

**THE AREA PLAN COMMISSION  
OF ST. JOSEPH COUNTY, IN**

**AGENDA**

Tuesday, February 19, 2019  
3:30 p.m.

Fourth-Floor Council Chambers  
County-City Building, South Bend, IN

**PUBLIC HEARINGS:**

1. Rezoning:

- A. A proposed ordinance of Beach House LLC to zone from LB Local Business District to MU Mixed Use District, property located at 2307 Edison Road, City of South Bend - APC# 2887-18.
- B. A combined public hearing on a proposed ordinance of 832 ST RD 23 LLC to zone from GB General Business District to MU Mixed Use District and seeking a Special Exception Use to allow for a drive-through restaurant, and seeking the following variance(s): 1) from the required 5' minimum side residential bufferyard to 0'; and 2) from the required 12' bailout lane to none, property located at 832 South Bend Avenue, City of South Bend - APC# 2888-18. – REQUEST TO TABLE INDEFINITELY

2. Text Amendments:

- A. An Ordinance initiated by the Area Plan Commission amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, Section 154.070 General Regulations to amend development standards of accessory structures in residential districts- APC# 2889-19.
- B. An Ordinance initiated by the Area Plan Commission amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, Section 154.007 to amend Trailers, Mobile Homes and Tents- APC# 2890-19.

**ITEMS NOT REQUIRING A PUBLIC HEARING**

1. Miscellaneous:

- A. Appointment to the Area Board of Zoning Appeals (ABZA).
- B. A Resolution of the Area Plan Commission of St. Joseph County, Indiana establishing a new fee for Street and Alley Vacations. (For Discussion Purposes Only)

2. Executive Director's Report:

3. Minutes (Dec & Jan):

4. Adjournment:

**THE AREA PLAN COMMISSION OF  
ST. JOSEPH COUNTY, INDIANA**

**MINUTES**

February 19, 2019  
8:30 a.m.

Commission Office, Room 1140  
County-City Bldg., South Bend, IN.

**MEMBERS PRESENT:**

Dr. Jerry Thacker  
Rick Kennedy  
John Leszczynski  
Harry Dudeck  
Elizabeth Maradik  
Martin Madigan  
John DeLee  
Oliver Davis

**MEMBERS ABSENT:**

John R. McNamara  
Robert Hawley  
Adam DeVon  
Greg Burris  
Dan Brewer

**ALSO PRESENT:**

Jordan Wyatt  
Angela Smith  
Shawn Klein  
Jennifer Parcell  
Jamie Woods, Counsel

**PUBLIC HEARING - 3:30 P.M.**

**1. REZONINGS:**

- A. A proposed ordinance of Beach House LLC to zone from CB Community Business District to MU Mixed Use District, property located at 2307 Edison Road, City of South Bend - APC# 2887-18. *(Audio Position: 1:28)*

JORDAN WYATT: The petitioner is requesting a zone change from CB Community Business District to MU Mixed Use District. On site is a vacant business and parking lot. To the north are businesses zoned CB Community Business District. To the east is a funeral home CB Community Business District. To the south, across Edison Road, is CVS Pharmacy zoned LB Local Business District. To the west is a business zoned CB Community Business District. The MU Mixed Use District is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district. The site plan shows the development of a new three-story mixed-use building with retail, office, and residential space. Off-street parking will be provided. The development will need to meet the development standards of the MU Mixed Use District. The Walgreens at the corner of Edison and Ironwood was rezoned to LB Local Business District in 2005. Three properties at the corner of Edison and Pyle were rezoned to O Office District in 2009. Edison Road is four lanes with a center turn lane. The site will be served by municipal sewer and water. The City of South Bend Engineering Department offers a favorable recommendation. They noted that the site is in the Edison Park Wellfield Protection Zone and the St. Joseph County Health Department Regulates drywells in this area. Engineering also brought up traffic concerns about the access being in close proximity to the intersection. The Department of Community Investment offers a favorable recommendation, stating the area would

