

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

MINUTES

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

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

MEMBERS PRESENT:

Daniel Brewer, Adam DeVon, Steve Vojtko, John
DeLee, Ted Penn, Patrick Henthorn, Gerry
Phipps, Robert Schrock, Phil Sutton, Jerry
Thacker

MEMBERS ABSENT:

Oliver Davis, Robert Hawley, Thomas
England, Karl King, John R. McNamara

ALSO PRESENT:

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

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A combined public hearing of a proposed ordinance of GFE Enterprises, LLC to zone from R: Single Family District and O/B: Office/Buffer District to B: Business District and seeking the following four variances: 1) From the required 40' front yard and building setback to 37' along Cherry Road; 2) From the required Type 2: full screening landscaping on the east property line of parcel "B" to a 6' opaque fence starting at the 40' front building setback line for 160' and a single row of evergreen trees spaced a maximum of 12.5' on center for remaining portion of said east property line; 3) From the required 40' front setback to 15' for parking; and 4) From the required 20' sideyard setback on the east property line to 5' for parking, property located at 13197, 13183 and vacant property east of and adjacent to 13183 S.R. 23, St. Joseph County - APC# 2733-15.

ANGELA SMITH: The staff has worked with the petitioner to improve the proposed development. The staff report I am going to present is different than what was originally published and reflects those changes. The petitioner is requesting a zone change from R: Single Family District and O/B: Office/Buffer District to B: Business District and seeking four variances. On site is an existing optometry office and a single family home. To the north are vacant wooded parcels and a single family home zoned R: Single Family. To the east is a single family home zoned R: Single Family. To the south across State Road 23 are two single family homes zoned R: Single Family. To the west across Cherry Road are single family homes zoned R: Single Family. The B: Business District is established to provide for businesses which provide for the full range of convenience uses necessary to meet the daily needs of residential neighborhoods. Permitted uses within the B: Business Districts are regulated in character to assure harmonious development with the nearby residential districts served. The 2.78 acre site being rezoned contains an optometry office zoned OB: Office Buffer, a single family home zoned R: Single Family, and a vacant lot zoned R: Single Family, with frontage along both Cherry Road and State Road 23. The petitioner is requesting the site be separated into two parcels, (A and B). Parcel A would contain the current 3,363 square foot office building with the proposed expansion to 9,885 square feet. The expansion on Parcel A requires a variance from the 40' residential bufferyard to 37'. Parcel A would maintain access from Cherry Road. Parcel B would contain a proposed 10,000 square foot retail building, with required parking. The petitioner is proposing a 6' opaque fence along the east property line instead of Type 2: full screening landscaping for 160', starting from the 40' front setback line. Parcel B would gain access from State Road 23. Both parcels are seeking a variance from required 40' residential bufferyard to 15' for parking along both State Road 23 and Cherry Road. In 2003, the

southwest corner of State Road 23 and Cherry Road was rezoned to B: Business for a funeral home. In 2006, the current optometry office was rezoned to O/B: Office/Buffer District. In 2009, the property south-east across State Road 23 was rezoned to B: Business District for the Goodwill Store. Other non-residential zoning has been concentrated near the intersection of Adam and State Road 23. State Road 23 has four lanes and a center turn lane. Cherry Road has two lanes for a total width of approximately 20'. The site will be served by municipal sewer and private well. The County Engineer states that prior to final acceptance, the drainage calculations and SWPPP need to be submitted, along with an INDOT driveway permit and a post-construction maintenance plan. The County Health Department has stated that all wells and septic system components must be identified on the site plan, and that septic systems must be at least 100' from wells and property lines. The County Surveyor's office has no comments. The petitioner has provided a written commitment stating that Parcels "A" and "B" shall be subject to the submittal and approval of a Final Site Development Plan. The approved plan shall be recorded. The petitioner has agreed with the following development restrictions, as shown on the site plan: Development Restrictions for Parcel "A" 1. Parcel "A" shall be limited to only uses allowed under the O/B Office Buffer District zoning classification for St. Joseph County; 2. Access to Cherry Road shall be closed and removed if any of the following occurs: a) The existing building on Parcel "A" is expanded in any manner; b) A new driveway opening is approved onto S.R. 23 by the Indiana Department of Highways for Parcel "A"; 3. Once Cherry Road driveway is closed on Parcel "A", the existing pavement for the driveway approach shall be removed and replaced with grass back to the 40' Building setback Line and a new landscape screen consisting of a minimum of a single row of evergreen trees having a height of not less than 6 feet and extending South from the North property line a distance of at least 110'. Spacing between the evergreen trees shall be a maximum of 15'. Evergreen Tree screening species to be a "Spruce" plant material. 4. Building height shall be limited to a maximum height of 40 feet. 5. Free-standing sign shall be limited to S.R. 23 frontage only with a maximum square footage of 48 square feet and maximum 15' height. 6. Final Site Plan shall be required to be approved and recorded. Development Restrictions for Parcel "B" 1. Access to Cherry Road is not permitted either directly or by easements through any properties. 2. Final Site Plan shall be required to be approved and recorded. This petition for Parcel A is not consistent with the policy plan. Goal 2, Objective B- Policy i: Fashion a land use plan that ensures physical separation and/or buffering between employment and residential uses. Policy iii: Truck and automobile traffic generated by employment uses should not travel through residential areas. The petition for parcel B is consistent with the policy plan. Goal 3, Objective C, Policy i: Medium or high-density multi-family housing, or other facilities with intense activity (such as churches, secondary schools, and commercial sites) should be located along arterials with access to the arterial street (preferable) or to a collector street. The future land use map identifies this area as a residential growth area. The proposed Granger Land Use Plan (2005) identifies the north side of State Road 23 at this location as residential. State Road 23 is an east/west arterial with commercial nodes focused at major intersections. Cherry Road is a local residential street. The most desirable use is for residential or low-intensity office to provide a buffer from the commercial businesses to the east. With proper buffering and maintaining the O/B: Office/Buffer classification along Cherry Road, surrounding property values should not be adversely affected. It is responsible development and growth to maintain Parcel A as O/B: Office/Buffer District. This is a combined public hearing procedure, which includes a rezoning, and four variances from the development standards. The Commission will forward the rezoning to the Council with or without a recommendation and either approve or deny the variances. The variances are as follows: 1. From the required 40' front yard and building setback to 37' along Cherry Road. 2. From the required Type 2: full screening landscaping on the east property line of Parcel B to a 6' opaque fence starting at the 40' front building setback line for 160' and a single row of evergreen trees spaced a maximum of 12.5' on center for remaining portion of said east property line; 3. From the required 40' front setback to 15' for parking; 4. From providing the required 20' side residential bufferyard setback along the east property line to a minimum of 5' for proposed parking and a proposed 6' opaque fence. State statutes and the St. Joseph County Zoning Ordinance require that certain standards must be

met before a variance can be approved. 1. The approval of the setback variances along Cherry Road will be injurious to the public health, safety, morals, and general welfare of the community. The increased traffic from the intensified use of this site may be injurious to the public safety and general welfare of the community. Cherry Road is a narrow two lane road approximately 20' wide with single family homes using it for primary access. The approval of the other variances will not be injurious to the public health, safety, morals, and 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. If an appropriate buffer is maintained, the value of the adjacent and surrounding single family homes will not be negatively affected. 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property on Parcel B. State Road 23 is a major state road with a right-of-way in excess of 100'. Strict application for additional buffering would create practical difficulties on this site. 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 commitment. The variance for the building setback along Cherry Road is no longer needed. The variance for the parking setback along Cherry Road has been modified to allow a 34' setback. Staff recommends all other variances be approved as presented. The petition site is located on a sensitive corner between established residences and the Granger business node to the west. Limiting the expansion of the existing office on the corner of Cherry and State Road 23 as proposed in the development restrictions will continue to provide a buffer between the residences and the business/commercial area, limiting the negative effect on the use, enjoyment, and value of the adjacent residences. The rezoning of Parcel B to B: Business and limiting access to State Road 23 is an appropriate expansion of the business uses along State Road 23.

Variance number 1 on the list from the required 40' front yard to 37' along Cherry Road would not be necessary. The petitioner has agreed to start their building at 40' if they were to build that expansion.

DAN BREWER: The recommendation the Staff is recommending is favorable?

ANGELA SMITH: With the development restrictions.

DAN BREWER: As far as the variances are concerned, you are ok with all of them?

ANGELA SMITH: As the site plan shows now, they will not need variance number 1, and variance 3 would be modified to approve 15' on State Road 23 and 34' on Cherry Road.

GERRY PHIPPS: Does the existing building meet the 40' setback?

ANGELA SMITH: It meets the setback for OB Office Buffer, the setback which is not the same as when next to residential and zoned B Business.

GERRY PHIPPS: Aren't we rezoning that property to business with restrictions?

ANGELA SMITH: We recently passed that text amendment that would exempt all existing structures from needing that setback variance, so it essentially becomes a legal non-conforming setback for the existing building.

GERRY PHIPPS: If they expand onto the building then the new part of the building would have to meet the 40'?

ANGELA SMITH: Yes.

PHIL SUTTON: On parcel B off of State Road 23, how wide is that opening?

ANGELA SMITH: They have to get that opening approved through INDOT.

PHIL SUTTON: It does not look very big.

ANGELA SMITH: I believe Mike Danch will be able to address that.

TED PENN: I don't know how much parking there is for all the different parcels, but that is an awful lot of potential traffic going in and out on State Road 23. Has there been any thought about maybe backing up and continue the existing drive on Cherry Road to give an access to get in and out of those areas?

ANGELA SMITH: One of the concerns of staff was to actually not allow that access onto Cherry Road, because Cherry Road is a very narrow two lane road in a residential area. We didn't want to see the business traffic going through and out onto Cherry Road. That is why the proposal there on your right (pointing to the powerpoint) shows the limited access, so that the traffic will stay on State Road 23, which is two lanes in each directions with a center turn lane and an accel/decell lane. State Road 23 is really designed and equipped to handle the commercial traffic, Cherry Road is not.

TED PENN: This looks like that is a very narrow place for all that traffic to go in and out, even though you have a four lane highway.

ANGELA SMITH: INDOT may require a larger access point. If that is what they require, the petitioner would be required to install that.

TED PENN: That is potentially down the line?

ANGELA SMITH: Correct. They might lose a parking space or two if INDOT requires them to have a larger entrance. If they are able to get two entrances onto that road through INDOT, they could end up with one for parcel A and one for Parcel B. That would help ease some of that as well.

JERRY THACKER: There is a lot of traffic on Cherry Road with two schools located there, Mary Frank Elementary School and Northpoint. There is a lot of traffic lined up as you get into the Adams Road area. There is a lot that turns there.

JOHN DELEE: Certain times of the day, there is a lot of traffic.

MIKE DANCH: I am with Danch, Harner & Associates with offices located at 1643 Commerce Drive. The Midwest Eye care would like to purchase parcel A, which is the west parcel where the existing eye care center is. They are going in there with a lease agreement, probably for a minimum of three years, and then after that point they have the option to purchase that property. If they go in there and everything works out fine. They would like the ability to expand that particular building. Under the requirements for the ordinance, they would not be allowed to do that under the OB category. I can't go get a variance for a larger building under the stipulations that they have for OB. The only way to allow them to have a larger building was to go through the rezoning process. What we ended up doing is working with the staff to have that larger building but limit the types of uses that would go into that parcel. What we said we would do is a commitment that the only types of uses that could go on to parcel A are professional office uses. That is what the staff wanted to see at that location. We did not want any more intense type of usage at that parcel. There were other conditions that Angela went over. There was a major concern about traffic onto Cherry Road. So we took a look at that and said ok fine. If parcel A, the way it is now is already approved for OB for that eye care center, but at any time they add onto the eye care center, even if they add one square foot onto that building, Cherry Road access would

have to close completely. There would not be any traffic coming across this property and going out to Cherry Road. That would limit their access to State Road 23. We had given the staff a new drawing that showed how those parcels would work if Cherry Road were to close down. As one of the Commission members said, we have got two parcels of ground. We would work with the State to get two openings, one for Parcel A and one for Parcel B. That will allow for a circulation pattern for the sites the way that you see them. With Cherry Road closed off, we would have access internal to both parcels A and B so that if you are using the eye care center, you could go up and either use the north entrance or the south entrance. State Road 23 at this location is a five lane roadway. There is a left turn lane at this location, so that makes it safe for going in and coming out. The State will also look at the uses that are going to go onto this piece of property. They will determine, as well, the size of those driveway openings. What we did was show the size of the driveway openings the minimum standard by the County, which is a 25 foot opening. The state allows you to go to a 36 foot wide opening. If they allow us to do that, that would be fine. That allows for traffic coming in and out. Usually if you go to a 36 foot wide opening you end up with a five foot concrete buffer area for incoming and outgoing traffic and it allows them to turn right or left. The State will take a look at that and if they see that is acceptable that is how they would approve this. The staff had also mentioned that we are going to have commitments. We are going to record the site plan. When we submit a site plan for approval, there will be restrictions that apply that Angela mentioned. Anyone who will be purchasing these lots will be aware of the all the restrictions that apply to this piece of property. That limits the height of the sign, limits the square footage of the sign. We are actually limiting the height of the building on parcel A to 40 feet, so to keep it more in the residential character. The one thing that I would note is that we are showing evergreen screening coming along the northwest corner of Parcel A right here (pointing to the powerpoint). That screening is actually going to come all the way down to where the existing building is. That is the 110 feet. The purpose of that is to screen that new addition that they would put onto that eye care center from the residences across the street. The staff felt like we needed to be sensitive to the existing residential that was there. We are going to provide evergreen screening so that those houses, even if they were looking forward, would not be able to see the parking lot and they would not be able to see the building addition. They would see the existing structure that you saw in the aerial photo. We are limiting that and it is a requirement of the site plan. The portion for parcel B is just asking to go from residential to business to allow for about 10,000 square foot retail center. We are assuming that will be a multi-tenant center that will go in there. We will have access to State Road 23. These will have private wells but be hooked up to the Granger sewer. There is the municipal sewer that runs out here so that those will be required to be connected. One of the variances when we were doing for parcel B, the east parcel, was there is an existing house to the east. There are two pieces of property between us and where the Walgreen site is. Those two pieces are the last of the residential at that location. What we are asking for, in order for a flow for traffic on the site plan, was a variance from that 20' residential buffer line to the very east of our property line to be allowed to bring our pavement in, put a fence, there and then evergreen screening farther to the north. We assume as some point in time someone is going to come in and purchase those properties and those are going to change over to something other than residential. Most likely you will have commercial against commercial. It made sense to at least provide screening in the interim, so we will put up a screening fence along that eastern boundary and then toward that back portion where we really don't have any development we would have screening going on. Those were the items that we were working on with the staff. We agree with everything the staff had mentioned as far as restrictions go. The variances, I think they explained those for what we were asking for. The unique situation here is for that variance along State Road 23, because you have residential right across the street there are a couple parcels that are left that haven't been zoned commercial or business the Zoning Ordinance requires a buffer yard and it pushes the parking back. So, what we are asking is to be allowed to put parking within fifteen feet, which is usually the standard when you have commercial adjacent to commercial. You are allowed a 15 foot setback, and then you actually screen that with small shrubs. We will still be doing that. This particular location is also where the State had

come through and did all their improvements. They actually took some additional property from the owners that made that a little less depth wise. We didn't have as much room, so we are asking for that variance. The one on Cherry Road, as I mentioned, we are not asking for the setback for the building. The new building addition would have to be the 40 foot setback. As Gerry had said, the existing building is at 37 feet, so what would happen is for any new addition it would step back three feet. Again, that is going to be screened on Cherry Road by the evergreens. The parking lot that is there will need a turnout area so if you are pulling out of one of the parking spaces you have a little bit of a paved area to turn into and then go out of the parking lot. That parking area will still be screened from Cherry Road 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 Gerry Phipps, being seconded by Robert Schrock and unanimously carried, the proposed ordinance of GFE Enterprises, LLC to zone from R: Single Family District and O/B: Office/Buffer District to B: Business District, property located at 13197, 13183 and vacant property east of and adjacent to 13183 S.R. 23, St. Joseph County is sent to the County Council with a FAVORABLE recommendation subject to a written commitment stating that Parcels "A" and "B" shall be subject to the submittal and approval of a Final Site Development Plan. The petition site is located on a sensitive corner between established residences and the Granger business node to the west. Limiting the expansion of the existing office on the corner of Cherry and State Road 23 as proposed in the development restrictions will continue to provide a buffer between the residences and the business/commercial area, limiting the negative effect on the use, enjoyment, and value of the adjacent residences. The rezoning of Parcel B to B: Business and limiting access to State Road 23 is an appropriate expansion of the business uses along State Road 23.

Upon a motion by Gerry Phipps, being seconded by Dan Brewer and unanimously carried, the following three variances were approved, subject to the rezoning being approved by the County Council; 1) From the required Type 2: full screening landscaping on the east property line of parcel "B" to a 6' opaque fence starting at the 40' front building setback line for 160' and a single row of evergreen trees spaced a maximum of 12.5' on center for remaining portion of said east property line; 2) From the required 40' front setback to 15' for parking on State Road 23 and to 34' on Cherry Road; and 3) From the required 20' sideyard setback on the east property line to 5' for parking.

- B. A combined public hearing on a proposed ordinance of the Career Academy of South Bend, Inc. to zone from CB Community Business District to SF2 Single Family & Two Family District and seeking the following six variances: 1) From the required minimum 414 parking spaces to 212; 2) From the required 25' front-yard and building setback to 20' along Prast Boulevard for the loading dock and trash enclosure; 3) From the required 20' side-yard and building setback to 0' along the east property line for a sidewalk; 4) From the required off-street parking area screening standards to a minimum of 75% screening along Ardmore Trail, as shown on the site plan; 5) From the required minimum foundation landscaping standards to a minimum of 4 trees and 30 shrubs

along the south facade, as shown on the site plan; and 6) From the requirement that no off-street loading spaces or trash containers exceeding 36 cubic feet be located between the front facade and the front lot line, property located at 3408 Ardmore Trail, City of South Bend - APC# 2734-15.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from CB: Community Business District to SF2: Single Family & Two Family District, and seeking six variances. On site is a vacant building. To the north across from Ardmore Trail are single family and multifamily homes zoned SF2: Single Family & Two Family District and MF2: High-Density Multifamily District. To the east is a library, church, and a senior living apartment complex zoned CB: Community Business District and MF2: High Density Multifamily District. To the south across Prast Boulevard are parking lots for the Honeywell plant zoned GI: General Industrial District. To the west is a community garden zoned CB: Community Business District. The SF2 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings in the urban core of the City of South Bend as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district. The 9.9 acre site being rezoned contains an 83,000 square foot vacant retail building. The north portion of the site is blanketed by an asphalt parking lot. With the proposed expansion, the total building square footage would be 102,887. Proposed structural improvements include a gymnasium to the west of the existing structure, and a loading dock and trash enclosure along the south facade. The parking lot will provide 215 spaces. Two access drives will be located along Ardmore Trail: one across from Curtiss Street and one further east. The parking lot will also be accessed by a service drive between this property and the church to the east. There will be one access opening along Prast Boulevard for the loading docks and trash containers. Two playground areas are proposed, one to the north of the gymnasium and one to the south. A portion of the parking lot will be striped for pick-up queuing and will also serve as overflow parking for events. A berm will be created between the parking lot and Ardmore Trail to help screen parking from the adjacent residential uses. In 1977 this site was rezoned to commercial for a large retail development. In 2008, a facility was built to the east of the library for senior housing. Prast Boulevard has two lanes. Ardmore Trail has two lanes and a center turn lane. The site will be served by municipal sewer and water. DCI offers a favorable recommendation. The petitioner is not proposing any written commitments. The petition is consistent with City Plan, the South Bend Comprehensive Plan (November 2006). Objective E-5: Coordinate the planning and development of educational facilities. Objective ED-1.2 Encourage reuse of abandoned and underutilized land and structures. The future land use map identifies this area as Mixed Use. The West Side Main Streets Plan (2014) identifies this area as industrial/commercial. The area between Ardmore Trail and Prast Boulevard has developed with a mix of uses including a church, senior housing, a library, some retail, and a community garden. The most desirable use is one that is compatible with surrounding developments. With proper screening, the value of adjacent properties should not be adversely affected. It is responsible development and growth to consider compatible adaptive re-use of vacant buildings. This is a combined public hearing procedure, which includes a rezoning, and six variances from the development standards. The Commission will forward the rezoning to the Council with or without a recommendation and either approve or deny the variances. The variances are as follows: 1. From the required minimum 414 parking spaces to 212. 2. From the required 25' front-yard and building setback to 20' along Prast Boulevard for the loading dock and trash enclosure. 3. From the required 20' side-yard and building setback to 0' along the east property line for a sidewalk. 4. From the required off-street parking area screening standards to a minimum of 75% screening along Ardmore Trail, as shown on site plan. 5. From the required minimum foundation landscaping standards to a minimum of 4 trees and 30 shrubs along the south facade, as shown on the site plan. 6. From the requirement that no off-street loading spaces or trash containers exceeding 36 cubic feet be located between the front facade and the front lot line. 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. Converting the vacant building to a school and improving lighting around the site will create a safer environment for the neighborhood. (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. Improving the building facades and installing new landscaping will protect surrounding property values. (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The strict application would limit the ability for the site to be redeveloped for any use since a building already exists. The parking requirements exceed what is needed for this specific use. Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the City Council with a favorable recommendation. The staff recommends approval of all six variances. The conversion of this vacant site into a school would create an asset for the community. Renovating the building and establishing landscaping will create a place that is safer and more aesthetically pleasing. Its proximity to the library, community garden, and residential neighborhoods make it a logical and compatible development.

MIKE DANCH: I am with Danch, Harner & Associates with offices located at 1643 Commerce Drive. The Career Academy actually owns this property now. Because of the Zoning Ordinance, we are required to downzone it. Schools are not allowed in that existing category of commercial, so we have to go down to that SF2 District that starts throwing in a lot of setback requirements for the building. This is the old Target and St. Vincent De Paul thrift store. What they would like to do is renovate the building and change it over to a Hero's Academy Elementary School. What we have also shown on the plan is an addition to the building which is a gymnasium which takes up about 1,900 square feet. If you remember this site, most of it is pavement right now. This plan will allow us to go ahead and take out a lot of that existing pavement and reconfigure the site so that we only have access off of Ardmore Trail. There is an interior driveway to those commercial uses to the east, where the South Bend Public Library is, and then the commercial. It goes out to Bendix Drive, where the light is. We have access to that driveway as well. Everything else is going to be ripped up. There will be new grass areas. There will be a play yard for the kids along the west portion of the property that will be fenced in. What we are asking it to down zone this for that Academy. It is still going to be hooked up to City water and sewer. There were several variances. One on the east side, when you down zone it to residential you have 20 foot bufferyard. We would like to be able to put a sidewalk in from the school building to the South Bend Library. In order to do that, I have to have a variance from the 20 foot setback down to zero to allow for a concrete sidewalk. This will interconnect the school with the library. One of the other variances is the parking reduction. Usually, because the way they calculate parking for schools on square footages, if you have a gymnasium or open area in a school, is almost like a bingo hall. You have to take all the square footage within those facilities they call open area and then they divide it by 25. So for every 25 square feet you have to provide a parking space. What we are asking for is from 414 parking spaces to 212. We have provided 143 in the main parking area. The east portion is a queuing area for parents to pick up their kids. We took a look at that area. If they had any special event we are going to double stripe that area and have an additional parking. That is what gets us up to 215 parking spaces. We have enough for occasions or any things that are planned for the school. We would be adding one additional driveway on Ardmore Trail that will line up with Curtis Drive. The other variance we are asking for is the screening for the parking. Again, we will work with the staff. When you have something like this, even though it is a school, they consider any parking area more of a commercial venture. What you have to do is screen 100% of your parking from any public right-of-way. What we were asking to do is be allowed to do 75% screening. That is what is reflected on our site plan. Parking is actually pulled back from Ardmore Trail. We would like to do that 75% screening. If you have been out to this site, there is also some landscaping now that is all the way along Ardmore Trail. It is some very large junipers. We are going to take a look at those. If we keep some of those, we will. The staff suggested that we put the additional screening along the north side of the parking area. This site plan

reflects that 75% screening. The other area for the variances is the back of the building. The old Target store had a dock area. We are moving that over to the southwestern portion of the building. When they re-did the interior for the school, that was the best location for deliveries, for drop off. We took a look at that, and because the ordinance has changed since they built this building, that is now a front yard setback. So under the front yard setback, I am not allowed to have a loading dock or a trash dumpster in a front yard setback. We have to ask for a variance to be allowed to do that. That is going to be screened by evergreen screening. They are looking at somewhere between 8 - 11 million dollars for renovations. If everything goes well, they would like to have everything done by August for the next school year.

DAN BREWER: Is the current Academy a charter school?

MIKE DANCH: Yes.

DAN BREWER: The screening that you are talking about along Ardmore and then the east side of the property there which would separate it from the church and the library, is that all evergreens?

MIKE DANCH: Yes. That is what we would end up doing.

DAN BREWER: There is nothing there now right?

MIKE DANCH: Along Ardmore Trail there are junipers. They are probably about four to five foot tall. We took a look at them. They may be able to clean some of them up, but my guess is that they are going to get removed. That's why we are going to add this additional landscaping.

DAN BREWER: Isn't it asphalt?

MIKE DANCH: Yes all the way up to that edge.

JOHN DELEE: It is going to be a huge improvement.

GERRY PHIPPS: What can you tell us about the school itself?

MIKE DANCH: The students are grade school, first grade through eighth grade. There will be approximately 500 students.

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.

GERRY PHIPPS: I know that Charter Schools are kind of a sensitive area. Was the South Bend School Corporation (SBCSC) asked to comment on this? Have they reviewed it? Have they given any feedback?

ANGELA SMITH: We did not send it to the SBCSC. Department of Community Investment reviewed it. I don't know if they extended that at all or not. From our understanding, it is a public charter school so it is open to everyone.

GERRY PHIPPS: My concern with this project is that with the variances we have to say that we think that this project would not be detrimental to the community. It kind of brings it in as do you think Charter Schools are detrimental to the SBCSC and the community itself. So I am kind of surprised that they haven't commented on it.

DAN BREWER: The Career Academy has been around already. This is not a new school.

ANGELA SMITH: It is an expansion. The existing Career Academy is for the upper grades. This will extend it to the lower age level as well.

GERRY PHIPPS: It's a pretty big expansion of the operation that they are running right now.

DAN BREWER: They are up in Blackthorn now?

MIKE DANCH: Yes.

DAN BREWER: That is just a High School?

MIKE DANCH: Yes. They have a larger building there.

DAN BREWER: How many students do they have there?

MIKE DANCH: I think it is 400 + students.

GERRY PHIPPS: Are these variances the same as were originally requested and advertised? The site plan changed considerably since the one we first saw. But the variances stayed the same?

ANGELA SMITH: Correct. The variances were based on the site plan that is presented here.

After due consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Robert Schrock and unanimously carried, the proposed ordinance of the Career Academy of South Bend, Inc. to zone from CB Community Business District to SF2 Single Family & Two Family District, property located at 3408 Ardmore Trail, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. The conversion of this vacant site into a school would create an asset for the community. Renovating the building and establishing landscaping will create a place that is safer and more aesthetically pleasing. Its proximity to the library, community garden, and residential neighborhoods make it a logical and compatible development.

Upon a motion by Gerry Phipps, being seconded by Phil Sutton and unanimously carried, the following six variances were approved subject to the rezoning being approved by the Common Council of the City of South Bend: 1) From the required minimum 414 parking spaces to 212; 2) From the required 25' front-yard and building setback to 20' along Prast Boulevard for the loading dock and trash enclosure; 3) From the required 20' side-yard and building setback to 0' along the east property line for a sidewalk; 4) From the required off-street parking area screening standards to a minimum of 75% screening along Ardmore Trail, as shown on the site plan; 5) From the required minimum foundation landscaping standards to a minimum of 4 trees and 30 shrubs along the south facade, as shown on the site plan; and 6) From the requirement that no off-street loading spaces or trash containers exceeding 36 cubic feet be located between the front facade and the front lot line were

approved subject to the rezoning being approved by the Common Council of the City of South Bend.

- C. A proposed ordinance of South Bend Public Transportation Corp. to zone from MU Mixed Use District and MF1 Urban Corridor Multifamily District to SF2 Single Family & Two Family District and seeking the following three variances: 1) From the required Minimum Lot Width of 40' to 29' for Parcels B & F; 2) From the required 25' minimum front yard building setback to 15' for all lots; and 3) From the required minimum side yard of 5' or 10% of lot width, whichever is greater, to 4' for all lots, property located at the intersections of Northside Boulevard with Notre Dame Avenue and Frances Street (commonly known as the Traspo Site), City of South Bend - APC# 2735-15.

JOHN DELEE: We have a request to table this to the April 21, 2015 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Dan Brewer and unanimously carried, the proposed ordinance of South Bend Public Transportation Corp. to zone from MU Mixed Use District and MF1 Urban Corridor Multifamily District to SF2 Single Family & Two Family District, property located at the intersections of Northside Boulevard with Notre Dame Avenue and Frances Street (commonly known as the TRANSPO Site), City of South Bend, is TABLED to the April 21, 2015 meeting of the Area Plan Commission.

- 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.

JOHN DELEE: We have a request to table this indefinitely.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Dan Brewer 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 INDEFINETELY.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. MISCELLANEOUS:
2. EXECUTIVE DIRECTOR'S REPORT:

LARRY MAGLIOZZI: We have talked to you off and on about the PUD Ordinance and the text changes that we will be working on. We are ready to begin that, so we are asking your permission to continue to draft up those amendments and to initiate an Area Plan Commission ordinance to propose a text change. We will probably have that up to you at our May meeting.

After due consideration, the following action was taken:

Upon a motion by Steve Vojtko, being seconded by Dan Brewer and unanimously carried, permission was given to the staff to initiate the PUD text amendment.

3. MINUTES AND EXPENDITURES:

A. Approval of the minutes from the February 17, 2015 meeting of the Area Plan Commission

After due consideration, the following action was taken:

Upon a motion by Phil Sutton being seconded by Robert Schrock and unanimously carried, the minutes from the February 17, 2015 meeting of the Area Plan Commission were approved.

B. Approval of the expenditures for February 17, 2015 through March 16, 2015.

COPS - \$2.20; Office Max - \$18.00; South Bend Tribune - \$37.54; Wex Bank - \$34.43

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Robert Schrock, and unanimously carried the expenditures for February 17, 2015 through March 16, 2015 were approved.

4. ADJOURNMENT: 4:15 p.m.

JOHN E. DELEE
VICE-PRESIDENT OF THE COMMISSION

ATTEST:

LAWRENCE MAGLIOZZI
SECRETARY OF THE COMMISSION