

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

**MINUTES**

Tuesday, January 16, 2018  
3:30 p.m.

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

MEMBERS PRESENT:

Dan Brewer, Adam DeVon, Robert  
Hawley, Martin Madigan, Elizabeth  
Maradik, John R. McNamara, Matthew  
Peterson, John Leszczynski, Jordan  
Richardson, Dr. Jerry Thacker

MEMBERS ABSENT:

Debra Davis, Oliver Davis, John DeLee,  
Jacob Holloway; Steve Vojtko

ALSO PRESENT:

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

LARRY MAGLIOZZI: I would like to introduce to you our new Zoning Planner, Jordan Wyatt. He replaces David Stanton. He started last Wednesday. He will be the one representing us on the Councils.

EXECUTIVE SESSION:

A. Election of Officers

MITCH HEPPENHEIMER: Nominations are open for President of the Commission.

JOHN MCNAMARA: I nominate Dan Brewer to continue as President for 2018.

After due consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by John McNamara and  
unanimously carried, Daniel Brewer was elected as President of the Area  
Plan Commission for 2018.

MITCH HEPPENHEIMER: Now we need a nomination for Vice President of the Commission.

JOHN MCNAMARA: I nominate John DeLee as Vice President of the Commission for 2018.

Upon a motion by Robert Hawley being seconded by John McNamara and  
unanimously carried, John DeLee was elected as Vice President  
of the Area Plan Commission for 2018.

B. Appointment of Plat Committee

DAN BREWER: Plat Committee members for 2017 were John McNamara, Linda Mauller, Chuck Bulot, Jessica Clark, Kara Boyles with their alternates being John Law, Ayoka Paek, Adam Bowden, Roger Nawrot and Sue Ellen Doudrick. Do we have a motion to keep the Plat Committee members the

same for 2018?

After due consideration, the following action was taken:

Upon a motion by John McNamara being seconded by Jordan Richardson and unanimously carried, the Plat Committee members for 2018 were approved.

C. Appointment of Executive Committee

DAN BREWER: The Executive Committee for 2017 was Elizabeth Maradik and myself, by virtue of office, John McNamara, Adam DeVon and Steve Vojtko. Executive Committee for 2018 will be myself and John DeLee by virtue of office; would someone like to propose renewing John McNamara, Adam DeVon and Steve Vojtko?

After due consideration, the following action was taken:

Upon a motion by Jerry Thacker, being seconded by Robert Hawley and unanimously carried, Adam Devon, John McNamara and Steve Vojtko are appointed to the Executive Committee for 2018.

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

None for consideration at this time.

2. TEXT AMENDMENTS:

- A. An ordinance of the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial / Mixed Use Districts to revise Permitted Uses and Development Standards - APC# 2855-17.

ANGELA SMITH: The petitioner is requesting a text amendment to repeal and replace Section 21-03.02 MU Mixed Use District. Since its adoption in 2004, experience has shown that development in the MU Mixed Use district frequently requires the use of variances and special exception use approvals, even to complete projects consistent with the neighborhood context. This ordinance revises uses and development standards to better support the development of the mixed-use urban neighborhood centers and traditional pedestrian-oriented design. Because the changes involve so many subsections within the chapter, the staff is suggesting a replacement chapter. Some of the changes include allowing private clubs and lodges as permitted uses, changing to a minimum project frontage instead of lot frontage in order to allow for integrated developments, reducing setbacks, eliminating plaza requirements, decreasing the minimum height, and updating the architectural standards to better reflect the desired urban design appropriate for the district. Based on information available prior to the public hearing, the staff recommends sending this petition to the Common Council with a favorable recommendation. Updating the MU Mixed Use District to better reflect the intent and application of the pedestrian-oriented district within the urban context will simplify development and strengthen the mixed-use neighborhood centers.

DAN BREWER: Are cell towers allowed in a Mixed Use District?

LARRY MAGLIOZZI: I think it is because we really can't deny a cell tower.

DAN BREWER: But it isn't included in this text?

LARRY MAGLIOZZI: Cell towers, you have to go to the cell tower section which delineates or tells which districts they are allowed in.

ANGELA SMITH: There is a special chapter of the ordinance which address those.

LARRY MAGLIOZZI: I think they are allowed in all districts.

DAN BREWER: At any rate, this text amendment would not change the current...

ANGELA SMITH: They didn't take out any uses that were previously allowed. There was also one inconsistency where we listed a motel as a permitted use, but we didn't list the hotel. It was always interpreted that they were both allowed.

LARRY MAGLIOZZI: I just found the section, cell towers are allowed in all uses.

MICHAEL DIVITA: I am a Planner with Community Investment. Offices located on the 14<sup>th</sup> floor County City Building. Community Investment worked closely with APC and Building Department staff on developing the language for the text amendments being presented here. Essentially, the existing MU district standards were audited to ensure that they aligned with the community's goals and did not deter investment. As a result of that exercise, a series of changes are proposed to promote walkable, mixed use development in neighborhood centers through a more straightforward code. As with the other text amendments recently approved, these changes will reduce provisions that hold back investment and will decrease the number of rezoning, special exception, and variance requests that must be made but always get approved. By revising setbacks and bufferyards, the proposed amendments will allow property owners to more fully utilize their properties in instances where it does not negatively affect neighboring properties. These ordinance changes would allow buildings to be built in a manner more consistent with traditional design to better blend with the existing neighborhood. The building design and orientation changes presented here would also ensure better urban design outcomes in urban contexts and add to the vibrancy of business districts. I, then, would ask for your favorable recommendation on this text amendment (but would be happy to take any questions you might have on specific provisions).

#### 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 Robert Hawley, being seconded by John Leszczynski and unanimously carried, a proposed ordinance of the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial / Mixed Use Districts to revise Permitted Uses and

Development Standards, is sent to the Common Council with a FAVORABLE recommendation. Updating the MU Mixed Use District to better reflect the intent and application of the pedestrian-oriented district within the urban context will simplify development and strengthen the mixed-use neighborhood centers.

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 12743 Heather Park Drive and 12748 Sandy Drive, St. Joseph County – APC #2849-17

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by John Leszczynski and unanimously carried, the Findings of Fact for granting Variances for property located at 12743 Heather Park Drive and 12748 Sandy Drive, St. Joseph County were approved.

2. Executive Director's Report:

There was no Executive Director's Report

3. Minutes and Expenditures:

- A. Approval of the October 17, 2017 minutes of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the minutes from the October 17, 2017 meeting of the Area Plan Commission were approved.

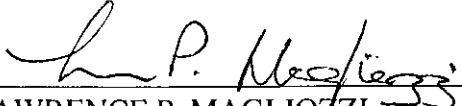
- B. Approval of the expenditures from December 20, 2017 through January 16, 2018.

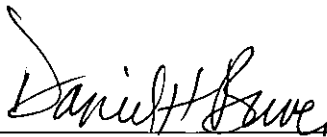
Carothers Printing – \$96.90; \$195.60; County Commissioners - \$56.00; Lewis Paper - \$24.00; Mishawaka Enterprise - \$13.69; \$19.82; Office Three Sixty - \$35.90, \$60.70

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Matthew Peterson, and unanimously carried, the expenditures from December 20, 2017 through January 16, 2018 were approved.

4. Adjournment: 3:48 p.m.

  
LAWRENCE P. MAGLIOZZI,  
SECRETARY OF THE COMMISSION

  
DANIEL H. BREWER,  
PRESIDENT OF THE COMMISSION