

OCTOBER 12, 2021

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, October 12, 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, Samuel Cressy, Nick Troiola, Chris Tordi, and Dale Freeman. 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. Tordi explained the Rules of Procedure.

The Minutes of the September 14, 2021, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #21-16 A petition submitted by GLC-MAP McKinley Trust seeking to rezone **vacant land north of 410 West McKinley Avenue** from C-2 Shopping Center Commercial District to C-7 Automobile Oriented Restaurant Commercial District for a future outlot.

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Boulevard, South Bend, appeared on behalf of the petitioner. He said the request is to rezone almost an acre in McKinley Commons for the creation of an outlot for a drive-thru use. The area was previously used as parking. Mr. Huber said the proposed zoning is C-7 and the use is consistent with other development in the McKinley Commons and McKinley corridor. He said it's new investment in the plaza.

Mr. Huber said they submitted a conceptual site plan and got feedback from Engineering and their concerns were with vehicle stacking. He said they are currently working with the client to look at evaluating service time, peak volume time, parking options, and hope to create a site plan to alleviate concerns by engineering. He said the final site plan will have something that everyone is happy with.

In Favor

Josh Jester, 7410 Gumwood Road, Granger, and said he would be happy to answer any questions about the operation of the business.

Mr. Tordi closed the Public Hearing on Petition #21-16.

Staff Recommendation

*Staff recommends in **favor** of rezoning Petition 21-16 to rezone approximately 0.64 acres of property located on Grape Road, north of John's Auto Spa at the northwest corner of Grape and McKinley, from C-2 Shopping Center Commercial to C-7 Auto Oriented Restaurant*

Commercial to allow for the construction of a restaurant with drive-thru facilities. This recommendation is based on the following findings of fact:

1. *Existing Conditions* – The subject property consists excess parking at the intersection of a highly travelled corridor. Adjacent land uses include a car wash; proposed multi-tenant building including a drive-thru restaurant; retail and health club.
2. *Character of Buildings* – The character of the buildings in the area are predominantly single and multi-tenant commercial including retail, office, and restaurant.
3. *The most desirable/highest and best use* – Because of the property’s location and the adjacent existing commercial zoning and development, 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 surrounding area. The proposed restaurant with drive-thru and other C-7 Auto Oriented Restaurant 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 #21-16 to the Common Council with a favorable recommendation. Chris Niedbalski seconded; motion carried with a vote of 7-0.

PETITION #21-17 A petition submitted by Wennigsen LLC and Fox Fire Safety Inc. requesting to annex and zone **12452 and 12434 Lincolnway East** to C-1 General Commercial District and I-1 Light Industrial District.

Ken Prince, City of Mishawaka, said this request goes back 20 years. He said back in 2000 we were working with Foxfire to annex and they ended up developing in the county and it was assigned a City address and it’s been an issue ever since. Mr. Prince said the City submitted the request and they signed off on it. The City border surrounds it and this will eliminate a “sawtooth”. Mr. Prince said they also contacted the owner of Bruno’s Pizza and they also signed onto the request.

Mr. Prince said there are no improvements being proposed; just bringing into the City. It’s been there 20 years. He said Bruno’s is being zoned C-1 and Foxfire is being zoned I-1 to mat their use.

Mr. Winn asked if the primary area of the total site is Foxfire. Mr. Prince said yes, and a small part is Bruno’s.

Mr. Tordi closed the Public Hearing on Petition #21-17.

Staff Recommendation

Staff recommends approval of Petition 21-17 to annex and establish zoning to the C-1 General Commercial District for the north 105’ of Lot 12 of Oakland First Addition and I-1 Light Industrial District for the remainder of said Lot 12 and Lot 13 of Oakland First Addition. The parcels are currently occupied by Bruno’s, a carry-out/delivery pizza

restaurant, at 12452 Lincoln Way East, and Fox Fire Safety, a fire safety equipment sales and service business, at 12434 Lincoln Way East. This recommendation is based on the following Findings of Fact:

1. *Existing Conditions – The subject property is located along the heavily travelled Lincoln Way East corridor that serves as the one of the principal arterial roadways connecting Mishawaka and South Bend to downtown Elkhart. Traffic volumes in the immediate vicinity are anticipated to remain consistent. The property, which includes a carry-out/delivery restaurant and fire safety equipment sales and service business, is adjacent to a restaurant with drive-thru and pharmacy to the north, a two-tenant commercial building to the west, a railroad and agricultural land to the south, and a credit union to the east.*
2. *Character of Buildings in the Area – The character of buildings and land uses located along Lincoln Way East corridor vary greatly and include commercial, retail, restaurant, financial, and industrial land uses.*
3. *The most desirable/highest and best use – Because of the property’s location along a highly travelled mixed use corridor, the most desirable use for the property is commercial or light industrial use consistent with the current land use.*
4. *Conservation of property values – The proposed zoning will not be injurious to the property values in the surrounding area as no changes to the current uses are proposed. Additionally, other permitted uses within the C-1 General Commercial and I-1 Light Industrial Districts would be compatible with the existing adjacent and nearby land uses.*
5. *Comprehensive Plan – The Mishawaka 2000 Comprehensive Plan, created in 1990, guided commercial and industrial development along Lincoln Way East between Bittersweet Road and Cedar Road.*

MOTION: Murray Winn moved to forward Petition #21-17 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

REPLAT #21-02 A request submitted by Jonathan M. Calvin seeking approval of the two (2) lot DeGroot’s Subdivision Calvin’s 2nd Replat.

Terry Lang, Lang Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the Petitioner. He said the replat was originally replatted about six years ago. A new home was built behind his mother’s and she recently passed away and this will reconfigure the area behind the home. Mr. Lang said just for information, the house up front will be sold to another family member and this property is be replatted for that.

Mr. Tordi closed the Public Hearing on Replat #21-02.

Staff Recommendation:

The Planning Department recommends approval of the Preliminary and Final Replat for Degroot’s Subdivision, Calvin’s 2nd Replat. This recommendation is based on the fact that the Replat meets all the requirements of Section 158.50 – Section 158.60 (Subdivision Replats)

MOTION: Chris Niedbalski moved to approve Replat #21-02. Nick Troiola seconded; motion carried with a vote of 7-0.

PLAT #21-10 A request submitted by the City of Mishawaka and Twin City Baptist Church seeking approval of the two (2) lot Temple Minor Subdivision.

Ed Fisher, Fisher Land Surveying Services, 303 E. Third Street, Mishawaka, presented the request on behalf of the City and church. He said the Planning Department is recommending approval.

Mr. Prince said to elaborate on what they are doing. He said when they were looking at redoing the park there was past history with a lease with the church and the City. He said via the tax records a portion was owned by the church and we wanted to make sure we had ownership of the property. Mr. Prince said also, the lease had the wrong legal description. We essentially had a problem and the church was nice enough to work with us. He said as part of the discussion with the church, they wanted to have additional parking if they wanted to expand and agreed to a swap; we will purchase some and swap some. Mr. Prince said this will allow to complete the renovation.

Mr. Prince said Lot 1 will be the boundary for the park and the entire area will be the park. He said this meeting is not about the park, just the subdivision for the park.

Mr. Cressy asked if the area marked "X" was being sold to the church in exchange for the larger portion. Mr. Prince said yes.

In Remonstrance

Katherine Breden, 605 E. Lowell Avenue, said she isn't sure she understands the request. Mr. Prince indicated on the overhead which property is church and which is park property. He said about 1/3 of the park is on church property.

Ms. Breden said the kids play in the street and there is a weight limit sign and Monday thru Friday trucks are going down the street to the factory. She also said cars use Lowell and Went as a dragstrip.

Mr. Prince said the City will be doing significant renovations to the park; perhaps new sidewalks, play equipment and walking path around the park.

Mr. Tordi closed the Public Hearing on Plat #21-10.

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for the "Temple Minor Subdivision" pending submittal of a revised plat for recordation. This recommendation is based upon the fact that the subdivision plat 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: Dale Freeman moved to approve Plat #21-10. Samuel Cressy seconded; motion carried with a vote of 7-0.

**SITE PLAN:
SP #21-07**

A request for Final Site Plan Approval from Beacon Health Systems for a 23,130 sqft building with medical offices at the northwest corner of Beacon Parkway and Fitness Drive.

Phil Panzica, Panzica Building Corporation, 416 E. Monroe St., South Bend, appeared on behalf of Beacon Health Systems. He said this is the fourth element of the development of this land that Beacon has owned on both sides of Beacon Parkway.

Mr. Panzica said they don't have a vision of where they are going, but a vision of what the market requires and the market requires an orthopedic surgery center. He said it will be a 7:00 a.m. to 7:00 p.m. operation, five days a week. They will have pre-and post op rooms and can be prepared for an overnight stay.

Mr. Panzica said the design of the building is to be part of a campus and will be using similar brick and metal details. He said they feel it will be a great addition to the area.

Mr. Freeman said he gets heartburn as it's being called Granger and they are being taken care of by Mishawaka Fire and Police Departments and feels it disavows Mishawaka. He said he is very proud of Mishawaka.

Mr. Panzica said he appreciates Mr. Freeman's comments. Unfortunately, it's the way the zip codes are set up. Mr. Freeman said zip codes don't put out fires.

Mr. Panzica said it has been discussed with Mayor Wood.

Staff Recommendation

*Staff recommends that the request for final site plan for the Beacon Ambulatory Surgery Center – a one-story 23,130 sq. ft. building with medical offices – 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 upon the site plan meeting all the requirements of Section 137-35 regarding Final Site Plan Approval.*

MOTION: Chris Niedbalski moved to approve Site Plan #21-07. Murray Winn seconded; motion carried with a vote of 7-0.

NEW BUSINESS:

Mr. Prince welcomed Samuel Cressy to the Commission.

ADJOURNMENT: 7:26 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner