

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

AGENDA

Tuesday, February 16, 2016
3:30 p.m.

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

PUBLIC

Rezoning:

- A. A proposed ordinance of Corvilla, Inc. to zone from LI Light Industrial District to MU Mixed Use District, property located at 3620 Deahl Court, City of South Bend - [APC# 2772-16](#).
- B. A combined public hearing on a proposed ordinance of Kuert Concrete Inc. to zone from CB Community Business District to GI General Industrial District and seeking the following five variances: 1) From the required 30' front yard setback for outdoor storage to 0' along Terrace Avenue and to 5' along Lincolnway West; 2) From the required Type B: Partial Screening landscaping of outdoor storage to none; 3) From the required minimum 6' height of a required screening fence for outdoor storage to 4' on the south property line and to no fence on the west side of outdoor storage area; 4) From the required landscaping of required perimeter yards to none; and 5) From the maximum allowable sign surface area of 64 square feet for a monument sign to 78 square feet, property located at 3101-3113 Lincolnway West, City of South Bend - [APC# 2773-16](#).

Appeals:

- A. An appeal of Halstead Hickory Road Major Subdivision to be located on the east side of Hickory Road approximately 2,000 feet north of Cleveland Road, St. Joseph County – AS TABLED - [APC #6792-15-P](#)

ITEMS NOT REQUIRING A PUBLIC HEARING

- 1. Miscellaneous:
- 2. Executive Director's Report:
- 3. Minutes and Expenditures:
- 4. Adjournment:

Staff Report

2/5/2016

APC # 2772-16
Owner: Corvilla, Inc.
Location: 3620 Deahl Court
Jurisdiction: City of South Bend
Public Hearing Date: 2/16/2016

Requested Action:

The petitioner is requesting a zone change from LI Light Industrial District to MU Mixed Use District.

Land Uses and Zoning:

- On site: On site is an existing institutional building.
- North: To the north are industrial buildings zoned LI Light Industrial District.
- East: To the east is a retail store zoned CB Community Business District.
- South: To the south is a truck sales lot and an industrial building zoned LI Light Industrial District.
- West: To the west is a manufacturing facility zoned LI Light Industrial District.

District Uses and Development Standards:

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.

Site Plan Description:

On this 17.19 acre site, only the southeast corner is developed. The existing 12,348 square foot building is being internally retrofitted to accommodate an adult day center and offices. The existing parking area provides 59 spaces and is screened from adjacent properties by existing mature vegetation. A future 2,400 square foot maintenance building is proposed, along with an expansion to an existing pavilion on the east side of the site. No other site modifications are proposed.

Zoning and Land Use History And Trends:

This property has been zoned industrial since it was annexed into the city in 1990. This area was rezoned from residential to manufacturing in 1985 to accommodate an industrial park.

Traffic and Transportation Considerations:

Deahl Court has two lanes and ends in a cul-de-sac in front of this property.

Utilities:

This site will continue to be served by municipal sewer and water.

Agency Comments:

County Surveyor and the Department of Community Investment recommend approval. City Engineer recommends approval, subject to the approval of a drainage plan. IDEM has not yet made comment.

Commitments:

The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

This petition is consistent with City Plan, South Bend Comprehensive Plan (November, 2006); Policy PF 7.3.3: Encourage the establishment of health and wellness centers.

Land Use Plan:

The future land use map identifies this area as light industrial.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

Cleveland Road, east of the interchange with the US-31 Bypass has developed to serve predominately industrial and office users.

3. Most Desirable Use:

The most desirable use for this property is one compatible with the office and industrial uses in the area.

4. Conservation of Property Values:

Surrounding industrial and heavy commercial properties should not be adversely impacted by the zoning change.

5. Responsible Development And Growth:

It is responsible growth and development to allow a suitable re-adaptation of an industrial building that will not impact the use of adjacent properties.

Staff Comments:

The staff has no additional comments.

Recommendation:

Based on information available prior to the public hearing, staff recommends this petition be sent to the Common Council with a favorable recommendation.

