

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

MINUTES

Tuesday, September 15, 2015
3:30 p.m.

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

MEMBERS PRESENT: Daniel Brewer, Adam DeVon, Steve Vojtko, Oliver Davis, John DeLee, Robert Hawley, Elizabeth Maradik, Gerry Phipps, Phil Sutton, Jerry Thacker,

MEMBERS ABSENT: Ted Penn, Thomas England, Karl King, John R. McNamara, Bob Schrock

ALSO PRESENT: Larry Magliozzi, Angela Smith, Matthew Chappuies, Jennifer Parcell; Staff, Mitch Heppenheimer; Counsel

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A combined public hearing on a proposed ordinance of Mishawaka Federal Bank (a.k.a. Mutual Bank) to zone from LB Local Business District to CB Community Business District and seeking the following five variances: 1) from the required perimeter and residential bufferyard landscaping to the existing landscaping, as shown on the site plan; 2) from the required 30' front yard setback for off-premise signs to 5' along Ireland Road and to 14' along High Street; 3) from the required 200' linear separation between an off-premise sign and a residential district to 0'; 4) from the required 100' radial separation between an off-premise sign and a residential district to 55'; and 5) from the required maximum 2 displays per off-premise sign surface to a maximum of 11 displays, property located at 742 East Ireland Road, City of South Bend - APC# 2744-15.

JOHN DELEE: We have a request from the petitioner to table this one indefinitely.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Robert Hawley and unanimously carried, a combined public hearing on a proposed ordinance of Mishawaka Federal Bank (a.k.a. Mutual Bank) to zone from LB Local Business District to CB Community Business District and seeking the following five variances: 1) from the required perimeter and residential bufferyard landscaping to the existing landscaping, as shown on the site plan; 2) from the required 30' front yard setback for off-premise signs to 5' along Ireland Road and to 14' along High Street; 3) from the required 200' linear separation between an off-premise sign and a residential district to 0'; 4) from the required 100' radial separation between an off-premise sign and a residential district to 55'; and 5) from the required maximum 2 displays per off-premise sign surface to a maximum of 11 displays, property located at 742 East Ireland Road, City of South Bend is TABLED INDEFINITELY.

- B. A proposed ordinance of Andrew Smialowski to zone from R: Single Family District to O/B: Office/Buffer District, property located at 15580 State Road 23, St. Joseph County – APC #2749-15.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from R: Single Family District to O/B: Office/Buffer District. On site is a single family home and a detached garage. To the north across

S.R. 23 is a single family home zoned R: Single Family District. To the east is a single family home zoned R: Single Family District. To the south is a single family home zoned R: Single Family District. To the west across S.R. 23 is a medical clinic zoned O/B: Office Buffer District and a mixed use residential structure zoned B: Business District. The O/B: Office/Buffer District is to provide specific areas where only certain limited offices may be developed. Since the district excludes retail, clinics, and business and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas; it may serve as a buffer between residential areas, and business and commercial developments. The O/B: Office/Buffer District is expressly intended to be limited to the area in association with commercial areas and certain streets where a gradual transition from existing residential use should occur. On site is a triangular lot, approximately 0.63 acres in size. No specific modifications are proposed for either the main structure or the detached garage. The garage may hold two parking spaces, with an additional two spaces located in front of the garage. In 1993, the property to the west across S.R. 23 was rezoned to B: Business District for a photography studio, subject to a final site plan. Since 2004, four additional properties between Gumwood Road and Filbert Road have rezoned for non-residential uses. S.R. 23 has four lanes and a center turn lane. This site is served by private well and septic. The County Surveyor and County Health Department recommend approval. The County Engineer notes that any site development will need to be reviewed for compliance. The petitioner is not proposing any written commitments. This rezoning petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002): Goal 2: Objective C: Develop quality business areas to meet the retail and service needs of the planning area. The future land use map identifies this area for residential growth or naturally vacant land. In 2007 and 2008, a series of public meetings were conducted with interested Harris Township residents and groups in an attempt to reach consensus on a land use plan for S.R. 23 Between Mishawaka City Limits and Bittersweet Road. A plan was not adopted, but the latest draft showed the land use immediately west of Filbert Road as Proposed Office. Apart from the Gumwood Crossing Development, the immediate area has seen office and personal service uses. To the east, S.R. 23 remains primarily residential between Filbert and Santa Monica. The most desirable use is one that creates a buffer between the commercial node to the west and residential to the east. Due to the low-impact nature of office-buffer uses, surrounding property values should not be negatively affected. It is responsible growth and development to allow the expansion of the Gumwood/S.R. 23 commercial node in a way that will serve as a buffer from the residential properties to the north and east. The staff notes that the site will require landscaping to be installed and maintained per the zoning ordinance. Based on information available prior to the public hearing, staff recommends the rezoning petition be sent to the County Council with a favorable recommendation. Allowing this site to rezone to O/B: Office Buffer District will allow the expansion of a commercial area without negatively affecting surrounding properties. This rezoning will effectively establish a northeastern boundary for commercial development in this area. The office-type uses which will be permitted on this site will serve as a natural progression between the residential uses to the northeast and the commercial uses to the southwest.

ROBERT HAWLEY: Does the owner live in the subject property?

MATTHEW CHAPPUIES: No. I don't believe so.

ANDREW SMIALOWSKI: I reside at 1 Winding Canyon Court, Algonquin, Illinois. I Andrew Smialowski stand here before you today with one request to be taken into consideration. To change the zoning of the property located at 15580 SR 23, Granger from residential to business office buffer zoning. The reason for my request is that I have rented my property to others for 20 plus years and over the times of it being rented the renters had destroyed the property multiple times. The highway that was extended several years ago shortened the distance of the front of the house to the highway. Due to the highway being so close, it has become extremely difficult to find renters for the property. I also live in Algonquin, Illinois, which has made it extremely difficult to keep an eye on the property. Due to my elder age it is

extremely difficult for me to make the 150 mile drive one way to the property. All around the property, the majority of homes and land are business and commercial property. The house is fully remodeled and has been sitting empty due to the lack of individuals wanting to rent the home. It would be much more beneficial to the community along with myself, if the zoning would be changed like I had stated earlier. I would greatly appreciate if you would allow this to happen.

IN FAVOR

JIM CARPENTER: I reside at 2742 Lexington, Mishawaka. I am a realtor with Berkshire/Hathaway Home Services. I have represented Mr. Smialowski over the last couple of years with the listing of the property on State Road 23. Just asking the Council to reaffirm what Andrew has already asked. With the natural progression of all of the commercial and service groups that are moving to the east towards Granger from basically Grape Road and the Gumwood Road area to act favorably. We are requesting the OB, which is a light use. I think it would bring favorable value to that area along State Road 23. Since I have also sold residential property for over 20 years, I can say it is less desirable for residential owners to want to live on a very busy highway. Both because of having children playing, and trying to get in and out of the driveway as a residential owner. I would ask the Council to also give that consideration for a favorable recommendation of the OB zoning.

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 Dan Brewer, being seconded by Oliver Davis and unanimously carried, the proposed ordinance of Andrew Smialowski to zone from R: Single Family District to O/B: Office/Buffer District, property located at 15580 State Road 23, St. Joseph County, is sent to the County Council with a FAVORABLE recommendation. Allowing this site to rezone to O/B: Office Buffer District will allow the expansion of a commercial area without negatively affecting surrounding properties. This rezoning will effectively establish a northeastern boundary for commercial development in this area. The office-type uses which will be permitted on this site will serve as a natural progression between the residential uses to the northeast and the commercial uses to the southwest.

- C. A combined public hearing on a proposed ordinance of John & Wendy Bognar to zone from MU Mixed Use District to CB Community Business District and seeking the following two variances: 1) from the required minimum 39 off-street parking spaces to 0; and 2) from the required foundation landscaping to none, property located at 2906, 2910 and 2920 Mishawaka Avenue, City of South Bend - APC# 2750-15.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from MU Mixed Use District to CB Community Business District, and seeking two variances from the development standards. On site is an existing commercial building. To the north across Mishawaka Avenue are a single family home, a multi-family home, and commercial storefronts zoned MU Mixed Use District. To the east is a bank zoned LB Local Business District. To the south are single family homes zoned SF2 Single Family & Two Family District. To the west is a hair salon zoned MU Mixed Use District. The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular

and pedestrian access from nearby residential districts. On site are three lots, totaling 0.48 acres. The eastern lot is separated from the site by a public alley. The two lots on the west contain an existing 15,797 square foot building, previously used for retail. As are typical of buildings along Mishawaka Avenue, this structure is built up to the lot line along Mishawaka and to within 6' of the building's eastern lot line. The petitioner is proposing to convert the interior of the existing structure into a veterinary clinic with indoor boarding. The screened dumpster enclosure and loading area would be located in the rear of the building, adjacent to the alley. The lot to the east of the alley would serve as parking for the site with 13 spaces. The petitioner is considering petitioning for the vacation of the north-south alley separating the lots. Vacating the alley would allow for an additional 10 parking spaces and a curbed landscaped parking island along Mishawaka Avenue. Five on-street parking spaces are currently available along Mishawaka Avenue for this site's use. The primary customer entrance is along the eastern building façade. Prior to 2004, this site was zoned commercial. Mishawaka Avenue has two lanes with on-street parallel parking. This site is served by municipal sewer and water. The County Surveyor offers a favorable recommendation. City Engineering offers a favorable recommendation, subject to the following conditions: 1) The vacation of the alley as shown on the preliminary site plan, along with the following two conditions: a) dedication of an easement at the southeast corner of the building to accomplish turns by long utility trucks; and b) closure of the existing Mishawaka Avenue alley approach with curb and sidewalk; 2) Renewing the pavement in the east-west alley south of the building and the two alleys leading to Nursery Court (since they will be the primary access to the loading area); 3) Providing a drainage plan for the site, which retains surface water on site, including roof drainage. Any roof drains currently connected to sanitary sewer shall be disconnected; 4) Upgrading the sewer lateral(s) serving the building to the size and standard needed for veterinary use; and 5) Provide details for ADA compliant sidewalk at the driveway approach crossing on Mishawaka Avenue. The petitioner is not proposing any written commitments. This rezoning petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006): Policy LU 2.2: Pursue a mix of land uses along major corridors and other locations identified on the future land use map, and Policy ED 1.2: Encourage reuse of abandoned and underutilized land and structures. The future land use map identifies this area as mixed use. There are no other plans in effect for this area. Mishawaka Avenue has a mix of residential and commercial uses. This portion of the commercial corridor is primarily mixed use with LB Local Business District at the intersection of Mishawaka and 30th Street. The most desirable use for this site is one that is consistent with the mixed use nature of Mishawaka Avenue. Due to the established commercial nature of the area, surrounding property values should not be adversely affected. It is responsible growth and development to allow this site to be used to its full commercial potential. This is a combined public hearing procedure, which includes a rezoning and two variances from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances. The variances are as follows: 1) from the required minimum 39 off-street parking spaces to 0; and 2) from the required foundation landscaping to none. 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. The site is an existing commercial development. The site will be served by off-site off-street parking from the lot east of the alley. The absence of foundation landscaping will be consistent with the rest of the businesses along Mishawaka Avenue. (2) The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner. The variances requested will not impact surrounding properties. There is a parking lot adjacent to the property which will service the use of this site. (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The entire length of both facades contain hard surface improvements up to the foundation. Strict application of the ordinance would require those to be removed, which would interfere with pedestrian and vehicular traffic. Based on information available prior to the public hearing, staff recommends the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of both variances.

This rezoning is a responsible, adaptive-reuse of an existing building on a well-established commercial corridor.

DAN BREWER: That alley that they are seeking to vacate, has it been used in the past?

MATTHEW CHAPPUIES: It appears as though it has been used for parking to the site. It is hard to tell if it is being used by anyone else. The City Engineer has requested that if the alley vacation goes through that the site dedicate a turning radius here (pointing to the powerpoint) so that service trucks, and garbage trucks would be able to make that turn.

DAN BREWER: Where is that turning?

MATTHEW CHAPPUIES: Right here (Pointing to the powerpoint)

DAN BREWER: I see.

OLIVER DAVIS: The alley would be vacated?

MATTHEW CHAPPUIES: What they are proposing is the alley vacation from here (pointing to the powerpoint) all the way to the north. This alley will remain (pointing to the powerpoint) as well as these two here (pointing to the powerpoint). Some of these homes use the alley for trash pickup now.

DAN BREWER: Where would the new entrance be?

MATTHEW CHAPPUIES: It is here now (pointing to the powerpoint) It would be shifted a few feet over to right here (pointing to the powerpoint).

DAN BREWER: That is that entrance to the lot, not the entrance to the building?

MATTHEW CHAPPUIES: Right. The entrance to the building would be here (pointing to the powerpoint).

OLIVER DAVIS: Can you go over the parking, where would that be?

MATTHEW CHAPPUIES: It would not be possible to have onsite parking because of the way the lots are configured. There is only three or four feet between the edge of the existing building and the lot line. So, they would use this site here (pointing to the powerpoint) which would be considered off-site parking. That is why the variance is needed.

OLIVER DAVIS: So everyone is parking over there and coming there. Once the alley is vacated, it will be combined.

MATTHEW CHAPPUIES: It will be combined and they can shift the location of the curb cut.

GERRY PHIPPS: Is it required to replat it as a single lot?

MATTHEW CHAPPUIES: I don't believe so. Since it will be paved all the way across, it will join the lots together.

GERRY PHIPPS: Technically they could sell it off with the variance for no parking and a separate lot there.

MATTHEW CHAPPUIES: Yes. That is correct.

STEVE DEBOLD: I am with Chester Incorporated with offices located at 555 Eastport Center Drive, Valparaiso. I don't have a whole lot more to add. The planning department has done a good job of covering every issue that we have in regards to this. We plan to remodel this building and update the existing structure. This is a good area to do so.

ROBERT HAWLEY: Basically you have a veterinary company that wants to come in there and use this facility?

STEVE DEBOLD: Correct. We plan on coming in and remodel the entire inside and updating it for that use.

OLIVER DAVIS: When are they targeted to come in?

STEVE DEBOLD: If everything moves forward with this rezoning, we plan on starting with engineering and the architectural work right away. Very soon.

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 would make a motion to the City Council with a favorable recommendation subject to it being replatted as a single lot. I think that would protect us against us the property being sold off or the building being extended and then get back to no parking without anyone's approval.

JOHN DELEE: Are you saying, that you want to send this to the Council favorably?

GERRY PHIPPS: Favorably but with the recommendation to the Council that they apply a condition that it be replatted as a single lot so they would essentially have parking on their property.

JOHN DELEE: Can we do that?

ANGELA SMITH: It can be done with a Written Commitment that they replat to a single lot.

OLIVER DAVIS: I second that.

ADAM DEVON: In doing that, doesn't that negate the whole variance?

GERRY PHIPPS: Not initially probably. Initially they would still need...

ADAM DEVON: They would have on-site parking if you incorporate two parcels into one. What is the point of approving it with that?

JOHN DELEE: They might not approve our recommendation.

ANGELA SMITH: To answer your point. If they did replat it, yes they would still have to have a reduction, but it would not be as much of a reduction. They are required to have 39 parking spaces. The reduction would be from 39 to 19.

GERRY PHIPPS: That would lock the Council into having to approve that commitment. If they don't want to, then they are free to do what every they want, if we approve the reduction all the way down to zero.

ANGELA SMITH: If they remove the commitment it would come back to the Commission to ratify. If they make it less restrictive it comes back to you.

GERRY PHIPPS: I am willing to withdraw that condition if you don't think it is really necessary.

DAN BREWER: Did this issue come up in staff conversations?

LARRY MAGLIOZZI: The existing parking lot on the other side of the alley is an allowable use. The convenience of vacating the alley is really to get some parking next to his building and give them a little bit more parking for the vets. There is really no need for the requirement, from our view, that the lot be combined. If the alley is vacated, he essentially owns the entire alley. If he decides to sell the building at some future date he will have to negotiate the number of parking spaces that go with that building. He is allowed through the pavement process to tie two lots together without going through a minor or major subdivision.

OLIVER DAVIS: Would there be additional costs to do what is being discussed?

LARRY MAGLIOZZI: Yes. They would have to hire a registered land surveyor to prepare a plat. You are talking several thousand dollars.

After due consideration, the following action was taken:

Upon a motion by Gerry Phipps, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of John & Wendy Bognar to zone from MU Mixed Use District to CB Community Business District, property located at 2906, 2910 and 2920 Mishawaka Avenue, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. This rezoning is a responsible, adaptive-reuse of an existing building on a well-established commercial corridor.

Upon a motion by Gerry Phipps, being seconded by Phil Sutton and unanimously carried, the following two variances: 1) from the required minimum 39 off-street parking spaces to 0; and 2) from the required foundation landscaping to none were approved subject to the rezoning being approved by the Common Council.

- D. A combined public hearing on a proposed ordinance of Five Corners LLC to zone from SF2 Single Family & Two Family District to OB Office Buffer District, and seeking a Special Exception Use to allow for food sales and services and personal services, and requesting the following two variances: 1) From the required landscaping of the required perimeter yards to 2 evergreen trees and 1 deciduous shade tree on the north property line and 3 deciduous shade trees on the south property line; and 2) From the required off-street parking area screening on the north, east, and west property lines to the existing 6' privacy fence, property located at 706 Eddy Street and 1111 Bissell Street, City of South Bend - APC# 2751-15.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from SF2 Single Family & Two Family District to OB Office Buffer District, seeking a Special Exception Use for Food Sales and Services and Personal Services, and seeking two variances from the development standards. On site is an existing building with an adjacent parking lot which has been used as a church. To the north are single family homes zoned SF2 Single Family & Two Family District. To the east are single family homes zoned SF2 Single Family & Two Family District. To the south across Bissell Street are single family homes zoned SF2 Single Family & Two Family District. To the west across Eddy Street are single family homes zoned SF2 Single Family & Two Family District. The OB - Office Buffer District is established to promote the development of small scale office, professional, business, governmental and quasi-governmental uses. Since the types of permitted uses in the OB District are typically less commercial in appearance and are architecturally more harmonious with residential structures, this district can serve as a buffer between residential districts and more intense commercial or industrial districts. The OB District may also serve as a gradual and reasonable transition between major thoroughfares and residential districts. The OB District development standards are established to assure small scale developments. The site consists of two lots with frontage on both Eddy Street and Bissell Street, and totaling 0.24 acres in size. There is an existing 1500 square foot building on the southwest corner of the site which previously served as a church. A parking lot providing 13 spaces is located on the east, with access to Bissell Street. Several existing trees exist on site, along with a 6' privacy fence around the parking lot. Additional trees and landscaping will be placed on site to screen from the adjacent properties. Prior to the adoption of the zoning ordinance in 2004, this site was zoned residential. Eddy Street has four lanes. Bissell Street has two lanes with on-street parallel parking. This site is served by municipal sewer and water. County Surveyor recommends approval. City Engineering has not yet made comment. The petitioner is not proposing any written commitments. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006). Objective LU 2: Encourage a compatible mix of land uses in the community. The future land use map identifies this area as medium-density residential. The South Bend Northeast Neighborhood Development Area Plan identifies the following goals: 1: To ensure neighborhood stability and sustainability for the benefit of the current and future residents and business owners; and 4: To create employment opportunities through new retail and commercial development. Eddy Street between Sorin Street and Campeau Street is primarily residential. The Perley Primary Fine Arts Academy elementary school is located on the northeast corner of Eddy and Campeau. Several non-residential uses are scattered along Eddy Street between Campeau Street and South Street, with growing intensity and concentration as you move south. The most desirable use is one that promotes the economic development of South Bend while limiting the impact on surrounding residential properties. The privacy fence and landscaping will provide screening between the site and surrounding properties, which should not be adversely affected. It is responsible growth and development to allow office-buffer uses to develop along arterial corridors. This is a combined public hearing procedure, which includes a rezoning, a Special Exception Use, and two variances from the development standards. The Commission will forward the rezoning and the Special Exception Use to the Common Council with or without a recommendation and either approve or deny the variances. State statutes and the South Bend Zoning Ordinance require that certain standards must be met before a variance or Special Exception Use can be approved. The Special Exception Use is for Food Sales and Services and Personal Services. A special exception use may only be granted based upon the evidence presented at a public hearing, that: (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. This site has previously been used as a church. The proposed Special Exception Uses are low-impact uses appropriate for a major corridor and should not generate additional traffic to the site. (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein. The property was previously used for non-residential uses. With proper screening, adjacent properties should not be adversely impacted. (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein. The proposed use is an adaptive reuse of an existing building. No major modifications are planned that would

change the character of the area. (4) The proposed use is compatible with the recommendations of the Comprehensive Plan. The comprehensive plan encourages a compatible mix of uses in the community. The variances are as follows: 1) from the required landscaping of required perimeter yards to 2 evergreen trees and 1 deciduous shade tree along the north property line and 3 deciduous shade trees on the south property line; and 2) from the required off-street parking area screening on the north, east, and west property lines to the existing 6' privacy fence. (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed privacy fence will provide the full screening buffer intended in the ordinance. The reduction in landscaping will not be injurious to the public health and safety. (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The amount of proposed landscaping is sufficient for the size of this site. The 6' privacy fence will screen the parking lot from the surrounding properties. (3) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Due to its small size and dual-frontage, strict application of the ordinance would make the site difficult to develop. Based on information available prior to the public hearing, staff recommends that the rezoning petition and Special Exception Use be sent to the Common Council with a favorable recommendation. Staff recommends approval of both variances. Eddy Street (S.R. 23) is a heavily traveled arterial corridor. Rezoning this site to OB Office Buffer District with the limited Special Exception Uses permitted will allow for a responsible adaptive-reuse, while providing a buffer between the residential neighborhood and S.R. 23.

We received a letter of support from the NNRO stating that they met, discussed this and are in support of this rezoning petition.

OLIVER DAVIS: Would there be any issues since a school is quite close to it? Would there have to be any restrictions with the type of items for sale there?

MATTHEW CHAPPUIES: As far as controlled uses go?

OLIVER DAVIS: Yes.

MATTHEW CHAPPUIES: No, they are not proposing any sort of sale of controlled uses.

LARRY MAGLIOZZI: The food sales and service category includes such things as a bakery, convenience store, dairy bar, grocery, ice cream store, family restaurant, which can have a service bar. There is really no controlled use in that category.

GERRY PHIPPS: They plan to use the building as it exists now?

MATTHEW CHAPPUIES: That is correct. They are not proposing any modifications.

GERRY PHIPPS: Did you say the intended use right now is for personal service, but not food? Would the special exception would cover food or a restaurant?

MATTHEW CHAPPUIES: The special exception use would cover both food and personal services. Both are covered by the special exception use.

GERRY PHIPPS: But their plan is?

MATTHEW CHAPPUIES: They are not exactly sure at this point.

ANNE HAYES: I represent Five Corners LLC with offices located at 814 Marietta Street, South Bend. Five Corners owns the property located at 706 Eddy and 1111 Bissell. It is currently zoned SF2 and until recently had been used as a church and its accompanying parking lot. We are seeking to have it rezoned as office buffer. Ideally we would like to use the building to support office rentals for a local business. In order to increase the marketability of the building, we are seeking the two categories for the special exceptions, one for food services and the other for personal services. Under food services, as was mentioned, we envisioned a very low density coffee shop. For personal services we envision a small beauty salon or barber shop. We have been in contact with property owners who live in the surrounding area. They are supportive of our initiative. We have also been in touch with Fred Ferlic from the Common Council, with Marco Mariani, from South Bend Heritage, and then, as was mentioned, have a letter of support from the NNRO. In addition to the special exceptions we are also seeking the two landscaping variances that were described. We have worked closely with the Area Plan Commission staff on the wording of these variances and are happy to comply with any recommendations.

IN FAVOR

MARGUERITE TAYLOR: I reside at 714 E. Corby Boulevard, South Bend. I am the secretary to the NNRO. I have a letter from the NNRO President, Tim Sexton that he asked me to read here today.

“Dear Larry Magliozzi and the Area Plan Commission:

During the September 9, 2015, board meeting of Northeast Neighborhood Revitalization Organization (NNRO) the aforementioned rezoning petition was discussed. After extended discussion, the NNRO board unanimously approved the proposal (including the special exception use and the two variances).

The NNRO is a fully recognized private 501c(3) Not-For-Profit Community Development corporation (CDC) in the State of Indiana. The NNRO exists to implement the ongoing revitalization of the Northeast Neighborhood per the Northeast Neighborhood Development Area (NND) Plan in partnership with the City of South Bend, the University of Notre Dame, Memorial Hospital of South Bend, Saint Joseph Regional Center, The South Bend Clinic and neighborhood residents.

The NNRO is pleased to support the Five Corners LLC project as part of the redevelopment of the Eddy Street South Sub-Area. We look forward to seeing the adaptive reuse of the property in question. If you have questions or require additional information, please contact our partners at South Bend Heritage Foundation, Marco Mariani, Executive Director.

Thank you.

Sincerely,
Signed Tim Sexton
President”

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 Dan Brewer, being seconded by Oliver Davis and unanimously carried, the combined public hearing on a proposed ordinance of Five Corners LLC to zone from

SF2 Single Family & Two Family District to OB Office Buffer District, property located at 706 Eddy Street and 1111 Bissell Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Eddy Street (S.R. 23) is a heavily traveled arterial corridor. Rezoning this site to OB Office Buffer District with the limited Special Exception Uses permitted will allow for a responsible adaptive-reuse, while providing a buffer between the residential neighborhood and S.R. 23. Upon a motion by Dan Brewer being seconded by Oliver Davis and unanimously carried, the following Special Exception Use to allow for food sales and services and personal services was sent to the Common Council with a FAVORABLE RECOMMENDATION.

Upon a motion by Dan Brewer being seconded by Oliver Davis and unanimously carried, the following two variances: 1) From the required landscaping of the required perimeter yards to 2 evergreen trees and 1 deciduous shade tree on the north property line and 3 deciduous shade trees on the south property line; and 2) From the required off-street parking area screening on the north, east, and west property lines to the existing 6' privacy fence were approved subject to the rezoning being approved by the Common Council.

- E. A proposed ordinance of Studebaker Building 84 LLC to zone from GI General Industrial District to PUD Planned Unit Development District, property located at 635 S. Lafayette Boulevard, City of South Bend - APC# 2752-15.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from GI General Industrial District to PUD Planned Unit Development District. On site is a former Studebaker assembly plant. To the north across the railroad tracks is the former Union Station and a sheet metal business zoned CBD Central Business District. To the east across Lafayette Boulevard are industrial and office buildings zoned O Office District and LI Light Industrial District. To the south is the South Bend City Services Facility and the St. Joseph County Correctional Facility zoned GI General Industrial District. To the west is the South Bend City Services Facility zoned GI General Industrial District. The Planned Unit Development (PUD) District is designed and intended to: encourage creativity and innovation in the design of developments; provide for more efficient use of land; permit special consideration of property with outstanding natural or topographical features; facilitate use of the most appropriate construction techniques in the development of land; and, provide for any individual land use not otherwise specified elsewhere in this Ordinance. The PUD District encourages imaginative uses of open space, promotes high standards in design and construction, and furthers the purposes of the Comprehensive Plan. The PUD District is not intended for the development of residential subdivisions or other developments which are provided for as a matter of right within any district of this Ordinance. The total area of the site is 13.2 acres with over 750,000 square feet of existing industrial buildings. The buildings range in height from 2-6 stories and are built up to the 0' lot line along Lafayette Boulevard. Primary permitted uses may include: educational, entertainment, hotel/lodging, industrial, office, personal services, residential, restaurants, retail, warehousing, manufacturing retailer, and utility uses. Prohibited uses include adult businesses. A future 5 level parking garage is proposed between the existing buildings and the jail, with landscaping along its south façade. The architectural facades of the parking garage must be consistent with the facades of the primary buildings. The first floor of the parking garage may include retail along Lafayette. Landscaping will be provided along the south façade of the primary building and parking islands will be required in the surface parking lot until the proposed garage is constructed. Prior to the adoption of the zoning ordinance in 2004, the site was zoned industrial. Lafayette Boulevard has two lanes with on-street parallel parking on both sides of the street. This site is served by municipal sewer and water. County Surveyor offers a favorable recommendation. City Engineering offers a favorable recommendation, subject to the approval of a drainage plan that disconnects roof drains from the sanitary sewer system. The petitioner is not proposing any written commitments, but will need to adhere to the

development standards filed. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006): Policy LU 2.2: Pursue a mix of land uses along major corridors and other locations identified on the future land use map, Policy H 1.3: Encourage the development of mixed-use buildings, and Objective EM 3: Facilitate the productive reuse of brownfield properties. The future land use map identifies this area as light industrial. There are no other plans in effect for this area. The area south of the railroad line between Arnold Street and Lafayette Boulevard has developed as industrial. The Central Business District starts just north of the railroad. The most desirable use of this site is one that promotes economic and residential sustainability in support of downtown South bend and its central business district. Due to the industrial nature of the area, surrounding property values should not be adversely affected. It is responsible growth and development to allow this abandoned brownfield site to be converted into a mixed-use development. The staff has no additional comments. Based on information available prior to the public hearing, staff recommends the rezoning petition be sent to the Common Council with a favorable recommendation. Rezoning to Planned Unit Development District will allow for a unique mix of uses that will provide creative redevelopment of an abandoned industrial property.

MICHAEL DANCH: I am with Danch, Harner & Associates with offices located at 1643 Commerce Drive, South Bend. These are the old Studebaker buildings. The one up against the railroad is Building 84. The one to the west of that is called Building 112, and the building to the south of 84 is called 113. Those are the three buildings that they are going to end up renovating. What we are asking to do is go to the PUD District. This development will probably exceed \$80,000,000. They are in the process of doing the development on it right now. It is a phased-in development. As the staff had mentioned we are asking for several different uses and, because the way the City Ordinance is, the only way to have all those uses within the single site is to go to PUD. I worked with the staff on all our development standards for the various uses. They are thinking for this particular building that the top floor (the 6th floor) will potentially be condos. The other floors will end up being a mixture of educational uses, manufacturing uses, office, entertainment uses. The way we were doing this development, is in phases. As one building gets developed and renovations occur to the structure, the parking requirements will take effect for that particular site. At some point in time what will end up happening is the amount of square footage that will be renovated in those structures will require that parking structure to kick in and be built. We had gone through a variance petition for what was called a surface parking lot for that area. On just the ground level we could probably have in excess of 345 spaces. That gives them some flexibility on how much of the building they can develop under the PUD guidelines. Once we get past that, then the parking garage would kick in and they would most likely come out and build that structure. What we have done is ask for flexibility. They are not exactly sure how high that parking structure will be. They are assuming a four or five level parking garage. The reason for that is to make sure we have the flexibility in the development for what could potentially could go on in the structures. They are working with the City of South Bend. This is a Brownfield site. As we develop everything, we have to keep certain restrictions in mind as contamination is part of the soil. We are working closely with the City. There have been a lot of studies out there. What we would ask the Commission to do is allow us to proceed and give us a favorable recommendation. I believe I mentioned there was a five page document for the developmental standards that we have for this that covers all aspects of different uses that would go in there as far as landscaping, lighting, and drainage that would occur on this site.

STEVE VOJTKO: You are going to reuse all the buildings on the site?

MICHAEL DANCH: That is the plan.

JOHN DELEE: Sounds like a good project for South Bend.

MICHAEL DANCH: Just to mention one other thing. There is an existing tunnel that goes under the railroad to Union Station which is going to end up being part of this project. There is going to be a corridor between Union Station and this facility for the technology portion.

ROBERT HAWLEY: Just for the record, I passed out checks to the workers at Studebaker, I was employed at that building in 1952.

MICHAEL DANCH: My dad was the personnel manager at the same time.

ROBERT HAWLEY: What was his name?

MICHAEL DANCH: Mike Danch.

ROBERT HAWLEY: Oh sure, I knew Mike.

OLIVER DAVIS: What is the status of that tunnel?

MICHAEL DANCH: It is actually, from my understanding, usable up to a point right now. They are in the process of doing renovations with the basements of buildings 84 and 113. It will take a little bit to be fully usable between those two structures.

IN FAVOR

CATHERINE HOSTETTLER: I am the Director for Historic Preservation for South Bend and St. Joseph County. Office located at 125 S. LaFayette, South Bend. I am speaking in support of this project. We have been working with Kevin Smith and his group for a number of years and Union Station is one of our local landmarks. So is the Studebaker Administration Building, which is adjacent to this project. We are enthusiastically in support of this project. It is going to be a great addition to South Bend and the adaptive reuse of this building is going to be great.

REMONSTRANCE

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

REBUTTAL

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Robert Hawley and unanimously carried, the proposed ordinance of Studebaker Building 84 LLC to zone from GI General Industrial District to PUD Planned Unit Development District, property located at 635 S. Lafayette Boulevard, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning to Planned Unit Development District will allow for a unique mix of uses that will provide creative redevelopment of an abandoned industrial property.

- F. A proposed ordinance of Earth Designs Real Estates LLC to zone from PUD Planned Unit Development District to GB General Business District for Parcel 1, property located north of and adjacent to 603 Hickory Road, and to PUD Planned Unit Development District for Parcel 2, property located west of and adjacent to 3515 McKinley, City of South Bend - APC #2753-15.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from PUD Planned Unit Development District to GB General Business District for Parcel 1 & PUD Planned Unit Development District for Parcel 2. Parcel 1 is a vacant paved lot. Parcel 2 is a vacant lot with an access drive. To the north are single family homes zoned SF1 Single Family & Two Family District, and an access drive zoned GB General Business District. To the east of Parcel 1 across Hickory Road is a multi-tenant shopping plaza in the City of Mishawaka. To the east of Parcel 2 is an Elks Lodge zoned CB Community Business District and a self-storage facility zoned GB General Business District. To the south of Parcel 1 is a retail store zoned CB Community Business District. To the south of Parcel 2 across McKinley Avenue are single family homes zoned SF1 Single Family & Two Family District. To the west of Parcel 1 is a self-storage facility zoned GB General Business District. To the west of Parcel 2 are single family homes zoned SF1 Single Family & Two Family District. The Planned Unit Development (PUD) District is designed and intended to: encourage creativity and innovation in the design of developments; provide for more efficient use of land; permit special consideration of property with outstanding natural or topographical features; facilitate use of the most appropriate construction techniques in the development of land; and, provide for any individual land use not otherwise specified elsewhere in this Ordinance. The PUD District encourages imaginative uses of open space, promotes high standards in design and construction, and furthers the purposes of the Comprehensive Plan. The PUD District is not intended for the development of residential subdivisions or other developments which are provided for as a matter of right within any district of this Ordinance. Parcel 1 is a 0.75 acre lot with frontage along Hickory Road, and is currently a paved parking lot. Parcel 1 will be required to conform to all development standards for the GB General Business District. Parcel 2 is a 15.57 acre vacant lot with frontage along McKinley Avenue. Uses for Parcel 2 will include all permitted uses in the following districts: SF1, SF2, MF2, LB, CB, and GB (to include mini warehousing and dog parks). The front setback for all uses along McKinley is 25'. Side and rear-yard setbacks within the PUD will be required to be the same as specified in the zoning ordinance for each specific use. GB uses will be limited to an area located a minimum of 225' north of the right-of-way of McKinley Avenue, and a minimum of 100' from the west and north PUD boundaries. Outdoor storage of vehicles, boats and trucks may be permitted in an area located 200' south of the north boundary, 200' east of the west boundary, 560' north of the right-of-way of McKinley Avenue, and 5' west of the east boundary. Any outdoor storage must be screened on all sides by an evergreen landscape screen or by a screening fence with a minimum height of 8' and a maximum height of 10'. Maximum building height for the PUD will be 4 stories or 50'. The north and west boundary of the PUD shall be screened from the adjacent property by either a minimum 6' screening fence or evergreen trees spaced a maximum of 12' on center. Prior to the adoption of the current zoning ordinance in 2004, the site was primarily zoned C Commercial, with the northern 120' and the western 75' zoned B Multifamily. In 2011 the site was rezoned from CB Community Business District to PUD Planned Unit Development District for a similar mix of uses. Hickory Road and McKinley Avenue have four lanes with a center turn lane. This site will be served by municipal sewer and water. County Surveyor recommends approval. City Engineering recommends approval, subject to: 1) the approval of a drainage plan; and 2) the connection of buildings to municipal utilities (with appropriate easements, and not to exceed the capacity of existing connections). The petitioner is not proposing any written commitments, but will have to adhere to the development standards filed. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006): Policy LU 2.1: Encourage developers to use planned unit and traditional neighborhood development models to promotes land use compatibility in future developments, and LU 2.2: Pursue a mix of land uses along major corridors and other locations identified on the future land use map. The future land use map identifies this area for medium-density residential. There are no

other plans in affect for this area. The McKinley Avenue and Hickory Road area is a large commercial

node with a mixture of uses. The most desirable use for the land is one that is compatible with the commercial and mixed-use character of the area. Any improvements to the site, including screening, should not adversely affect surrounding property values. It is responsible growth and development to allow the expansion of this commercial node in a manner that is consistent with surrounding developments. As noted, this site is currently zoned PUD (APC#2597-11). That approval specified the location of mini-warehouses, with no outdoor storage, at the northwest corner of the site. Uses similar to the current request were allowed on the balance of the site. The primary change is to allow outdoor storage in a limited area, and GB uses to a larger, but also limited area. Additional setbacks are being required on the north and west property lines, recognizing the higher intensity uses proposed. Based on information available prior to the public hearing, staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. This has been a difficult site for the private market to develop. Any one zoning district would limit the site's ability to be utilized for the wide range of demands sought. The rezoning of this site to a new and revised PUD allows flexibility in the design and use of the site, while adding appropriate protection to the surrounding residential areas.

JOHN DELEE: Why are they going to general business? Doesn't PUD allow the same uses?

ANGELA SMITH: As you know we have been working extensively on revising the PUD District so that we didn't see as many planned unit development districts when it wasn't necessary. The only thing they are requesting on that site along Hickory is for general business type uses, so there would be no need for that to go through the PUD just to allow GB uses. We are in agreement that they should just go ahead and rezone that to GB so they can use it for those. There is no sense in rezoning something to PUD again just to allow for general business uses. That is the only use allowed on the site.

OLIVER DAVIS: They were PUD before?

ANGELA SMITH: Correct. This is moving that particular portion of the site out of the PUD. It will just be zoned General Business. They won't have to come to us every time they want to change something.

JOHN DELEE: Which one is it?

ANGELA SMITH: The one that kind of looks like a used car lot right now.

JOHN DELEE: Ok.

DAN BREWER: PUD is the larger piece.

MATTHEW CHAPPUIES: That is correct.

JOHN DELEE: That is an existing PUD right?

MATTHEW CHAPPUIES: Both sites are an existing PUD. This is parcel 1 (pointing to the powerpoint) and this is parcel 2 (pointing to the powerpoint). Parcel 1 will be going from PUD to GB. Parcel 2 will be going from PUD to PUD. We are just modifying the PUD uses allowed within the PUD.

OLIVER DAVIS: You said it is going from PUD to PUD.

MATTHEW CHAPPUIES: Correct. To modify the uses that are allowed.

ROBERT HAWLEY: Wasn't this brought to us by Frank Perri for some apartments or something?

MATTHEW CHAPPUIES: That is correct. In 2011 it was rezoned to its current PUD form. Multi-family units were one of the permitted uses as well as several other commercial uses. However, GB was not included in that.

GERRY PHIPPS: Does this apply only to GB or all the uses?

MATTHEW CHAPPUIES: Setbacks for all the uses along the west and north property lines must adhere to what the use is. When it comes to GB uses the setbacks are much larger.

GERRY PHIPPS: The setbacks we see in the drawing with the dimensions are only if the use is....

MATTHEW CHAPPUIES: For GB or outdoor storage. For instance GB uses must be 225 feet north of McKinley, 100 feet east of the west boundary line, and 100 feet south of the north property line.

MICHAEL DANCH: I am with Danch, Harner & Associates with offices located at 1643 Commerce Drive, South Bend. This is Earth Design, Frank Perri's site. He just wants to add GB uses. We worked with the staff. When I looked at their original PUD that they had approved, there were some standards that were there. What we are doing now is we are bringing it in to conformance with the latest PUD standards that the City now has in place. I think it is going to make it a lot better for protection of the neighborhoods and where setbacks are. What the staff had asked us to do with this particular one because is to increase the setbacks for GB and automotive related uses. That red area is potentially the area they could have outside storage. If you remember when we came in right next door with South Bend Storage, we had an outdoor storage as well for them for RV's and those types of things. This particular plan matches those same setbacks. In essence, the middle portion of the site is the only place they can have outdoor storage areas. That dark red area has to have a setback off of any residential to the north of 200 feet. If they are going to put any outside storage, we have to have a buffer area of 200 feet from the residential from the north side, 200 feet from the residential on the west side, and it also has to have fencing and screening that goes with that. Any outside storage has to be 560 feet from McKinley. So you would barely be able to see it from McKinley. The lighter yellow area that Matthew had talked about can have GB uses, but you can't have any outside storage. Because those are more intense, that would still require a 100 foot buffer zone from the residential from the north and also from the west. We are 225 feet up from McKinley. That is really the change for the PUD. The other uses that are allowed there and originally approved for the PUD are the same ones. I think the way we had written all the developmental standards it is going to make it a lot simpler for the setbacks and the types of uses that can go in there. That is really the change that you are seeing here. The second part is the piece of property that is PUD on Hickory Road. If you have been out there, is currently Gates is our there. They are actually storing vehicles on that site from their Gates facility which is farther on McKinley in Mishawaka. That was not an allowed use in the original PUD. It would only allow for commercial uses. When you read the South Bend Ordinance you can't have vehicles stored on the piece of property under those guidelines. You actually have to go to GB, which is General Business, use to be able to store vehicles or have automotive sales. When we talked to the staff they said it doesn't make sense to have PUD for that little parking area. Just rezone it from PUD to GB. That way he will be allowed to have those vehicles. Also, what he will end up doing is bring that parking area into compliance with the GB standards. He'll have to have the screening that is not there right now. There is a fifteen foot screening area off the street, he will have to add perimeter trees and I think the staff had also asked to do screening off the north side. If you remember, there are houses right there on Sorin Street. They asked us to put some screening up along that north edge, as well, so that those people that have houses up there. They wouldn't see that parking area directly. There would be some landscaping and a fence that would go in there. That is really the change that Frank is asking for here. Other than that, PUD standards would still kick in for all the development where the building is going to be located.

PHIL SUTTON: The plain white area will not be developed at all?

MICHAEL DANCH: That is not correct. The plain white area is an area that you could put in the multi-family, single family, but any uses that go in there, they have to meet the current zoning standards.

PHIL SUTTON: So, you have like 100 foot there?

MICHAEL DANCH: Under the zoning guidelines, if I had anything other than single family, you would end up with setbacks that are twenty foot buffer yard and it has to be screened. Those kick in per the existing zoning ordinance.

GERRY PHIPPS: Does Gates intend to buy that parcel and make it a permanent car lot?

MICHAEL DANCH: Frank did not tell me that was the case. I think right now it is just the rental part. I think he'll end up finding another use for that. It'll only end up probably being GB. With discussions that I have had with the staff, I believe they are also working on making some text amendments to the South Bend Ordinance so that if someone does have a GB use it'll kick back into also allow commercial business.

GERRY PHIPPS: If they don't buy it and make a permanent lot then will that force them to use the temporary uses?

MICHAEL DANCH: They would be allowed to do it under this rezoning petition. But he has to bring it into compliance with all the landscaping. That is the whole point of going to that GB so he is allowed to do that.

GERRY PHIPPS: So that is the intention?

MICHAEL DANCH: Yes.

STEVE VOJTKO: Is there going to be a mini storage or warehousing on this property?

MICHAEL DANCH: They would be allowed to do that, but again, the setbacks will kick in.

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 Robert Hawley, being seconded by Phil Sutton and unanimously carried, the proposed ordinance of Earth Designs Real Estates LLC to zone from PUD Planned Unit Development District to GB General Business District for Parcel 1, property located north of and adjacent to Hickory Road, and to PUD Planned Unit Development District for Parcel 2, property located west of and adjacent to 3515 McKinley, City of South Bend - APC #2753-15, is sent to the Common Council with a FAVORABLE recommendation. This has been a difficult site for the private market to develop. Any one

zoning district would limit the site's ability to be utilized for the wide range of demands sought. The rezoning of this site to a new and revised PUD allows flexibility in the design and use of the site, while adding appropriate protection to the surrounding residential areas.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Findings of Facts for Granting of Variances for property located at 23530 State Road 2; 56575, 56589, 56605 Mayflower Road; 23562, 23580 Huron Street; 56546, 56576, 56586 and 56660 Hollywood Boulevard, City of South Bend – APC #2747-15.

LARRY MAGLIOZZI: We have findings of facts for the Martin's Supermarket that you passed last month, seeking your ratification on this.

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Phil Sutton and unanimously carried, the Findings of Facts for Granting of Variances for property located at 23530 State Road 2; 56575, 56589, 56605 Mayflower Road; 23562, 23580 Huron Street; 56546, 56576, 56586 and 56660 Hollywood Boulevard, were approved.

- B. Findings of Facts for Granting of Variances for property located at 4325 S. Michigan Street, City of South Bend – APC #2748-15.

LARRY MAGLIOZZI: We have findings of facts for the Flowers by Stephen that you passed last month, seeking your ratification on this.

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 Facts for Granting of Variances for property located at 4325 S. Michigan Street were approved.

2. Executive Director's Report:

LARRY MAGLIOZZI: The fee schedule that you approved by resolution back in August, was passed by the County Council. That fee schedule will go into effect on January 1, 2016. That will be a two year schedule with incremental increases in the fees in the second year.

I have also handed out before the meeting a registration form for the BZA training session. This is not a registration for the conference itself. That is a separate registration. This is for that evening of October 7. As I indicated earlier, any Plan Commission member that does wish to attend and can, I will pay the registration fee of \$20.00 out of the Plan Commission budget. I have enough in there to do so.

The Town of Lakeville wants us to start working with them on a revised or new Zoning Ordinance. I had a meeting with them yesterday and as you know Lakeville and North Liberty had been very aggressive over the last five to six years in doing something to jump start their Towns. Lakeville is the first of the two Towns, between North Liberty and Lakeville, that have asked us to help them. I warned them that we are pretty busy up here since we also want to do the South Bend and County Ordinances, which we are having a little trouble jump starting. We will lay out a schedule for them by the end of the year and see what we can get done. The good news about that, though is, we have the Zoning Ordinance for the Town of New Carlisle and Osceola, which we just did. So that will provide good templates for them. We don't have to re-invent a lot of things. At the moment we are not drafting anything. We are just talking concepts and ideas. I would assume sometime early next year we will get your formal ok to go ahead and draft that.

3. Minutes and Expenditures:

- A. Approval of the minutes from the August 18, 2015 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Robert Hawley and unanimously carried, the minutes from the August 18, 2015 meeting of the Area Plan Commission were approved.

- B. Approval of the expenditures from August 19 through September 15, 2015

After due consideration, the following action was taken:

Upon a motion by Dan Brewer being seconded by Robert Hawley and unanimously carried, the expenditures from August 19 through September 15, 2015 were approved.

4. Adjournment: 4:40 p.m.

JOHN E. DELEE
VICE PRESIDENT OF THE COMMISSION

LAWRENCE MAGLIOZZI
SECRETARY OF THE COMMISSION