

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

**AGENDA**

Tuesday, January 20, 2015  
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 Thomas & Peter Limberpoulos and Dean Vellos to zone from C: Commercial District and R: Single Family District to C: Commercial District and seeking the following variance: from the required Type 2: full screening landscaping on the west property line to Type 1: open landscaping, property located at 22905 W. Edison, St. Joseph County - [APC# 2728-14](#).

**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. A Resolution of the Area Plan Commission of St. Joseph County, Indiana establishing a policy granting authority to the staff of the Area Plan Commission to create, amend and delete forms, certificates and any other documentation required in the administration of the Zoning and Subdivision Ordinances that are under the pervue of the Area Plan Commission – [R236-14](#).
- C. A Resolution of the Area Plan Commission of St. Joseph County, Indiana releasing committees that no longer have a function and re-establishing the Executive Committee of the Area Plan Commission – [R239-14](#).

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

**Staff Report**

1/9/2015

APC # 2728-14  
Owner: Thomas & Peter Limberopoulos and Dean Vellos  
Location: 22905 W. Edison  
Jurisdiction: St. Joseph County  
Public Hearing Date: 1/20/2015

**Requested Action:**

The petitioner is requesting a zone change from R: Single Family District and C: Commercial District to C: Commercial District.

**Land Uses and Zoning:**

- On site: On site is a wooded lot.
- North: To the north is a vacant restaurant zoned C: Commercial District.
- East: To the east is a single family home zoned C: Commercial District and R: Residential District.
- South: To the south across Edison Road is a single family home zoned R: Residential District in the County and Dickinson Intermediate School zoned SF-1 in the City of South Bend.
- West: To the west is a wooded lot zoned R: Residential 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 2.28 acre parcel being rezoned is part of a larger 4.25 acre development with frontage on Lincolnway and Edison Road. The petitioner is proposing to use the southern lot for a self-storage commercial development. The proposed site plan includes 50,000 square feet of mini-warehouse storage enclosed within a security fence. Type 2: full screening landscaping is required along the portion of the lot that abuts residential. Along the west property line, adjacent to the vacant lots currently owned by the airport, the petitioner is seeking a variance from the required Type 2: full screening landscaping to Type 1: open landscaping in order to preserve the natural tree line. Additional landscaping is proposed along Edison Road to serve as a buffer between the development and surrounding residential uses. Access will be through an existing drive from the current development to the north, which fronts on Lincolnway. Access is not being proposed from Edison Road.

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

The properties along Lincolnway West have developed as traditional corridor uses.

**Traffic and Transportation Considerations:**

Edison Road has two lanes. Lincolnway West is a four lane road.

**Utilities:**

The project does not require sanitary sewer or water services.

**Agency Comments:**

The Health Department is unable to determine if the placement of the storage building will impact the existing septic system or whether it is suitable for its current use. Applicant must have a licensed septic contractor or inspector inspect the site and determine location and size of the components of the septic system and location of the water supply well and submit for approval prior to final site approval. The County Engineer noted that Storm Water Pollution Protection Plan (SWPP) and drainage calculations must be completed prior to final site approval.

**Commitments:**

The staff is requesting the following written commitments: 1) Driveway permits or access from Edison Road is prohibited; 2) Landscaping along Edison Road shall be consistent with Type 2: full screening landscaping; 3) Off-premise signs are not permitted; and 4) Auto-oriented and other commercial uses utilizing drive-thru facilities are not permitted.

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

Goal 2, Objective C: Develop quality business areas to meet the retail and service needs of the planning area.

**Land Use Plan:**

The future land use map makes no specific recommendation for this area.

**Plan Implementation/Other Plans:**

There are no other plans for the area.

**2. Current Conditions and Character:**

Lincolnway West is a commercial corridor with a mix of businesses and services. Edison Road is primarily residential with a mix of single family homes and a school.

**3. Most Desirable Use:**

The most desirable use is for a low impact commercial or office use that will serve as a transition between the commercial properties along Lincolnway West and the residential neighborhood to the south.

**4. Conservation of Property Values:**

With proper screening, the value of adjacent properties should not be impacted.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow for infill development.

**Staff Comments:**

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

The petitioner is also requesting the following variance:

1. from the required Type 2: full screening landscaping on the west property line to Type 1: open landscaping

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. 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.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the County Council with a favorable recommendation subject to the Written Commitments. The staff recommends approval of the variance subject to the rezoning.

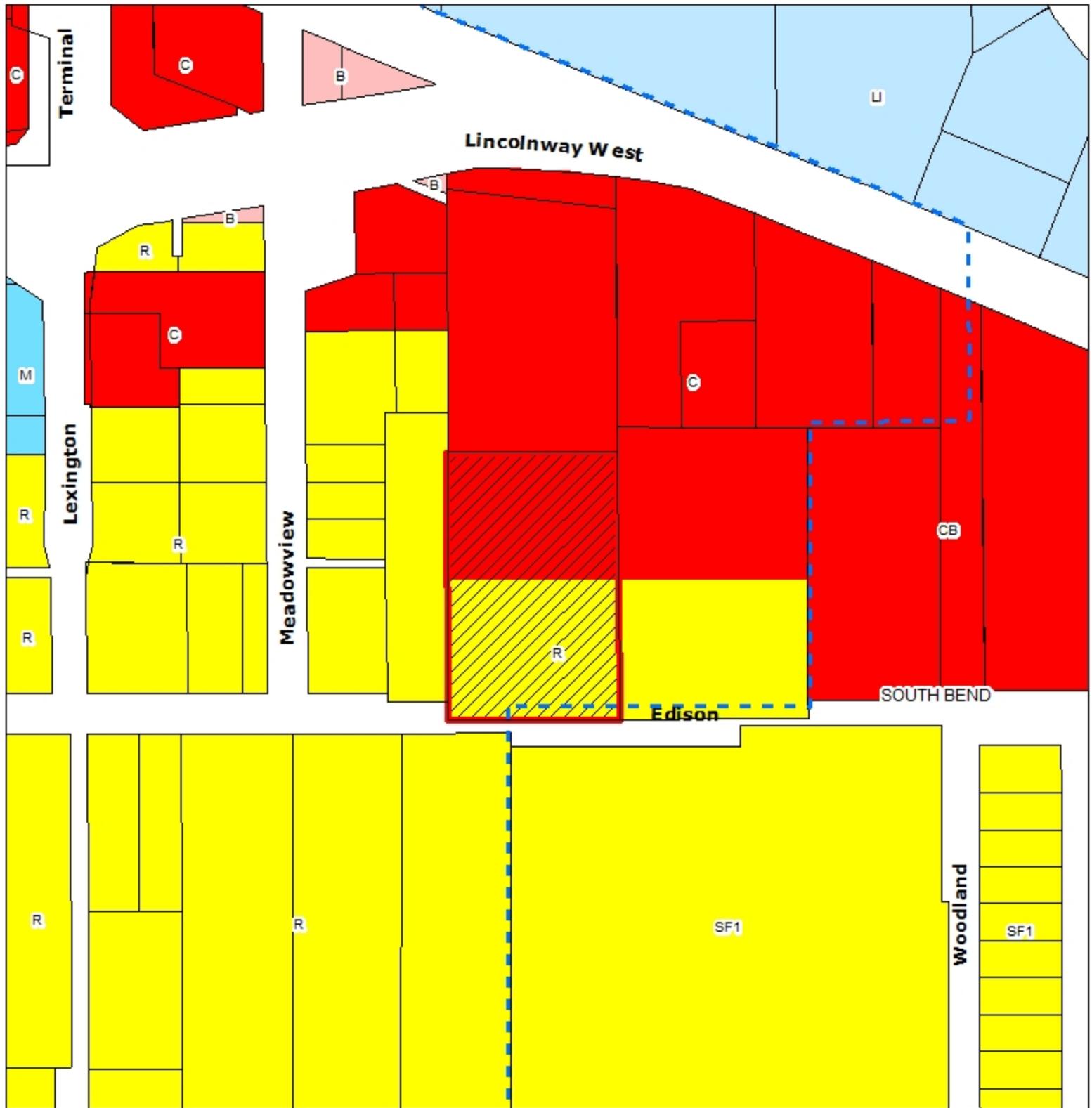
**Analysis:**

The land between Lincolnway West and Edison Road serves as a transition between the airport and the residential neighborhood to the south. With proper buffering, extension of the commercial zoning will allow for the site to be developed in a manner that encourages economic development and services in the County without negatively impacting the adjacent properties.



1 inch = 200 feet  
GERMAN TOWNSHIP

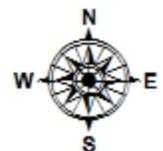




**Rezoning from:  
"R" SINGLE FAMILY DISTRICT & "C" COMMERCIAL DISTRICT  
to "C" COMMERCIAL DISTRICT**

**MASTER ZONING KEY**

- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "B" BUSINESS DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- COUNTY "M" MANUFACTURING INDUSTRIAL DISTRICT
- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 200 feet

**APC # 2728-14**

## 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 16 day of December, 2014.

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

ATTEST:

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Lawrence P. Magliozzi, Secretary

**RESOLUTION NO. 236-14**

**A RESOLUTION OF THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA ESTABLISHING A POLICY GRANTING AUTHORITY TO THE STAFF OF THE AREA PLAN COMMISSION TO CREATE, AMEND AND DELETE FORMS, CERTIFICATES AND ANY OTHER DOCUMENTATION REQUIRED IN THE ADMINISTRATION OF THE ZONING AND SUBDIVISION ORDINANCES THAT ARE UNDER THE PERVIEW OF THE AREA PLAN COMMISSION**

**WHEREAS**, the Area Plan Commission (Commission) of St. Joseph County, Indiana was established under the authority of Indiana Code 36-7-4-202 et seq. and is the plan commission for unincorporated St. Joseph County, the City of South Bend, and the Towns of Lakeville, New Carlisle, North Liberty, Osceola and Roseland Indiana; and

**WHEREAS**, the Commission is responsible for the administration of the zoning and subdivision ordinances for its member jurisdictions; and

**WHEREAS**, the Commission and Commission staff has prepared and amended from time to time a variety of forms as an integral part of the administration of said ordinances, such as but not limited to: application forms, certificates, commitments and waivers; and

**WHEREAS**, the Commission has passed Resolutions 051-79 and 066-82 that authorized and adopted certificates of approval, application forms, deed of dedication, notarization and seal, urban drain and waiver of right to appeal; and

**WHEREAS**, the Commission finds it necessary from time to time to amend, create or remove obsolete forms and certificates;

**NOW, THEREFORE BE IT RESOLVED THAT** the St. Joseph County Area Plan Commission, authorizes the Commission Staff to make to create, revise or to otherwise remove obsolete forms, certificates, commitments, and waivers and various other needed documents required in the administration of the zoning and subdivision ordinances as needed.

This Resolution No. 236-14 shall supersede Resolutions No. 051-79 and 066-82.

This Resolution shall be in full force and effect upon its adoption by the Area Plan Commission of St. Joseph County.

PASSED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA this 16<sup>th</sup> day of December, 2014.

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

ATTEST:

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Lawrence P. Magliozzi, Secretary

**RESOLUTION NO. 239-14**

**A RESOLUTION OF THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA  
RELEASING COMMITTEES THAT NO LONGER HAVE A FUNCTION AND RE-ESTABLISHING THE  
EXECUTIVE COMMITTEE OF THE AREA PLAN COMMISSION**

**WHEREAS**, the Area Plan Commission (Commission) of St. Joseph County, Indiana was established under the authority of Indiana Code 36-7-4-202 et seq. and is the plan commission for unincorporated St. Joseph County, the City of South Bend, and the Towns of Lakeville, New Carlisle, North Liberty, Osceola and Roseland Indiana; and

**WHEREAS**, the enabling legislation authorizes the Commission to create certain committees, (i.e. 36-7-4-407 advisory committees, 36-7-4-408 executive committee, 36-7-4-701 plat committee); and

**WHEREAS**, the Commission has passed the following resolutions:

- 33-74 Establishing a *Citizens' Advisory Committee* to assist in rewriting the subdivision ordinances of St. Joseph County and the City of South Bend
- 34-74 Establishing a *Technical Review Committee* to review and report to the Commission on subdivisions proposing to utilize septic systems
- 35-74 Increase the *Executive Committee* from 6 to 7 members and authorizing the Committee to act in regards final site plan development plans
- 42-77 Establishing the *Citizens' Advisory Committee* to assist in the review and redrafting of the City of South Bend and St. Joseph County zoning ordinances
- 67-82 Establishing the *Plat Committee*
- 88-86 Increase the membership of the *Plat Committee* from 3 to 5 members
- 98-88 Establishing the *Soils Study Committee*
- 120-95 Establishing the *Site Plan Committee*; and

**WHEREAS**, the Commission finds the *Citizens' Advisory Committees* have completed the task for which they were established; and

**WHEREAS**, the *Technical Review Committee* is no longer responsible to report to the Commission on subdivisions proposing to utilize septic systems and whose responsibilities have broadened to review all subdivisions for technical conformance to the respective subdivision ordinances; and

**WHEREAS**, the responsibilities of the *Soils Study Committee* have been transferred to the St. Joseph County Health Department; and

**WHEREAS**, the responsibilities of the *Site Plan Committee* have been incorporated into the *Executive Committee*; and

**NOW, THEREFORE BE IT RESOLVED THAT** the St. Joseph County Area Plan Commission that:

- 1) the Advisory Committees as established by Resolutions 33-74 and 42-77 are hereby dissolved having accomplished their respective responsibilities, and
- 2) the Soils Study Committee as established by Resolution 98-88 is hereby dissolved, which responsibilities are now a part of the review and administrative process of the St. Joseph County Health Department; and
- 3) the Site Plan Committee as established by Resolution 120-95 is hereby dissolved as a stand-alone Committee, and incorporated with all its responsibilities intact as established by Resolution 120-95, within the Executive Committee; and

- 4) the Technical Review Committee as established by Resolution 34-74 is hereby dissolved, which responsibilities are now a part of the review and administrative process of the St. Joseph County Health Department; and
- 3) the Executive Committee is hereby re-established as a 5-member Committee consisting of the Chairman, Vice-Chairman and three additional members of the Area Plan Commission, charged with the responsibility of advising and counseling the Executive Director of the Commission in budget, personnel and other administrative matters, and shall serve as the Site Plan Committee to determine appeals of Staff decisions on major changes to approved final site plans as required by the applicable zoning ordinances.

This Resolution shall be in full force and effect upon its adoption by the Area Plan Commission of St. Joseph County.

PASSED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA this 16<sup>th</sup> day of December, 2014.

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

ATTEST:

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Lawrence P. Magliozzi, Secretary