

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

MINUTES

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

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

MEMBERS PRESENT: Daniel Brewer, Oliver Davis, John DeLee, Robert
Hawley, Ted Penn, Karl King, Patrick
Henthorn, Gerry Phipps, Robert Schrock, Phil
Sutton, Jerry Thacker

MEMBERS ABSENT: Adam DeVon, Steve Vojtko, Thomas England,
John R. McNamara

ALSO PRESENT: Larry Magliozzi, Angela M. Smith,
Matthew P. Chappuies, Jennifer Parcell; Staff,
Mitchell Heppenheimer, Counsel

KARL KING: We have a new member of the staff.

LARRY MAGLIOZZI: I believe you have already met him before the meeting. Matthew Chappuies has joined the staff of the Area Plan Commission. He is from Michigan.

EXECUTIVE SESSION:

A. Affirm Appointment of Executive Committee:

KARL KING: First thing we have to do is a little housekeeping. On the Appointment of the Executive Committee and the Area Board of Zoning Appeals Representative, but I was supposed to have asked the Commission to vote and affirm those appointments. First, with respect to the Appointment to the Executive Committee. The members of the Executive Committee would be John DeLee, Karl King, John McNamara, Steve Vojtko and Gerry Phipps.

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Dan Brewer and unanimously carried John DeLee, Karl King, John McNamara, Steve Vojtko and Gerry Phipps were appointed to the Executive Committee for 2015.

B. Affirm Appointment of Area Board of Zoning Appeals Representative:

KARL KING: Our Appointment to the Board of Zoning Appeals would be Robert Hawley, who has graciously accepted the appointment if you vote to approve it.

After due consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by John DeLee and unanimously carried, Robert Hawley is appointed to the Board of Zoning Appeals for 2015.

1. REZONINGS:

- 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 & 310 Wilson Drive, Town of Lakeville - APC# 2729-14.

ANGELA SMITH: The petitioner is requesting a zone change from R-8 Low Density Residential District to LI Limited Industrial District. On site is an existing semi-tractor and trailer repair shop. To the north across Rush Street is a vacant lot and the Lakeville Lodge zoned LI Limited Industrial District. To the east are single family homes zoned R-8 Low Density Residential District. To the south is an apartment complex zoned R-12 Medium Density Residential District. To the west across Mangus Drive are tilled farm fields and a single family home zoned A: Agricultural District in the County. 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. The area to be rezoned is a portion of two parcels already zoned LI Limited Industrial consisting of 2 buildings, parking and vehicle storage. 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. Wilson Drive and Mangus Drive have two lanes. The site is served by municipal water and sewer. 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. 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. 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. The future land use map identifies this area as light industrial. There are no other plans for this area. 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. The most desirable use for the land is light industrial. With proper screening, surrounding property values should not be affected. 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. 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. Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Town Council with a favorable recommendation subject to the written commitments. 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.

TERRY LANG: I am with Lang, Feeney & Associates with offices located at 715 S. Michigan Street. Twenty three years ago Rodney Bettcher and Mike Metcalf purchased the two building as you see located on the screen right there (Pointing to the powerpoint). I started working with them about five years ago when they put a small expansion on the back of the building that is on Lot 10A for doing additional work on the semi-trucks and trailers that come in there. Business has been growing and growing and growing over the last five years. They are looking to incorporate some additional space inside that building, but it

is going to force them to move that office space that is in there. They are proposing the addition to the front portion of that building to free up more space inside the building. It started off as a building expansion. They went to the Board of Zoning Appeals (BZA) and were granted a variance for the front portion of the building. When going through that process, it came to our attention that the rear portion of this building for the property was zoned inappropriately. It was a non-conforming use over the last twenty three years since they have been using it. It has been used as an area for them to park the trucks as they are working on them. The aerial map you can see some of the trailers that have been parked in the back area as they are working on the tractor portions of that and they have been using that all along in that fashion. It became apparent that a rezoning was necessary. You can see that the trailer is located at the back of the site back there. That area has been used for storage for all the time that they have been there. They were able to acquire the parcel to the west, which was part of the abandoned railroad. In working with the Area Plan Commission, it was suggested that we incorporate that with our rezoning petition at the same time it was part of the railroad and it was never zoned and it was something they had acquired. We are going to go ahead and proceed with this rezoning. We are a little concerned with regards to the fact that we are being asked to put up an eight foot fence. We have agreed that that is something we would like to comply with, but you are going to be looking at a truck trailer that is thirteen to fourteen foot tall. With an eight foot fence you are potentially still going to see five or six foot of a tractor on the backside. We will comply with that portion of it. There is more of a concern with the twenty foot setback from that rear property line back there. With these being tractor trailers and semis with a tractor on the front of it, some of these vehicles are in the range of fifty foot long for the trailer and an additional twenty five for the tractor portion and then you tack on an additional twenty foot of rear yard setback behind it. As you see on the aerial right now (Pointing to the powerpoint) the flow of traffic around the back portion of that building is basically utilizing that entire area for the tractor trailer as they pull into the site. Some of them are running, some are not. You may have a tow truck that is also pulling those and maneuvering. When you take off the rear twenty foot of that parcel for that additional setback, you are almost making it impossible for someone that is pulling a semi-trailer that is broke down into the area there and trying to back it in there. I know that the staff is looking to create a separation barrier on that back side, but when you think of how tall these are. Whether you are five feet away or twenty feet away they are fourteen foot tall. The business has been operating there for, like I said, twenty three years. There has never been any complaints of concerns with regards to the location of where those trailers are back there. We would like to continue to use that area. By pushing them up twenty feet you almost force them to move to another location because they won't be able to get around with a semi truck being towed by a larger tow truck. So, we will work with the staff on that. I know that the Town of Lakeville does not require a twenty foot rear yard setback. This is only a recommendation that the staff would like to have. The Town itself does not require that. We would like to stay at this site. We don't want to be forced to move out because of a setback requirement that makes his business not able to use the site. With regards to items number two on that list, we would really like to not see that on there. With regards to number three, we are working very closely right now with IDEM in regards to investigating that area to see if that falls within that guideline and we will have a recommendation with regard to what IDEM makes. We will work with them and their direction of what they want to see on the site. That kind of gives you a little bit of a history.

RODNEY BETTCHER: I am owner of the business. One thing I would like to add to this is in the years I have been in business there. I keep a clean facility and I also respect the neighbors. The trailers that we have parked are not trailers with graffiti on them or any kind of smell, such as cow trailers or anything of that nature. There are mostly flat bed trailers and they are not there all the time. I have a few storage trailers that store steel, tires, and extra parts. Those trailers are on the ground and the suspension is out from underneath them, so their height is roughly nine foot. As Terry explained, I have not had any complaints through Town Council, by the people around me. This would be detrimental if I have to stay back twenty feet back from the fence. I would really hope that we could work through not having that twenty foot setback cause it would be pretty detrimental to my business. There is no refrigeration units. I park them on the west side of our building, so people don't have to listen to them all

night long. I have done that for years. I am just asking if you would please really think about that when making that decision.

MIKE METCALF: I am Rodney's father-in-law and I am treasurer of the business. In the area where there are trucks parked there is a berm that goes up three to four feet. That is where the alleyway is. You can see the double red lines there so we are backed up to that berm. The fence is probably going to be about eight foot out. So we have a setback, but if you pull that out any further, we are going to have basically safety issues. I just wanted to address the safety aspect of it as well.

IN FAVOR

WILLIAM GEYER: I reside at 210 Ashbury Court. Mr. Bettcher has been a very viable source in the Town of Lakeville. I would request that you reduce that to their request. I think because of the idea with the U.S. 31 realignment there has been a reduction of property on Manges Drive, the idea to construct an object that eliminates some of the eye contact has already been done by the U.S. 31 alignment and further by the wide right-of-way of Manges drive. I would just like to emphasis that Mr. Bettcher has been a real asset to the community.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

KARL KING: We had the petitioner and his surveyor talk about this twenty foot setback, are we sticking with that as a written commitment?

LARRY MAGLIOZZI: This is a business that has obviously been successful and has grown to a pretty tight envelope of land. They have already used the portion that is being zoned residential for industrial for quite a while. If you look at the aerial photography, those trailers (pointing to the powerpoint) right there, those are already at twenty feet. So they obviously don't have an issue with maneuvering room as far as being able to maneuver those trailers in and out of that spot. Those trailers back there are on the west side are definitely a lot closer. They have a stock pile of tires in front of them. I don't know if those are static trailers or used a lot, or full time storage. We looked at the site and the twenty foot is determined on the fact that they can maneuver. The row of trees or bushes, really in the winter you might as well not have anything because these are deciduous trees. That does not really provide a lot of protection to the apartment's residents. That alley is an eight foot dedicated alley. It is a paper alley, so it really does not exist. I am not sure it ever did. If they vacate that alley, then that gives them another eight feet so that could actually push the trailers back another eight feet and still maintain a twenty foot setback with an eight foot fence. We think this would work pretty well. The reason why we picked twenty feet is, as you stand in front of the fence with the trailers backed twenty feet you are not going to see the top of the trailers, just because of the angle and the height of the fence. We could consider reducing that twenty feet down to maybe fifteen or ten, but I would probably add the recommendation that they build the higher fence. Maybe ten foot fence with less setback if they are concerned with maneuvering room.

KARL KING: For our purposes here today, you want us to act on the staff report as it is?

LARRY MAGLIOZZI: Yes, I really did not hear anything that would affect us to change our recommendation.

JOHN DELEE: That eight foot, is that being rezoned?

LARRY MAGLIOZZI: No, that is still a dedicated alley. It is not being rezoned now. If they vacate it the zoning line would move down into it.

KARL KING: It would become part of the property.

LARRY MAGLIOZZI: It would become part of the property and the commitment for the fence they could actually be put on the new south property line.

ROBERT HAWLEY: That twenty foot separation that we are looking for is strictly because of site on the trailer? Is that what you are trying to accomplish?

LARRY MAGLIOZZI: What we are trying to accomplish is so that the residents of the apartment complex aren't subject to the visual issue out there.

JOHN DELEE: How high are the apartment buildings?

TERRY LANG: Those are two story apartment buildings. By putting up a fence that is ten foot high, the second story of that is still looking over the top of it. One of the things that Rodney didn't tell you was that when these trucks come in that there would be a semi-trailer pulling the tractor part of that as well as a tow truck so if you would take the size of those trailers that you are looking at on the screen right now and double the length of that that is how much space it needs to be able to pull in back in and park the trailer part of that. By doubling the length of that, that circular drive that you are looking at is completely gone. You want to add an additional twenty foot it almost comes to the point that that site won't be usable. What you are looking at is going up twenty feet from where you see the trailer right now add another sixty foot for the length of the tractor and the tow truck portion of that you are almost to the back of the building then.

ROBERT HAWLEY: So they are pulling these in there because they are disabled?

TERRY LANG: That's right.

ROBERT HAWLEY: They are going to repair them?

TERRY LANG: You are looking at the back end of the trailer right now. There is also the tractor part of it as well as another tow truck for a semi, so what you are looking at is really half the length right there of the size of vehicles that are going to be pulling in and dropped off to be repaired.

JOHN DELEE: Would you be willing to put up a ten or twelve foot fence?

MIKE METCALF: We are working with Terry right now to vacate that alleyway. I mentioned a few minutes ago that there is a berm there and that berm is probably four feet higher than what the trailers are sitting at. We will be putting a fence there assuming we can get it vacated.

TERRY LANG: You can see that this alleyway that does exist here, it raises up on both sides so that alleyway is already this much higher (pointing to the powerpoint) than the property to the side of it.

JOHN DELEE: So the apartments are lower?

TERRY LANG: The apartments are lower and Rodney's side is lower as well. So by putting up the eight foot fence you are really putting up an eleven or twelve foot fence because of that raised mound. The size of the apartments at two story, they are still going to be looking down into that area.

ANGELA SMITH: In looking at the berm, it doesn't appear to be a natural berm. It appears that overtime as they have moved dirt to access the parking more and more fill has gotten into there. The reason we were not looking at that as part of the height is because it doesn't seem to be a stable building environment. It is not like you are putting a fence on top of a natural high point.

KARL KING: Mr. Metcalf, you said you are working with the Town on getting the alley vacated?

TERRY LANG: He has given me the go ahead to prepare that petition of the vacation of the alley part of it.

MIKE METCALF: I think we will be ok with ten foot because if we erect the fence on that berm, which is really the alleyway. We did not construct that berm, it has been there from day one.

KARL KING: When the alley is vacated, how much is it going to add to there?

TERRY LANG: The alley is eight foot wide. All of the alley goes to Rodney's property because it was platted with his property. The apartments were never platted, so they will get none of that vacated alley.

DAN BREWER: Is the activity associated with the trailers going to increase, change or stay the same?

TERRY LANG: The activity is going to be the same. It is just that he will be able to get the vehicles in, get them repaired and get them out because he will have more space in the building to be able to accomplish this. A lot of times they have to wait for parts to come in. So you tear a vehicle apart and you are waiting for parts. It may be two to three days before part comes in. You are tying up space inside the building. Basically what he is looking to do is do the expansion to the front and accomplish more space in the building so the vehicles can be turned around quicker.

DAN BREWER: So, the activity?

TERRY LANG: The activity is going to be the same.

RODNEY BETTCHER: To the southwest, the four trailers that are sitting on the ground are nine foot tall. The rest of the trailers in there are in and out sometimes there may only be two or three trailers in that area. It is not like I am packing trailers all the time there. For twenty some years now I have not had any problems and I am erecting a fence that you can't see through.

GERRY PHIPPS: I would make a motion to send this to the Town Council with a favorable recommendation provided they comply with the written conditions as recommended by the staff including the twenty foot setback. I don't think we should lose the fact that they are asking to rezone to industrial directly adjacent to an existing residential use. I think the setback is appropriate particularly considering the height of the objects that they are wanting to place there. I can understand that there are some maneuvering problems but it really only affects those parking spaces directly behind the building. The others they still have access to. If those are not usable for the purpose they have extra land that they are getting with this rezoning also. Plus they could also back those in at a little bit of an angle that would reduce it by a couple of spaces but they would still be able to use that for parking trailers there.

DAN BREWER: I have a bit of a problem. We are not changing the use that has been in existence for twenty years. It is almost as though the petitioner is putting himself at risk to have his operation impaired by coming and doing what should have been done twenty years ago. I am not sure what Mr. Phipps says is correct when he talks about backing the trailers in. I never backed one in so I really don't know how much room is really required. So essentially the people to the south are going to be benefiting from having an opaque fence installed, we increase the height by a couple of feet. I don't know if that

would do any good, but it seems to me that we are penalizing an ongoing business unnecessarily.

GERRY PHIPPS: I would be willing to reduce that setback to ten or fifteen feet since it appears that they are vacating an alley and getting eight foot of that back.

After due consideration, the following action was taken:

A Motion was made by Gerry Phipps and seconded by Robert Schrock, but failed to carry.

KARL KING: In order for any motion to carry, it has to have one more than half of the votes of the total membership of the Commission, not just those present here today. So we would need eight votes for anything to pass, so this motion has failed since it does not have one more than half.

Upon a motion by Daniel Brewer, being seconded by Robert Schrock and carried, the 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 & 310 Wilson Drive, Town of Lakeville, is sent to the Town Council with a FAVORABLE recommendation subject to 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 and 2) Not parking or storing any vehicles or trailers within the designated wetlands until such time as that is resolved with IDEM. 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.

- 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.

ROBERT HAWLEY: Before the report by the staff can I add that I think this should state West Indiana Avenue and not just Indiana Avenue.

ANGELA SMITH: 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. On site are vacant properties with a few remaining single family homes. To the north is Ignition Park zoned PUD Planned Unit Development District. To the east is an industrial building zoned LI Light Industrial 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. 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. 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. 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. 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. West Indiana Avenue and Kemble Avenue have two lanes plus on-street parking. Prairie Avenue (S.R. 23) has two lanes. The site will be served by municipal water and sewer. The City Engineer had no comments. The Department of Community Investment gives a favorable recommendation. The petitioner is not proposing any written commitments. 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. The future land use map identifies this area as a mix of medium density residential and mixed use. There are no other plans for this area. There is 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. The most desirable use for this site is light industrial to complement the businesses in Ignition Park. With proper buffering and screening, the surrounding property values should not be affected. It is responsible growth and development to consolidate vacant land making it available for future development. The staff has no additional comments. 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. 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.

MIKE DANCH: I am with Danch, Harner & Associates with offices located at 1643 Commerce Drive. This is part of the next phase for Ignition Park which is going to be called Ignition Park South for this particular area. The City owns several properties that are actually outside the boundaries. The park itself will run on Kemble Street on the west to Scott Street on the east and from the railroad tracks on the north down to Indiana Avenue. That will actually be Ignition Park South, but because the City owns so many properties out there what we decided to do is part of the rezoning process was to bring everything in line with the similar zoning classifications so that is why we are going from all the uses that Angela had mentioned to the LI District to bring everything to have a consistent zoning throughout this whole location. As she mentioned we are trying to do the next phase of the Industrial Park. Because of the way that this property is oriented, this will probably be broken up into two or three lots at the most. That will give each lot about four acres, which is a good developable size for Downtown South Bend. What they are trying to do it get ahead of the curve here by going through and rezoning the property and getting it into the right classification. What we have also done besides this rezoning petition, we have already submitted the ally and street vacation for all the public right-of-ways in this area. We have already contacted all the utility companies. We are working with them in conjunction with the City of South Bend. They are going to start removing all of their infrastructure improvements so we can get all the easement releases for their rights to the public right-of-ways as well. The end result will be that we have a clean site to work with for industrial development.

KARL KING: We are looking at a total of twelve....

MIKE DANCH: It is about twelve acres within the park itself. The rezoning is a little larger than that by an additional seven acres, but that is because there is an additional property that the City owns out there right now.

GERRY PHIPPS: Will you wait until you have prospective buyers before you replat any lots?

MIKE DANCH: We have done the boundary survey already for the entire area. That is out there, so the next step is for the City to start marketing to determine if there is a user out there that sees this particular

site, and maybe what they want it. Then we would come back and do a replat procedure and give them a legal lot of record based on that.

GERRY PHIPPS: Wasn't there one street that was expected to be a through street just east of that building there.

MIKE DANCH: The Street that is going to go through is Scott Street, which is on the east end of this Industrial Park. That will be the street that goes up into Ignition Park. There will be some improvements that are done to Scott Street.

GERRY PHIPPS: You are vacating it and then probably...

MIKE DANCH: We are vacating all the streets to the west of Scott Street. The only thing that will probably happen on Scott Street is that when we go through the Subdivision process we are going to add some additional right-of-way to it. There will be some realignment that goes along with it to match the street that has already been done in Ignition Park.

DAN BREWER: What is that notch that is north of Indiana Avenue?

MIKE DANCH: The City has been in contact with the building owners. At some point in time if they decide to sell the property and the City decides to buy that, we would come in and go back through the rezoning process and bring them into the light industrial classification. If that area was designated for development we would plat it as well.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the 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 West Indiana Avenue, portions of the 1,500 blocks of Prairie Avenue, Kemble Street, Catalpa Street, Chapin Street, Kendall Street, Scott Street and Taylor Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. 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.

- 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.

ANGELA SMITH: The petitioner is requesting a zone change from R: Single Family District to M: Manufacturing Industrial District. On site is a tilled farm field. To the north is a vacant lot and a distribution center zoned LI Light Industrial District in the City of South Bend. To the east is a distribution center zoned LI Light Industrial District in the City of South Bend. To the south across Cleveland Road is a tilled farm field zoned R: Single Family District in the County. To the west is a tilled farm field and a residence zoned R: Single Family District in the County. 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. The total area to be rezoned is 55 acres. The petitioner is proposing a multi-lot industrial park. Didam Boulevard is proposed to be 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. 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. Cleveland Road narrows from a four lane road to a two lane road just east of the site. The site will be served by municipal water and sewer. 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 access/decid lane and possible passing blister. All final engineering and drainage will be reviewed as part of the subdivision submittal. The petitioner is not proposing any written commitments. 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. The future land use map shows a portion of the site designated as an industrial growth area. There are no other plans for this area. 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. The most desirable use for this property is industrial. 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. It is responsible growth and development to allow for expansion of industrial properties where municipal utilities are available. The staff has no additional comments. 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. 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.

GERRY PHIPPS: Axelburg Wisconsin owns the entire site there?