be appropriate for an urban neighborhood center. They recommended planning for future vehicular connections, for access to adjoining lots, on the north end of the site to help reduce the need for curb cuts, allowing street frontages to be fully developed and more walkable. The petitioner is not proposing any written commitments. This petition is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective LU 2.2: Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map. The Future Land Use Plan identifies this area for commercial uses. There are no other plans in effect for this area. Ironwood and Edison Roads have developed as a corridor that features a mix of commercial and residential uses. The most desirable use for the property is commercial or mixed use. Locating commercial uses in commercial areas and providing the proper landscaping should not adversely affect property values. It is responsible development and growth to locate commercial uses along major corridors. The staff has no additional comments at this time. Based on information available prior to the public hearing the staff recommends that this rezoning petition be sent to the Common Council with a favorable recommendation. Rezoning this site to MU Mixed Use District will allow for a mix of uses and development that is consistent with an urban neighborhood center, which will help meet the needs of the residential uses in the area.

#### PETITIONER

LEONARD CONNAUGHTON of 18512 Summer Wind Lane, South Bend, IN presented as the petitioner.

#### IN FAVOR

There was no one present to speak in favor of this petition.

#### REMONSTRANCE

There was one person that spoke in remonstrance to this petition. They were:

PAT MCGANN of McGann Funeral Home offices located at 2313 E. Edison Road, South Bend.

#### REBUTTAL

LEONARD CONNAUGHTON presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Elizabeth Maradik, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Beach House LLC to zone from CB Community Business District to MU Mixed Use District, property located at 2307 Edison Road, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this site to MU Mixed Use District will allow for a mix of uses and development that is consistent with an urban neighborhood center, which will help meet the needs of the residential uses in the area.

- B. A combined public hearing on a proposed ordinance of 832 ST RD 23 LLC to zone from GB General Business District to MU Mixed Use District and seeking a Special Exception Use to allow for a drive-through restaurant, and seeking the following variance(s): 1) from the required 5' minimum side residential bufferyard to 0'; and 2) from the required 12' bailout lane to none, property located at 832 South Bend Avenue, City of South Bend - APC# 2888-18. *(Audio Position: 1:17 & 29:17)*

JOHN LESZCZYNSKI stated that we have a request by the petitioner to table this petition indefinitely. After careful consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Elizabeth Maradik and unanimously carried, a proposed ordinance of 832 ST RD 23 LLC to zone from GB General Business District to MU Mixed Use District, property located at 832 South Bend Avenue, City of South Bend, is TABLED INDEFINITELY.

## 2. TEXT AMENDMENTS:

- A. An Ordinance initiated by the Area Plan Commission amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, Section 154.070 General Regulations to amend development standards of accessory structures in residential districts - APC# 2889-19. *(Audio Position: 18:15)*

JORDAN WYATT: The petitioner is requesting a Zoning Ordinance amendment to update the maximum allowed sizes of accessory structures in St. Joseph County. The proposed amendment would change the way that maximum allowed sizes of accessory structures are calculated. The county features largely varying lot sizes that can accommodate large buildings with out adversely affecting adjacent property values. The changes would allow for larger accessory structures the larger the lot size. Variances have consistently been granted for larger accessory structures in the last seven years and their sizes have been taken into consideration for these changes. Based on information available prior to the public hearing, the staff recommends the zoning ordinance amendment be sent to the County Council with a favorable recommendation. Creating a variable way to calculate the maximum allowed sizes of accessory structures is consistent with the large variations in lot sizes in the county and in line with variances that have been granted by the Area Board of Zoning Appeals in the last seven years.

### IN FAVOR

There was no one present to speak in favor of this petition.

### REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Elizabeth Maradik and unanimously carried, an Ordinance initiated by the Area Plan Commission amending

and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, Section 154.070 General Regulations to amend development standards of accessory structures in residential districts is sent to the County Council with a FAVORABLE recommendation. Creating a variable way to calculate the maximum allowed sizes of accessory structures is consistent with the large variations in lot sizes in the county and in line with variances that have been granted by the Area Board of Zoning Appeals in the last seven years.

- B. An Ordinance initiated by the Area Plan Commission amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, Section 154.007 to amend Trailers, Mobile Homes and Tents - APC# 2890-19. *(Audio Position: 21:46)*

JORDAN WYATT: An Ordinance initiated by the Area Plan Commission of St. Joseph County amending Chapter 154, Planning and Zoning, of the St. Joseph County Code. The proposed amendment would clarify the locations that recreational vehicles can be stored on property. Currently the Zoning Ordinance states that recreational vehicles be "parked in an inconspicuous location". We have found that this requirement is too ambiguous. We are proposing providing three options for property owners to store their recreational vehicles that offers them flexibility and takes into account the varying lots in St. Joseph County. The three options are as follows: 1) Inside a permanent, fully enclosed structure; 2) Behind the front building line; or 3) Between the front building line and minimum front yard, screened from view from the right-of-way with Type 2: Full Screening Landscaping. The amendment will also clarify that the recreational vehicles cannot be stored in any minimum yard. The last change is the addition of a new definition "building line". Based on information available prior to the public hearing, the staff recommends the zoning ordinance amendment be sent to the County Council with a favorable recommendation. The Ordinance will provide property owners with options that will meet their needs and specific conditions on their lot, while providing a regulation that is easily enforceable by the staff.

#### IN FAVOR

There was no one present to speak in favor of this petition.

#### REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Elizabeth Maradik and unanimously carried, an Ordinance initiated by the Area Plan Commission amending and supplementing Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended, Section 154.007 to amend Trailers, Mobile Homes and Tents, is sent to the County Council with a FAVORABLE recommendation.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Appointment to the Area Board of Zoning Appeals (ABZA). (Audio Position: 29:38)

After careful consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by John DeLee and unanimously carried, Robert Hawley was appointed as the representative of the Area Plan Commission to serve on the Area Board of Zoning Appeals.

- B. A Resolution of the Area Plan Commission of St. Joseph County, Indiana establishing a new fee for Street and Alley Vacations. (For Discussion Purposes Only) (Audio Position: 29:42)

2. Executive Director's Report: (Audio Position: 29:47)

LARRY MAGLIOZZI presented the 2018 Area Plan Commission Annual Report.

3. Minutes (Dec & Jan): (Audio Position: 29:50)

- A. Approval of the minutes from the December 18, 2018 Area Plan Commission.

After careful consideration, the following action was taken:

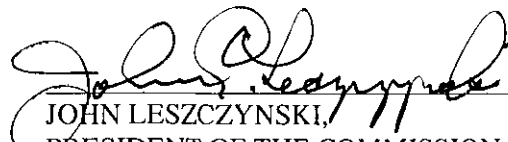
Upon a motion by Elizabeth Maradik, being seconded by Oliver Davis and unanimously carried, the minutes from the December 18, 2018 meeting of the Area Plan Commission were approved as amended.

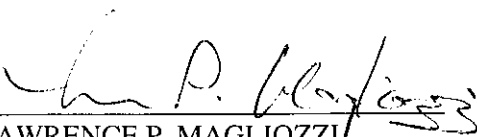
- B. Approval of the minutes from the January 15, 2019 meeting of the Area Plan Commission.

After careful consideration, the following action was taken:

Upon a motion by Elizabeth Maradik, being seconded by Harry Dudeck and unanimously carried, the minutes from the January 15, 2019 meeting of the Area Plan Commission were approved.

4. Adjournment 4:00 P.M.

  
JOHN LESZCZYNSKI,  
PRESIDENT OF THE COMMISSION

  
LAWRENCE P. MAGLIOZZI  
SECRETARY OF THE COMMISSION