winn moved to forward Petition #21-01 to the Common Council with a favorable recommendation. Dale "Woody" Emmons seconded; motion carried with a vote of 7-0.

PLAT #21-01 A request submitted by GRABER GROUP LP, LARRY & FREDA SCHEIBELHUT, DENNIS & KAREN CULP, MARY LOU SELTZER AND THOMAS SCHEIBELHUT seeking approval of the one (1) lot Vequity Minor Subdivision.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the applicants. He said this is creating a one lot subdivision at Main and McKinley.

Mr. Shearon said they were here last month for the rezoning of the property to allow for a fuel station/convenience store and the next step is to subdivide the property into one lot to ready for development. He said they have included all appropriate easements on the property.

Mr. Prince read a Letter of Remonstrance from Jill Meiser who owns property on Russ Street across from the proposed development.

Mr. Lentsch closed the Public Hearing on Plat #21-01.

Mr. Prince said there is no discretionary approval from the Commission. It's not like a variance. It either meets the ordinance or it doesn't. He said it has the proper zoning.

Mr. Emmons said he doesn't think it's a proper corner for what they want to do.

Mr. Winn said they are asking to combine the properties; the zoning is already in place. The Council has approved it and all we are doing is combining the properties.

MOTION: Murray Winn moved to approve Plat #21-01. Dale Freeman seconded; motion carried with a vote of 6-1 (Emmons).

NEW BUSINESS:

Mr. Prince said at the end of last year, we filed to appoint a member to the Board of Zoning Appeals and he recommended it be retroactive to the BZA for calendar year 2021.

MOTION: Dale Freeman moved to appoint Chris Tordi to the Board of Zoning Appeals for the calendar year 2021. Murray Winn seconded; motion carried with a vote of 7-0.

ADJOURNMENT: 7:15 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner