

MARCH 9, 2021

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, March 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, Chris Niedbalski, Matt Lentsch, 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: David Bent, Ken Prince, Derek Spier, Christa Hall, and Kari Myers.

Mr. Lentsch explained the Rules of Procedure.

The Minutes of the February 9, 2021, meeting, were approved as presented.

Conflict of Interest was not declared.

**PUBLIC HEARING:
PETITION #21-02**

A petition submitted by City of Mishawaka Redevelopment Commission requesting to amend the Penn Planned Unit Development to allow an 8' tall anti-climb screening fence to surround the new Juday Creek Water Treatment Plant.

Ken Prince, City Planner, acting as President of the Utility Board and representative of the Redevelopment Commission. He said this has been a many-year process as they have worked with the Penn family to acquire properties associated with the creation of a new wellfield for the City to replace Gumwood wellfield. Mr. Prince said the City widened Douglas Road and built Veterans Parkway to the site of the new wellfield.

Mr. Prince said you have seen plans for the wellfield and they haven't changed much. He said one of the oversights was security fencing needed for the wellfield. We always knew we needed it and the ordinance permits 7' and we would like an 8' security fence. He said there would be no razor wire, but a welded wire fence similar so to something you would see at a zoo. Mr. Prince said it is more friendly in terms of being able to see through. It provides high security and you can't get a foothold and the height is to prevent climbing.

Mr. Prince said the project is out to bid and the construction period is over a year.

Mr. Lentsch closed the Public Hearing on Petition #21-02.

Staff Recommendation

Staff recommends approval of Petition 21-02 for amending a part of a Planned Unit Development, known as the Penn PUD, to allow an 8' high anti-climb security fence to surround the Juday Creek Water Treatment Plant.

All other previously approved conditions and development regulations per Ordinances 5341, 5342, and 5613 remain applicable to the property.

This recommendation is based on the following findings of fact:

1. *Existing Conditions – The subject property, located north of Douglas Road at the northern terminus of Veteran's Parkway, is currently undeveloped agricultural land. Adjacent land uses*

include agricultural land, approved for various commercial, office, residential, and recreational uses, and the Juday Creek Golf Course, approved for recreational and wellfield use.

2. *Character of Buildings in Area – There are very few buildings within the immediate area. Low density single-family residential homes are located along the south side of Douglas Road more than a quarter mile from the subject property.*
3. *The most desirable/highest and best use – The water production facility and municipal wellfield within the PUD is not inconsistent with the surrounding existing or permitted land uses. The increased height of the fence does not affect the permitted use of the property.*
4. *Conservation of property values – The proposed amendment will not be injurious to property values in the surrounding area. The fence will only be 1' higher than currently allowed, but will enhance safety and security. An earthen berm and landscaping will also be provided outside and along the entire perimeter of the fence.*
5. *Comprehensive Plan – The parcel is not located within the boundaries of the City of Mishawaka Comprehensive Plan. However, the proposed land use is reasonably consistent with the goals, objectives and policies of the Comprehensive Plan.*

MOTION: Chris Tordi moved to forward Petition #21-02 to the Common Council with a favorable recommendation. Murray Winn seconded; motion carried with a vote of 8-0.

SITE PLANS:
SP #20-11

A request for Final Site Plan approval by City of Mishawaka Department of Redevelopment for the Juday Creek Wellfield and Water Treatment Plant to include a 25,911 sqft building, water production facilities, and four (4) well houses located near Douglas Road and Veteran's Parkway.

Ken Prince, City Planner, said as indicated previously, this site has been planned for several years on property that is former farmland. He said one of the challenges they had was Veterans Parkway. He said they looked at Edison Lakes and Beacon Parkway area for further development.

Mr. Prince said the wellfield doesn't require any aesthetic and wanted this utilitarian building to blend in to the park. There will be a lot of traffic along the parkway. He said DLZ has done a good job combining different block, stone and metal to create an industrial/rural modern character. Mr. Prince said he is thankful for the creativity and will lend itself especially to the golf course behind it.

Mr. Prince said the drive will have a planted area around it. He said they worked with the golf course and they are very cognizant of the look and image and are cute cottage sheds to be used for the wells themselves and protects the well. There are four.

Mr. Prince said they designed the facility and will pump 8.5 million galls a day and can increase to 12 million gallons and will meet the long-term needs of the City. He said we won't need another wellfield for decades.

Mr. Winn asked how large the first tank will be. Mr. Prince said he didn't know off the top of his head.

Staff Recommendation

*Staff recommends that the request for final site plan for the Juday Creek Wellfield and Water Treatment Plant to include a 25,911 sq. ft. building, water production facilities, and four (4) well houses 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: Murray Winn moved to approve Site Plan #20-11. Nick Troiola seconded; motion carried with a vote of 8-0.

SP #20-12

A request for Final Site Plan approval by Mishawaka Utilities, acting by and through the City of Mishawaka Utility Board, for the 150' Gumwood Water Tower located near Gumwood Road and Grandview Drive.

Ken Prince, City Planner, said this is another project you have seen multiple times. You previously approved amending the PUD to allow for the tank.

Mr. Prince said as the Gumwood wellfield is decommissioned, this development has developed around it and over time the Redevelopment Commission will market the property. He said by having the water tower in the center, it insulates the subdivision and creates a bit of green space and they envision a walking path around the tower.

Mr. Prince said this site will have a standard steel black picket fence similar to what would be seen surrounding a cemetery and it prevents climbing. The access will be through a drive from the existing Grandview connection

Mr. Prince said the area of the footprint is 250' X 250' and the design is simple and elegant. Landscaping will be provided. The City opened bids today and it will be a \$7 million dollar project with an 18-24 month construction period.

Mr. Winn asked if additional pipe would be needed. Mr. Prince said yes, and they are working with the developer of Grandview. He said there is an area from SR23 where we can get pipe to get out of the way for future development.

Staff Recommendation

Staff recommends that the request for final site plan for the Gumwood water tower be **approved**. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan approval.

MOTION: Kathleen White-Gadacz moved to approve Site Plan #20-12. Chris Niedbalski seconded; motion carried with a vote of 8-0.

SP #21-01 A request for Final Site Plan approval by 119 W. McKinley LLC for a one-story, 4,650 sqft convenience store with fuel pumps located at the southwest corner of Main Street and West McKinley Avenue.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the applicant. He said this is the final site plan for Vequity Holdings for a 4,650 sqft convenience store with gams pumps.

Mr. Ballard said the property has been rezoned and they have done a minor subdivision to gather into one property. He said there will be access from McKinley and will be a right-in/right-out. There will also be secondary access off of Russ Avenue. They will be limiting truck traffic onto Russ Avenue and will come in and out off of McKinley.

Mr. Ballard said parking is per the ordinance requirements, stormwater will be captured and held in underground chamber systems and have been working with Engineering to work out the details. He said any inlet that is surround the pumps system will be protected with a hydrocarbon separator structure or another kind of apparatus to keep the wellhead protection area. Mr. Ballard said they are finalizing details and will have plans submitted to Engineering by the end of the week and are in good shape to get the finer details worked out.

Mr. Ballard said the landscape plan was done by the architect who did the building and is very nice and more than what we are used to offering and will set the corner off very nicely.

Mr. Ballard said the final user will be 7-11 and they are known for doing a nice job on sites with landscaping and maintenance of their property.

Mr. Ballard said lighting will also comply with the light ordinance as well as signage. All things will be addressed appropriately with plans submitted.

Mr. Freeman asked if there would be left turns out of the exit onto Russ Street. Mr. Ballard said they are not limiting movements at that access point. Primary truck traffic for fuel and product will enter and exit onto McKinley.

Mr. Winn asked if the raised concrete area is storage tank area; is that surface level? Mr. Ballard said everything is flush with asphalt that is under the canopy and over the tank. It is concrete which is more durable due to trucks. He said the rest of the parking lot will be asphalt.

Mr. Winn asked if they will make a circle when they enter and exit. Mr. Ballard said yes.

Mr. Troiola asked how you will dictate how traffic can enter and exit only on McKinley. Mr. Ballard said the company will instruct vendors on what to do.

Mr. Tordi said there were some edits in the staff report and he's assuming all items are being addressed. Mr. Ballard said they are 99% through the list. He said the client provided the survey and they had to do their own survey and needed further detail to get a lot of those comments addressed.

Mr. Tordi asked if they see any major issues. Mr. Ballard said no, they have been in contact with Planning and Engineering going step-by-step through the comments.

Mr. Lentsch said they won't be able to pull permits until all is done. Mr. Prince said yes, that is correct.

Staff Recommendation

*Staff recommends that the request for Vequity Holdings – a 4,650 sq. ft. convenience store with gas pumps – be **approved**. A revised plan set addressing all departmental review comments shall be provided prior to recordation of the plans and issuance of any improvement location permit. This recommendation is based on the fact that the site plan meets all the requirements of Section 137-35 Final Site Plan approval.*

MOTION: Murray Winn moved to approve Site Plan #21-01. Nick Troiola seconded; motion carried with a vote of 8-0.

ADJOURNMENT: 7:33 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner