

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

**MINUTES**

Tuesday, March 20, 2018  
3:30 p.m.

4th Floor, Council Chambers  
County-City Building, South Bend, IN

**MEMBERS PRESENT:**

Dan Brewer, Debra Davis, John DeLee, Adam  
DeVon, Martin Madigan, Elizabeth  
Maradik, John R. McNamara, Matthew  
Peterson, John Leszczynski, Jordan  
Richardson, Jacob Holloway

**MEMBERS ABSENT:**

Oliver Davis, Robert Hawley, Dr. Jerry  
Thacker, Steve Vojtko

**ALSO PRESENT:**

Larry Magliozzi, Angela Smith  
Jordan Wyatt, Jennifer S. Parcell;  
Staff, Mitch Heppenheimer, Counsel

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

**1. REZONINGS:**

- A. A proposed ordinance of South Bend Redevelopment Commission to zone from GB General Business District and MU Mixed Use District to MU Mixed Use District and CBD Central Business District, property located at the Northwest and Northeast Corners of Western and William and the Southwest Corner of Wayne and William, City of South Bend - APC# 2861-18.

ANGELA SMITH: The petitioner is requesting a zone change from GB General Business District and MU Mixed Use District to MU Mixed Use District and CBD Central Business District. On the west site are vacant lots. On the east site is a parking lot and a vacated street. To the north, across Wayne, are residential properties zoned MU Mixed Use District. To the east is an office building zoned CBD Central Business District. To the south, across Western, is Four Winds Field zoned CBD Central Business District, and a community center zoned MU Mixed Use District and GB General Business District. To the west, across Taylor, is a church zoned MU Mixed Use District. The MU Mixed Use District is established to promote the development of a dense urban neighborhood center environment. The regulations are intended to encourage all the elements of a traditional neighborhood center, including: storefront retail; professional offices; and dwelling units located either in townhouse developments or in the upper stories or rear 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 CBD Central Business District is established to promote the development of the downtown region of the City of South Bend as a center for trade, finance, government, high density residential and entertainment districts within St. Joseph County and North Central Indiana. The regulations of this district are intended to encourage high density, mid-rise and high-rise developments which may include a mixture of compatible urban uses. The development standards in this district, while designed to provide for high density development, also encourage a pedestrian friendly environment supportive of urban residential developments, retail, restaurant, theater and similar business and cultural uses associated with major metropolitan areas. There's no proposed site plan for development at this time. Future development will need to adhere to development standards for the appropriate districts. A portion of Four Winds Field, to the

south, was rezoned CBD in 2015. The parcel to the north of the existing parking lot was rezoned to CBD in 2016. Wayne, Taylor, William, and Western are all two lanes with on-street parking. Wayne and Western have designated left turn lanes at the intersections. The site will be served by municipal water and sewer. There are no agency comments at this time. The petitioner is not proposing any written commitments. This petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy LU 3: Increase the urban density of the Central Business District. The future Land Use Plan identifies this area as mixed use. There are no other plans in effect for this area. The properties in the area around the site act as a transition zone from the Central Business District to the single-family homes to the west. Mixed-use developments help provide this buffer between the two densities of development. The most desirable uses for these sites are mixed use developments that will complement the Central Business District. Rezoning these sites to MU: Mixed Use District and CBD Central Business District will not affect adjacent property's land values. It is responsible development and growth to rezone these sites to MU Mixed Use District and CBD Central Business District. This would allow for developments that are consistent with the surrounding area. The staff has no additional comments at this time. Based on information available prior to the public hearing, the staff recommends sending the rezoning petition to the Common Council with a favorable recommendation. Rezoning these sites to MU Mixed Use District and CBD Central Business District would correspond to, and enhance, the surrounding properties and trends of the area.

ADAM DEVON: Does the City own the property.

ANGELA SMITH: The Redevelopment Commission owns the property.

CHRIS DRESSELL: I am with the City of South Bend Redevelopment Commission. Offices located on the 14<sup>th</sup> floor of this building. My comments today are fairly straight forward but just to specify some of our reasons that we think that the rezoning is a sensible decision for these properties. The quick history to the general business zoning on some of these properties, basically, dates back to the change of the zoning ordinance, so you have some left over parcels that have been rezoned for the current land use at that time. To serve as a remnant to some of those land uses. As we have owned the property for a few years now sometimes we have found that the uses under general business aren't consistent with what we want to see and that is what is done is sort of attracted some interest for uses that may not fit with the consistency that we are looking for. As you know, the way the site is situated it sort of serves as a pivotal transition between the Downtown and the neighborhood to the west. Also, what is happening there now is some considerable activity mostly happening at the Four Winds site with the construction of Ivy at Berlin Place development and then the future development that will occur in the former (VA)Veterans Clinic property. We would see, looking at these two blocks, the block to the west if that were mixed use zoning, could serve more effectively to fit that transition between the densities in the Downtown and the neighborhood densities to the west and the eastern most block I think would be consistent with the other properties within that block that are already Central Business District and could effectively become an edge and take out that anomaly of those general business zoned properties. So, as was noted before while there are no specific plans associated with this request we think that the mixed use would allow flexibility by permitting residential growth and meeting commercial demand and balancing that space that transitional space and with the new changes made to the mixed use zoning category we think that it would provide improved character based on the zero setback and the no parking minimums. We are happy with that. Then we have the opportunity along Western Avenue that could serve as a signature corridor and we can get some appropriate uses or appropriate forms to face that block. In conclusion, with the City and the Redevelopment Commission we are excited about the potential that is held by these properties and we are confident that the rezoning would help us guide the interest and give direction to the development community and other interested parties as we seek a partner to redevelop the properties so we would ask for the Plan Commissions favorable recommendation.

DAN BREWER: The building that is to the east of the two parcels, that is the former site of Gates Chevrolet and then the VA clinic. Who is there now?

CHRIS DRESSELL: It has been purchased by Cressy and Everett for future redevelopment.

DAN BREWER: How is it zoned?

CHRIS DRESSELL: It is zoned Central Business District.

DAN BREWER: Oh, CBD.

#### 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 due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by John DeLee and unanimously carried, a proposed ordinance of South Bend Redevelopment Commission to zone from GB General Business District and MU Mixed Use District to MU Mixed Use District and CBD Central Business District, property located at the Northwest and Northeast Corners of Western and William and the Southwest Corner of Wayne and William, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning these sites to MU Mixed Use District and CBD Central Business District would correspond to, and enhance, the surrounding properties and

- B. A combined public hearing on a proposed ordinance of PKJ Leasing, LLC., and The 4000 Group to zone from LI Light Industrial District to GI General Industrial District and seeking a Special Exception Use to allow vehicle removal and storage / outdoor storage in excess of 50%, and seeking the following variance(s): 1) from the required 30' minimum front yard and building setback to 0'; 2) from the required 100' minimum side residential bufferyard to 0'; 3) from the required screening of outdoor storage to none; 4) to allow barbed wire on a fence located between the front façade of the primary building and the front lot line; 5) to allow a fence and storage area within the minimum 10' clear sight area; 6) from the required landscaping of required perimeter yards and residential bufferyards to none; 7) from the required foundation landscaping to none; 8) from the required parking area screening to none and 9) from the required 11 parking spaces to 0, property located at the East Side of Olive Street between Calvert Street and Delaware Street, City of South Bend - APC# 2862-18.

ANGELA SMITH: The petitioner is requesting a zone change from LI Light Industrial District to GI General Industrial District, a Special Exception Use, and nine variances from the development

standards. On site are two structures that house offices, storage, and vehicle repair. The remainder of the site is used for vehicle storage. To the north, across Calvert, are industrial properties zoned LI Light Industrial District. To the east are single-family homes zoned SF2 Single Family & Two Family District. To the south, across Delaware, are single-family homes zoned SF2 Single Family & Two Family District. To the west, across Olive, are single-family homes zoned SF1 Single Family & Two Family District. The GI General Industrial District is established to provide for development of manufacturing and processing facilities or facilities which may require substantial amounts of outdoor storage or outdoor operations. Permitted uses in this district tend to generate heavy traffic and require extensive community facilities. Permitted uses in this district may require extensive amounts of outdoor storage or outdoor operations. The permitted uses provided for in this district should be separated from residential districts or low intensity commercial / mixed use districts by less intense industrial districts. The site plan shows no change to the current structures. The building located in the northwest corner of the site is 4000 square feet. Another building located in the southwest corner is 3000 square feet and is planned to be demolished at a later date. The site is surrounded by an 8 foot tall chain-link fence with an additional foot of barbed wire. Historically, the properties along Olive Street have been industrial bordering residential neighborhoods. Olive Street to the west of the site is two lanes with on street parking. Calvert and Delaware are two lanes. Improvements to Olive Street are planned for 2020. The site is on municipal sewer and water. The Department of Public works notes that the practices of right angle parking and parking across the sidewalk zone are violations of the Code provisions. It is expected that the right angle parking in the right-of-way on the northern portion of the site to be removed. The Department of Community Investment recommends the petitioner offer a written commitment to limit permitted uses to those found in the LI Light Industrial District plus wrecker service. The staff is requesting a written commitment to limit permitted uses to those found in the LI Light Industrial District plus wrecker service. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy ED 7.3: Support neighborhood-economic opportunities as identified in area-specific plans. The future Land Use Plan identifies this area for light industrial uses. Rum Village Neighborhood Plan (1995) indicates the location of this site to be used for low intensity industrial uses. The Olive Street Corridor has developed as an industrial corridor, with heavier industrial to the north of the site. The most desirable use for the site would be light industrial uses. Existing uses on the site will not change thus preserving the existing properties value of surrounding properties. It is responsible development and growth to allow the continued use of the site as a tow service and vehicle storage. The right angle (perpendicular) parking could be replaced with parallel parking suitable for the use and area. When the Olive Street improvements are made, the petitioner is encouraged to establish the appropriate sidewalk along their portion of Calvert street in order to properly connect the neighborhood to the pedestrian path created. Based on information available prior to the public hearing the staff recommends sending the rezoning petition and Special Exception Use to the Common Council with a favorable recommendation subject to the written commitment. The staff recommends approval of the variances, subject to removing the right angle (perpendicular) parking in the public right-of-way. Rezoning the site to GI General Industrial will follow the trend of uses to the north of the site. The approval of the variances and special exception use would allow the site to continue to function as it already has.

DAN BREWER: The right angle parking that you are recommending the written commitment for. The rationale for that is that it creates too narrow of street?

ANGELA SMITH: Right now they are currently parking across what should be a sidewalk. So if this was a new development, for instance, they would be required to install a sidewalk through there. You are essentially parking across what should be a sidewalk. There are plans in 2020 to improve Olive

Street with a pedestrian path adjacent to this property, that would prevent access. Also, as people are coming up and down the street, that right angle parking makes it a little hard for a site visibility. It also takes up a little bit of the right-of-way. Parking in the public right of way is something that usually is controlled by the Board of Public Works but we can place a reasonable condition on the property.

PAUL WALTERS: I own PKJ otherwise known as ASAP Towing located at 1906 S. Olive Street, South Bend. We do all the towing for the City of South Bend at this point. Last year, we ended up with a contract where there were five companies that did the rotation. Now we are down to one company. We had an overabundance of cars come through this winter from snowbirds and other things like that. So we do have an overabundance of cars at this point, which is causes us to park some of the cars out on the street. We have taken care of that problem now so we can get our trucks inside and won't have issues with that. We have also been in that property on the south side of the building which we have run for about eight years and then we bought the building to the north. We redid the fencing and cleaned the building up. Got everything back together and up and running. This is probably not going to be our permanent home but we have to be there for at least another two years.

DAN BREWER: Do you have any objections to the written commitment regarding parking?

PAUL WALTERS: So we understand that parking has been in front of that building for a long time. No. I don't have an objection to be able to move and put some parking in. It would require eleven spaces. I don't think we have enough room to do eleven spaces. I think maybe we could squeeze in six more spaces.

JOHN MCNAMARA: You could probably save some of the spots if you turn the cars the other way.

PAUL WALTERS: Right.

JOHN MCNAMARA: And stay off the sidewalk.

PAUL WALTERS: There are no existing sidewalks down that stretch of Calvert on either side of the street.

JACOB HOLLOWAY: You are planning to move to another location?

PAUL WALTERS: Eventually. We have purchased a piece of property on Mayflower Road that we will be moving to. It is just we have to make time to make transitions.

ADAM DEVON: What is the purpose of the rezoning?