ANGELA SMITH: They do.

GERRY PHIPPS: I am assuming they are planning to use what is shown on that site plan?

ANGELA SMITH: It is my understanding that they are looking at this point to develop one lot. The others are being opened up for other development if they are able to find something.

GERRY PHIPPS: Who would be selling them?

ANGELA SMITH: Axelburg Wisconsin owns the entire property. They are essentially developing the

industrial park.

MIKE DANCH: I am with Danch, Harner & Associates with offices located at 1643 Commerce Drive. As Angela had said, Axelburg Wisconsin owns the entire piece of property. This is the portion that they purchased. It is about fifty five acres of ground. The characteristic is that it backs up to the industrial park. I don't remember the exact name. I think it is AW Business Park to the north. Then there is some warehousing in the industrial park to the east of us. We have an existing stub street that comes in from the very north side. As part of the process of development of the property that street is going to get extended all the way to Cleveland Road. Because the property is zoned residential, we decided to bring the entire piece of property for rezoning. Obviously what this is for is General Sheet Metal Works for their particular facility. What they decided to do was pick the best location for their facility. They are picking just under twenty acres of ground out of the fifty five acres. There would be access for an employee parking lot off of Cleveland Road, and there is access for the employees off of Didam at some point in time. We have already sat down with the staff, the engineering department for the City of South Bend, and the County Engineer to explain the phased in portion of how this project worked if they go ahead and build as you see it here the truck docks on the north and west side of the building. The trucks would actually have access to what would be Didam Boulevard. They will go north up into the industrial park and then go east out to Olive Road. That is what is planned in the first phase of this project. They do not want to build that street at this point in time, so it would be phased in. It would be done through the subdivision process. They would bond for the improvements for that roadway. If another user decides to come in and purchase property, that road would be put in at that time. It would be dedicated to the public in the orientation that you see it here. This will be hooked up to water and sewer. The closest available sewer to us is at the very northwest corner of our site. The City has a water tower site there, but there is also sanitary sewer there that is deep enough to run it to this particular site and service all the lots that you see here. We picked a number for the lots. There are five lots that are shown here. In reality, what I would say is that General Sheetmetal would build what we are calling lot one. They would probably keep lot two for themselves, which would be to the north. So if they do any future expansion, that is where they would move to. They could add onto the building and move their truck docks to the north. We have talked with Economic Development and they came up with a number that people who are looking for St. Joseph County are looking for, around ten plus acres, so most likely that west side will either be one or two lots at the most. We have met all the requirements for the preliminary site plan. We know that it is at some point in time Jessica from County Engineering will come up with her determination for any kind of improvements on Cleveland Road. We are going through the Subdivision process. We have talked to them. They may want us to give them additional ten feet of right-of-way on Cleveland through the Subdivision process, where we already have shown on our preliminary site plan for the major subdivision is a forty foot half right-of-way. We don't have trouble doing an additional ten feet. It would be enough room to make any kind of improvements on Cleveland Road. Jessica's thinking is that we install an acceleration lane on the north side so if there would be any truck traffic coming on Cleveland Road; they can pull off the main westbound lanes and go to Didam Boulevard. We will take care of that through the subdivision process. We are probably looking at improvements just for the General Sheet Metal site in excess of \$20,000,000.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Robert Hawley and unanimously carried, the 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, is sent to the County Council with a FAVORABLE recommendation. 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.

- D. 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 - APC# 2732-15.

KARL KING: We have a request to table this petition till the March 17, 2015 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the 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, is TABLED until the March 17, 2015 meeting of the Area Plan Commission.

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

LARRY MAGLIOZZI: This is the Findings of Fact for 1430 Mishawaka Avenue. You had this up several months ago. The petitioner wasn't able to attend a City Council meeting until much later in the process. The City Council passed it, so we are ready to have you confirm the Findings of Fact from back in November.

OLIVER DAVIS: That is the automobile repair shop?

LARRY MAGLIOZZI: Yes. The automobile repair shop near Adams High School.

After due consideration, the following action was taken:

Upon a motion by John DeLee being seconded by Oliver Davis and unanimously carried, the Fact for Granting of Variances for property located at 1430 Mishawaka Avenue, City of South Bend were approved.

