

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

MINUTES

Tuesday, April 17, 2018
3:30 p.m.

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

MEMBERS PRESENT:

Dan Brewer, Oliver Davis, John DeLee, Adam
DeVon, Martin Madigan, Matthew
Peterson, Jordan Richardson, Dr. Jerry Thacker

MEMBERS ABSENT:

Debra Davis, Robert Hawley, Elizabeth
Maradik, John R. McNamara, John
Leszczynski, Steve Vojtko

ALSO PRESENT:

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

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A proposed ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana on behalf of the Town of Lakeville to zone from R1 Single Family District to R2 Multi-Family District, property located at 500 E Monroe Street, Town of Lakeville - APC# 2866-18.

JORDAN WYATT: We have a request from the Town of Lakeville to table this for two months.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Jordan Richardson and unanimously carried, a proposed ordinance of Initiated by the Area Plan Commission to zone from R1 Single Family District to R2 Multi-Family District, property located at 500 E Monroe Street, Town of Lakeville, is TABLED to the June 19, 2018 meeting of the Area Plan Commission.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Appointment of an alternate member for the Area Board of Zoning Appeals for Robert Hawley.

DAN BREWER: Our colleague and fellow Commissioner Bob Hawley has informed us that he has some health issues that are going to have him away for a while and we will miss him. He is also the Area Plan Commission member who is a member of the Board of Zoning Appeals and it is our responsibility to appoint a member to the Area Board of Zoning Appeals. Bob doesn't want to necessarily step down, but he wants to step away. There is a method for us to simply

appoint an alternate. We have a unique situation, and that is that there is only one person here who really qualifies to serve in that capacity because it is a County Council appointed position. There are two members of this Commission that are County appointed and one is Robert Hawley and the other is Adam Devon.

After due consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by John DeLee, Adam Devon is appointed to the Area Board of Zoning Appeals as Robert Hawley's alternate.

- B. Findings of Fact for granting variances for property located on the east side of Olive Street between Calvert Street and Delaware Street, City of South Bend – APC# 2862-18.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by John DeLee and unanimously carried the Findings of Fact for granting Variances for property located on the east side of Olive Street between Calvert Street and Delaware Street, City of South Bend were approved.

2. Executive Director's Report:

LARRY MAGLIOZZI: We have the Annual Report for 2017. There are two corrections. One is on the page that outlines who the plan commission members and who they are appointed by. Martin Madigan is a representative of the Council on Town Affairs for the Town of Roseland and not the Town of Lakeville. The other is Gerry Phipps who is no longer on the Commission. Otherwise as far as the annual report as last year, it has followed the same format as in previous years. Program initiatives. The big item for us is to begin our Zoning Administration and of course full administration of the Board of Zoning Appeals. We are four months into it already. We will have a report to you in 2018. Between Angela and I we have handled most of the Zoning Administration. It has been a little bumpy. As you recall, we lost our two planners by December 1. We really didn't have the time we thought we would to fully get ready for it. We have been taking a lot of zoning calls in the County. We will start sending out letters for zoning violations and get that process moving. We will continue to do research and changes to the City Zoning Ordinance. We are working closely with DCI. I believe the next text change that we talked to them about this morning is the parking section. Angela is working on the County sign ordinance section. That's all related to the Supreme Court case of off-premises and on premises signs. So you will see those come through, and also some other minor changes to the City Subdivision Ordinance that will come through here in the next couple of months, if not sooner. We are starting to do some rough work on the total replacement of the County Ordinance. The 2020 Census work has begun. We have started to do some preliminary ground work as far as the addressing system with Towns on that. Getting those set for the 2020 Census. We will have more information for you later on. We are working with the City, Chris Dressel and DCI will coordinate marketing efforts with them. Chris Dressel and I worked on

the past Census so we have a decent idea on what we need to do For the Zoning Administration we have a constant flow of sign permits applications and zoning violation calls and improvement location permits. That is our Annual Report. If you have any questions on that, please let us know. I will send this out to the County Commissioners and County and City Councils sometime this week.

DAN BREWER: Is there any statics here regarding subdivisionS submitted?

LARRY MAGLIOZZI: You have subdivision plats that were processed in 2017 is on page 8. It breaks it down by jurisdiction and type.

DAN BREWER: Oh subdivisions processed, there it is.

LARRY MAGLIOZZI: The Major Primaries, don't get the idea that those are large subdivisions. A lot of those are well below 45 lots or smaller. I think there are two of them that are closing out in there Hidden Trails, and New Granger Trails.

ANGELA SMITH: We are starting to finish off primaries that have been done a long time ago, so a lot of the new lots coming on board are part of the subdivisions that were platted years ago and just never fully developed.

LARRY MAGLIOZZI: Actually, those fall into the secondary category. This year we probably had several new subdivision plats.

DAN BREWER: I had someone ask me why we didn't have as a Commission we had no role in the development of the Casino? I answered that I assumed that was land that belong to the Pokagon Band, we have no jurisdiction, they have their own land use authority.

LARRY MAGLIOZZI: They are a nation onto themselves so they made an agreement with the City of South Bend for various things. They didn't have to do zoning. There is one thing we had to do with them and that is the police station which is not owned by the Indians so they had to come through some sign variances.

ANGELA SMITH: It is owned by the Tribe but not part of the Federal Land Trust. Any land in the Federal Land Trust is considered its own sovereign nation.

3. Minutes and Expenditures:

- A. Approval of the minutes from the March 20, 2018 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

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

B. Approval of the Expenditures from March 21 through April 16, 2018

Lowe's \$24.21; Mishawaka Enterprise \$58.50, \$12.74; Office Three Sixty \$23.11

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Adam Devon and unanimously carried, the Expenditures from March 21 through April 16, 2018 were approved.

4. Adjournment: 3:49 pm



DANIEL H. BREWER,
PRESIDENT OF THE COMMISSION



LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION

FINDINGS OF FACT

APC# 2862-18
PKJ Leasing, LLC.
City of South Bend

On Tuesday, March 20, 2018, the Area Plan Commission approved the following variances from the Development Standards of the City of South Bend Zoning Ordinance:

- 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
- 9) from the required 11 parking spaces to 0

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community
The proposed variances will not be injurious to the public health, safety, morals and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

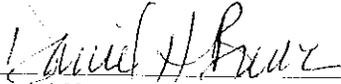
Approving the variances to continue to let the site function as it currently has will not adversely affect the use or value of adjacent properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The strict application of the landscaping, parking, and setbacks would create an undo hardship on the property owner to dramatically alter their site after it has been used in its existing state for some time.

The Minutes of the March 20, 2018 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, on 3/9/2018.


Daniel H. Brewer, President
Area Plan Commission of
St. Joseph County, Indiana

ATTEST:


Lawrence P. Magliozzi, Secretary