

**JULY 12, 2022**

**PLAN COMMISSION  
CITY OF MISHAWAKA, INDIANA**

The regular meeting of the Mishawaka Plan Commission was held Tuesday, July 12, 2022, at 7:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Commission members attending: Murray Winn, Dale "Woody" Emmons, Sam Cressy, Nick Troiola, Chris Tordi, Dale Freeman, and Kathleen White-Gadacz. Absent: Chris Jamrose and Chris Niedbalski. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, Shad Annis, and Kari Myers.

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Mr. Tordi explained the Rules of Procedure.

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The Minutes of the June 14, 2022, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**PLAT #22-04**

A request submitted by Gumwood Acquisitions LLC seeking approval of the two (2) lot "Enclave at GrandView Minor Subdivision".

Steve Ruby, Abonmarche Consultants, 315 Jefferson Boulevard, South Bend, appeared on behalf of Gumwood Acquisitions. He said this is the final plat that will map out the necessary ingress/egress easements, water and utility. This is being requested so they can further advance the development of the northwest portion of the property.

Mr. Tordi closed the Public Hearing on Plat #22-04.

**Staff Recommendation**

*The Planning Department recommends **approval** of the Preliminary and Final Plat for the "Enclave at Grandview 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 #22-04. Nick Troiola seconded; motion carried with a vote of 7-0.

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**PLAT #22-05**

A request submitted by Place Group LLC seeking approval of the forty-two (42) lot "Vistula Landing" subdivision. *Petitioner is requesting item be continued to the August 9, 2022, meeting.*

The Commission unanimously approved Plat #22-05 be continued to the August 9, 2022, meeting.

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**PETITION #22-08** A petition submitted by CAT Mishawaka, LLC, requesting to rezone Lot 1 of CAT Mishawaka, LLC's Minor Subdivision from C-2 Shopping Center Commercial District to C-7 Automobile Oriented Restaurant Commercial District for speculative outlot. *Petitioner is requesting item be continued to the August 9, 2022, meeting.*

The Commission unanimously approved Petition #22-08 be continued to the August 9, 2022, meeting.

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**PLAT #22-06** A request submitted by CAT Mishawaka, LLC, seeking approval of the two (2) lot "CAT Mishawaka, LLC's Minor Subdivision". *Petitioner is requesting the item be continued to the August 9, 2022, meeting.*

The Commission unanimously approved Plat #22-06 be continued to the August 9, 2022, meeting.

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**DESIGN REVIEW:  
DR #22-10**

A request submitted by F&C Mishawaka Development LLC requesting a waiver from the Mishawaka City Design Review Ordinance Section 105-170 Exterior Signage Colors and Section 105-174 Signage Size Limitations for **235 Ironworks Avenue, Suites C, D, and E.**

Steven Tucker, US Signcrafters, 216 Lincolnway East, Osceola, appeared on behalf of the applicant. He said they will be fabricating and installing two sets of channel letters and they want to have a unique area where people will want to go. Sun King is well-known in the Indy area.

Mr. Emmons asked if the whole sign will be lit with LED lights? Mr. Tucker said the letters will be internally illuminated. He also said old-school neon has more ambient light and LED is more direct with less glow.

Mr. Emmons asked if the sign will be illuminated from dusk to dawn. Mr. Tucker said that will be up to the owner. He said he believes they can leave on as long as they want as there's nothing in the ordinance to say otherwise.

Mr. Emmons asked if there was any stipulation as to how long the sign can be lit. Mr. Prince said the residents are aware of businesses downstairs. It will be no more than street lights. He said the space is unique for the area and they can go to carry-out this week. It's that soon. He also said it's what the City is looking for in the development as a destination.

Mr. Cressy asked if the letters will have color. Mr. Tucker said the intent is to match the built-in canopy and the raceway will house electrical components of the sign.

Mr. Tordi closed the Public Hearing on Design Review #22-10.

**Staff Recommendation**

*The Plan Staff recommends approval of Design Review Waiver #22-10 to allow an increase in the size of the logo from 30" to 48" and for the logo to use the color orange on the north & east sides of 235 Ironworks Avenue, Suites C, D, & E.*

**MOTION:** Sam Cressy moved to approve Design Review #22-10. Dale Freeman seconded; motion carried with a vote of 7-0.

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**PRIVILEGE OF THE FLOOR:**

Ms. Gadacz said she drives by a certain house near City Hall that has a banner with vulgar language on it and it upsets her greatly that the City allows it to happen. She said it makes our leaders look bad. Children see it. She asked what can be done about it.

Mr. Prince said our Legal Department is aware of the situation and the City will not pursue due to freedom of speech. He said the likelihood of being successful is low. He said he doesn't have a good answer. Yes, it's offensive and it's meant to be offensive.

Ms. Gadacz asked why Code Enforcement couldn't go after them for it. Mr. Prince said everyone who puts out a Merry Christmas sign falls under the same restrictions. It's a much larger issue.

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**ADJOURNMENT:** 7:18 p.m.

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Derek Spier, City Planner

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Kari Myers, Administrative Planner