- B. Findings of Fact for Granting of Variances for property located at 22905 W. Edison St., St. Joseph County – APC #2728-14

LARRY MAGLIOZZI: This is the mini warehouse project across from Dickenson Middle School. The County Council passed that rezoning, and it is ready for you to affirm those Findings of Facts.

After due consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Phil Sutton, and unanimously carried, the Findings of Fact for Granting of Variances for property located at 22905 W. Edison Street were approved.

- C. 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 - APC #2688-13

ANGELA SMITH: The staff requests the petition be withdrawn per the procedure of disposition of petitions that have been tabled indefinitely per Resolution 212-10. 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. The staff recommends this petition be withdrawn. It has been a year since the petition was tabled indefinitely and the petitioner has not responded.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Dan Brewer and unanimously carried, the 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, is WITHDRAWN from further consideration by the Area Plan Commission.

2. Executive Director's Report:

LARRY MAGLIOZZI: The only item I have today is to present to you the first Annual Report since in 1974. It is pretty self-explanatory. It just gives you some trends. The last page, though, is probably more important for staff. It is an annual work program. Some things we have already talked about over the past several months. It is a little ambitious for the number of staff that we have, but I think we can touch on each one of those and start a process to review the subdivision and rezoning ordinances. You will probably see the subdivision ordinances for the City and St. Joseph County before the end of the year if not sooner. We kind of feel an uptick in business. A little bit more phone calls from a variety of folks. I sit on a Chamber of Commerce group and they seem to be receiving a lot more interests from across the state and country on companies looking at St. Joseph County. With the announcement of Mercedes building their vehicles at AM General, I don't doubt that will spur some other companies that want to locate near that.

KARL KING: One of the items in the work plan is the launch of the ArcGIS on the St. Joseph County website. What will be different? Right now we can get to GIS through MACOG's website.

ANGELA SMITH: John Carlson is working on ArcGIS website which would have kind of a single stream of use. If you went to the website you would be able to see just your voting precincts. You would have just that. You would not have to turn layers on and off. It is much more user friendly. It is an ongoing process that they have been working on for a long time. They are hoping to get that fully launched shortly. There would be one specifically for land use that people can look at.

KARL KING: John can show this to you now, if anyone is interested.

ANGELA SMITH: I think he is hoping to launch it very soon. So maybe at the next meeting, we can have some information afterwards.

KARL KING: That's a good idea.

LARRY MAGLIOZZI: Once that is live, we could probably pull it up and show you how to do that after our regular meeting.

KARL KING: This may not seem as much, but when you have companies interested in developing here, this is the kind of thing they can look at and take a tour of the vacant land. It is an excellent development tool.

ANGELA SMITH: MACOG is also updating their site to be more user friendly as well.

LARRY MAGLIOZZI: The other types of information that will probably eventually work on here is we have a really nice inventory of historical aerials going back to 1965. We have scanned just about all of them in and of course once they are scanned in and properly indexed then that is another layer that we can make available.

OLIVER DAVIS: Thank you for coming to the Common Council to make your presentation. I thought that was very informative for us last week. I really appreciate that you are doing that.

LARRY MAGLIOZZI: Mr. Davis is referring to the presentation that I made on our Annual Work program in front of the Zoning and Annexation Committee. I will be doing the same Tuesday in front of the Land Use Committee for the County Council.

ROBERT HAWLEY: You did a nice job at the Home Builders Association Board meeting also.

LARRY MAGLIOZZI: Thank you.

3. Minutes and Expenditures:

- A. Approval of the minutes from the January 20, 2015 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by John DeLee and unanimously carried, the minutes from the January 20, 2015 meeting of the Area Plan Commission were approved.

- B. Approval of the expenditures for January 21, 2015 through February 16, 2015.

COPS - \$13.90, \$6.60; County Commissioners – \$16.00; Gates Toyota - \$87.67; South Bend Tribune - \$13.24; Wex Bank - \$52.66

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Robert Schrock and unanimously carried, the expenditures from January 21, 2015 through February 16, 2015 were approved.

4. Adjournment: 4:35 p.m.

KARL G. KING,
PRESIDENT OF THE COMMISSION

ATTEST:

LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION