

JANUARY 11, 2022

**PLAN COMMISSION
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, January 11, 2022, 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, Sam Cressy, Nick Troiola, Chris Tordi, Dale Freeman, Kathleen White-Gadacz. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, Shad Annis, and Kari Myers.

The meeting was turned over to Ken Prince for the election of officers.

ELECTION OF OFFICERS:

MOTION: Murray Winn moved to nominate Chris Tordi as President. Dale Freeman seconded; motion carried with a vote of 8-0 (*Tordi*).

MOTION: Chris Tordi moved to nominate Dale Freeman as Vice-President. Murray Winn seconded; motion carried with a vote of 8-0 (*Freeman*).

The Plan Commission appointed Chris Tordi to serve on Board of Zoning Appeals.

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

Conflict of Interest was not declared.

PUBLIC HEARING:

PETITION #21-21 A petition submitted by VFW Mishawaka Post 360 seeking to rezone the northeast corner of Jefferson Boulevard and Maplehurst Avenue from R-1 Single Family Residential District to R-3 Multi-Family Residential District for eight (8) residential homes and accessory buildings. *Continued from the December 14, 2021, meeting.*

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the Petitioners. He said the VFW is owner of the property located at the northeast corner of Jefferson and Maplehurst. The property is currently vacant and what is proposed is a development for veterans. Mr. Shearon said the project will consist of 8 single residential units, approximately 350-400 sqft in size for transitional housing for veterans. He said the units will be centered around a courtyard. The rezoning request is to allow the multiple units on the property.

James Metherd, 10291 Charles Street, Osceola, said he was here about a year and a half ago with the same idea, but a different property west of the VFW and that was approved. He said for about \$400,000.00 in savings, they decided to pursue this property.

Mr. Metherd said they intend to be the State of Indiana's first tiny house village for veterans. He said they want to start with 8 and hope to assist with employment, spiritual needs, and financial assistance and become members of the community.

Mr. Metherd said he has worked with other facilities in the nation and found that 14-20 months is the typical turn around. He said they have developed very strict guidelines or they will be removed. The initial proposal is 8 homes with a welcome center with a caretaker on the grounds at all times. He said the rear facility will be a rec room, laundry room and the homes will have the bare necessities; kitchen, bedroom, bathroom and living room area; approximately 350-400 sqft.

Mr. Metherd said since launching their website in November, they have raised over \$170,000.00, which includes sponsoring the first home built. He said the community is behind the project.

Mr. Emmons asked if you have had discussions with the neighbors and how do they feel about the project. Mr. Metherd said they have had discussions and quite a few residents came. He said there were residents at the BZA meeting earlier this evening for parking and they had concerns. He said he doesn't feel it will be a problem as not all residents will have cars. The VFW has said they can use their property if need be. There is parking on Borley, but there was some opposition. Mr. Metherd said everyone loves their missions if it were built someplace else.

Mr. Emmons asked if they discussed other locations. Mr. Metherd said no.

Opposition

Jose Montes De Oca, 1315 E. Borley Ave., said he lives right behind the site. He said he thinks it is a good idea, he's a soldier with the National Guard, but it's not a perfect fit for the location. He said he has concerns about the transient people coming in and out. He said stores for bare necessities are not within walking distance and they will need transportation.

Mr. Montes De Oca said the VFW is across the street and if they are trying to get their life back on track, he doesn't want them to cross the street to have a drink. It's a good idea; just not in this area.

Jill Schroeder, 1316 E. Jefferson Blvd., said she lives next door to the property and will be most affected by this. She said she loves the program, all about helping the veterans, but doesn't feel this is the place for it.

Ms. Schroeder said they have a promise that it will be monitored and the veterans will be screened; but that's all they have is a promise. She said she's 66 and lives by herself and is concerned. She said this is the house she grew up in and lived here her entire life and has seen the improvement over the years. She said Jose lives behind her and everyone takes pride in their property and are well maintained. She doesn't know what they will be looking at.

Ms. Schroeder said they have been shown drawings of the homes, but that's only a promise. Her thought is they could find a better spot better suited for the use. She asked the Commission if this was something they would want right next door. She said she wants to support it, but has too many questions.

Marcie Ritchie, 1327 E. Borley Ave., said it's a great idea, loves the concept and doesn't want to dismiss that. She said Ms. Schroeder made a good point; would you want it next door to you? She said she doesn't know how it will affect their property values. The area is all single-family dwellings and here you basically have a 4 unit apartment going it.

Ms. Ritchie said she has lived there 13 years and the City has put in a lot of work in the area with the first-time homebuyer homes as well as the Habitat community. She said with that in mind, this just doesn't fit there.

Ms. Ritchie said parking was discussed in the last meeting and there's still a concern. The VFW uses that lot for overflow parking and there's still a lot of activity at the VFW. If that lot is gone, Borley Avenue will be affected by that.

Ms. Ritchie asked about the single units and she's assuming just a single person would be living there. Wanted to make sure that's what they are looking at; 8 people. Ms. Ritchie said during the Covid shutdown there were no evictions allowed; how would that affect this development. She asked if someone breaks the bylaws, how will it affect it due to restrictions and mandates.

Ms. Ritchie said at the BZA meeting, you said there would be a \$200,000.00 savings and at this meeting you said \$400,000.00 savings; which is it? She said she didn't know anything about this until they got a notice in the mail. They didn't hear anything from the VFW.

Tammy Micola, 1321 E. Borley Ave., said it seems like a small lot for that many houses. They said they were small, but why don't we start small and see how it plays out and maybe add to it.

Ms. Micola said the Habit development is closer to Martins and if these individuals have a handicap, it will be hard to get necessities.

Mr. Emmons said Ms. Ritchie said she wasn't notified by the VFW. Were you notified by the VFW? Ms. Micola said yes.

Jason Kusbach and Mary Sisti, 1127 E. Borley Ave., said the program sounds like a wonderful idea but they have concerns about them being homeless. Why are they homeless and keeping on the streets? They said they are concerned about them coming into the neighborhood and she has a daughter and she currently feels safe walking after dark.

Ms. Sisti said they were told they have a stringent checklist and interview process, but when you are on the street you will say whatever you need to in order to get a home. What if something happens to a child?

Ms. Sisti said she likes the idea of rules, but at what price? She said her daughter goes to John Adams High School and there are strict rules and they just had a stabbing today and it's scary and it's a world of a lot of what-if's. She said her daughter walks to friends houses and it just takes one time for something to go wrong. Ms. Sisti said it was mentioned they may not have transportation and may be walking in the same area as her daughter. That's one of her main concerns. She doesn't want to be afraid of her daughter going outside. She's in favor of veterans having someplace to go, but doesn't think this is the space for them.

Mr. Kusbach said it being transitional increases the odds of something negative happening.

Mike Compton, 232 Stanley Street, said he wasn't speaking in favor or against the request. He said he is the councilman for the district and Mishawaka has a long history of supporting veterans; Normain Heights was built to welcome back veterans after WWII and they have the opportunity to continue the process.

Mr. Compton said if the VFW can't get on board with the neighbors, he doesn't think it will pass council or maybe here. He thinks there is work to do. He said yes, they did meet and they asked the neighbors to tell others. He said he offers his support to facilitate meetings between the groups. He said a veteran transitioning back into a neighborhood could be a positive thing for the veteran and possibly the neighbors. He understands the questions and apprehension.

Rebuttal

Warren Seagers, 56692 County Road 1, thanked the neighbors for bringing their questions to them. Unless someone brings the questions, they have no answers.

He said not only is he a founding member of Troop Town, but a member of the VFW and has been retired out of the military for a year. He said these aren't criminals who will be here. He understands neighbors concerns about safety. If they have a felony, they are not eligible. He also said they know their limitations as to what services they can offer and what they can't. They haven't been living under a bridge.

Mr. Seagers said he could have used this program after his last mobilization; it wasn't good for him at home. He said when you come back from the military and you are used to that lifestyle. This could have been a situation if that available for him, it could have saved his family a lot of pain. It was rocky.

Mr. Seagers said he wasn't going to bring that up, but it's the truth. It could be a soldier moving from one place to another, but doesn't have money for rent and utilities. Mr. Seagers said only one person will be living there; no girlfriends, no overnight guests, no outside interference. He said they will have a strict plan to follow.

Mr. Seagers said he hears the neighbors that they are concerned about them being convicts. They are not coming out of jail. They are trying to get back into civilian life and make a living and a make a positive contribution. Mr. Seagers said their guests may even end up buying a house locally.

Mr. Seagers said the houses will be 375 sqft, one person, one car and if they don't have transportation they have a donated vehicle that will be on site that can be signed out. He said there will be a curator living on site 24/7 and everything will be looked after.

Mr. Seagers said the land they were previously looking at was \$180,000.00 and would take anywhere from \$275,000.00 to \$300,000.00 to prep. The property had a big hill in the back and would have to be leveled, drainage, etc. The cost of actually prepping the land was extremely expensive.

Mr. Tordi asked if the reason for changing the location was land prep costs. Mr. Seagers said this property costs \$70,000.00 and is flat and would not require as much prep.

Mr. Tordi asked how they would uphold policy enforcement. Mr. Seagers said they have a working board and they are the ones who will check on the property. They will check in with residents daily, and according to their plan, they will have to go through a whole process working toward goals. Mr. Seagers said they will help with VA appointments,

attend classes on employment; there will be checks and balances at all times. Also, if they exceed their 14-20 month and they have not made progress toward their goals, then you are done. They can't help forever and the vets have to have skin in the game.

Mr. Seagers said they are guests, not renters, and they're there on a contractual agreement and some things will have to happen and if they don't, they will have to leave.

Ms. Gadacz asked about the size of the lot. Mr. Seagers said 116' X 283'.

Mr. Emmons asked if there are any members that live in that area. Mr. Seagers said no, but Mr. Metherd would live there.

Mr. Emmons said when you first came to the Council you said it would be built near the VFW. He asked if they had done their research before coming to the Council. Mr. Metherd said the previous property had three structures on it that would have to be removed and was factored into the \$275,000.00.

Mr. Emmons asked if that was expressed to the group. Mr. Metherd said he didn't think it was asked. He said they are a non-profit and working with the community's dollars and donations and it's essential to manage those dollars. They would have spent nearly \$400,000.00 on property before even sitting wood on it. He said honestly, in 2020 when first presented, they had no opposition and now they are 100 yards away and are getting opposition and he's baffled.

Mr. Emmons asked if they were a non-profit. Mr. Metherd said yes, they are a 501c.

Mr. Emmons asked if they felt they had the money for upkeep. Mr. Metherd said yes.

Mr. Emmons asked what happens if you don't have the money and you have the facility. Mr. Metherd said hopefully they won't encounter it. He said they have a number of non profits to help; trade unions will put up for free, many unofficial pledges from other businesses willing to help.

Mr. Cressy said he understands what they say about property values and those comp sales will come from those neighborhoods. If people are paying less, those decreased values will be used as well. A decreased value can still happen. Mr. Metherd said there is no crystal ball to absolutely say it won't.

Ms. Gadacz said she loves what they want to do, but isn't crazy about the location.

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

Mr. Emmons said he agrees it is a great project and would help our veterans. But the neighbors should also be considered and he doesn't think all questions have been answered. He said you need to mesh both groups; Troop Town and the neighbors.

Mr. Troiola said he 100% agrees there are unanswered questions. He said if they were to go into any neighborhood, they would have the same concerns and opposition. Mr. Troiola said their questions need to be answered to make sure there is peace of mind; otherwise, you're going to be spinning your wheels.

Mr. Tordi thanked Mr. Compton for his comments.

Mr. Troiola asked if this could be continued so the questions could be answered.

Staff Recommendation

Staff recommends in **favor** of Petition 21-21 to rezone a 0.75 acre parcel at the northeast corner of E. Jefferson Boulevard and Maplehurst Avenue from R-1 Single Family Residential District to R-3 Multiple Family Residential District to allow for the construction of eight (8) starter homes for rental to returning veterans, a welcome center, and recreation/laundry building. This recommendation is based on the following findings of fact:

