

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

AGENDA

Tuesday, February 17, 2015
3:30 p.m.

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

EXECUTIVE SESSION

- A. Affirm Appointment of Executive Committee:
- B. Affirm Appointment of Area Board of Zoning Appeals Representative:

PUBLIC HEARINGS:

- 1. Rezoning:
 - A. A proposed ordinance of Rodney E. & Cynthia Bettcher to zone from R-8 Low Density Residential District to LI Limited Industrial District, property located at 309 and 310 Wilson Drive, Town of Lakeville - [APC# 2729-14](#).
 - B. A proposed ordinance of the City of South Bend Department of Community Investment to zone from SF2 Single Family and Two Family District, MU Mixed Use District, GB General Business District, LB Local Business District and MF1 Urban Corridor Multifamily District to LI Light Industrial District, property located at portions of 500, 600, 700 800, 900 blocks of Indiana Avenue, portions of the 1500 blocks of Prairie Avenue, Kemble Street, Catalpa Street, Chapin Street, Kendall Street, Scott Street and Taylor Street, City of South Bend - [APC# 2730-15](#).
 - C. A proposed ordinance of Axelberg Wisconsin LLC to zone from R: Single Family District to M: Manufacturing Industrial District, property located at 25000 Block of Cleveland Road, St. Joseph County - [APC# 2731-15](#).
- 2. Text Amendments:
 - A. An Ordinance initiated by the Area Plan Commission on behalf of the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code Article 6, Overlay and Special Use Districts, Section 21-06.03 Northeast Neighborhood Development Area Overlay Zoning District to revise and add definitions, and to revise and add certain development standards - TO BE TABLED – APC #2732-15

ITEMS NOT REQUIRING A PUBLIC HEARING

- 1. Miscellaneous:
 - A. Findings of Fact for Granting of Variances for property located at 1430 Mishawaka Avenue, City of South Bend – [APC #2726-14](#)
 - B. Findings of Fact for Granting of Variances for property located at 22905 W. Edison St., St. Joseph County – [APC #2728-14](#)
 - C. WITHDRAW – [APC #2688-13](#) - A proposed ordinance of The Studebaker Corporation to zone from R Single Family District to B Business District, property located at 15703 State Road 23, St. Joseph County.

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

Staff Report

2/4/2015

APC # 2729-14
Owner: Rodney E. & Cynthia Bettcher
Location: 309 & 310 Wilson Drive
Jurisdiction: Town of Lakeville
Public Hearing Date: 2/17/2015

Requested Action:

The petitioner is requesting a zone change from R-8 Low Density Residential District to LI Limited Industrial District.

Land Uses and Zoning:

- On site: On site is an existing semi-tractor and trailer repair shop.
- North: To the north across Rush Street is a vacant lot and the Lakeville Lodge zoned LI Limited Industrial District.
- East: To the east are single family homes zoned R-8 Low Density Residential District.
- South: To the south is an apartment complex zoned R-12 Medium Density Residential District.
- West: To the west across Mangus Drive are tilled farm fields and a single family home zoned A: Agricultural District in the County.

District Uses and Development Standards:

The LI-Limited Industrial District is established to provide certain automobile related uses, building materials, business services, light manufacturing, warehousing and wholesaling, and accessory uses. It is the intent that the uses permitted in this district could be safely and suitably located in proximity to residential and commercial zoning districts.

Site Plan Description:

The area to be rezoned is a portion of two parcels already zoned LI Limited Industrial consisting of 2 buildings, parking and vehicle storage.

Zoning and Land Use History And Trends:

In 1983, the area to the south was rezoned from R-8 Low Density Residential to R-12 Medium Density Residential for an apartment complex. In 2008, Rush Street was vacated allowing for the consolidation of the lots previously divided by the roadway. The portion of the rezoning petition to the west is part of a larger parcel that remained after the railroad was abandoned. Because this was formally railroad right-of-way, no zoning was associated with that portion of the parcel.

Traffic and Transportation Considerations:

Wilson Drive and Mangus Drive have two lanes.

Utilities:

The site is served by municipal water and sewer.

Agency Comments:

Final drainage calculations for the site will need to be approved by the Town Engineer prior to issuance of a building permit. IDEM will be investigating the filling in of the wetland. The County Surveyor notes that a complaint has been filed with the Drainage Board by the property owner to the south. A public hearing is scheduled for March unless otherwise resolved prior to the hearing.

Commitments:

Staff is recommending the following written commitments: 1) installation of an 8' opaque fence along the south and east property line, with the exception of the gate at the terminal of Rush Street per the Town request; 2) maintaining a 20' rear setback for parking and storage; and 3) Not parking or storing any vehicles or trailers within the designated wetlands until such time as that is resolved with IDEM.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the Town of Lakeville 2011 Comprehensive Plan.
Economic Goal: Maintain and grow the existing light industrial base in the community.

Land Use Plan:

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

Plan Implementation/Other Plans:

There are no other plans for this area.

2. Current Conditions and Character:

There is a wide mix of uses in the immediate area with the industrial area being just west of the residential neighborhood that fronts Michigan Street (former U.S. 31). There are large industrially zoned vacant lots north of this site.

3. Most Desirable Use:

The most desirable use for the land is light industrial.

4. Conservation of Property Values:

With proper screening, surrounding property values should not be affected.

5. Responsible Development And Growth:

It is responsible development and growth to accommodate for the expansion of existing industrial uses while providing the proper buffer for the adjacent residential properties.

Staff Comments:

On February 4, 2015 the Area Board of Zoning Appeals granted the following variances: 1) from the required hard surface parking to gravel, and 2) from the required 50' front setback to 27' on Wilson Drive. A subdivision will need to be approved for the area to the west to become a buildable lot.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the

Staff Report

2/4/2015

rezoning petition be sent to the Town Council with a favorable recommendation subject to the written commitments.

Analysis:

Due to the existing industrial development in the area, this portion of residentially zoned properties is not well suited for single-family development. Rezoning it to limited industrial and ensuring the proper site development will allow for the responsible expansion of an already existing business.

Mangus

Michigan

Commerce

Industrial

Wilson

Wilson

Jackson

LAKEVILLE

Rush

Rush

Mott

Monroe

Mott

Patterson

Patterson

Michigan

Main

1 inch = 200 feet
UNION TOWNSHIP

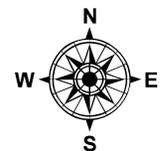




Rezoning from:
 "R-8" LOW DENSITY RESIDENTIAL
 to "LI" LIMITED INDUSTRIAL

MASTER ZONING KEY

- COUNTY "A" AGRICULTURAL 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 # 2729-14

Staff Report

2/5/2015

APC # 2730-15
 Owner: City of South Bend Department of Community Investment
 Location: portions of 500, 600, 700 800, 900 blocks of Indiana Avenue, portions of the 1500 blocks of Prairie Avenue, Kemble Street, Catalpa Street, Chapin Street, Kendall Street, Scott Street and Taylor Street
 Jurisdiction: City of South Bend
 Public Hearing Date: 2/17/2015

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District; MU Mixed Use District; GB General Business District; LB Local Business District; and MF1 Urban Corridor Multifamily District, to LI Light Industrial District.

Land Uses and Zoning:

- On site: On site are vacant properties with a few remaining single family homes.
- North: To the north is Ignition Park zoned PUD Planned Unit Development District.
- East: To the east is an industrial building zoned LI Light Industrial
- South: To the south across Indiana are a mix of non-residential and residential buildings zoned MU Mixed Use District, LB Local Business District, and MF1 Urban Corridor Multifamily District.
- West: To the west across Prairie are non-residential buildings and vacant land zoned MU Mixed Use District, LB Local Business District, and 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:

There is no specific site plan for this area. A petition has been filed for the vacation of public streets and alleys bounded by Kemble Street on the west, the Norfolk & Southern Railroad on the north, Scott Street on the east, and Indiana on the south.

Zoning and Land Use History And Trends:

As the industrial uses in the vicinity left the area, the residential neighborhood fell in to disrepair and became blighted. For several years, the City of South Bend has been acquiring various parcels with the intent to make land available for future development.

Traffic and Transportation Considerations:

Indiana Avenue and Kemble Avenue have two lanes plus on-street parking. Prairie Avenue (S.R. 23) has two lanes.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The City Engineer had no comments. The Department of Community Investment gives a favorable recommendation.

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)

Objective ED 1, 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 a mix of medium density residential and mixed use.

Plan Implementation/Other Plans:

There are no other plans for this area.

2. Current Conditions and Character:

There are a mix of commercial and residential uses along Indiana Avenue with single family residential south. The area north of Indiana is primarily vacant. A few light industrial uses and offices remain along Prairie Avenue and further east of the site. The rail road right-of-way has been formally abandoned.

3. Most Desirable Use:

The most desirable use for this site is light industrial to compliment the businesses in Ignition Park.

4. Conservation of Property Values:

With proper buffering and screening, the surrounding property values should not be affected.

5. Responsible Development And Growth:

It is responsible growth and development to consolidate vacant land making it available for future development.

Staff Report

2/5/2015

Staff Comments:

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.

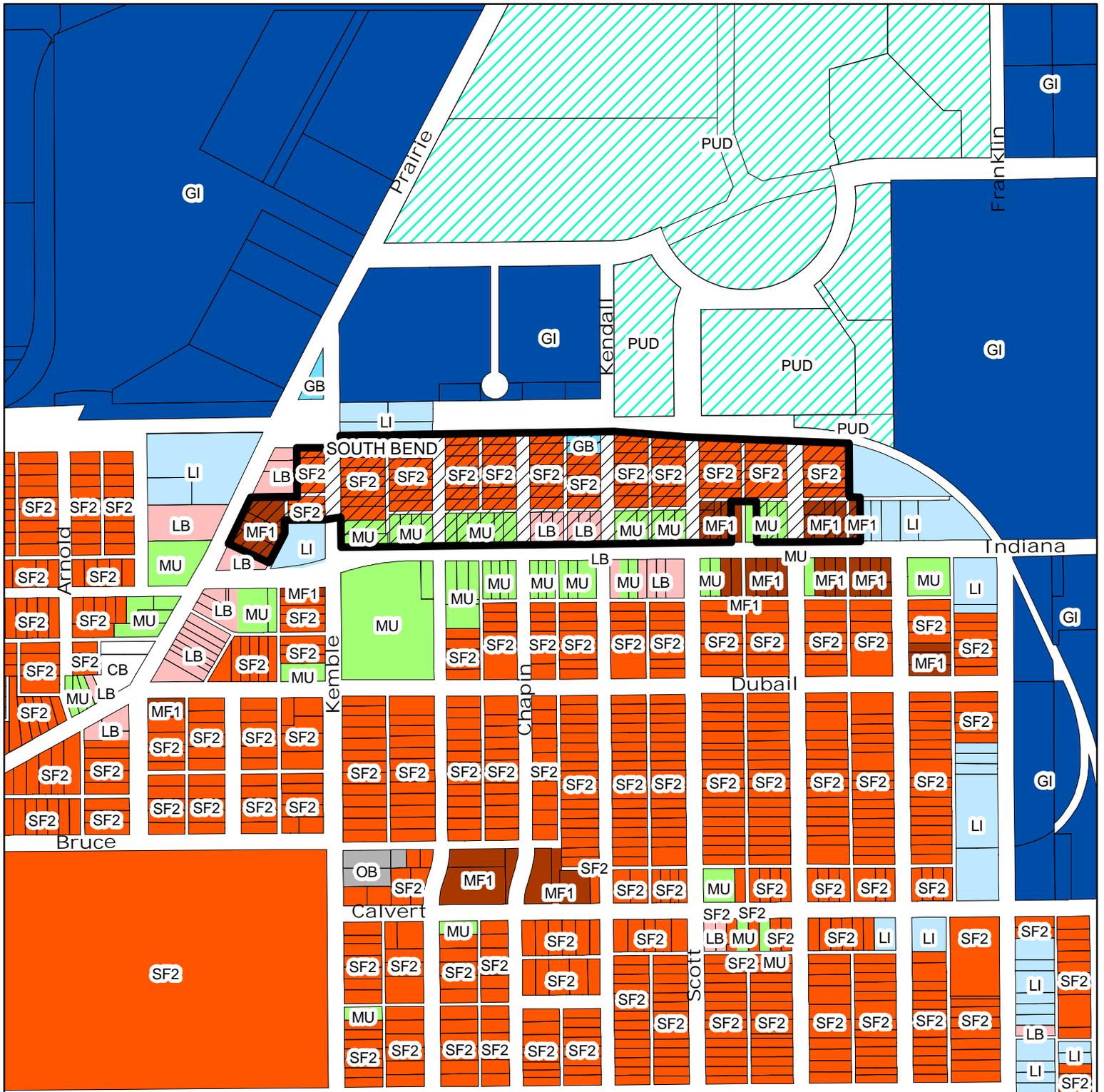
Analysis:

The zoning of this area to an industrial classification is the next step in a process that began in the 1990's. The zoning will allow development to occur that is compatible with Ignition Park and support additional reinvestment opportunities in the neighborhood.



1 inch = 500 feet
PORTAGE TOWNSHIP

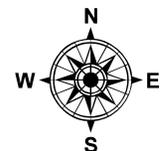




Rezoning from:
 "GB" GENERAL BUSINESS DISTRICT, "MU" MIXED USE DISTRICT,
 'LB" LOCAL BUSINESS DISTRICT, "MF1' URBAN CORRIDOR MULTIFAMILY DISTRICT
 & "SF2" SINGLE FAMILY & TWO FAMILY DISTRICT
 to "LI" LIGHT INDUSTRIAL DISTRICT

MASTER ZONING KEY

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT
- SOUTH BEND "GI" GENERAL INDUSTRIAL DISTRICT
- SOUTH BEND "PUD" PLANNED UNIT DEVELOPMENT



1 inch = 500 feet

APC # 2730-15

Staff Report

2/4/2015

APC # 2731-15
Owner: Axelberg Wisconsin LLC
Location: 25000 Block of Cleveland Road
Jurisdiction: St. Joseph County
Public Hearing Date: 2/17/2015

Requested Action:

The petitioner is requesting a zone change from R: Single Family District to M: Manufacturing Industrial District.

Land Uses and Zoning:

- On site: On site is a tilled farm field.
- North: To the north is a vacant lot and a distribution center zoned LI Light Industrial District in the City of South Bend.
- East: To the east is a distribution center zoned LI Light Industrial District in the City of South Bend.
- South: To the south across Cleveland Road is a tilled farm field zoned R: Single Family District in the County.
- West: To the west is a tilled farm field and a residence zoned R: Single Family District in the County.

District Uses and Development Standards:

The M: Manufacturing 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:

The total area to be rezoned is 55 acres. The petitioner is proposing a multi-lot industrial park. Didam Boulevard is proposed to extended from the industrial park to the north through the site to Cleveland Road. The site plan provided shows a 202,000 square foot building on Lot 1 of the industrial park. The building is comprised of manufacturing, warehousing, and offices. There are 84 proposed parking spaces. The site includes landscaping and signage as required by the zoning ordinance.

Zoning and Land Use History And Trends:

The area located between the Toll Road and the US-31 Bypass has continued to develop to serve industrial and manufacturing needs since the mid-1990's. The property to the east was rezoned from single family to industrial by the South Bend Common Council in 1998. The property to the north was rezoned from single family residential to industrial in 2000 for an expanded industrial park.

Traffic and Transportation Considerations:

Cleveland Road narrows from a four lane road to a two lane road just east of the site.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The County Engineer notes that the petitioner will need to contact the St. Joseph County Regional Water and Sewer District for approval to extend South Bend utilities in to this area. Cleveland Road may need to be expanded to a 50' half right-of-way to accommodate an accell/decell lane and possible passing blister. All final engineering and drainage will be reviewed as part of the subdivision submittal.

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 Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002)

Goal 2, Objective A: Ensure that suitable areas are available for future industrial development.

Land Use Plan:

The future land use map shows a portion of the site designated as an industrial growth area.

Plan Implementation/Other Plans:

There are no other plans for this area.

2. Current Conditions and Character:

The developed industrial properties to the north and east are fully utilized with only a couple vacant parcels. Residential developments have primarily focused west of the site with a couple of larger parcels buffering them from the current industrial growth.

3. Most Desirable Use:

The most desirable use for this property is industrial.

4. Conservation of Property Values:

Due to the proximity of the site to other industrial properties, surrounding property values should not be affected if appropriate buffering and access is maintained.

5. Responsible Development And Growth:

It is responsible growth and development to allow for expansion of industrial properties where municipal utilities are available.

Staff Comments:

The staff has no additional comments.

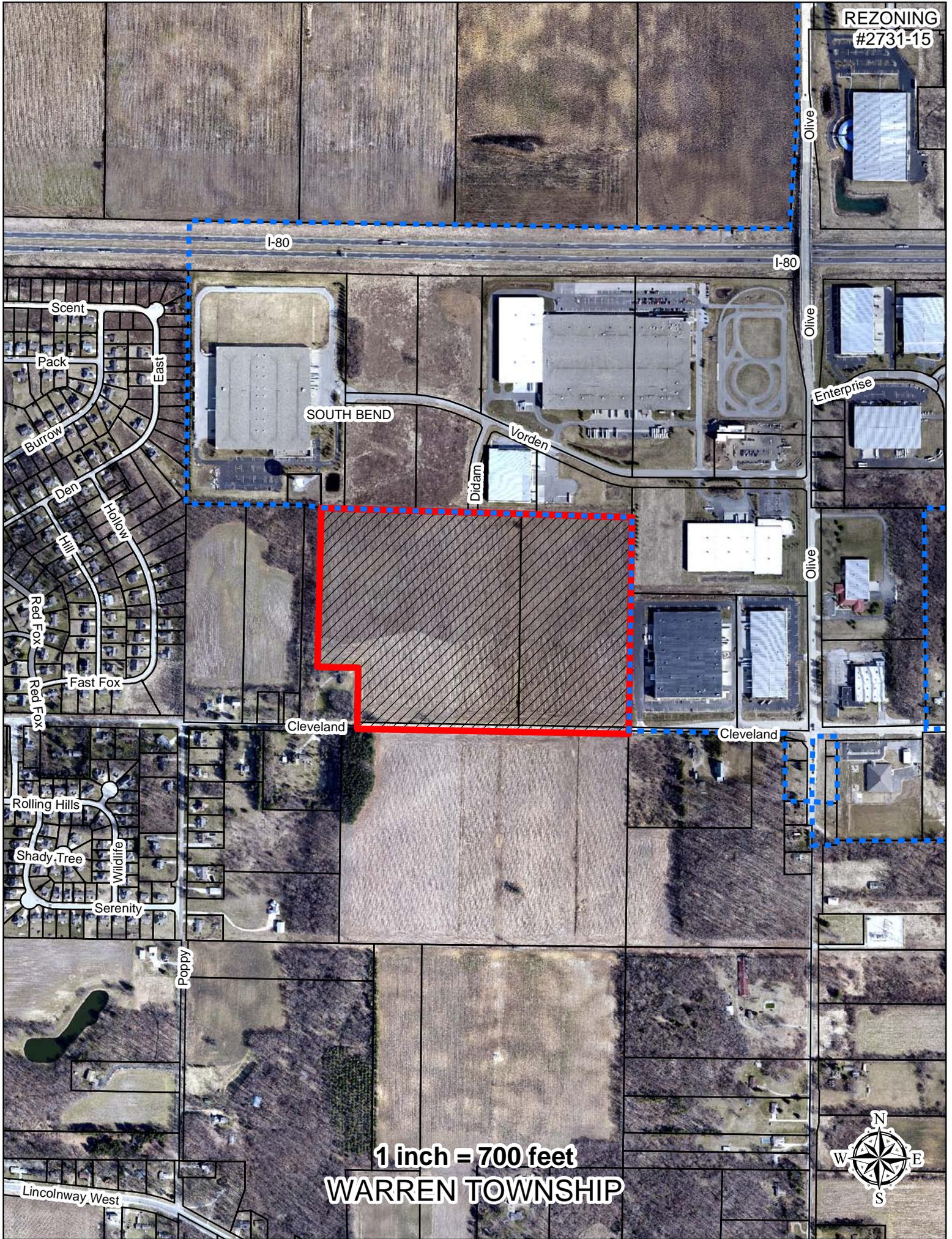
Recommendation:

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

Analysis:

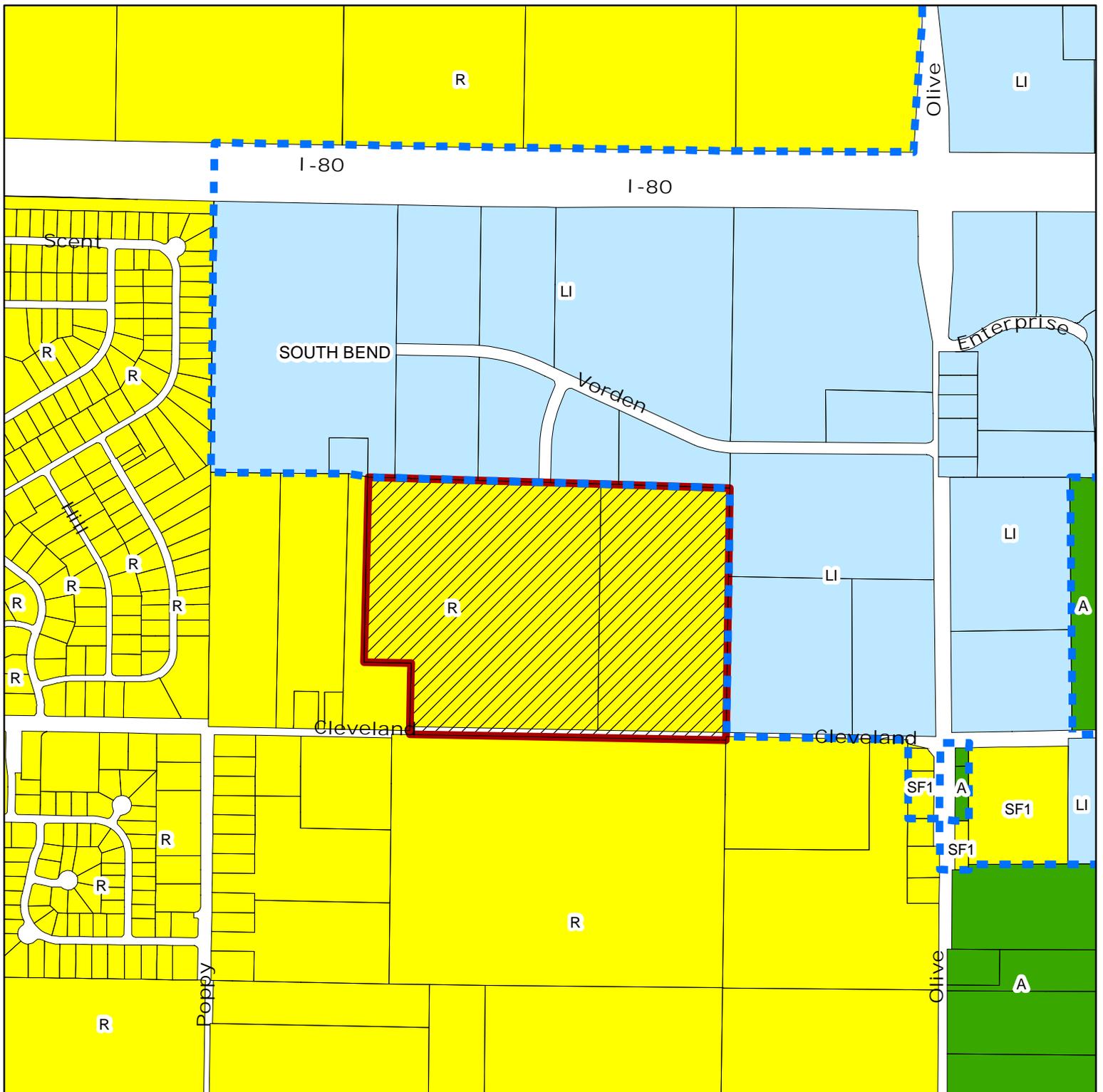
With close proximity to the Indiana Toll Road and the US-31 Bypass, development of this site is an appropriate extension of the established industrial areas to the north and east.

REZONING
#2731-15



1 inch = 700 feet
WARREN TOWNSHIP

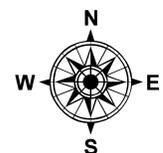




Rezoning from:
 "R" SINGLE FAMILY DISTRICT to
 "M" MANUFACTURING INDUSTRIAL DISTRICT

MASTER ZONING KEY

- COUNTY "A" AGRICULTURAL DISTRICT
- COUNTY "R" SINGLE FAMILY DISTRICT
- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 700 feet

APC # 2731-15

FINDINGS OF FACT

APC# 2726-14
G Family Properties
1430 Mishawaka
City of South Bend

On Tuesday, November 18, 2014, the Area Plan Commission approved the following variances from the Development Standards of the City of South Bend Zoning Ordinance: 1) from the required 20' front setback for parking to 0'; 2) from the required 7 parking spaces to 2; and 3) from the required Type B: partial screening on the south property line to a 6' privacy fence.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community. The variances reflect existing conditions that should not impact the 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. There is a 6' privacy fence used to effectively screen the property from the adjacent residential use. As such, the variance should not impact the 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. Due to the limited size of the parcel and reuse of existing structures, strict application would result in practical difficulties.

The Minutes of the November 18, 2014 meeting of the Area Plan Commission are hereby incorporated by reference herein.

Adopted by the Area Plan Commission of St. Joseph County, Indiana, this 17th Day of February, 2015.

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

ATTEST:

Lawrence P. Magliozzi, Secretary

FINDINGS OF FACT

APC# 2728-14

Thomas & Peter Limberpoulos and Dean Vellos

22905 W. Edison

St. Joseph County

On Tuesday, January 20, 2015, the Area Plan Commission **approved** the following variances from the Development Standards of the St. Joseph County Zoning Ordinance: 1) From the required Type 2: full screening landscaping on the west property line to Type 1: open landscaping

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community. Type 1: open landscaping will be provided to serve as a moderate buffer. The property to the west is currently vacant and owned by the airport.

(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 property west of the site is currently not developed.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. The strict application would require the petitioner to remove existing mature vegetation in order to meet the standards of the landscape chapter. The variance will allow for the application of Type 1: open landscaping to serve as a buffer.

The Minutes of the January 20, 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 17th day of February, 2015.

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

ATTEST:

Lawrence P. Magliozzi, Secretary

Staff Report

2/5/2015

APC # 2688-13
Owner: The Studebaker Corporation
Location: 15703 State Road 23
Jurisdiction: St. Joseph County

Requested Action:

The staff requests the petition be withdrawn per the procedure of disposition of petitions that have been tabled indefinitely per Resolution 212-10.

Staff Comments:

On November 6, 2013, the petition of The Studebaker Corporation was submitted requesting a rezoning from R: Single Family District to B: Business Distract. The petition was tabled at the December 21, 2013 meeting and tabled indefinitely on January 21, 2014. Resolution 212-10 established a procedure for the disposition of petitions that have been tabled indefinitely. The petitioner was notified by letter on January 27, 2105 that he had until February 6, 2015 to proceed with his petition or that it would be withdrawn at the February 17, 2015 meeting.

Recommendation:

The staff recommends this petition be withdrawn. It has been a year since the petition was tabled indefinitely and the petitioner has not responded.