PAUL WALTERS: We were on this property for ten years and we filed for our license this year and we were told we were not supposed to be there, after we had been there for ten years. We have established our business there and have been for ten years and now there is a rezoning problem. That is why I am here today.

ELIZABETH MARADIK: Staff recommended a written commitment that would limit the uses to the current zoning, which is light industrial, plus the wrecker services. Are you ok with that written commitment?

PAUL WALTERS: As long as we are able to keep the wreckers there. Like I said we do all the towing for the City of South Bend now. We were unprepared for the amount of cars that were abandoned on the

streets this winter. We did take an influx of cars and you wouldn't believe, several hundred cars. Our space has been under control now. We have been able to get things moved around to the other properties so we can get back to business there.

### IN FAVOR

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

### REMONSTRANCE

BELA BAN JR.: I reside at 2017 S. Carlisle Street, South Bend. Some of the concerns, speaking with my fellow neighbors and residents there, I looked over the lot that Paul runs, there are a lot of wrecked vehicles. I have concerns about pollution. We have, just considering that I grew up in this town and there are a lot of properties that have been polluted with all kinds of fluids. Now it is in our backyard, so to speak, right behind homes. Another one that was brought up is the parking that it blocks the residential areas and that's been a concern where one of my neighbors here at one time, it was on my end too, off of Delaware because every time there was a unloading and reloading of a vehicle that whole intersection was blocked at Olive and Delaware. So if I was trying to come home then I would have to go another block just to go around whatever activities were taking place. Another concern would be it is an unsightly deal to be right there in a neighborhood. What does that do to people's property values as far as anyone wanting to move in or even to sell a home. Last of all, this is something I spoke to Jordan, if I am right I spoke with you on the phone the other day, is a traffic concern. Not every time, but a large part of the time, the trucks are always coming down Carlisle Street with cars on and also in tow. We have kids on that street and plus it is an "S" curve as you come off Carlisle off of State Road 23. We have to contend with that as far as traffic and them bringing cars in. Those are some of my concerns.

JORDAN RICHARDSON: You said you spoke with me yesterday?

ANGELA SMITH: No, this Jordan (the Planner).

DAN BREWER: You indicate that it is unsightly and yet Mr. Walter said they have improved the site and cleaned it up. Is it unsightly recently?

BELA BAN JR: As you go around the property one of them is boarding the two homes that you see on Phillipa and that's pretty much all the cars that you can stare at all day long. Then on Delaware the same thing.

DAN BREWER: Is this a change recently or has it been going on for a long time?

BELA BAN JR: This has been going on since they started towing, I believe, so I forget the exact amount of years.

BELA BAN JR: I didn't know that there was anything you could do about it and I didn't know so it is only now that this has come to light that well apparently it wasn't a business that was supposed to be there and apparently an attempt to allow it.

MATHEW PETERSON: How long have you lived in the neighborhood?

BELA BAN JR: I have been in that neighborhood 30 years.

JORDAN RICHARDSON: Where about are you at?

BELA BAN JR: You see the house on the right (pointing to the Powerpoint) there on Phillipa, I am right across the woods and on Carlisle.

JON KRUK: I reside at 1905 S. Carlisle, South Bend. I am one block east of the establishment on Calvert and Carlisle. I understand when Mr. Walter's applied for his permit that he didn't realize it was zoned that way, but my concern is that if he is leaving in a couple of years and you rezone it, how do I know what they are going to put in that you are allowing something more than what's there now that I am going to have to deal with? As far as the parking goes. It is not all day there, but on Calvert Street sometimes there are three tow trucks there lined up on Calvert Street so when you are heading west on Calvert to get to Olive, you can't really see traffic to make a turn on Calvert off of Olive because of the buildings, so you are actually in the oncoming lane when you are getting to Olive Street and if someone turns into that lane you are looking at a head on collision, if you can't see them turning there. Those are my main concerns. Like I say I just don't want to see it at a higher degree where someone else can come in there and maybe pollute it more or at a higher standard.