1. *Existing Conditions* – The subject property is currently a vacant parcel of land located at the E. Jefferson Boulevard and Maplehurst Avenue intersection. E. Jefferson Boulevard is a moderately travelled corridor providing east-west access through both the City of Mishawaka and South Bend. Adjacent land uses include single family residential to the north, west, and east; and a nonprofit veteran’s service organization to the south.
2. *Character of Buildings* – The character of the buildings in the area vary from single family residential to the north, west, and east; and a commercial building to the south. The proposed development will be consistent with the character of the adjacent residential and commercial buildings.
3. *The most desirable/highest and best use* – Due to the property’s location on E. Jefferson Boulevard, a moderately travelled roadway, and the adjacent residential and commercial uses, the most desirable use for the property is residential or commercial.
4. *Conservation of property values* – The rezoning should not be injurious to property values in the area. Although the property is being rezoned to the R-3 Multiple Family Residential District, the proposed development is to include individual single family residential dwelling units and two accessory buildings. Following development, the VFW, in conjunction with the contingent developer, will be overseeing the continued maintenance and upkeep of the property.
5. *Comprehensive Plan* – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided general commercial development within the south part of the property and residential within the north part of the property. The proposed residential use is consistent with the Comprehensive Plan.

MOTION: Murray Winn moved to forward Petition #21-21 to the Common Council with an unfavorable recommendation. Kathleen White-Gadacz seconded; motion failed with a vote of 4-5 (Jamrose, Niedbalski, Cressy, Troiola, Freeman).

MOTION: Nick Troiola moved to forward Petition #21-21 to the Common Council with a favorable recommendation. Dale Freeman seconded; motion carried with a vote of 5-4 (Winn, Emmons, Tordi, White-Gadacz).

PLAT #21-15 A request submitted by RFJ Auto-T-Properties LLC seeking approval of the one (1) lot Lexus Minor Subdivision.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the applicant. He said the property is south of the existing Lexus dealership and they have taken over the lot and expanded sales lot.

Mr. Shearon said they plan to repave the lot and put in cross access easements, dedicate additional right-of-way, and utility easements. He said the City requested the subdivision.

Mr. Tordi closed the Public Hearing on Plat #21-15.

Staff Recommendation

The Planning Department recommends approval of the Preliminary and Final Replat for the "Lexus Minor Subdivision". An executed plat must be submitted prior to being recorded. 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: Kathleen White-Gadacz moved to approve Plat #21-15. Chris Niedbalski seconded; motion carried with a vote of 9-0.

PLAT #21-16 A request submitted by Kruk Real Estate Holdings, LLC, seeking approval of the two (2) lot Kruk Minor Subdivision.

Greg Shearon, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the applicant. He said the property is an existing automotive use on McKinley Avenue along with a residential house on Lynn Street. He said right now, the automotive use and the house are on one lot and are dividing into 2 lots so the house is on a separate lot.

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

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Plat for "Kruk Minor Subdivision". This recommendation is based on the fact that the plat meets all the requirements of Section Section 133-73 / Preliminary Plat & Section 133-76 / Final Plat of the City of Mishawaka Subdivision Control Ordinance.*

MOTION: Murray Winn moved to approve Plat #21-16. Nick Troiola seconded; motion carried with a vote of 9-0.

PLAT #21-17 A request submitted by Bokhart Properties, LLC, seeking approval of the three (3) lot Bokhart Properties Minor Subdivision.

Terry Lang, Lang, Feeney & Associates, 715 S. Michigan Street, South Bend, appeared on behalf of the applicant. He said there are three buildings on 2 parcels and are subdividing it up as they have a buyer for each of the three parcels. Mr. Lang also said developmental variances were approved earlier by the Board of Zoning Appeals.

Mr. Winn asked if the easement was basically the driveway to get back to the one lot. Mr. Lang said the easement is for the driveway to go all the way across and will allow larger vehicles to get there. Can access from Main Street or Spring Street.

Maurice Bokhart, 16400 Kern Road, Mishawaka, said the Fire Department requested there not be any fencing put up and would need to remain open.

Mr. Bokhart said a local doctor with a small car collection will buy 403 S. Main Street and the tenant in 411 S. Main street will purchase one lot.

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

Staff Recommendation

*The Planning Department recommends **approval** of the Preliminary and Final Replat for the "Bokhart Properties Minor Subdivision". An executed plat must be submitted prior to being recorded. 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 #21-17. Sam Cressy seconded; motion carried with a vote of 9-0.

SITE PLANS:
SP #21-09

A request for Final Site Plan approval from GLC-MAP McKinley Trust for a 9,289 sqft multi-tenant building at 422 W. McKinley Avenue.
Continued from the December 14, 2021, meeting.

Jeff Ballard, Danch, Harner & Associates, 1643 Commerce Drive, South Bend, appeared on behalf of the applicant. Mr. Ballard said this property was rezoned last year to C-1 General Commercial and also had a Use Variance approved for 3 units in the building, one with drive-thru.

Mr. Ballard said the item was continued last month while waiting for development issues and they have them resolved now. In that timeframe, the City asked to dedicate 10' right-of-way and include right turn lane. Also in that time, a plat was approved for the parcel with utility easements to the north and have extended sewer and water from east to west for make development easier.

Mr. Ballard said they have Planning comments regarding landscape; they have more parking than required, and lighting meets code.

Staff Recommendation

*Staff recommends that the request for final site plan for a 9,289 sq. ft. one-story three (3) tenant commercial building 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: Chris Niedbalski moved to approve Site Plan #21-09. Nick Troiola seconded; motion carried with a vote of 9-0.

SP #21-11

A request for Final Site Plan approval from GW Mishawaka II, LLC for a 2,094 sqft restaurant with drive-thru facilities at the vacant lot east of 5505 Grape Road.

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicant. He said this is part of a larger development that you have seen

before. It's in front of the ABC Warehouse. They also created a lot for Valvoline to the north.

Mr. Huber said they will be creating new access into ABC Warehouse and they understand they have to abandon the existing ingress/egress from Grape and that has been approved.

Mr. Huber said they worked with Engineering on a site plan that accommodates traffic on Grape Road and have adequate stacking. Also, they have dedicated right-of-way to accommodate future intersection improvements.

Staff Recommendation

*Staff recommends that the request for final site plan for Taco Bell - a 2,094 sq. ft. restaurant with drive-thru facilities - 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: Kathleen White-Gadacz moved to approve Site Plan #21-11. Dale "Woody" Emmons seconded; motion carried with a vote of 9-0.

SP #21-12 A request for Final Site Plan approval from GLC-MAP McKinley Trust for a 1,250 sqft restaurant with drive-thru facilities north of 2315 Grape Road.

Mike Huber, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicants. He said this site is just northeast of the previous parcel and north of the car wash. Mr. Huber said this will be a new Smoothie King, the parcel has been platted.

Mr. Huber said engineering had concerns regarding the ingress and egress coming in from the northwest corner of the property. He said they are ranked in the top 10 in the country for getting people in and out and they have submitted a site plan that meets engineering and are overall comfortable with comments.

Staff Recommendation

*Staff recommends that the request for final site plan for Smoothie King – a 1,250 sq. ft. one-story restaurant with drive-thru facilities - 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: Kathleen White-Gadacz moved to approve Site Plan #21-12. Dale Freeman seconded; motion carried with a vote of 9-0.

SP #21-13 A request for Final Site Plan approval from McMahon LLC and Pucci Properties LLC for a 11,400 sqft two-tenant building at the Southwest Corner of S. Merrifield Avenue and St. Jerome Street.

Seth Barr, Bosch Architecture, 8065 Vineyard Parkway, Kalamazoo, MI, said this is a 11,000 sqft, 2-tenant building with Stanley Steemer on the left side of the building. He said they

have gone thru preliminary review and received comments and all have been addressed or are in the works.

Craig Pucci, president of Stanley Steemer, said they have been in the area for 35 years and are they largest operator in the Michiana area. He said when they took over in October, they handled LaPorte, Starke and Marshall counties. Mr. Pucci said they retained all employees and have hired 3 more employees who are residents.

Mr. Pucci said it's a great business and wanted to introduce himself to you and said he looks forward to growing their business.

Staff Recommendation

*Staff recommends that the request for Stanley Steemer – a two-tenant 11,400 sq. ft. industrial building – 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 #21-13. Dale "Woody" Emmons seconded; motion carried with a vote of 9-0.

NEW BUSINESS:

Mr. Prince introduced Shad Annis as new Associate Planner.

Mr. Prince thanked the commission and said he appreciated everyone asking questions.

ADJOURNMENT: 8:26 p.m.

Derek Spier, City Planner

Kari Myers, Administrative Planner