

**FEBRUARY 8, 2022**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, February 8, 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, Sam Cressy, Nick Troiola, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Dale "Woody" Emmons and Chris Niedbalski. In addition to members of the public, the following were in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, Shad Annis, and Kari Myers.

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Mr. Freeman explained the Rules of Procedure.

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The Minutes of the January 11, 2022, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**RESOLUTION #22-01** A resolution amending the City Municipal Riverfront District.

Derek Spier, City Planner, said they are expanding the Riverfront District. He said the original boundary was created in 2004 and it gave business owners an opportunity to take advance of a liquor license if within 1,500' from the waterway.

Mr. Spier said it was expanded in 2018 and it was from the floodway at Juday Creek and the river and we thought we had maximized the distance. After approval, it was determined there were portions of the floodway near Twin Branch and Bittersweet Road where the actual edge of water doesn't match the floodway. Mr. Spier said they took the flood fringe from that area and drew further out. This was in response to a request from the owner of Curve Cafe as they were just outside of the district. There are also a few other properties along Lincolnway that would benefit.

Mr. Spier said the role of the Plan Commission is to make sure it meets our Comprehensive Plan. This first part has to come thru the Commission, then to Redevelopment Commission and Council for approval.

Mr. Freeman closed the Public Hearing on Resolution #22-01.

**MOTION:** Murray Winn moved to forward Resolution #22-01 to the Common Council with a favorable recommendation. Nick Troiola seconded; motion carried with a vote of 7-0.

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**PETITION #22-01** A petition submitted by Rebecca Parker as Trustee for Rose Glen & Mavis H., Raymond Jeziorski, and Matthew Bender requesting to rezone **107 Wayne Street, 119 Wayne Street, and 123 Wayne**

**Street** from R-1 Single Family Residential District to C-4 Automobile Oriented Commercial District.

Steve Ruby, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the Petitioners. He said they are requesting to rezone property on Wayne Street to C-4 to allow for a proposed Drive N' Shine car wash and lube center. Currently there is an All Star Car Wash and they will expand the property into these properties for better circulation pattern within the development.

John Piraccini, 633 Windy Cove Court, Mishawaka, said he has been working with Mr. Tehrani and met with Mr. Prince to get this development going. He said they met with neighbors for several months and have worked out an agreement with those properties.

Mr. Piraccini said it's going to be a nice development as this has been run down for awhile. He said he lives in the area.

Mr. Cressy asked if the owners of the property on Lincolnway were going to sell. Mr. Ruby said they bought their property, added on and run their business out of there and didn't want to relocate. He said they had a meeting with them and staff and worked through some issues. It would be tough for them to find land.

Mr. Winn asked if they would be losing their access from Wayne Street. Mr. Piraccini said they will get 1/2 of the street for access and Mr. Tehrani will pave the street for them.

Haji Tehrani, President of Drive N' Shine, said he builds first-class operations. He said he has wanted this property for a long time and it's run down and the way it operates. He said they will knock down the building and start from scratch and will be similar to the location at Main and Douglas. Mr. Tehrani said it will have similar architecture to others in the area.

Mr. Tehrani said they have an agreement with the neighbor to the west. They will build a fence and plant trees to provide a buffer as right now, there is no buffer.

Mr. Freeman closed the Public Hearing on Petition #22-01.

**Staff Recommendation**

*Staff recommends Petition 22-01 to rezone property at 107, 119, and 123 Wayne Street from R-1 Single-Family Residential to C-4 Automobile Oriented Commercial for a proposed Drive N' Shine automatic car wash and lube facility be forwarded to the Common Council with a **favorable** recommendation. This recommendation is based on the following findings of fact:*

- 1. Existing Conditions – The subject properties being rezoned and adjacent petitioner owned parcel consists of three single-family residential homes and an automatic carwash facility at the northwest corner of Lincolnway East and Bittersweet Road. These roads are highly travelled commercial corridors providing major east-west access, and to a lesser extent north-south access, through the City. Adjacent land uses include a liquor store to the north; single-family residential houses, a contractor's business, and automobile repair business to the west; a pharmacy and multi-tenant commercial building to the south across Lincolnway East; and a restaurant with drive-thru to the east across Bittersweet Road.*

2. *Character of Buildings – The character of the buildings in the area vary from single and multi-tenant commercial buildings to the north, east, and south; and single-family residential homes and a commercial building to the west.*
3. *The most desirable/highest and best use – Because of the property’s location and adjacent existing commercial use as an automatic car wash facility, the most desirable use of the property is commercial. Although single-family residential properties are adjacent to the west, the high traffic volumes along Lincolnway East and Bittersweet Road make long term use of the current residentially zoned properties undesirable for residential purposes. Furthermore, a large part of the property to be redeveloped is currently zoned for commercial use.*
4. *Conservation of property values – The proposed rezoning should not be injurious to property values in the area as the existing C-4 Automobile Oriented Commercial zoning classification permits commercial uses on a majority of the property. Landscaping and screening will be required per the C-4 district to adequately buffer the proposed use from the adjacent residential properties.*
5. *Comprehensive Plan – The 2000 Mishawaka Comprehensive Plan, created in 1990, guided low-density residential development and general commercial within the subject property and adjacent petitioner owned property. The proposal is consistent with the Comprehensive Plan.*

**MOTION:** Nick Troiola moved to forward Petition #22-01 to the Common Council with a favorable recommendation. Kathleen White-Gadacz seconded; motion carried with a vote of 7-0.

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**PETITION #22-02** A petition submitted by DEV 4506 Lincolnway East, LLC, Rebecca Parker as Trustee for Rose Glen R. and Mavis H., Raymond Jeziorski, Matthew Bender, Tiffany J. Gilbert, and Rousseve Properties, LLC, seeking vacation of Wayne Street and unimproved Pennsylvania Avenue right-of-way for planned adjacent car wash development (Drive N’ Shine).

Steve Ruby, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the Petitioners. Mr. Ruby said they are seeking to vacate Wayne Street and unimproved Pennsylvania Avenue to allow for the development of a Drive N’ Shine facility.

Mr. Ruby said this will allow development over the existing right-of-way. Along with this development there will be a future replat cleaning up easements that existing outside of the high-tension power line that exists.

Mr. Freeman closed the Public Hearing on Petition #22-02.

**Staff Recommendation**

*Staff recommends in favor of Petition 22-02 to vacate Wayne Street from Lincolnway East to the north terminus and Pennsylvania Avenue (unimproved) from Bittersweet Road to the west terminus. As a condition of approval, DEV 4506 Lincolnway East LLC must provide documentation committing to construct the necessary improvements, including but not limited to landscaping and improvements associated with a private drive, on the adjacent parcel (4416 Lincolnway East including the 30’ west half the Wayne Street right-of-way).*

*The required documentation and logistical plan shall be provided prior to recording the right-of-way vacation. 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 vacation will allow for the adjacent property to be redeveloped with a new automatic car wash facility and lube center.*
- 2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient. Three existing homes along Wayne Street will be razed to accommodate the future redevelopment of the adjacent property. The single-family house at 4416 Lincolnway East will utilize the west part of the vacated right-of-way adjacent to their property for a private drive. Pennsylvania Street is unimproved, and therefore, does not provide access to any adjacent structures.*
- 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. Utility easements will remain in place or be relocated via a subdivision plat.*
- 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 #22-02 to the Common Council with a favorable recommendation. Sam Cressy seconded; motion carried with a vote of 7-0.

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**PLAT #22-01** A request submitted by Barak Group, LLC, requesting approval of the two (2) lot "The Gate at Reverewood" Subdivision.

Terry Lang, Lang Feeney & Associates, 715 S. Michigan St., South Bend, said this property has been vacant for 25 years or more. He said this petition will create two single family home lots. He also said he has been working with Engineering positioning the homes for water and water retention.

**Opposition**

Sara Foldenauer, 1210 Pioneer Place, asked how they know it will be enough water retainage for those houses and not flood other houses. She said it tends to flood without other houses there.

Colby Barkes on behalf of Joshua Goldstein, 1111 Canoe Landing Court, asked for the name of the previous person who spoke against.

Mr. Barkes said Mr. Goldstein has a private property owner dispute with Barack and he has indicated the division of the lot will not affect the dispute one way or another and they have no other objection to the division at this time. He said he spoke to Tom DeMester and whether it's one lot or two, it will not affect the dispute.

**Rebuttal**

Mr. Lang said regarding drainage, they will be designing the basin based on the City's design requirements and will extend the basin eastward.

Mr. Lang said with regards to the property line dispute, he previously indicated they surveyed the property and found a fence on their property and they found out they don't own what they thought. He said Mr. Goldstein may have to approach the developer to perhaps buy some land.

Mr. Freeman closed the Public Hearing on Plat #22-01.

**Staff Recommendation**

*Staff recommends **approval** of Plat 22-01 for The Gate at Reverewood pending submittal of executed plat for recordation. This recommendation is based on the fact that the plat meets all the requirements of Section 133-73 / Preliminary Plat & Section 133-76 / Final Plat of the City of Mishawaka Subdivision Control Ordinance.*

**MOTION:** Nick Troiola moved to approve Plat #22-01. Murray Winn seconded; motion carried with a vote of 7-0.

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**PLAT #22-02**

A request submitted by Moser Development Co., LLC, requesting approval of the forty-eight (48) lot "Autumn Ridge, Phase 3 Section 2" subdivision.

Rob Nichols, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicant. He said this is an 11.5 acre parcel and will divide into 48 lots. He said they have worked with Engineering to make sure drainage goes to the south towards Meijer.

Mr. Freeman closed the Public Hearing on Plat #22-02.

**Staff Recommendation**

*The Planning Department recommends **approval** of the Preliminary and Final Plat for Autumn Ridge Phase 3, Section 2 pending submittal of a revised and 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:** Sam Cressy moved to approve Plat #22-02. Nick Troiola seconded; motion carried with a vote of 7-0.

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**PLAT #22-03**

A request submitted by Moe An, LLC, requesting approval of the thirty-nine (39) lot "Autumn Ridge, Phase 4" subdivision.

Rob Nichols, Abonmarche Consultants, 315 W. Jefferson Blvd., South Bend, appeared on behalf of the applicant. He said this is Phase 4 of Autumn Ridge and this section is 19 acres and will be divided into 39 lots.

Mr. Nichols said the developers are proposing to leave 5 acres greenspace to the north. He said this site initially had concerns about stormwater drainage. He said they reduced the run off and it will run to the south and attach to the regional retention basin.

**Opposition**

Dale Deardorff, 903 Handlebar, said he is looking at the same piece of paper they saw 6 months ago and it showed the lots going all the way to the end of the green area. He said he agrees with the developer and has concerns with the drainage. There’s at least a 30’ drop from the street to the east and north. He said they had a conversation with the HOA back in May and they said they would get back to the HOA and they never did and this is the first information they have seen since June and he’s concerned with the lack of contact.

Dr. Deardorff said the people on Wild Cherry Ridge want to get a conversation going. He said it’s a good project but concerned with the lack of communication and how this development will be handled in the future.

**Rebuttal**

Mr. Nichols said he spoke with Dr. Deardorff and he shared his concerns. He said there are 2 cul-de-sacs and there’s a significant amount of fill to raise them and the water will now head south.

Mr. Nichols said due to the heavy soils in the area there’s additional infrastructure that has been designed into the homes so stormwater makes it way to the south. He said they also had a third party confirm their design.

Ms. Gadacz said she lives on Wild Cherry Ridge and has had water issues. She said her concern was water going north. Mr. Nichols said he can’t speak to the existing subdivision, they have tried to take everything into account to keep water within this subdivision.

Mr. Freeman closed the Public Hearing on Plat #22-03.

**Staff Recommendation**

*The Planning Department recommends **approval** of the Preliminary and Final Plat for Autumn Ridge Phase 4 pending submittal of a revised and 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:** Murray Winn moved to approve Plat #22-03. Nick Troiola seconded; motion carried with a vote of 7-0.

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**DESIGN REVIEW:**

**DR #22-01**

A request submitted by LA Jester Realty, LLC requesting a waiver from the Mishawaka Design Review Ordinance Section 105-76 Architectural Materials and Section 105-77 Architectural Color/Texture for new Smoothie King at **2405 Grape Road**.

Joe Dzierla on behalf of Smoothie King and said he has been involved in the project since day one. He said this is a franchise building and there are thousands operating all over the country and hardy board panels are used throughout. The cement board is a good durable product and is widely used.

Mr. Dzierla said the red color is part of the franchise identity. In this building it has a distinctive and current look. In terms of bright colors, obviously the buildings surrounding this have pretty bright colors; John’s Auto Spa, Planet Fitness.

Lauren Jester, 12084 Tranquility Lane, Granger, owner of the location said that the white stripe on the end of the building will no longer be there.

Mr. Cressy asked what would take the place of the white stripes. Ms. Jester said solid red.

Mr. Freeman closed the Public Hearing on Design Review #22-01.

**Staff Recommendation**

*Staff recommends approval of Design Review Waiver 22-01 to allow metal panels and fiber cement board as an appropriate exterior architectural material and the red on the metal as an appropriate exterior color. The metal panels will comprise lower percentages of the building facades that face the public rights-of-way and will have more of the storefront and windows. A majority of the building will be tan tones with the red color highlighting portions of the building. The Plan Commission has approved waiver requests for architectural materials and colors on other commercial/retail buildings to allow for design flexibility and to encourage a diverse rather than uniform appearance.*

**MOTION:** Kathleen White-Gadacz moved to approve Design Review #22-01. Dale Freeman seconded; motion carried with a vote of 7-0.

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**DR #22-02**

A request submitted by ComptonAddy requesting a waiver from the Mishawaka Design Review Ordinance Section 105-76 Architectural Materials and Section 105-77 Architectural Color/Texture for a new gun range/retail store at **6424 Grape Road**.

Ken Knuckles, Development Management Group, 4209 Gallatin Pike, Nashville, appeared on behalf of the prospective purchaser, ComptonAddy. He said this is old Cinemark property, 4.4 acre parcel and the building has been demolished and a lot of the parking lot is still there.

Mr. Knuckles said they propose to build a new 15,000 sqft building, new parking lot, landscaping, and lighting. The building will be situated more than 300' from University Drive. The front elevation is predominantly brick and split face block and a small amount of smooth face block and will have an orange coloring. Mr. Knuckles said orange is their imaging and have roughly 30 locations and basically all look the same. They meet the requirements completely on the front elevation and that is the only wall that is visible from a public street. The rear wall has more orange and only visible from adjacent parcels.

Mr. Freeman closed the Public Hearing on Design Review #21-02.

**Staff Recommendation**

*Staff recommends approval of Design Review Waiver 21-01 to allow orange painted CMU as an appropriate exterior architectural material. The material is durable and sturdy, and as painted meets the intent of the Design Review requirements. The Plan Commission has approved similar waiver requests for other commercial/retail buildings to allow for design flexibility and to encourage a diverse rather than uniform appearance.*

**MOTION:** Kathleen White-Gadacz moved to approve Design Review #21-02. Murray Winn Seconded; motion carried with a vote of 7-0.

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**SITE PLAN:**  
**SP #22-01**

A request for final site plan submitted by Development Management Group, LLC, for a 14,933 sqft building with retail gun sales, indoor shooting range, and instruction classrooms at **6424 Grape Road**.

Ken Knuckles, Development Management Group, 4209 Gallatin Pike, Nashville, appeared on behalf of the prospective purchaser, ComptonAddy. He said this will be a complete redevelopment of the property. When complete it will have all new parking, landscaping, lighting and will be brought into compliance with the current ordinance including stormwater. They are going to provide additional stormwater retention on site. He said there is also an area that has been earmarked for another use and in that instance, they would come back for a future parcel. But right now, they have no immediate plans.

**Staff Recommendation**

*Staff recommends that the request for final site plan for a 14,933 sq. ft. one-story 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:** Murray Winn moved to approve Site Plan #22-01. Nick Troiola seconded; motion carried with a vote of 7-0.

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**ADJOURNMENT:** 7:55 p.m.

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Derek Spier, City Planner

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Kari Myers, Administrative Planner