APRIL VANDERHAYGEN: I reside at 1905 S. Phillipa Street, South Bend. I live directly behind ASAP Towing. There are no sidewalks. There are no sidewalks on Calvert Street, there is not one on Phillipa Street. The trucks come down the road and they clunk and they bounce and the guys hop the cars off at the back. All of the dust from the tow yard because it is always dry. When they rake the potholes it all comes. In the summer time I have a swimming pool with the dust, I can't open my back windows because all of the dust comes through my back windows. My kids have bad allergies. It seems to make it worse. My house is filthy constantly if I leave the windows open. I own one air conditioner, I am on low income and other than that I either sweat in the house or run up my electricity bill with the one air conditioner that I do have.

### REBUTTAL

PAUL WALTERS: On the parking issue, we pretty much have that under control here now that we have the influx of cars out, so the trucks will be coming inside. If it would make things better, I can route the trucks around so that they are coming off of 23 and then north on Olive instead of going through the neighborhood there, that would not be a problem. Just depends on where the accidents are at. They are all over the city, so it just depends on where the trucks are coming from, which way is easier to get them back. We of course want to quickly get the trucks unloaded because for some reason in the City of South Bend the accidents don't happen one at a time. It is usually five for six at a time. They are all over the City so with that being said I can route them around Carlisle Street and just have them come down 23 and north on Olive. We are planning on doing our spring time, what we do is go over the lot with a solution that keeps the dust down that would eliminate the dust coming and then we treat it again about mid summer.

JACOB HOLLOWAY: Would you be willing to work with her, if there is ever an issue with the dust like spraying it down?

PAUL WALTERS: Absolutely. If there are any concerns, she is right behind me and we have talked several times. We even had a mysterious rock come over the fence one time and we took care of that as neighbors. Yes, I will be more than happy to work with anyone to make everyone happy.

MARTIN MADIGAN: When do you plan to move to Mayflower Road?

PAUL WALTERS: We are planning on moving within in the next two years. There is a lot of work that needs to be done over there. There also needs to be some buildings come down and a building go up. So there is a lot to do.

MARTIN MADIGAN: What do you plan on doing with this property when you leave?

PAUL WALTERS: I am not real sure at this point.

JORDAN RICHARDSON: Is there any kind of buffer between the other communities and this besides the fence?

PAUL WALTERS: I don't understand what you mean "buffer"?

ANGELA SMITH: Just the fence and then on the east side of the fence is an alley.

PAUL WALTERS: There is an easement on the east side where power lines run through so we are about seven or eight foot back from that easement, which I take care of that easement. We try to keep that trimmed down for several reasons.

ANGELA SMITH: There is technically an alley there.

PAUL WALTERS: It is not used.

LARRY MAGLIOZZI: There was a comment made by a resident that vehicles were being unloaded in the street and then driven or moved into the lot. What I heard you say is that may have happened but no longer the case now?

PAUL WALTERS: We are making some adjustments. Sometimes the insurance companies, they send to pick up these wrecked vehicles to go to either scrap or body shop. Sometimes they were bringing these four or five car haulers well to be able to get these things into the fence, it was difficult because we had the over flux of cars, I think now we got that taken care of, we can get them in so they are not blocking the streets.

LARRY MAGLIOZZI: The other was a comment about pollution on the site. You don't dismantle vehicles here. I think you do some repair to vehicles, but if you could clarify that?

PAUL WALTERS: We don't dismantle anything, we don't take any parts off this is all insurance stuff that had been in an accident or impounded vehicles for whatever reason they were impounded. We do a little repair in the building, but not so much, we are not doing anything major in there.

LARRY MAGLIOZZI: What would be the reason to repair?

PAUL WALTERS: Most of us just do maintence on our own vehicles.

JACOB HOLLOWAY: A point of information. Is it possible once a business moves from a certain location that what it was zoned to would revert back to its previous zoning?



ANGELA SMITH: So there are only three ways a property can be rezoned. It can be initiated by the property owner, by the Plan Commission, or by the Council. It can't automatically revert or anything like that when the petitioner leaves. If at some point they left this site, the three parties that could initiate a rezoning would be the current property owner, by the Plan Commission, or by the Council.

JACOB HOLLOWAY: So to follow up, it would come back to us?

ANGELA SMITH: Yes, in the future if it were to be rezoned again it would come back to us.

JACOB HOLLOWAY: So if another business came in and bought it, what would happen?

ANGELA SMITH: If the Commission passes it with a written commitment we would suggest to limit it to the LI uses plus this, another business could buy it for a towing service as this is or they could use it for any use under the LI Light Industrial District, which is what it is currently zoned. If someone wanted to do something more intense than that, they would have to petition to remove the written commitment which would come before the Commission for a Public Hearing.

JORDAN RICHARDSON: Are there any future land restrictions given the type of business that is on this plot?

ANGELA SMITH: I am not sure I understand you. You mean in terms of the wrecker service?

JORDAN RICHARDSON: In terms of future use. For example, like this would not be considered an EPA or anything like that because of the type of let's say a gas station or something like that.

ANGELA SMITH: I am not familiar enough with the environmental stuff to know whether or not this would trigger or throw a red flag so I don't know the answer to that question.

JORDAN RICHARDSON: I was just curious.

MATTHEW PETERSON: It is true that if it is rezoned to General Industrial District that there are less restrictions than Light Industrial as far as screening is concerned and also the amount of noise etc.

ANGELA SMITH: If the written commitment is passed with it the it will be limited to LI. The setbacks between LI and GI and screening are all comparable reasons.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Elizabeth Maradik and carried, a proposed ordinance of PKJ Leasing, LLC., The 4000 Group to zone from LI Light Industrial District to GI General Industrial District, property located at the East Side of Olive Street between Calvert Street and Delaware Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to a written commitment to limit permitted uses to those found in the LI Light Industrial District plus wrecker service. Rezoning the site to GI General Industrial will follow the trend of uses to the north of the site. The approval of the variances and special exception use would allow the site to continue to function as it already has.

Upon a motion by John McNamara, being seconded by John Leszczynski and unanimously carried, a Special Exception Use for vehicle removal and storage /

outdoor storage in excess of 50% property located at the East Side of Olive Street between Calvert Street and Delaware Street, City of South Bend, was approved, subject to the rezoning being approved by the Common Council.

Upon a motion by John Leszczynski, being seconded by John DeLee and unanimously carried, the variance(s) 1) from the required 30' minimum front yard and building setback to 0'; 2) from the required 100' minimum side residential bufferyard to 0'; 3) from the required screening of outdoor storage to none; 4) to allow barbed wire on a fence located between the front façade of the primary building and the front lot line; 5) to allow a fence and storage area within the minimum 10' clear sight area; 6) from the required landscaping of required perimeter yards and residential bufferyards to none; 7) from the required foundation landscaping to none; 8) from the required parking area screening to none and 9) from the required 11 parking spaces to 0, property located at the East Side of Olive Street between Calvert Street and Delaware Street, City of South Bend, were approved, subject to removing the right angle (perpendicular) parking and the rezoning being approved.

- C. A proposed ordinance of Harold & Laverne Foos to zone from R: Single Family District to B: Business District, property located at 15615 State Road 23, St. Joseph County - APC# 2864-18.

JORDAN WYATT: The petitioner is requesting a zone change from R: Single Family District to B: Business District. On site is a single-family home with a detached garage. To the north, across State Road 23, are parcels zoned O: Office District, B: Business District, OB: Office Buffer District, and R: Single Family Residential. To the east are single-family homes zoned OB: Office Buffer District and R: Single Family District. To the south are single-family homes zoned R: Single Family Residential. Village at Arborwood Senior Community is also to the south of the parcel in the City of Mishawaka. To the west is a commercial business that is zoned B: Business District. The B: Business District is established to provide for businesses which provide for the full range of convenience uses necessary to meet the daily needs of residential neighborhoods. Permitted uses within the B: Business Districts are regulated in character to assure harmonious development with the nearby residential districts served. The current structures will be removed. A new office building will be constructed and a paved parking lot. The southern portion of the parcel is a wetland and will remain wooded. Design guidelines are properly shown. Several properties between Gumwood and Filbert have been converted to non-residential uses since 1995. State Road 23 has four lanes with a center turn lane. The site will have private well and septic. The County Health Department stated that the type of professional office will determine the approving authority for the well. The property is not in an ACA and no environmental defects were observed. The Indiana State Department of Health must issue the Technical Data Sheet identifying the requirements for the septic system. The petitioner is not proposing any written commitments. This petition is consistent with the Comprehensive Plan of South Bend and St. Joseph County, Indiana (April 2002) Objective C: Develop quality business areas to meet the retail and service needs of the planning area. The Land Use Plan identifies this area for residential development. However, trends of this area have focused on office and commercial uses. There are no other plans in effect for this area. State Road 23 is a high volume corridor with a mix of residential, office, and commercial uses, with commercial development primarily concentrated at major commercial nodes. The most desirable use of the land is one that is compatible with the mixture of uses along the corridor. Due to the fact that the area is a mixture of office and commercial uses, rezoning the site to B: Business District should not adversely affect the value of adjacent property. It is responsible development and growth to allow commercial development along major transportation corridors. The staff has no additional comments at this