Analysis:

Zoning this secluded and heavily-wooded parcel to allow an adult day care center or other permissible uses within the MU Mixed Use District will allow the site to be utilized to a greater potential without impacting adjacent properties.

REZONING
#2772-16

William Richardson

Ralph Jones

Porlage



Cleveland

SOUTH BEND

Death Valley

I-90

I-90

Berndix

FJ Nimitz

Berndix

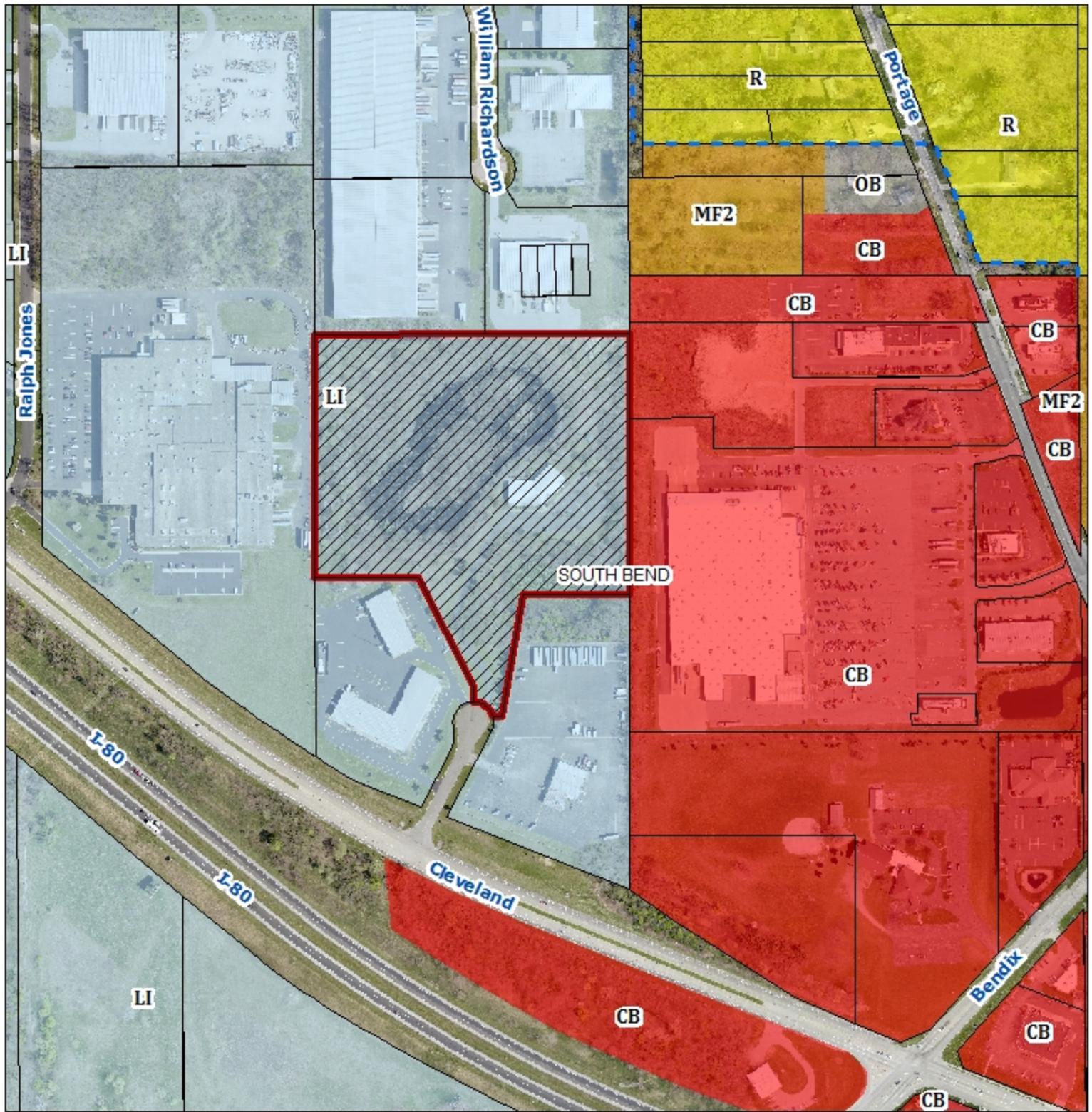
Kernmore

1 inch = 400 feet

GERMAN TOWNSHIP



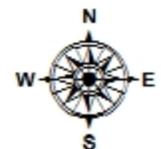
Ash Maple



**Rezoning from: CITY OF SOUTH BEND
"LI" LIGHT INDUSTRIAL DISTRICT to
"MU" MIXED USE DISTRICT**

MASTER ZONING KEY

- COUNTY "R" SINGLE FAMILY DISTRICT
- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF2" HIGH-DENSITY MULTIFAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 400 feet

APC # 2772-16

APC # 2773-16
Owner: Kuert Concrete Inc.
Location: 3101-3113 Lincolnway West
Jurisdiction: City of South Bend
Public Hearing Date: 2/16/2016

Requested Action:

The petitioner is requesting a zone change from CB Community Business District to GI General Industrial District, and seeking 5 variances from the development standards.

Land Uses and Zoning:

- On site: On site is an outdoor display and storage area for concrete products.
- North: To the north is a concrete manufacturing facility zoned GI General Industrial District.
- East: To the east across Terrace Avenue is a vacant lot zoned MU Mixed Use District and single family homes zoned SF2 Single Family & Two Family District.
- South: To the south across Lincolnway West is an auto parts store zoned CB Community Business District.
- West: To the west across Bendix Drive is an auto parts store zoned CB Community Business District.

District Uses and Development Standards:

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.

Site Plan Description:

This site consists of two lots, totaling 0.71 acres. Existing on site is an outdoor merchandise display area and parking owned by, and associated with, the larger property to the north. The site plan proposes a 6' high vinyl fence along Terrace Avenue. The fence along Lincolnway is proposed at a height of 6', from Terrace Avenue heading northwest for approximately 50', then steps down to a 4' for the remainder. A 78 square foot monument sign is proposed along Lincolnway West. No buildings or structures are proposed.

Zoning and Land Use History And Trends:

This property has been zoned commercial since prior to 1999.

Traffic and Transportation Considerations:

Bendix Drive and Lincolnway West have four lanes with a center turn lane.

Utilities:

This site does not propose to utilize sewer or water.

Agency Comments:

County Surveyor, City Engineer, and the Department of Community Investment recommend approval.

Commitments:

The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

This petition is not consistent with the West Side Main Streets Revitalization Plan. However, this site is an extension of a long established use at this location.

Land Use Plan:

The future land use map identifies this area as a Mixed-Use Node.

Plan Implementation/Other Plans:

No other plans exist for this area.

2. Current Conditions and Character:

The intersection of Lincolnway West with Bendix Drive has developed as a commercial node with a mixture of retail, service, and industrial uses.

3. Most Desirable Use:

The most desirable use is one that enhances the aesthetic nature of Lincolnway West as a "gateway" into the city, while also providing economic and service benefits to the area.

4. Conservation of Property Values:

Due to the fact that there is already an existing concrete plant at this intersection, allowing it to be properly zoned should not negatively impact the surrounding property values.

5. Responsible Development And Growth:

It is responsible growth and development to allow this site to develop as a buffer between the industrial use to the north and the other commercial uses along the corridor.

Staff Comments:

This is a combined public hearing procedure, which includes a rezoning and 5 variances from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances.

The Variances are as follows:

- 1) From the required 30' front yard setback for outdoor storage to 0' along Terrace Avenue and to 5' along Lincolnway West;
- 2) From the required Type B: Partial Screening landscaping of outdoor storage to none;
- 3) From the required minimum 6' height of a required screening fence for outdoor storage to 4' on the south property line and to no fence on the west side of outdoor storage area;
- 4) From the required landscaping of required perimeter yards to none; and
- 5) From the maximum allowable sign surface area of 64 square feet for a monument sign to 78 square feet.

State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance can be approved.

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

-Public safety will not be impacted by the location of the fence within the established setbacks, since it will still be outside of all clear sight triangles.

(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.

-Installing a vinyl fence to screen the concrete materials will improve the appearance of the property from the street. If installed, landscaping along Lincolnway West will add to the appearance and help protect surrounding property values.

(3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

-The strict application will limit this site's ability to continue functioning as a display and storage area for concrete products. While the use requires industrial zoning, the setbacks along Lincolnway are generally much less than required by code.

The staff notes that any material being stored on the property may not extend higher than the lowest section of fence (4'). The staff would like to encourage the continuation of the 4' fence along the western portion of the storage area to provide better screening. The staff sees no practical difficulty which would limit the owner from installing perimeter trees along Lincolnway West, as required by the ordinance, and therefore recommends against that portion of variance 4.

Recommendation:

Based on information available prior to the public hearing, staff recommends that this rezoning petition be sent to the Common Council with a favorable recommendation.

The staff recommends approval of the variances subject to installing the 4' fence along the west side of the outdoor storage area and providing perimeter landscaping on Lincolnway West.

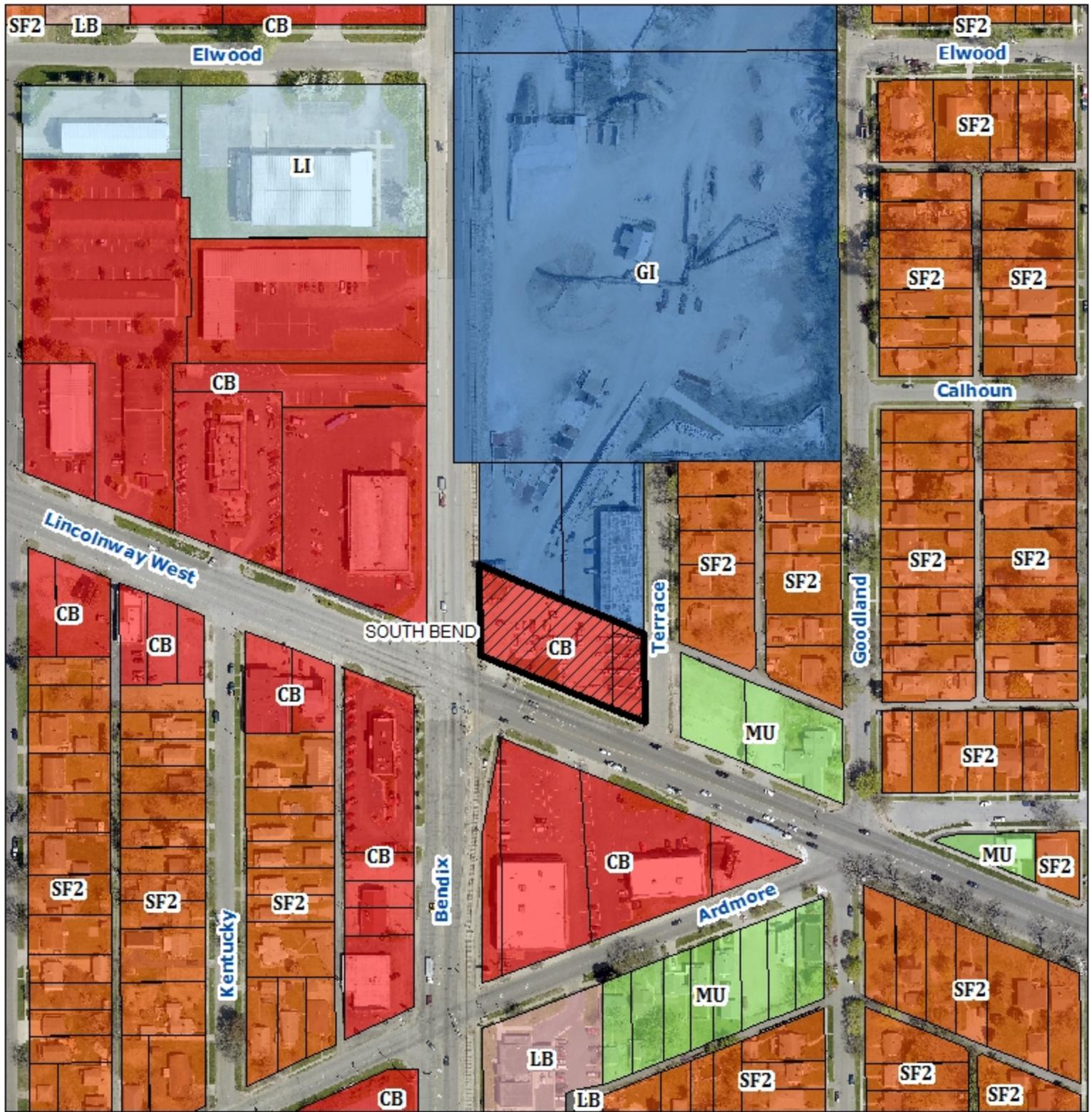
Analysis:

This rezoning will allow for the extension of an existing business. The addition of the fencing and a monument sign, along with the landscaping will increase the site's curb appeal and enhance and support the City's efforts to improve the Lincolnway West Corridor, a gateway into the city.



1 inch = 200 feet
PORTAGE TOWNSHIP

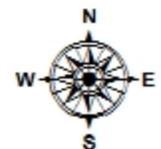




**Rezoning from: CITY OF SOUTH BEND
"CB" COMMUNITY BUSINESS DISTRICT to
"GI" GENERAL INDUSTRIAL DISTRICT**

MASTER ZONING KEY

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT
- SOUTH BEND "GI" GENERAL INDUSTRIAL DISTRICT



1 inch = 200 feet

APC # 2773-16

Staff Report

Halstead Hickory Road Major 6792-15-P

Location: This Major Primary subdivision is located on the east side of Hickory Road approximately 2,000 feet north of Cleveland Road, St. Joseph County.

Tabulated Data: This subdivision will consist of 2 building lots. The total area is for this Major subdivision is 7.13 acres.

Zoning: This property is zoned "R" Single Family District.

Environmental Data: A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. This property is not located in a floodplain.

Drainage Plan: The Drainage plan was waived by the County Engineer on October 30, 2015.

Rights-Of-Way: The rights-of-way are correct as shown.

Agency Comments: The County Surveyor and County Health Department recommend approval. The County Engineer recommends approval subject to constructing a roadside drainage swale along Hickory Road.

Staff Comments: This subdivision went through Technical Review on November 19, 2015. Lot 1 is currently served by private well and septic system. If and when the private well fails, they shall connect to Municipal water. Lot 2 will be served by municipal water and private septic system. On December 3, 2015, the Plat Committee granted primary approval.

On December 8, 2015, an appeal to the Plat Committee's decision approving the primary plat was filed. The appeal was filed by John W. Linn, the adjacent property owner to the north. Mr. Linn contends that: "...the approval grants additional and unauthorized use of an easement across our property. The easement that is currently in place is for the benefit of the single existing lot. The proposed subdivision will add vehicular trips, thereby increasing wear and tear on the drive. Additionally, the increased use of our property creates additional liability for my wife and me, as the current owners of the property, which will result in damage/de-valuing of our property. We respectfully request that the access to this subdivision be removed from our property."

Hickory Acres Minor Subdivision was recorded as a two-lot minor in June of 1985. At that point in time, the Subdivision Control Ordinance required a 30' "Future Roadway Easement" on Minor plats to accommodate future development. Establishing a 5' non-access easement along the balance of the road frontage was common then as it

is today. The Deed of Dedication states, in part: "The areas of ground designated on this plat and marked as 'easements', are reserved for the uses as designated for the use of public utilities, and include but are not limited to the installation of water and sewer mains, poles, ducts, lines and wires, drainage facilities, and access for present or future development, subject at all times to the proper authorities and to the easement herein reserved."

Staff Recommendation: The Staff has reviewed this Subdivision and finds that if the following conditions are adhered to, it complies with the requirements for Primary Approval as specified by the St. Joseph County Subdivision Control Ordinance. The Staff therefore recommends that this Subdivision be granted Primary Approval, subject to the following: 1) Constructing a roadside swale along Hickory Road; 2) Removing the waiver note on the plat and Site Data Sheet; and 3) Adding a scale on the vicinity map.

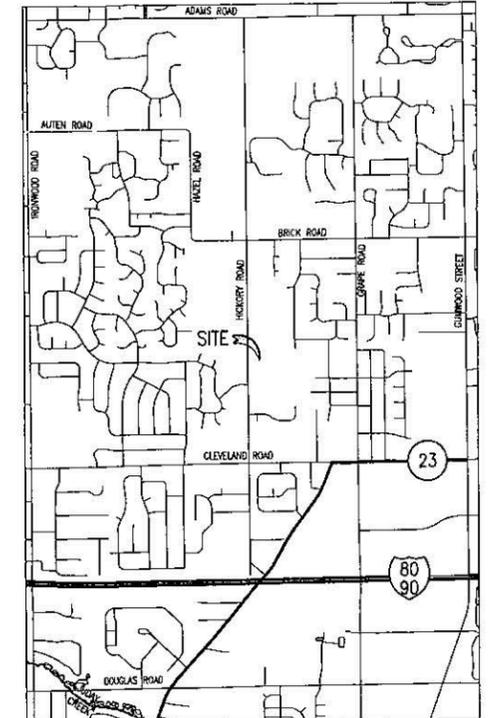


CLAY TOWNSHIP
 1 INCH = 200 FEET



HALSTEAD HICKORY ROAD MAJOR SUBDIVISION

PART OF NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 00°00'14" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 353.00 FEET; THENCE SOUTH 89°28'20" EAST, TO THE NORTHWEST CORNER OF LOT 2 IN HICKORY ACRES MINOR SUBDIVISION, RECORDED AS INSTRUMENT NO. 8511384, A DISTANCE OF 40.00 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 89°28'20" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 2 IN HICKORY ACRES MINOR SUBDIVISION, A DISTANCE OF 986.04 FEET; THENCE SOUTH 00°00'00" WEST, ALONG THE EASTERLY LINE OF SAID LOT 2 IN HICKORY ACRES MINOR SUBDIVISION, A DISTANCE OF 283.98 FEET; THENCE SOUTH 89°28'20" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 2 OF HICKORY ACRES MINOR SUBDIVISION, A DISTANCE OF 234.00 FEET; THENCE SOUTH 00°00'00" WEST, TO THE SOUTHWEST CORNER OF SAID LOT 2 IN HICKORY ACRES MINOR SUBDIVISION, A DISTANCE OF 25.00 FEET; THENCE NORTH 89°28'20" WEST, TO THE SOUTHWEST CORNER OF SAID LOT 2 IN HICKORY ACRES MINOR SUBDIVISION, A DISTANCE OF 1220.02 FEET; THENCE NORTH 00°00'14" WEST, ALONG THE WESTERLY LINE OF SAID LOT 2 IN HICKORY ACRES MINOR SUBDIVISION, A DISTANCE OF 308.98 FEET TO THE POINT OF BEGINNING.

NOTE:

- EASEMENTS THAT ARE INDICATED ON DOCUMENTATION PROVIDED BY THE PROPERTY OWNER ARE SHOWN ON THE DRAWING.
- BUILDING SETBACKS SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE.
- 5/8" REBAR WITH PLASTIC CAP SHALL BE PLACED AT ALL LOT CORNERS.
- NO ENCRoACHMENTS OF STRUCTURES EXIST ON THIS PLAT.
- NO SECONDARY STRUCTURES EXIST WITHOUT A PRIMARY STRUCTURE.
- FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 18141C0202D WITH AN EFFECTIVE DATE OF JANUARY 6, 2011, INDICATES THIS AREA TO BE DESIGNATED AS ZONE "X", AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- LOT 1 SHALL UTILIZE A PRIVATE WELL (IF AND WHEN SYSTEM FAILS, SHALL CONNECT TO MUNICIPAL WATER) AND SEPTIC SYSTEM AND LOT 2 SHALL CONNECT TO MUNICIPAL WATER AND PRIVATE SEPTIC SYSTEM.

WAIVERS:

SECTION 153.021(F) SUBDIVISIONS ABUTTING ARTERIAL STREETS SHALL PROVIDE A FRONTAGE STREET OR REVERSE FRONTAGE WITH A MINIMUM FIVE-FOOT NON-ACCESS EASEMENT ALONG THE ARTERIAL STREET.

SECTION 153.025(M) LOTS ABUTTING A MAJOR ARTERIAL STREET OR A MAJOR COLLECTOR STREET SHALL HAVE THEIR ACCESS FROM EITHER A MINOR COLLECTOR STREET OR A LOCAL STREET. A FIVE-FOOT NON-ACCESS EASEMENT SHALL BE PLACED UPON THAT PORTION OF A LOT ABUTTING A MAJOR ARTERIAL STREET.

STREET CLASSIFICATION:

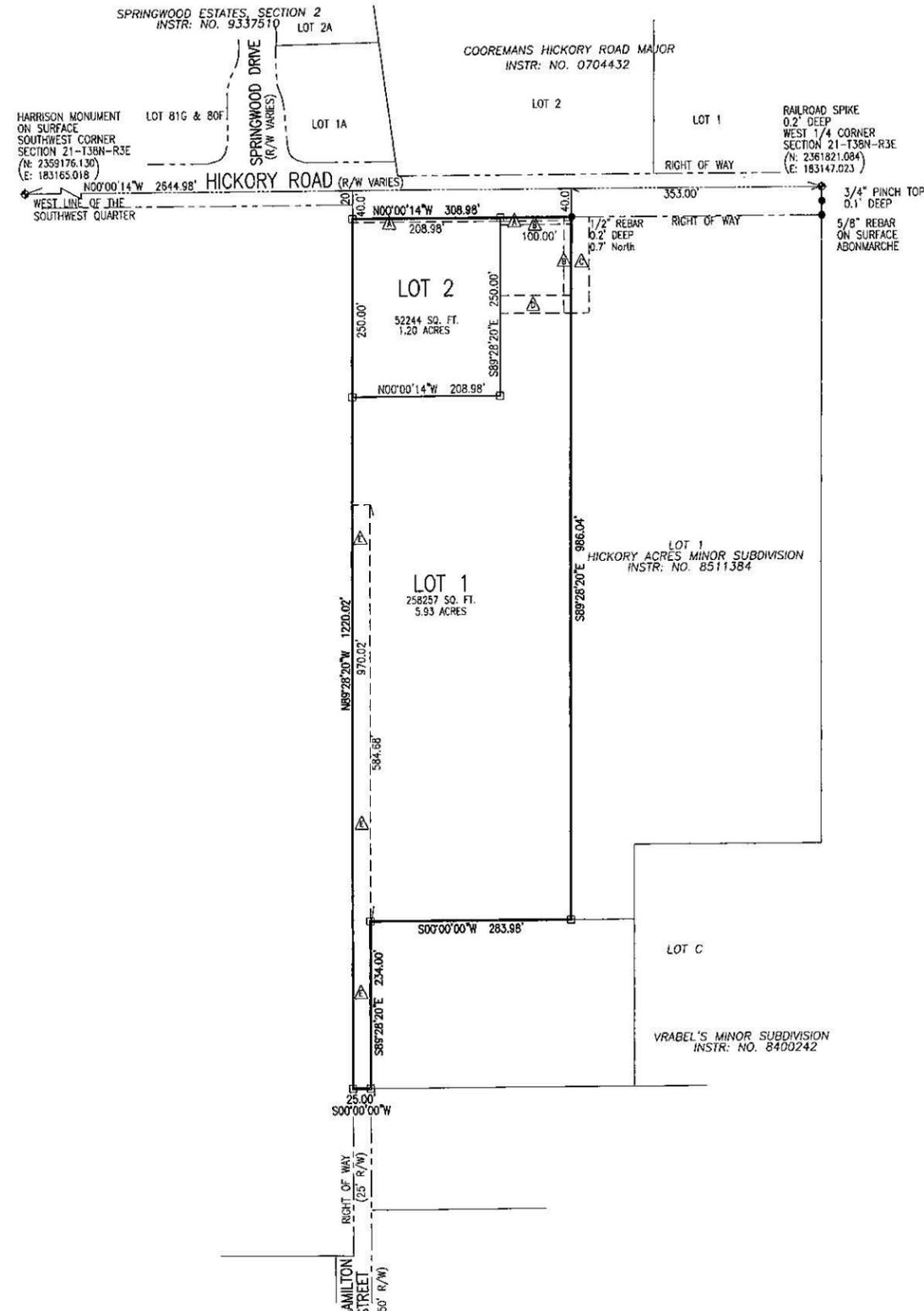
STREET HICKORY ROAD - R/W VARIES - CLASSIFICATION: COLLECTOR

LAND SURVEYORS' CERTIFICATION:

I, TERRANCE D. LANG, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON OCTOBER 26, 2015; THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF ALL MONUMENTS WILL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF ST. JOSEPH COUNTY, INDIANA. FURTHER, I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. BY: TERRANCE D. LANG.



Terrance D. Lang
 TERRANCE D. LANG, RLS NO. S-0523



CERTIFICATE OF APPROVAL - NOT FOR RECORDING PURPOSES

PURSUANT TO INDIANA CODE SECTION 38-7-4, THE UNDERSIGNED CERTIFY THAT THE HALSTEAD HICKORY ROAD MAJOR SUBDIVISION WAS CONSIDERED AND GRANTED PRIMARY APPROVAL BY THE PLAT COMMITTEE OF THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA ON DECEMBER 3, 2015; AND THAT A MAJORITY OF THE MEMBERS OF THE COMMITTEE CONCURRED IN THE FINDINGS AND DECISION GRANTING APPROVAL, DETERMINING THAT THE SAID SUBDIVISION COMPLIES WITH THE STANDARDS SET FORTH IN THE ST. JOSEPH COUNTY, INDIANA SUBDIVISION CONTROL ORDINANCE.

IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURES AND THE COMMISSION'S SEAL HEREUPON:

Lawrence P. Magliozzi
 SECRETARY OF THE COMMITTEE
 LAWRENCE P. MAGLIOZZI

John R. McNamara
 CHAIRMAN OF THE COMMITTEE
 JOHN R. MCNAMARA

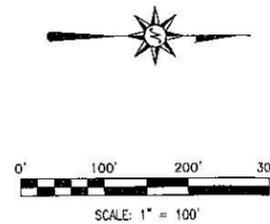


LEGEND

These standard symbols will be found in the drawing.
 ● IRON PIN FOUND
 □ 5/8" REBAR LFA SET

EASEMENTS

- ▲ 5' NON-ACCESS EASEMENT
- ▲ 10' PUBLIC UTILITIES EASEMENT
- ▲ 25' ROADWAY EASEMENT
- ▲ 25' INGRESS/EGRESS EASEMENT
- ▲ 25' ROADWAY EASEMENT



LA	Lang, Feeney & Associates, Inc.
	715 S. Michigan Street South Bend, Indiana 46601 Phone (574) 233-1841
Land Surveyors	Soil Scientists
Scale 1" = 100'	Drawn KAW
Date 10/26/15	Job Name HalsteadHickoryRoadMajor
Rev. -	Job No.
Rev.	132

December 8, 2015

Mr. Larry Magliozzi, Executive Director
Area Plan Commission of St. Joseph County
227 W. Jefferson Blvd.
Room 1140 County-City Building
South Bend, IN 46601

Re: Major Subdivision of Halstead Hickory Road Major - #6792-15-P

Dear Mr. Magliozzi,

We are appealing the approval of this subdivision because the approval grants additional and unauthorized use of an easement across our property. The easement that is currently in place is for the benefit of the single existing lot. The proposed subdivision will add vehicular trips, thereby increasing wear and tear on the drive. Additionally, the increased use of our property creates additional liability for my wife and me, as the current owners of the property, which will result in damage/de-valuing of our property.

We respectfully request that the access to this subdivision be removed from our property.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Linn". The signature is fluid and cursive, with the first name "John" being the most prominent.

John W. Linn
52536 Hickory Road
Granger, IN 46530
(574)220-4510