

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

**AGENDA**

Tuesday, January 19, 2016  
3:30 p.m.

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

**EXECUTIVE SESSION:**

- A. Election of Officers
- B. Appointment of Plat Committee
- C. Appointment of Executive Committee:

**PUBLIC HEARINGS:**

**Rezoning:**

- A. A combined public hearing on a proposed ordinance of DAFIR Realty, LLC to zone from R: Single Family District to C: Commercial District and seeking the following three variances: 1) from the required Type 2: full screening landscaping of side and rear yards abutting residential districts to no landscaping on the rear and no landscaping on the south for the first 200' east of Fir Road, Type 1: open landscaping on the north starting at a point 400' east of Fir Road, and Type 1: open landscaping on the south starting at a point 700' east of Fir Road and continuing along the property that runs parallel to Fir Road; 2) from the required 40 parking spaces to 5; and 3) from the required foundation landscaping to none along the western facades of the storage buildings, property located at 54486 Fir Road, St. Joseph County, AS TABLED - [APC# 2760-15](#).
- B. A proposed ordinance of Union Township to zone from LI Limited Industrial District to C General Commercial District, property located at the northwest corner of Wilson Drive and Michigan Street, being a portion of 312 Michigan Street, Town of Lakeville - [APC# 2769-15](#).
- C. A proposed ordinance of the Department of Redevelopment of the City of South Bend to zone from O Office District to LI Light Industrial District, properties located at 5603 F.J. Nimitz Parkway, the Southwest corner of F.J. Nimitz Parkway and Moreau Court, and property on the west side of Moreau Court approximately 800 feet South of F.J. Nimitz Parkway, City of South Bend - [APC #2770-15](#)

**Appeal of Subdivisions:**

- 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 – [APC #6792-15-P](#)

**ITEMS NOT REQUIRING A PUBLIC HEARING**

1. Miscellaneous:

- A. Findings of Facts for Granting Variances for property located at 3055 Edison Road, City of South Bend - [APC #2768-15](#)

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

**Staff Report**

1/8/2016

APC # 2760-15  
Owner: DAFIR Realty, LLC  
Location: 54486 Fir Road  
Jurisdiction: St. Joseph County  
Public Hearing Date: 1/19/2016

**Requested Action:**

The petitioner is requesting a zone change from R: Single Family District to C: Commercial District, and seeking 3 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a vacant lot.
- North: To the north is a single family home zoned R: Single Family District.
- East: To the east across the rail line are single family homes zoned R: Single Family District.
- South: To the south is a church zoned R: Single Family District.
- West: To the west across Fir Road are single family homes zoned R: Single Family District.

**District Uses and Development Standards:**

The C: Commercial District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the C: Commercial District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses.

**Site Plan Description:**

The site consists of two parcels totaling approximately 9.7 acres. On site are 10 proposed storage buildings and an office building. The required Type 2: full screening landscaping, which is intended to screen the commercial activities of the site from surrounding residential properties, would only be applied to approximately 375' of the 1758' north property line and approximately 500' of the 1670' south property line. The rest of the north lot would be lined by security fencing. No development plans have been submitted for the southern lot.

**Zoning and Land Use History And Trends:**

No rezoning history exists for this area.

**Traffic and Transportation Considerations:**

Fir Road has two lanes.

**Utilities:**

The site will be served by a future connection to Mishawaka municipal water and on-site septic.

**Agency Comments:**

County Surveyor recommends approval. County engineer recommends approval, subject to the approval of a drainage and stormwater management plan, and to obtaining an approved driveway permit for access from Fir Road. County Health Department recommends the petition be tabled, since no soil borings have been submitted, and the location of the septic system has not been identified.

**Commitments:**

The petitioner is proposing a written commitment that the site only be used as a storage and warehousing facility, and that the sign be limited to a monument style sign. The staff recommends that if approved, the written commitments be modified to limit the monument sign to the standards of the OB Office Buffer District.

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

**1. Comprehensive Plan:**

**Policy Plan:**

The petition is not consistent with Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002): Goal 2: Objective C: Policy v: Automobile traffic generated from commercial uses should not travel through residential areas.

**Land Use Plan:**

The future land use map identifies this area for residential and agricultural growth.

**Plan Implementation/Other Plans:**

No other plans exist for this area.

**2. Current Conditions and Character:**

Fir Road between Douglas Road and Day Road is characterized by deep residential lots with single family homes. With the exception of a small commercial node at the corner of Fir and Day, the area is strictly residential in nature.

**3. Most Desirable Use:**

The most desirable use is one that maintains the rural residential character of the area and preserves as much of the natural landscape as possible.

**4. Conservation of Property Values:**

The value of surrounding properties would likely be negatively impacted by the placement of a commercial district at this location.

**5. Responsible Development And Growth:**

It is not responsible development and growth to allow commercial development to encroach into this residential area.

**Staff Comments:**

The area along Fir Road between Day Road and Douglas Road can be characterized as rural-residential with commercial being concentrated at the intersections. The well-maintained homesteads (approximately 23) along this corridor have an average lot size of over 5 acres. The proposed development is over 1,200' from the nearest intersection. Any non-residential development located within this area would disrupt the character of this residential enclave and impair the value, use and enjoyment of surrounding properties. This is a combined public hearing procedure, which includes a rezoning and 3 variances from the development standards. The Commission will forward the rezoning to the County Council with or without a recommendation and either approve or deny the variances.

The variances are as follows:

1) From the required Type 2: full screening landscaping of side and rear yards abutting residential districts to:

\*no landscaping on the rear and no landscaping on the south for the first 200' east of Fir Road;

\*Type 1: open landscaping on the north starting at a point 400' east of Fir Road; and

\*Type 1: open landscaping on the south starting at a point 700' east of Fir Road and continuing along the property that runs parallel to Fir Road;

2) From the required 40 parking spaces to:

\*5;

3) From the required foundation landscaping to:

\*none along the western facades of the storage buildings.

State statutes and the St. Joseph County Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

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

Increased traffic to a commercial site located within a residential area may pose safety issues for pedestrians, cyclists, and other motorists.

(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.

The value of surrounding properties would likely be impacted in a negative manner by the placement of a commercial district at this location.

(3) The strict application of the terms of the zoning ordinance will result in practical

**Staff Report**

1/8/2016

difficulties in the use of the property.

The strict application of landscape requirements would not pose a practical difficulty for this currently undeveloped site.

Without the written commitments, a site zoned C: Commercial District would be allowed a sign of over 350 square feet in area and 45' in height. Off-premise signs (billboards) would also be allowed on site.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends the rezoning petition be sent to the County Council with an unfavorable recommendation. Staff recommends approval of the variance from the required 40 parking spaces to 5, but recommends denial of the landscape variances.

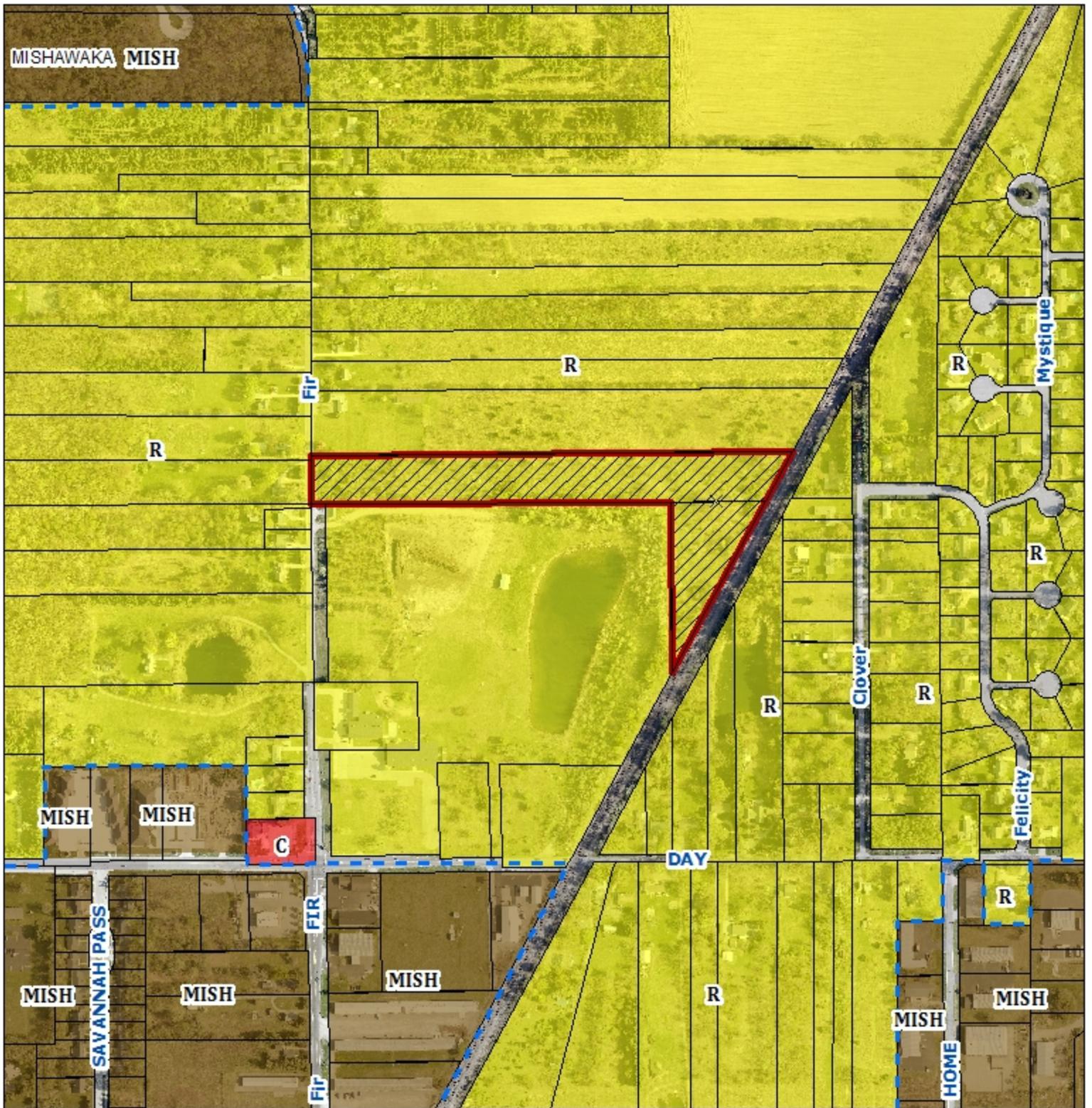
**Analysis:**

Indiana state statues identify 5 criteria for which plan commissions and legislative bodies must "pay reasonable regard to", as outlined in IC 36-7-4-603. Of the five criteria, as listed above, this rezoning petition meets none. Rezoning of this property to C: Commercial District would allow uses which would be detrimental to the character of the area, and would not constitute good land-use planning.



1 inch = 500 feet  
PENN TOWNSHIP

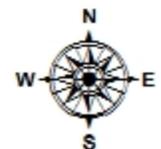




**Rezoning from:  
"R" SINGLE FAMILY DISTRICT to  
"C" COMMERCIAL DISTRICT**

**MASTER ZONING KEY**

- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- MISHAWAKA



1 inch = 500 feet

**APC # 2760-15**

**Staff Report**

1/8/2016

APC # 2769-15  
Owner: Union Township  
Location: the northwest corner of Wilson Drive and Michigan Street, being a portion of 312 Michigan Street  
Jurisdiction: Town of Lakeville  
Public Hearing Date: 1/19/2016

**Requested Action:**

The petitioner is requesting a zone change from LI Limited Industrial District to C General Commercial District.

**Land Uses and Zoning:**

- On site: On site is a vacant lot.
- North: To the north is a vacant lot zoned LI Limited Industrial District.
- East: To the east across Michigan Street are single family homes zoned R-8 Low Density Residential District.
- South: To the south across Wilson Drive are single family homes zoned R-8 Low Density Residential District.
- West: To the west is a vacant lot zoned LI Limited Industrial District.

**District Uses and Development Standards:**

The C-General Commercial District is established to provide the full range of commercial activities, including amusements, automobile and other vehicle sales and service, drive-in establishments, general merchandising, hotels and motels, and outdoor advertising shall be permitted in this district.

**Site Plan Description:**

The site plan shows a 1.33 acre site with a 9,100 square foot retail building. Since this is a corner lot, it has frontage on both Michigan Street and Wilson Drive. Access is proposed off of Wilson Drive. There are 30 Parking spaces shown, with parking screening along Michigan Street. A minimum of 10% of the parking area is required to be landscaped. Additional landscaping may be required prior to the final site development plan approval. The retail store's entrance is oriented towards Michigan Street and loading and trash is proposed at the southwest corner of the building. Any variances will need to be approved by the Area Board of Zoning Appeals.

**Zoning and Land Use History And Trends:**

This property has been zoned LI Limited Industrial since 2003.

**Traffic and Transportation Considerations:**

Michigan Street (SR 931) has four lanes. Wilson Drive has two lanes.

**Utilities:**

This site will be served by municipal sewer and water.

**Agency Comments:**

County Surveyor recommends approval. Town Engineer recommends approval, subject to a final site plan illustrating compliance with the zoning ordinance.

**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 rezoning is consistent with the Town of Lakeville 2011 Comprehensive Plan; Land Use Goal: Maintain the proper balance of land uses and provide development tools for a healthy environment and stable economy without sacrificing the community's character or burdening the town's resources.

**Land Use Plan:**

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

**Plan Implementation/Other Plans:**

No other plans exist for this area.

**2. Current Conditions and Character:**

Michigan Street near downtown Lakeville has a mix of uses, including commercial and residential.

**3. Most Desirable Use:**

The most desirable use for this property is one that serves to enhance the built environment of the community of Lakeville and supports regional economic development.

**4. Conservation of Property Values:**

With proper buffering, surrounding property values should not be adversely affected.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow new commercial to serve the residents of Lakeville and foster growth.

**Staff Comments:**

In the current location, a variance would be required for the loading area. Staff strongly recommends that the developer reconsider relocating the dumpster to behind the front building line and enclosing it on three sides with a solid-walled enclosure, not less than 6' in height, equipped with an opaque screen gate.

**Recommendation:**

**Staff Report**

1/8/2016

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Town Council of Lakeville with a favorable recommendation, subject to the approval of a final site development plan.

**Analysis:**

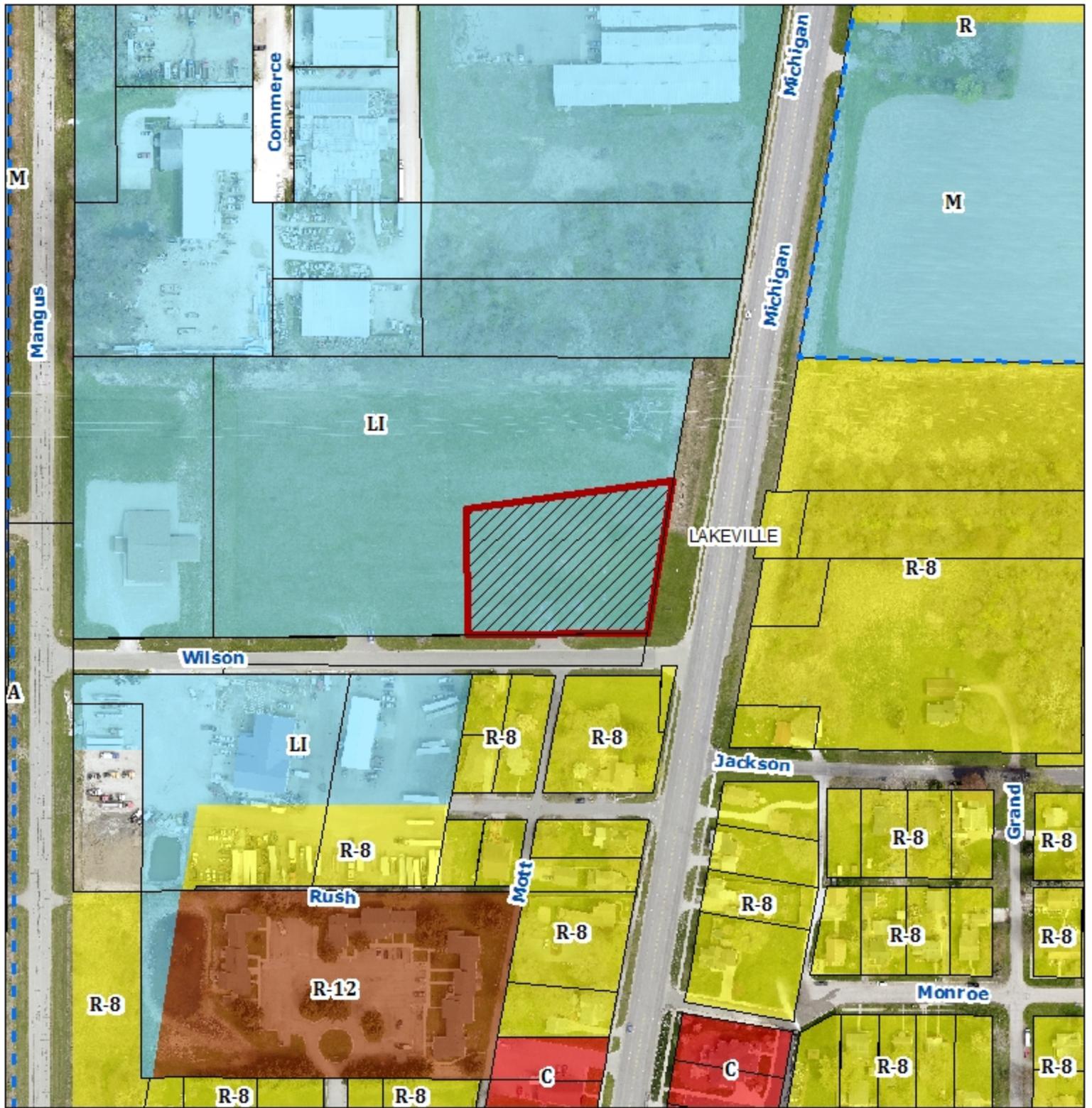
Rezoning this site will allow for the addition of a new commercial site in close proximity to the established downtown. The final site development plan will ensure the site is developed in a manner that protects the general welfare of the town.



LAKEVILLE

1 inch = 200 feet  
UNION TOWNSHIP

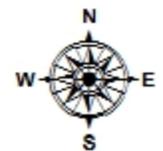




**Rezoning from: TOWN OF LAKEVILLE  
"LI" LIMITED INDUSTRIAL DISTRICT to  
"C" GENERAL COMMERCIAL DISTRICT**

**MASTER ZONING KEY**

- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "M" MANUFACTURING INDUSTRIAL DISTRICT
- LAKEVILLE "R-8" LOW DENSITY RESIDENTIAL
- LAKEVILLE "R-12" MEDIUM DENSITY RESIDENTIAL
- LAKEVILLE "C" GENERAL COMMERCIAL
- LAKEVILLE "LI" LIMITED INDUSTRIAL



1 inch = 200 feet

**APC # 2769-15**

**Staff Report**

1/8/2016

APC # 2770-15  
 Owner: Department of Redevelopment of the City of South Bend  
 Location: 5603 F.J. Nimtz Parkway, the Southwest corner of F.J. Nimtz Parkway and Moreau Court, and property on the west side of Moreau Court approximately 800 feet South of F.J. Nimtz Parkway  
 Jurisdiction: City of South Bend  
 Public Hearing Date: 1/19/2016

**Requested Action:**

The petitioner is requesting a zone change from O Office District to LI Light Industrial District.

**Land Uses and Zoning:**

- On site: On site is vacant land.
- North: To the north across F.J. Nimtz Parkway are vacant lots zoned LI Light Industrial District and a former police station located along I-80.
- East: To the east across Moreau Court are soccer fields zoned LI Light Industrial District.
- South: To the south is an office building zoned O Office District.
- West: To the west is a banquet hall and an office building zoned O Office District and a golf course zoned LI Light Industrial District.

**District Uses and Development Standards:**

The LI Light Industrial District is established to provide for development of office/warehouse, warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts.

**Site Plan Description:**

The site plan shows no specific development proposals.

**Zoning and Land Use History And Trends:**

In 1990, 489 acres bound by Olive Road on the west, the regional airport on the east, U.S. 20 on the south and old Cleveland on the north was rezoned from "A" Residential to "D" Light Industrial. In 2004, with the passing of the new zoning map, the petition area was rezoned from "I" Light Industrial to O Office District. A large area to the north and to the east was rezoned from Light Industrial to O Office at that time as well. In 2005, seven parcels on the north and west side of Nimtz and Crescent Circle were rezoned from O

Office to LI Light Industrial.

**Traffic and Transportation Considerations:**

F.J. Nimitz Parkway has four lanes. Moreau Court has four lanes and a dividing median.

**Utilities:**

This site will be served by municipal sewer and 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:**

The petition is consistent with City Plan, South Bend Comprehensive Plan (November, 2006); Policy ED 1.1: Establish and maintain a current inventory of land inside the city limits that is available for reuse and redevelopment efforts.

**Land Use Plan:**

The future land use map identifies this area as office/retail.

**Plan Implementation/Other Plans:**

No other relevant plans exist for this area.

**2. Current Conditions and Character:**

Currently, the Blackthorn Industrial Park has a mix of office and industrial uses, as well as a golf course.

**3. Most Desirable Use:**

The most desirable use for this property is one that promotes economic sustainability for the area and can fully utilize the nearby interstate access.

**4. Conservation of Property Values:**

Based on the existing office and industrial nature of the area, surrounding property values should not be adversely affected by any uses permitted within the Light Industrial zoning district.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow properties to be zoned for industrial uses within a designated industrial park.

**Staff Comments:**

**Staff Report**

1/8/2016

The staff has no additional comments.

**Recommendation:**

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

**Analysis:**

The surrounding properties are a mix of commercial and industrial uses. Proximity to the interstate makes these sites ideal for industrial development and will allow the properties to be more effectively marketed to light industrial users.

I-80  
I-80

Crescent

F J Nimitz

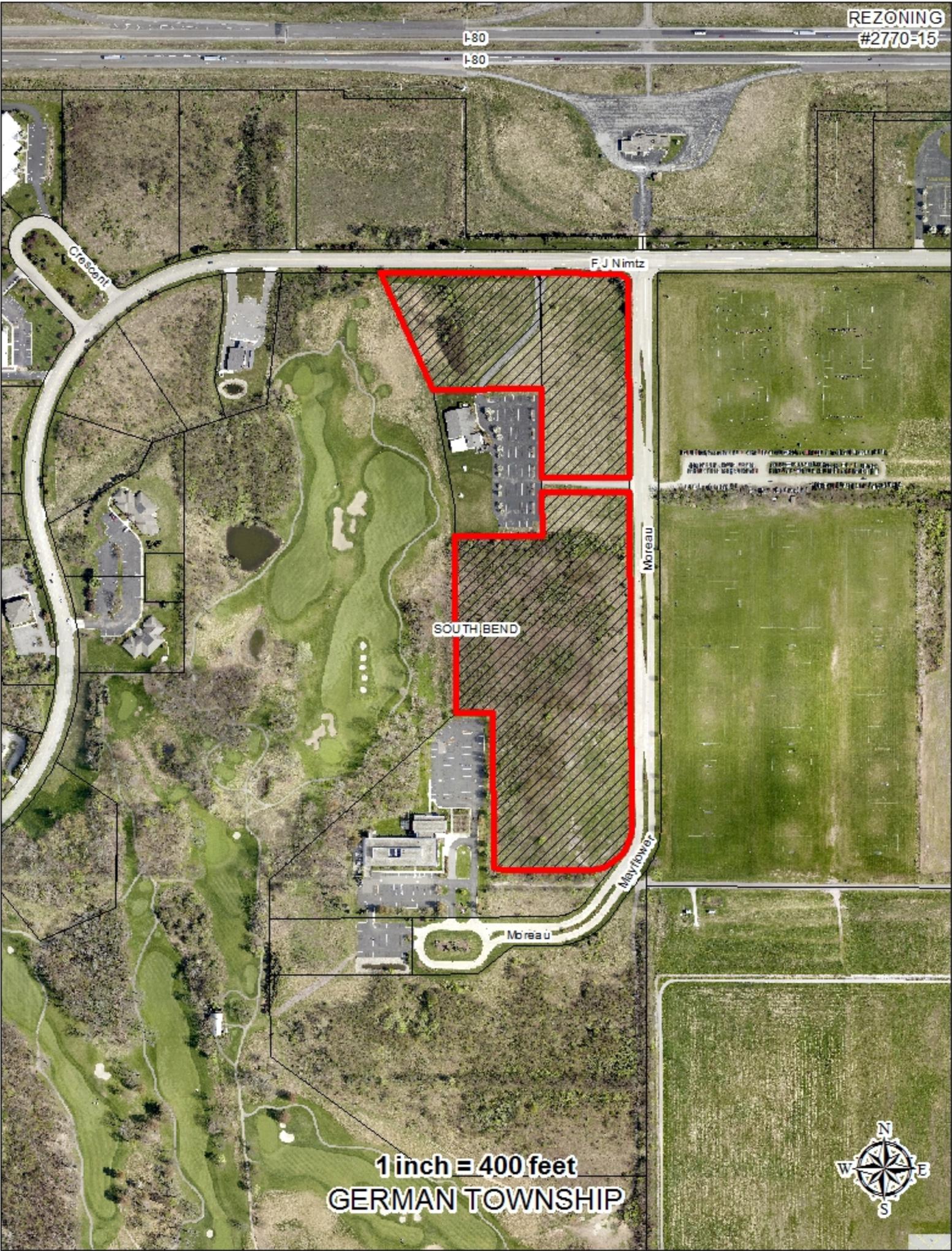
Moreau

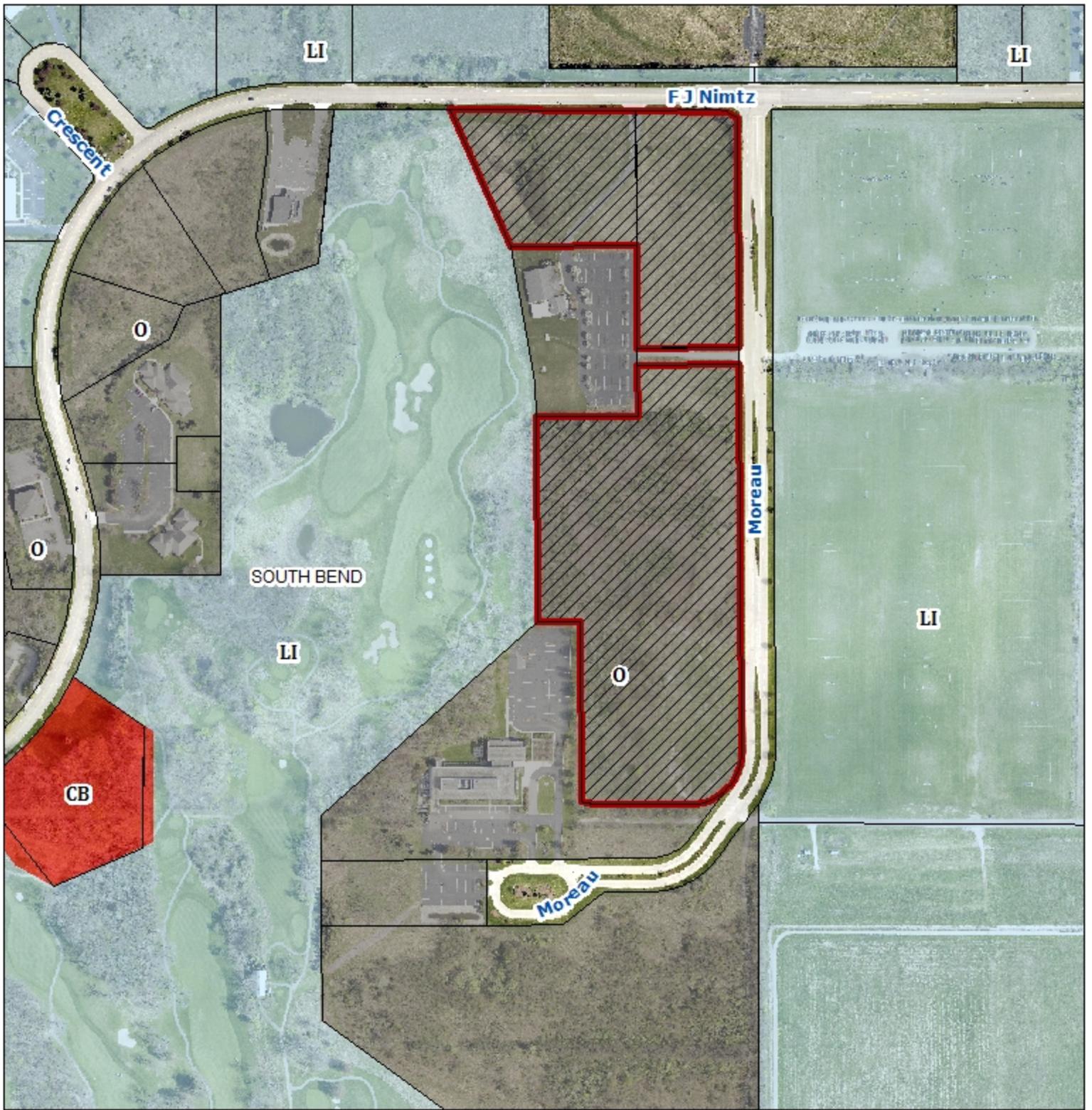
SOUTH BEND

Mayflower

Moreau

1 inch = 400 feet  
GERMAN TOWNSHIP

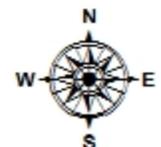




**Rezoning from: CITY OF SOUTH BEND  
"O" OFFICE DISTRICT to  
"LI" LIGHT INDUSTRIAL DISTRICT**

**MASTER ZONING KEY**

- SOUTH BEND "O" OFFICE DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 400 feet

**APC # 2770-15**

## 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.

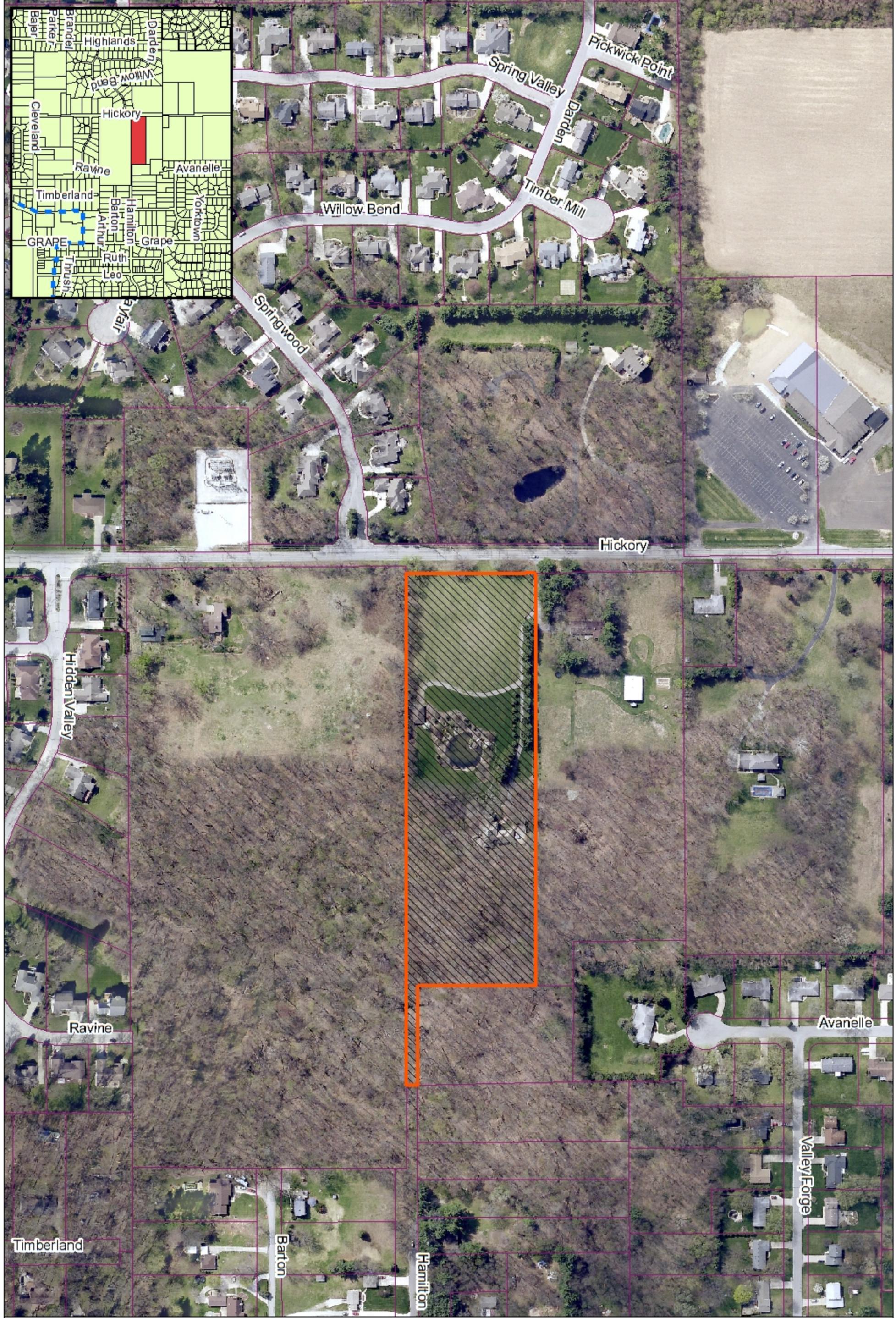
**Staff Comments:** This subdivision went through Technical Review on November 19, 2015. Lot 1 is currently served by private well and septic system. If and when the private well fails, they shall connect to Municipal water. Lot 2 will be served by municipal water and private septic system. On December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

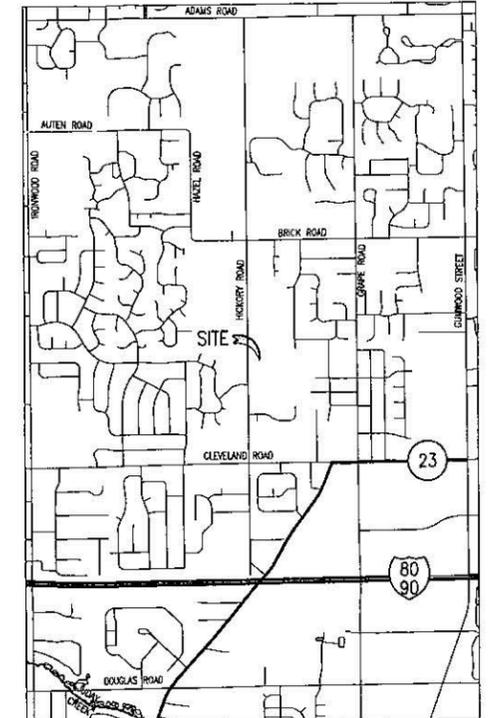


**CLAY TOWNSHIP**  
 1 INCH = 200 FEET



# 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:**

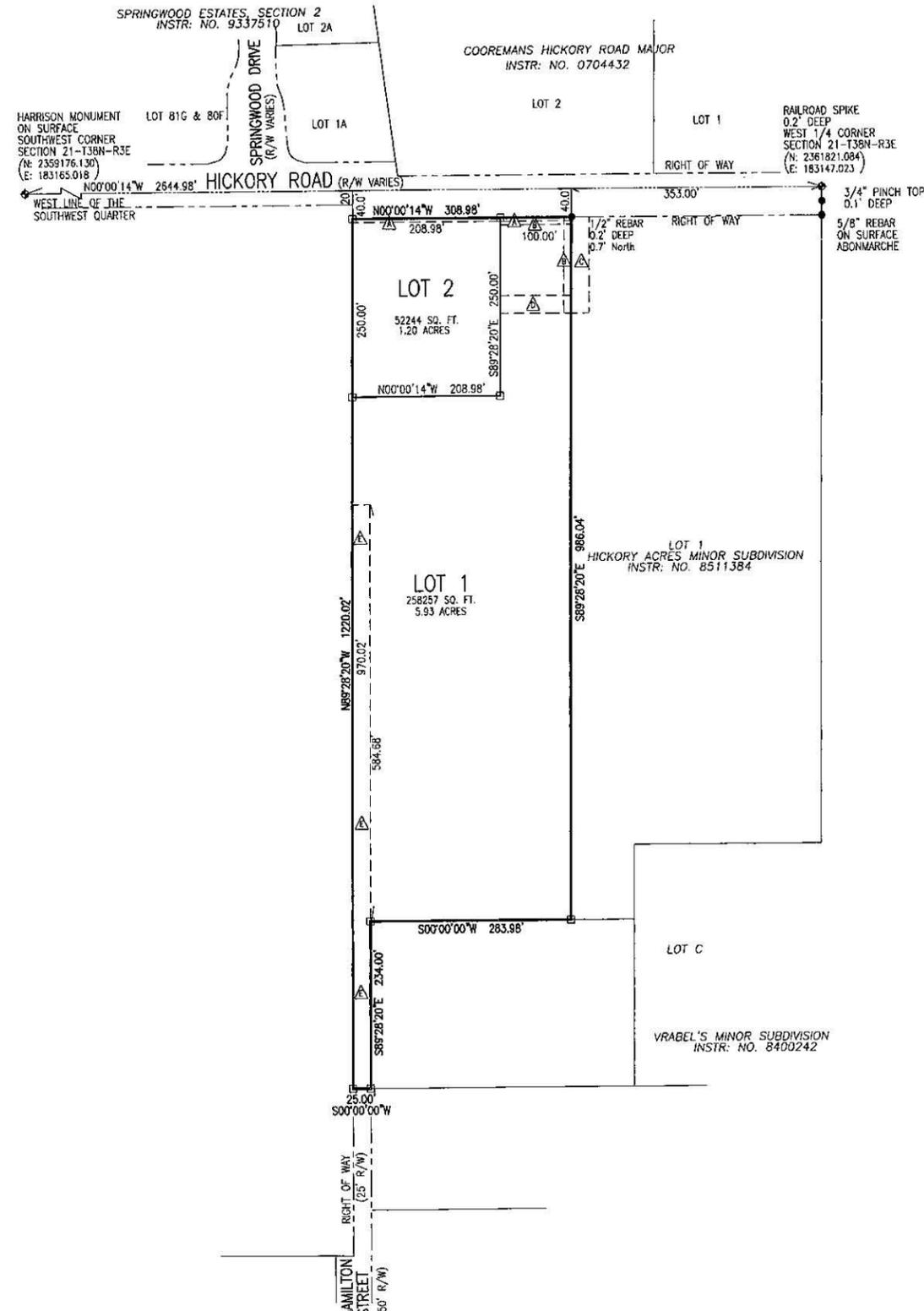
STREET HICKORY ROAD - R/W VARIES - CLASSIFICATION: COLLECTOR

**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

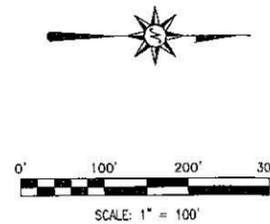


**LEGEND**

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, Feeny & 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 a large initial "J" and "L".

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

## FINDINGS OF FACT

**APC# 2768-15**  
**Sonora Properties, LLC**  
**3055 Edison**  
**South Bend**

On Tuesday, December 15, 2015 the Area Plan Commission **approved** the following variances from the Development Standards of the St. Joseph County Zoning Ordinance:

1. from the required landscaping of required perimeter yards and residential bufferyards for the northernmost 90' of the west property line to the existing landscaping; and
2. from the required off-street parking area screening to none along the north, east, and west parking lot boundaries.

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

The property is already screened on three sides by dense vegetation. Because the property to the north and east is a large open park area, it would not be injured by lack of parking screening where other screening already exists.

(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.

Surrounding property values will not be adversely affected because the perimeter landscaping will effectively screen the parking lot.

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

Strict application of the landscape regulations would require the site to have redundant landscaping.

The Minutes of the December 15, 2015 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 19<sup>th</sup> day of January, 2016.

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, President  
Area Plan Commission of  
St. Joseph County, Indiana

ATTEST:

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Lawrence P. Magliozzi, Secretary