time. Based on information available prior to the public hearing, the staff recommends this rezoning petition be sent to the County Council with a favorable recommendation. Rezoning the site to B: Business District would complement the current trends and mixture of uses along State Road 23.

JOHN MCNAMARA: What is that down in the bottom?

JOHN DELEE: Arborwood.

JOHN MCNAMARA: Thank you.

ANDY GEBHARD: I am with Abonmarche Consultants. Offices located at 750 Lincoln Way East. Their closing is imminent and they plan to close on the property by the end of the month. As stated we are looking to change the zoning from Residential to Business District which conforms with a lot of the area to the west and south and northeast of it with the residential just to the east. The site plan shows office buildings which would have mixed used offices in it. There are no contract tenants right now but pending approval of the zoning sounds like they should get some under contract. There are talks with chiropractors, dentists, other health related type business for the area. Pending approval of the zoning change the developer would like to move forward with final construction plans as soon as possible and would hopefully begin the construction this summer.

#### 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 due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Adam DeVon and unanimously carried, a proposed ordinance of Harold & Laverne Foos to zone from R: Single Family District to B: Business District, property located at 15615 State Road 23, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. Rezoning the site to B: Business District would complement the current trends and mixture of uses along State Road 23.

#### ITEMS NOT REQUIRING A PUBLIC HEARING

##### 1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 14017 Dragoon Trail, St. Joseph County – APC #2856-17.

After due consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Jacob

Holloway and unanimously carried, the Findings of Fact for granting Variances for property located at 14017 Dragoon Trail, St. Joseph County were approved.

- B. Findings of Fact for granting Variances for property located at 10250 McKinley, St. Joseph County – APC #2857-17.

After due consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Jacob Holloway and unanimously carried, the Findings of Fact for granting Variances for property located at 10250 McKinley, St. Joseph County were approved.

- C. Findings of Fact for granting Variances for property located at 2104, 2108 and 2112 E. Mishawaka Avenue and 914 and 918 S. 21<sup>st</sup> Street, City of South Bend – APC #2858-17.

After due consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Jacob Holloway and unanimously carried, the Findings of Fact for granting Variances for property located at 2104, 2108 and 2112 E. Mishawaka Avenue and 914 and 918 S. 21<sup>st</sup> Street, City of South Bend were approved.

## 2. Executive Director's Report:

LARRY MAGLIOZZI: Today was the first day for our part time Subdivision Planning Technician, Tony Molnar. Many of you know him. He actually started as a planner in the early 70's with the Plan Commission and kind of moved around a little bit with MACOG and spent a long time with Public Works with the City of South Bend. So he is technically retired for a second time but he was working part time in the Assessor's Office and this opportunity came along and he responded that he would like to come on board. Ninety Nine percent of his time will be spent on subdivision review activity. I have been handling it since December 1. Hopefully we can keep things moving along. We still have an open position. We have some options on that over the next few months.

I would like to request permission to initiate a rezoning in the Town of North Liberty. We just passed their new zoning districts. As we were doing that we noticed there was a cap at the zoning end that was unzoned and we didn't catch that for whatever reason so we are going to bring a rezoning to you next month on that.

After due consideration, the following action was taken:

Upon a motion by Debra Davis, being seconded by Elizabeth Maradik,

permission was given to initiate the rezoning for the Town of North Liberty.

ANGELA SMITH: You have seen many text amendments through the year. The City of South Bend is continuing to work on their Zoning Ordinance to continue to improve their and streamline. The City staff is continuing to work with the Area Plan staff. We expect to see some changes in the parking standards that are out of line with reality in terms of what the minimum requirements are and even some of the design standards. Some changes in the sign ordinance may be coming. Just other little things here and there procedurally. They are all things that I think the staff will be comfortable supporting and if the Commission is comfortable supporting then we would be happy to introduce on your behalf. The other items related to that is the County Sign Ordinance. As I have had to administer the County Sign Ordinance for the last few months, I can tell you it is far worse than I had imagined. We need to desperately pass that. We have a tentative draft that we have been working with Chuck and Ayoka, who had previously done this in the Building Department. The plan would actually be to share this with, and get feedback from, the major sign companies before we actually introduced something. We would like to introduce something sooner rather than later.

DAN BREWER: So I understand the reason the sign ordinance is because it is difficult to work with.

ANGELA SMITH: With the City Ordinance, and I think with the County too, as we use these ordinances since 2004 and 2005 there are a lot of things we continually see variances for. For instance, being in the City I know one of the major instances is the parking requirements where you require two parking spaces for each residential dwelling unit. You could have a single house which would require one but as soon as you make that a duplex now you require four parking spaces. A lot of the sites don't accommodate those issues. So looking at that I think it pretty much a national trend. There have been a movement to move away from this parking minimums because it assumes we know what a business or use needs based on the market which is a better determination of what they actually need. There is a big difference between an insurance office where they have people coming in daily and an architect's office who goes out once a month to go look at a site and maybe doesn't have enough people going into the building per say.

DAN BREWER: So we would see less variances here.

ANGELA SMITH: Ideally the ordinance should match what people need. The variances should either not be needed or not granted because that that is what we want.

LARRY MAGLIOZZI: We have been reacting on variances since 2005. Now since we have Zoning Administration, gives us a little bit more flexibility to start adjusting accordingly. We are going to start working on a major revision of the County Ordinance. The City has already started to look at the major revision of the City. We just completed revisions to all of the Towns except for Roseland. We have applied some of these concepts to the Town Ordinances. We don't know how they are going to play out because they don't have a high development track record. Everything you have read, everything that we intended as far as special presentations. The landscape is changing out there and it is changing really fast so parking is an issue.

JOHN DELEE: In the past we have had training for new members of the Area Plan Commission are we going to do that again this year?

ANGELA SMITH: We have had one training session when KK came in. We do an orientation when any new member comes on no matter who the member is, and we incorporate KK's material in what we give that to the new members. That was a joint effort between the Building Department and the City and ourselves. I don't expect that we would be doing that on an annual basis.

LARRY MAGLIOZZI: Maybe towards the end of the year, like November, we could revisit some of the petitions that have been before you that we know may have been controversial or we have had a lot of discussion and then maybe by then we will have the results from the Council. Maybe there are some things that we as a staff can point out.

JOHN DELEE: That would be good.

DAN BREWER: The presentations are pretty heavy on following the Comprehensive Plan.

3. Minutes (Nov, Dec, Jan, & Feb) and Expenditures:

- A. Approval of the minutes from the November 21, 2017 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by John DeLee and unanimously carried, the minutes from the November 21, 2017 meeting of the Plat Committee were approved.

- B. Approval of the minutes from the December 19, 2017 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by John DeLee and unanimously carried, the minutes from the December 19, 2017 meeting of the Area Plan Commission was approved

- C. Approval of the minutes from the January 16, 2018 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by John McNamara, being seconded by Adam Devon and unanimously

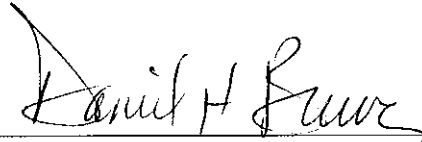
carried, the minutes from the January 16, 2018 meeting of the Area Plan Commission were approved.

- D. Approval of the minutes from the February 20, 2018 meeting of the Area Plan Commission.

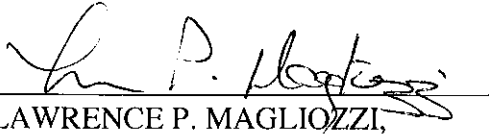
After due consideration, the following action was taken:

Upon a motion by Jacob Holloway, being seconded by John DeLee and unanimously carried the minutes from the February 20, 2018 meeting of the Area Plan Commission were approved.

4. Adjournment: 4:30 p.m.



DANIEL H. BREWER,  
PRESIDENT OF THE COMMISSION



LAWRENCE P. MAGLIOZZI,  
SECRETARY OF THE COMMISSION