

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

**MINUTES**

Tuesday, August 16, 2016  
3:30 p.m.

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

**MEMBERS PRESENT:**

Dan Brewer, Oliver Davis, Adam DeVon,  
Robert Hawley, Elizabeth Maradik, John R.  
McNamara, Matthew Peterson, Gerry  
Phipps, Jordan Richardson, Phil Sutton, Dr.  
Jerry Thacker

**MEMBERS ABSENT:**

Debra Davis, John DeLee, Karen Iovino, Steve Vojtko

**ALSO PRESENT:**

Larry Magliozzi, Angela M. Smith,  
Keith Chapman, Jennifer S. Parcell, Staff;  
Mitch Heppenheimer, Counsel

**DAN BREWER:** Our first order of business is that our Executive Director has an introduction to make.

**LARRY MAGLIOZZI:** Bob Niezgodski is our newest planner. He is a local guy. Graduate of Ball State. We snagged him out of MACOG. He is going to be concentrating mostly on Subdivisions, at least for the near future. You won't see him down here too much. I did want to introduce him so you can put a name with a face in case you need to contact him.

**DAN BREWER:** Welcome and thank you.

**PUBLIC HEARING - 3:30 P.M.**

**1. REZONINGS:**

- A. A proposed ordinance of St. Joseph County Airport Authority to zone from A: Agricultural District (County) and M: Manufacturing Industrial District (County) to LI Light Industrial District (City), property located at 22965, 24632, 24650, and 24700 US 20; 54270 Pine Road; and a tract of land adjacent to and east of 54270 Pine Road, City of South Bend - APC# 2788-16.

**KEITH CHAPMAN:** The petitioner is requesting a zone change from A: Agricultural District (County) and M: Manufacturing Industrial District (County) to LI Light Industrial District (City). On site are single family homes and vacant land zoned R: Single Family District (County) and M: Manufacturing Industrial District (County). To the north are businesses and single family homes zoned R: Single Family District (County) and M: Manufacturing Industrial District (County). To the east of the St. Joseph Valley Parkway is the Airport Zoned LI Light Industrial (City) and single family homes and vacant land zoned R: Single Family District (County) and M: Manufacturing Industrial District (County). To the south is A.M.T., Inc. zoned M: Manufacturing Industrial District (County). To the west are single family homes and vacant land

zoned R: Single Family District (County). The LI Light Industrial District is established to provide for development of office/warehouse, warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts. The site plan consists of 7 lots, totaling 68.08 acres. There is no development shown on the site plan at this time. All of the development standards for LI Light Industrial will apply to the site. The properties zoned A: Agricultural were rezoned in 1972. The remainder of the property has been zoned manufacturing since prior to 1972. Pine Road has two lanes. The portion of US 20 adjacent to the site has 4 lanes with a divided median. There are no utilities proposed at this time. The County Engineer commented that Pine Road is a No Truck Route, so depending on the exact land use, some improvements to Pine Road may be needed. INDOT commented that a drive permit will be required for accessing U.S. 20. The staff is proposing a written commitment as follows: 1) Upon filing of an Improvement Location Permit for the development of any portion of the Airport Authority Annexation Area, a Pine Road Improvement Plan must be submitted by the developer(s) of the Area. Such Improvement Plan must include a traffic analysis, an engineering study of the condition of Pine Road, a cost analysis of required improvements or reconstruction and any other information requested by both the St. Joseph County Board of Commissioners, the South Bend Board of Public Works and the Indiana Department of Transportation. At a minimum, the Improvement Plan must address the area of Pine Road from U.S. 20 on the North to Edison Road on the South and the intersection of Pine Road and U.S. 20. Any improvements or reconstruction required will be at the cost of the developer(s), or as otherwise negotiated by the respective governmental entities. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006), Objective LU 6.1: Promote orderly and planned growth that expands outward from current city limits. The future land use map identifies this area as light industrial. There are no other plans in effect for this area. The properties along U.S. 20 near the intersection with the St. Joseph Valley Parkway have developed as manufacturing and commercial uses. The properties along Pine Road are rural residential. The most desirable use for this district is one that buffers the negative externalities of the Airport from the adjacent properties. With proper site layout and buffering, neighboring residential and agricultural property should not be adversely affected. It is responsible development and growth to allow the development of industrial uses along major transportation routes. The anticipated effective date of the annexation is October 30, 2016. Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation, subject to the written commitment. Rezoning this site to LI Light industrial will allow for the development of uses that are compatible with Airport operations with access to major transportation routes nearby.

MICHAEL DANCH: I am with Danch, Harner & Associates. Offices located at 1643 Commerce Drive, South Bend. What we are asking to do is to take land that is presently zoned Agricultural in the County and M Manufacturing, and zone it and bring it into the City of South Bend under the Light Industrial District category. The City would like to use this for future development at some point in time. They do not have a specific purchaser or buyer or user for

this land. What we would like to do is bring it into the City of South Bend for development in the future for industrial uses. There are seventy acres of ground that is owned by the Airport Authority. With an agreement between the Airport Authority and the City, they are basically transferring the property to the City of South Bend. The City, as part of this, is asking for the annexation as well as the zoning. One thing we would do, we were working with the staff on the written commitments. We would want to make sure that written commitments are clear, that those apply if any developer were to access Pine Road. We do have two access points on this property. One is on Pine Road and one is on U.S. 20. If they just go directly to U.S. 20 without any access on Pine Road they would just have to go through INDOT and ask for a highway permit. If they do go out to Pine Road, those written commitments would kick in, which is the analysis for Pine, basically a traffic study because what the County and the City would want to take a look at is that if it was an Industrial user that accesses Pine Road, whether there might be a light that would be required at Pine and U.S. 20, and also which way the traffic would go. If it would go north on Pine or south down to Edison. The County would want to be involved with those as the road on either side of what we are requesting is staying in the County.

GERRY PHIPPS: Have you talked to INDOT about an access onto U.S. 20?

MICHAEL DANCH: No. They don't have a specific user in mind yet. INDOT will control that if they strictly go up to U.S. 20 because they would want to know who the user is and then they would want to take a look at the traffic and the type of traffic that would go on. If they were doing something like a trucking operation, I am sure the State Highway would have a lot of questions for them.

GERRY PHIPPS: Do you think it might be possible despite the interchange ramp?

MICHAEL DANCH: There is actually a driveway opening there that the State did put in, so there is a driveway and an access point. When they did the bypass, at that point, there is an access drive that comes off the south side of U.S. 20 and into this property.

OLIVER DAVIS: So if the use is for not a commercial use, and it becomes more of a residential use, you would still utilize it for the traffic study?

MICHAEL DANCH: What would happen is, because we are zoning it to LI, a residential use would not be allowed here. We are strictly doing the LI Light Industrial use.

OLIVER DAVIS: So that would be strictly for businesses.

MICHAEL DANCH: Right.

DAN BREWER: Where are the nearest utilities?

MICHAEL DANCH: Probably in this case, there is a water line I think kind of northwest of this site. So what would happen is, if an industrial user goes in here, water and sewer are not very close to this. They would have to work with the City of South Bend to extend the water

and sewer line in this area. From an elevation standpoint I would have to see where they run the sewer line to. If they ran it south down to Edison and back over to where the existing line is, they would have to make sure that it is either gravity or they would have to put a lift station in. Then if they put a water line in, they would have to work with the City on that as well.

OLIVER DAVIS: What about public safety in terms of Fire and Police?

MICHAEL DANCH: That would be the same thing. So when we go through the annexation part there is going to be a report that says that the Fire Department has to take a look at this as well to make sure there is access to the property and the closeness to make sure they can get there in an available time.

GERRY PHIPPS: You don't object to the proposed condition providing it was limited to a plan that showed access off of Pine Road?

MICHAEL DANCH: Right. I think that is the staff's intent. I had a conversation with them earlier. We just wanted to make sure that was clear the way that that was laid out.

OLIVER DAVIS: Who covers that area for Fire and Police?

MICHAEL DANCH: I am going to guess that this one is maybe from the Fire Station on Olive and Orange which would be the closest one for this location. There is probably Township Fire, I think on Pine Road farther south. If it goes to the City, you are basically going to get different departments if there was a fire. Some would be City and Township if required to come to this they could too.

#### IN FAVOR

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

#### REMONSTRANCE

ROSEMARY BELL: My husband and I live in the property that is adjacent to this on Pine Road. We own the property at 51466 and 51240 Pine Road. I guess I am not clear on the distinction of what it is zoned now and what this new zoning will allow that is not allowed on the property at the moment. Also, I am very concerned about what this gentleman said about there possibly being an access on Pine Road. Pine Road is a two lane road. There would have to be some type of traffic light at Pine and U.S. 20. It is a very dangerous intersection. There just seems to be so many unknown factors here about, is there going to be access on Pine Road, are they going to be able to access on U.S. 20? The Airport Authority and the City and the County started discussing this property as well as our property back when the Blackthorn addition was considered back in 1998, I believe when this started. Over the years there have been various iterations for this property. A lot of money has been spent on studies and we were told yes we are going ahead with this plan. Then we don't hear anything for three years, and then the next thing you know, there is a new plan. When I talked to the new planners about the old plan, they

say “oh I didn’t know anything about that”. At one point there was talk about building a road right behind our house. We talked to the City and said how about you just put the road a little farther east and they said we can’t do that, the State won’t allow it. Then three years later when the City comes out with a new plan and they have the road exactly in the position that my neighbor and I suggested and people in the City back then didn’t know anything about the fact that the State wouldn’t allow it before. That being said, every couple of years, there is a new iteration of this. At one point we met with the City because they were going to take our property and put a road back there and they were taking a portion of our property. It was a done deal we were told. We would be contacted within six months, it was on a fast track, and we would be getting payment for some land. I can’t remember how many years ago that was. I call about that and no one knows what I am talking about. Once again, those of us on Pine Road are in this quandary of what the heck is going to happen to us. You need a new roof, you don’t want to put one on because there is a plan to take your property. I realize this is not that, they are not talking about taking our property. My husband and I recognized years ago that we will never recoup any money we have put into our property because of what is going on around us with the Airport taking property and so on. My concern is once this property goes to the City, then we in effect are abutting City property, which I think has an impact on annexation concerns. I know you are not the body that deals with that but it is something that as residents we have to be concerned about. I just have more questions than anything else. I hope someone can address some of this. What type of industry is likely to go in there? Are we talking semi-truck parking that the semis are running all the time? Are we talking about one or two trucks a day or are we talking about 100 trucks a day? I think that is information we should be able to have at this point.

TOM KOSEL: I reside at 54166 Pine Road. I am Rosemary’s husband. This area adjoins our property on two sides of our original five acres that we bought. We have lived there for 38 years and as she said for many years we were afraid to do anything like replace the roof on our house because of these seemingly random plans. At one point for a long time, there was a plan to re-route U.S. 20 down Pine Road so we would have major traffic going right down Pine Road in front of our house. The front of our house is closer to the road than I am to that wall (pointing to the wall behind the Commission Members). We have lived with that worry for ten years or so, I don’t remember exactly. Ultimately U.S. 20 got routed down Oak Street from the other side of the by-pass. Then there was a plan to build a road from Pine Road up to U.S. 20 that was going to cut through the corner of our property and, ultimately, they changed the plan, and then it was going to go farther behind our property and we thought that was great. Now that plan, we don’t know if that exists anymore at all, but I can assure you that having lived in this wonderful country property for 38 years, that we don’t want to have industrial uses like a truck terminal right adjacent to our property. We love being in the country and I think that it is a shame that we can’t continue to do so. This property along Pine Road was bought by the Airport as was the property across the street, because the man next door died and his wife sold this property next to us to the Airport. She promised to let us know if she was going to do that so we could buy it and didn’t and sold it to the Airport instead, otherwise, we would have bought it in order to avoid this kind of issues. I am strongly opposed to having this rezoned to uses that would interrupt our country living space. When I say that, we also have the house next door and a total of six acres that run north of here and when I say we enjoy living in the country, basically

I maintain nature trails through this eleven acres. I hate to see a truck terminal next door. There is a truck terminal upon U.S. 20 and we can hear them at night. We sleep without air conditioning and they are quite a ways away. If they were right next door it would certainly disrupt our life and certainly make it difficult to sell our property as residential, which it has been since 1913. It has been there a long time. It wouldn't be any good as a residential property anymore if this is rezoned this way.

## REBUTTAL

MICHAEL DANCH: The property that we are discussing here is already zoned M Manufacturing in the County, under the M Manufacturing guidelines in the County, they could have an industrial use go up next to their property right now without really any conditions on it whatsoever. What we are doing is actually going to a lighter category that is called Light Industrial in the City of South Bend. It limits the industrial users that can go in there. There will be setbacks and landscaping requirements. There are noise requirements that go on with any type of development that would go on this property by City Engineering, and the Building Department as well for site plan approval. The industrial aspect of what is here is not changing, there is already M manufacturing adjacent to those properties out there. One of the conditions that the staff brought up, though, which will hopefully benefit the neighbors out there is the written commitment that would go with this annexation and that is the study that goes with Pine Road. As those neighbors had mentioned, Pine Road is a two lane roadway right now. It is basically good for residential standards. It's rural standards, but if some user were to go in there and decide they wanted to access Pine Road, there would have to be a traffic study that would have to be approved by the Board of Commissioners, by the County Engineering Department, by the City Engineering and by INDOT. If those types of things occurred, what would most likely happen is that Pine Road would have to be developed and that would be quite expensive. A user would have to take that into mind if they wanted to access Pine Road. From a noise standpoint again there are all kinds of conditions for decibel readings and those types of things.

GERRY PHIPPS: Are truck terminals allowed in the light industrial district?

MICHAEL DANCH: Yes, I believe they are.

GERRY PHIPPS: But they are also in the manufacturing district?

MICHAEL DANCH: Yes they are.

GERRY PHIPPS: Staff, are you in agreement with his proposed modifications of that commitment?

LARRY MAGLIOZZI: I am not sure Mike is proposing a modification.

MICHAEL DANCH: It was just a clarification.

LARRY MAGLIOZZI: There is a written commitment that is drafted. Essentially addresses

any improvements to Pine Road. The other access to U.S. 20 that is a direct access to INDOT. They would take care of whatever they need to take care of.

GERRY PHIPPS: So you don't have any objection if the condition said if they weren't connecting to Pine Road they would not need the study.

LARRY MAGLIOZZI: We don't have a condition forcing them to connect to Pine Road. It is just if there is an access to Pine Road this is what we want to see.

GERRY PHIPPS: Ok, only if there is a connection?

LARRY MAGLIOZZI: Yes.

MICHAEL DANCH: We just wanted to make sure that was clear.

OLIVER DAVIS: You were saying that the written commitments and the fact that all the other setbacks with the lighting and everything that we do in the City with your opinion would make this safer for the neighbors that just shared their thoughts because of the fact that we would put a buffer around them more so then what it is currently?

MICHAEL DANCH: It would. There is some additional landscaping requirements under the City zoning as compared to the County.

OLIVER DAVIS: The County doesn't have all the same things we have in the City?

MICHAEL DANCH: There are other conditions that apply when you go to the city.

OLIVER DAVIS: Have you had that conversation with your neighbor so they would be able to see the benefit of the wrap around services that we have for the city?

MICHAEL DANCH: I can certainly talk to them after this meeting. I wasn't aware that anyone had a concern before this meeting.

OLIVER DAVIS: Ok. I understand what their concern is. I am always up and down that road myself. I see their issue.

MICHAEL DANCH: You are exactly right and I think that is what the staff had a concern with too. Right now, that condition does not apply under the M: Manufacturing guidelines, because it is just zoned M: Manufacturing. There isn't anything that says someone would have to do everything that the staff is asking as a written commitment.

OLIVER DAVIS: So if they went there today, they could go and there are no written commitments or other things in place, they would probably be in a worse situation?

MICHAEL DANCH: (Nodded yes.)

OLIVER DAVIS: I understand that.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Phil Sutton and unanimously carried, a proposed ordinance of St. Joseph County Airport Authority to zone from A: Agricultural District and M: Manufacturing Industrial District to LI Light Industrial District, property located at 22965, 24632, 24650, and 24700 US 20; 54270 Pine Road; and a tract of land adjacent to and east of 54270 Pine Road, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation subject to the following Written Commitments: 1) Upon filing of an Improvement Location Permit for the development of any portion of the Airport Authority Annexation Area, a Pine Road Improvement Plan must be submitted by the developer(s) of the Area. Such Improvement Plan must include a traffic analysis, an engineering study of the condition of Pine Road, a cost analysis of required improvements or reconstruction and any other information requested by both the St. Joseph County Board of Commissioners, the South Bend Board of Public Works and the Indiana Department of Transportation. At a minimum, the Improvement Plan must address the area of Pine Road from U.S. 20 on the North to Edison Road on the South and the intersection of Pine Road and U.S. 20. Any improvements or reconstruction required will be at the cost of the developer(s), or as otherwise negotiated by the respective governmental entities. Rezoning this site to LI Light industrial will allow for the development of uses that are compatible with Airport operations with access to major transportation routes nearby.

B. A combined public hearing on a proposed ordinance of Justin Bogunia to zone from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District, and seeking the following three variance(s): 1) from the required landscaping of the required perimeter yards to none on the South, East, and West sides of the property; 2) from the required foundation landscaping to none on the West side of the property; and 3) from the required minimum 6 required off-street parking spaces to 0, property located at 202 Bartlett Street, City of South Bend – APC# 2789-16.

KEITH CHAPMAN: The petitioner is requesting a zone change from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District and seeking three variances from the development standards. On site is a house zoned SF2 Single Family & Two Family District. To the north across Bartlett Street is Leeper Park zoned SF2 Single Family & Two Family District. To the east is a doctor's office zoned SF2 Single Family & Two family District. To the south is a single family house zoned SF2 Single Family & Two Family District. To the west across St. Joseph Street is a parking lot zoned CBD Central Business District. The MF1 District is established to protect, promote and maintain the development of urban style multifamily dwellings and to provide for limited public and institutional uses that are compatible with a multifamily residential neighborhood. The development standards are designed to promote the establishment of: multifamily dwelling projects (including apartment, townhouse or row house style developments); and, high density two family dwelling developments located

along a block face, in developed areas of the community which are served by a full range of public amenities. On site is a 2,500 square foot, two story home located on .06 acres. The large residential structure occupies the majority of the site. This property was zoned single family residential prior to 1987. St. Joseph Street and Bartlett Street have two lanes with on-street parking. This site is served by municipal water and sewer. The Department of Community Investment offers a favorable recommendation and commented that to ease any neighborhood concerns about the potential number of units on site in the future, the petitioner may wish to offer a written commitment limiting the number of units to three. The petitioner is not proposing any written commitments. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006), Objective H 1.1: Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities. The future land use map identifies this area as medium density residential. There are no other plans in effect for this area. This home is located within a historic district near Memorial Hospital. The majority of homes in the area are larger homes located on small lots. The most desirable use is residential. Because of the medium density character of the area, a tri-plex should not negatively affect surrounding property values. It is responsible development and growth to maintain and preserve the area as residential. The staff has no additional comments. Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the common council with a favorable recommendation. The staff recommends approval of the variances. Rezoning this site to MF1 Urban Corridor Multifamily District will allow for a mixture of housing types in the neighborhood and enable for the reuse of a vacant structure.

OLIVER DAVIS: Can you go over the reason why there is a car issue?

KEITH CHAPMAN: They are required six parking spaces and if you look on the site, you can see that the driveway is pretty small, so there is really no place to put six spots.

OLIVER DAVIS: They would utilize the street then?

KEITH CHAPMAN: Yes.

CARLA BOGUNIA: I reside in Bremen, IN. I basically came to reinforce this request and to reiterate that he plans on improving that property that now sits vacant. Make it blend in nicely with the neighborhood. He is not going to change the footprint of the home. He will just improve what is there, update it, make it look nice again, and find himself some conscientious renters to put in that property. Basically help improve the quality of that neighborhood.

ROBERT HAWLEY: How long has he owned the property?

CARLA BOGUNIA: I believe it has been two years now.

ROBERT HAWLEY: He has title to the property presently?

CARLA BOGUNIA: Yes.

OLIVER DAVIS: The property has been vacant the whole time?

CARLA BOGUNIA: Yes.

ELIZABETH MARADIK: How many units are currently on the property?

CARLA BOGUNIA: Three. The footprint of the house is for three apartments already. It has three meters outside, entrances to all three apartments separately.

GERRY PHIPPS: Does the petitioner have any objection to providing a written commitment limiting it to a maximum of three units in the future?

CARLA BOGUNIA: I don't think he would have a problem with that.

OLIVER DAVIS: What is the maximum people in those three units?

CARLA BOGUNIA: The two apartments upstairs and then the main floor so either individuals would want to rent the upstairs or possibly a couple. A family could rent on the first floor, it is large enough.

OLIVER DAVIS: I just wanted to picture it with the fact of the parking issue. I agree with the written commitments being added.

DAN BREWER: Do you know how the property was used prior to the time that Mr. Bogunia took title?

CARLA BOGUNIA: Apartments.

DAN BREWER: Three apartments occupied?

CARLA BOGUNIA: When he bought it, it was not occupied. It was sitting empty.

#### IN FAVOR

CATHERINE HOSTETLER: I reside at 708 N. St. Joseph Street. My husband and I both own the house that is directly to the south of 202 Bartlett; 710 N. St. Joseph Street. Formerly, I was the Director of Historic Preservation and was working with Jason on this property. I believe, the current Executive Director, Elicia Feasel, sent the 1932 assessor cards up Area Plan that shows the configuration of this house when it was first built as having three apartments. It was originally a triplex, two long narrow apartments on the second floor and then one large apartment on the first floor with a separate access upstairs on the interior. So it has one opening and then a separate opening for the apartment on the first floor and then stairways up to the second floor. This house, like the report said, is a very large house on a very small lot. The landscaping requirements between these houses, the house that we are currently working on at 710 between our property line and the beginning of the garage that is attached/built into the house, is like about this much (showing the hands). There is not a whole lot going on there. The same thing

with the house on the east side of the house with the Doctor's office and this house there is very, very little space between the property lines and this. Because of the size of the house, and it's western orientation and the shading that it gets from the big sycamore trees and maple trees, there is very little that could really grow really well there. We don't have a problem with them not trying to landscape there. Parking spaces, most of the people in our neighborhood park on the street and we have permit parking. It is residential permitted parking, so there shouldn't be an issue once the construction is finished they can park on St. Joseph Street, on the west side, once the construction is finished and the people from Memorial Hospital aren't parking there. Like I said, this property originally was built as a tri-plex so basically what this rezoning is going to do is re-iterate what is actually there. It would be very difficult to change the second floor into an apartment or make this whole house into a single family home. It would have to be a whole interior gut to re-do to make this a single family home. Most of the features that are on the second floor are original to the house; original sinks, built ins and cupboards. I believe the bathrooms have been upgraded. My husband and I don't have any objections to any of the proposals on this particular property and think it should go forward so he can finish his work.

### REMONSTRANCE

MICHELE GELFMAN: I reside at 619 Riverside Drive. I am the liaison for the River Bend Historic District. Thus I am representing several of the neighbors as well as people on Bartlett Street. The proposed situation, in terms of the variance, leaves problems. One is the parking situation, which Catherine doesn't seem to feel like it would be a problem if they parked on St. Joseph Street. Thus we have had exceptional problems with people parking for not only going to the Clinics but also working in the Hospital, even with the residential permit parking that is there now. The second thing is that this house has been cited with Code and the Police 25 times in the last year and a half. A lot of the reason being because it was multi-people living in those houses and causing lots and lots of problems for the neighborhood. Several drug issues as well. I am not saying that Justin is going to have people move in there that are less than qualified. We don't know that. Our property values we want to stay up. Since the residence that are on Riverside have converted homes to a single family residence because, they were vacant for over a year, which the law allows and really states, the property values have gone up because of the single family dwellings. Now with a multi-family dwelling like this, we have to be concerned about all the things that I have stated and other residents aside from myself have the same concerns. I understand it was initially, in 1932, built as a multi dwelling situation but we ask that you not send it for recommendation and change it to the SF2 designation that it really should be at.

### REBUTTAL

CARLA BOGUNIA: In respect what was just stated. I doubt that Justin even knows that in the past year there had been 25 calls. No one has lived in this house. I know this myself as helping Justin often with some of his properties. I have gone by the home from time to time. I notice during the winter that a window was knocked out. We were concerned that maybe someone had gotten in there to take shelter during the winter. He immediately got someone over there to put a door up to reinforce that, to block the windows so they couldn't get in. No

one has been living there to cause any issue, at least legally at that property. I would think since I have driven the neighborhood quite frequently there are other homes on Bartlett that are multiple dwellings for people although it looks like a single home dwelling. One has three apartments and the other has two, nicely maintained, wouldn't know it by just driving by, other than the appearance of the mailboxes. This is not out of the norm for that neighborhood. I am aware of many other homes in that neighborhood that appear to be single home dwellings but are apartments. Justin wants nothing more than to invest in this property and raise the property value of everyone around. I would think that the way it has been sitting for a number of years that to allow it to just continually become run down does not help. What he wants to do is invest in this community. It will be nice enough to attract a good renter.

OLIVER DAVIS: You are stating that from your understanding that there have not been 25 code violations in the last year?

CARLA BOGUNIA: That is totally new to me. I don't believe Justin knows of that issue at all.

OLIVER DAVIS: My comment with you, since this is coming before the South Bend Common Council, whichever way it is passed and that statement is made, if you could have some backup/verification to protect yourself.

CARLA BOGUNIA: I will let him know.

OLIVER DAVIS: Is there any kind of recommendation from his stand point that he has to address this parking issue again?

CARLA BOGUNIA: From as far back as 40 years, cause my Doctor used to be in that office right next door, Dr. Nelson was there forty some years ago, parking has always been on both sides of the street. I understand that Memorial is going through a lot of changes and there is a lot of temporary parking that is being utilized right now on that street by those employees. I am just guessing that will rectify when a lot of this construction is completed. I don't see where there would be an issue with three or four cars parking on the streets there.

GLORIA WOLVOS: I reside at 721 Riverside Drive. I live in one of the houses that she mentioned, I have been there 41 years and I live on the corner, the opposite corner. It's not good because the parking is not sufficient for three units and it's been a problem not just now. It is worse now because of what's going on. The property has not been maintained. The house I lived in has been two units from the beginning. It is the brick house on the corner. It's just not good, I don't think, to change that zoning.

After due consideration, the following action was taken:

Upon a motion by Gerry Phipps, being seconded by Elizabeth Maradik and unanimously carried, a proposed ordinance of Justin Bogunia to zone from SF2 Single Family & Two Family District to MF1 Urban Corridor Multifamily District,

property located at 202 Bartlett Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation subject to the following Written Commitment: the multi family dwelling is limited to three units. Rezoning this site to MF1 Urban Corridor Multifamily District will allow for a mixture of housing types in the neighborhood and enable for the reuse of a vacant structure.

Upon a motion by Gerry Phipps, being seconded by Phil Sutton and unanimously carried, the following three variance(s): 1) from the required landscaping of the required perimeter yards to none on the South, East, and West sides of the property; 2) from the required foundation landscaping to none on the West side of the property; and 3) from the required minimum 6 off-street parking spaces to 0, property located at 202 Bartlett Street, City of South Bend, were approved subject to the rezoning being approved by the Common Council.

#### Text Amendments:

- A. An ordinance initiated by the Common Council of the City of South Bend, Indiana amending Chapter 21 of the South Bend Municipal Code, Article 2 by adding single family dwelling to permitted uses in MF1 Urban Corridor Multifamily District and MF2 High-Density Multifamily District; and adding single family as a special exception use in MU Mixed Use District. - APC# 2790-16.

ANGELA SMITH: The requested action is a text amendment initiated by the Common Council of South Bend amending the Ordinance to allow single family dwellings as a permitted use in the MF1 Urban Corridor Multifamily District and MF2 High-Density Multifamily District; and adding single family as a Special Exception Use in the MU Mixed Use District. The Department of Community Investment offers a favorable recommendation to allow single family dwellings through a special exception in a Mixed Use District, and is generally supportive of the proposals to allow single family dwellings in the MF1 and MF2 Districts. They have some concern that multifamily housing not be squeezed out from areas where residential density is appropriate. They further suggest two family dwellings should become a primary use without limitations in the MF2 District. The following changes are proposed: 1) Adding One (1) Single Family Dwelling as a permitted use in MF1 Urban Corridor Multifamily District; 2) Removing Single Family from the list of Special Exception Uses in MF1 Urban Corridor Multifamily District; 3) Adding One (1) Single Family Dwelling as a permitted use in MF2 High-Density Multifamily District; 4) Removing Single Family from the list of Special Exception Uses in MF2 High-Density Multifamily District and 5) Adding One (1) Single Family Dwelling as a permitted use in MU Mixed Use District. Based on information available prior to the public hearing, the staff recommends that the text amendment be sent to the Common Council with a favorable recommendation. Since the adoption of the ordinance in 2004, the housing market has continued to change and evolve. The proposed changes recognize revived interest in converting older homes back to sing-family residential and will promote flexibility in the housing market.

JO BRODEN: I am the 4<sup>th</sup> District City Council member. I reside at 1319 Otsego Street. Simply with this we are looking to simplify the process to decrease the hoops, to decrease the

associated costs and shorten the time it takes for those who desire to build new, convert or revert residences into single family homes within the multifamily residential district. Then bringing to the process into the mixed use districts the opportunity for the public to weigh in through the public hearing processes.

ELIZABETH MARADIK: When we are talking about some of these changes, there are three things that come to my mind that I think we need to consider a little more broadly. First is that South Bend has a really high proportion of single family detached housing already and we need a variety of housing type in our City. So the multifamily district does that by providing housing options to those who can't afford or don't want to live in a single family detached house. Will having single family dwellings as an allowable use in MF2 and MF1, ultimately reducing the multi-family housing supply from areas where residential density is appropriate to have that dense housing and then secondly, by reducing the housing options are we also ending up reducing housing affordability? Often times the type of housing that is offered in that district are things like apartments and townhouses, which are more affordable and appeal to different groups and members of the community. And then lastly, what is the fiscal impact of allowing this down zoning? We need to be thinking about these choices that we are making about the built environment and the land productivity. So, if it is a location that actually is appropriate to have higher density, are we ultimately reducing our tax base? We could have increase housing density there. It's ultimately a lower cost to provide city services, like sewer and water there. Also, it is also increasing tax base by increasing density in the area. If it is an appropriate area for that density in that area, do we really want a lower density, like a single family house in this and what is the impact that it has on the city resources? I guess the three big topic areas would be to think is specifically the MF1 and MF2, how does it affect housing options and how is it affordability? Also what is the fiscal impact on reducing land productivity that we have in the city?

ANGELA SMITH: One of the reasons, actually, that this proposal is forward is to preserve MF Multi-Family zoning that is there. When people lose their legal nonconforming status and they come forward to reuse the property, there have been people turned down because they want to essentially down zone their property. What this does is allow them to do that without actually changing the zoning. So, the market can determine if that should be a multi-family, single family. If the owner can make more money on it selling it as three units, they are still allowed to do that because they can preserve the multi-family district. If the city wants to buy it and convert it back to single family, they can do that as well. If the next owner buys it again, and wants to split it back up into two apartments they can do that as well. It keeps the zoning district as multi-family so there is always that option to increase that density. What we see over on Miami (pointing to the powerpoint) where someone comes in and downzones it and then you have this spot of single family within a range of multifamily, now there wouldn't be that situation. Part of it is to keep the multifamily district intact so that if someone wanted to build a multi-family complex they could. In terms of the fiscal impact, I don't know if Jo wants to address that.

JO BRODEN: I guess just a brief comment to that. If the market is driving this, this allows for the options to be there. With regard to the fiscal impact, we certainly have a lot of properties

that are vacant that we could get new builds or conversions and bring these back to life along some of these districts. Something better than nothing. At least initially. Leaving the opportunity as Angela, I think, appropriately pointed out that the district remains the same and the opportunity is there. The zoning stays the same and the multifamily option is retained. Looking forward in development, the goal here is increasing options for individuals within these specific districts. Of course, that has tax implications. Maybe not the highest for those particular areas, but it does bring the property back on line if you would. I think just allowing the market to drive these decisions at this point would be something to support.

ELIZABETH MARADIK: I appreciate the answers and I can understand the rationale. Just one thing to think of is the flip side of that of thinking in the 4<sup>th</sup> District, an area that is rapidly having lots of houses built and lots of things happening. If we want to designate a certain location or area to allow for multi-family housing, which provides the opportunity again for apartments or more affordable housing types, yet we allow single family housing there, someone can buy that property there and build a single family house, which then removes that affordable housing option from the market.

JO BRODEN: I am sorry, I also have comments from the City Planning staff (Department of Community Investment) and it related to a second or future proposals that we could do multifamily within single family jurisdictions, while that is not part of this it acknowledges that need to be attentive to the fiscal impact of these decisions, so I don't have the specific comments but maybe Angela could help with those from the City Plan staff. Here it is, suggest two family dwelling should become a primary use without limitations in the MF2 District. I can't speak on behalf of the Council, but that could be an opportunity going forward. That would be some of the concerns about pushing out the multifamily use within the single family.

ADAM DEVON: Would this also limit some of the PUD's or help so there would be more options so we don't have to do a PUD on everything. I know we were having issues with that in past years too.

ANGELA SMITH: We hope that we have already done that by strengthening the PUD Ordinance but, I guess another example might have been the TRANSPO location that might not have had to do the rezoning. They might of just needed the variances because portions that was already zoned multifamily.

OLIVER DAVIS: That was the TRANSPO that we did at the last meeting?

ANGELA SMITH: Portions of it were zoned mixed use so they would have needed a special exception, but they might not have needed to rezone the property to use it the way they wanted to.

DAN BREWER: So the benefit to this text amendment is primarily for existing structures?

ANGELA SMITH: It would be primarily for existing structures. There is a large number of

homes, and we are not sure why other than to have options, that are all legal non-conforming because they are single family homes built in a multi-family district. The financing changed after the housing crash. Those have become harder for people to lend on. So again, using Miami Road as an example, that is what happened.

LARRY MAGLIOZZI: Just to clarify a little and partly a response to Liz's comments. This is not a map change. They are not changing the district boundaries. Everything that is zoned MF1 today remains MF1 after the passage of this. If you look at this map here (point to the powerpoint) you can see that the pattern of the MF1 there is single family. This is pretty typical of MF1. The large apartment complexes that you are thinking of are zoned MF2. A vast majority of these single family homes are legal non-conforming. That kind of gets back to what we are trying to accomplish here. There are a few folks that have had to go through a rezoning process especially if you are going to finance through a bank. This is what you have to do because right now MF1 does not permit single family. The bank is forcing you to go through a rezoning. If you are buying a house for cash it really doesn't matter. In response to market pressures, if you recall South Bend Avenue northeast of Hill Street were the two Somala houses, student houses, that is zoned MF1. So the market dictated that instead of single family, he bought the lots and built a high density. There was another multifamily building that was zoned for MF1 and the market dictated for high density. This won't stop that from happening if, the market is there someone could buy a block and build in MF1. It will still allow for that flexibility for those that don't want to sell out.

#### IN FAVOR

ANN PUZZELLO: I reside at 1247 E. LaSalle. I just wanted to mention one thing quickly. In the northeast neighborhood where I live, there is quite a bit of student housing and, when it is correctly zoned, it's multi-family. They are homes, they are not multi type buildings. If there is any change in making more family in our neighborhood we would surely love to see it. Making this possible for single family to move into some of those houses would be a wonderful thing for us.

#### 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 Oliver Davis, being seconded by John McNamara and unanimously carried, a proposed ordinance initiated by the Common Council of the City of South Bend, Indiana amending Chapter 21 of the South Bend Municipal Code, Article 2 by adding single family dwelling to permitted uses in MF1 Urban Corridor Multifamily District and MF2 High-Density Multifamily District; and adding single family as a special exception use in MU Mixed Use District, is sent to the Common Council with a FAVORABLE recommendation. Since the adoption of the ordinance in 2004, the housing market has continued to change and evolve. The proposed changes

recognize revived interest in converting older homes back to single-family residential and will promote flexibility in the housing market.

- B. An ordinance initiated by the Common Council of the City of South Bend, Indiana amending Chapter 21 of the South Bend Municipal Code, Article 3 by adding group residence to special exception uses in CBD Central Business District; and Section 11 by amending the definitions of Dwelling Unit, Family and Group Residence. - APC# 2791-16.

ANGELA SMITH: The requested action is a text amendment initiated by the Common Council of South Bend amending the Ordinance to allow Group Residence in the CBD Central Business District and amending various definitions related to Group Residence. The Department of Community Investment offers a favorable recommendation. The following changes are proposed: 1) Adding Group Residence as a Special Exception Use to the CBD Districts located west of the St. Joseph River; 2) Adding Group Residence as a Special Exception Use to the CBD Districts located east of the St. Joseph River; 3) Removing "household employees" from the definition of Dwelling Unit; 4) Removing the exclusion of household servants from the Definition of Family and 5) Updating the definition of Group Residence to include a residential facility that provides common living areas such as kitchen, living room, dining room or recreational rooms. Based on information available prior to the public hearing, the staff recommends the text amendment be sent to the Common Council with a favorable recommendation. The proposed changes recognize the growing popularity of non-traditional housing arrangements. Providing an opportunity for Group Residence developments within the densely populated Central Business District will allow for the changing trend in housing to be accommodated where the services and infrastructure are already in place.

OLIVER DAVIS: Could you clarify again why this basically is focusing on Downtown?

ANGELA SMITH: Group residence is already a special exception option in both multifamily districts and in the mixed use district. There are already places where multifamily was already allowed. They already have that option. We were just looking to see where there was a gap.

JO BRODEN: Again, 4<sup>th</sup> District Council Woman. I reside at 1319 Otsego Street. Looking for the definition clarity across the two terms family and group residences as Angela appropriately talked about the antiquated terms. Second, this appropriately makes it possible by way of the very public process for group residences of our city, the Central Business District, where there is increasing trend and interest to among individuals across all ages and of diverse economic and social profiles for housing arrangements that are more congregate and more group living in nature. The Central Business District is increasingly rich in amenities and services with every passing year it seems. Closest to our city's major employers, and new employment opportunities coming on line, it can support and also benefit from the flexibility and the range in housing options that this petition aims to bring about.

IN FAVOR

GREG HACKANEN: My office is located at 415 Main Building, Notre Dame, Indiana. I am the Director of Northeast Neighborhood Redevelopment for the University of Notre Dame, but I'm here today in my capacity as a Board Member of the Northeast Neighborhood Revitalization Organization, aka the NNRO. I am quite literally wearing my "NNRO hat" in order to express the NNRO's support for APC# 2791-16, which 1) closes loopholes in the existing Zoning Ordinance definitions of "Family" and "Dwelling Unit," and 2) adds Group Residences to the CBD Central Business District as a Special Exception Use. Since its founding in 2000, the NNRO's mission has been to re-establish and preserve the Northeast Neighborhood as a wonderful place for *families* to live. Central to this mission has been replacing boarding houses rented to undergraduate students with single-family homes occupied year-round by the families that own them. Over the past 16 years we have made significant progress toward this goal. Recent events have brought to light the fact that the existing Zoning Ordinance definitions of "Family" and "Dwelling Unit" offer an unintended loophole in which a landlord, seeking to circumvent the 2-unrelated-party limitation, could simply re-designate his Tenants as "Household Servants" by entering into service agreements with them. Since Household Servants are not counted toward the 2-unrelated party limitation, this loophole offers the opportunity to rent a structure to an unlimited number of unrelated parties. Hard experience in the Northeast Neighborhood tells us that if this loophole is left unaddressed, families in the Northeast Neighborhood will once again find themselves living next door to single family homes rented to 4, 5, or 6 undergraduate students – pardon me, "*household servants*." This is *not* what was intended by the original language, and it is *exactly* the condition that the 2-unrelated party limitation was designed to prevent. For the record, the NNRO is not hostile to Group Residences *as long as they are appropriately located*. We are well aware of trends in the housing market nationwide in which people of all ages are increasingly choosing to live in congregate settings, and we believe that South Bend's code should evolve to accommodate this type of housing. A perfect example is the conversion of the former Madison Center facility at 701 Niles Avenue to offer communal living opportunities to young people who want to live near downtown. Because this is a high-density, commercial location, we applaud the project as a creative way to meet market demand *and* bring more residents into downtown South Bend. However, if the same project were to be proposed within the single-family-residential portions of the Northeast Neighborhood, we would vigorously oppose it as being inconsistent with a family neighborhood. 2791-16 is the rare case in which we, as a community, get to have our cake and eat it too: It modernizes the definition of Group Residence to keep pace with the current market reality, and offers a number of appropriate locations in which these facilities can exist. Simultaneously, it preserves for family use and enjoyment those neighborhoods intended for families. The NNRO supports this amendment enthusiastically, and we ask that the Area Plan Commission send it to the Common Council with a Favorable Recommendation. The NNRO would like to thank Larry Magliozzi and Angela Smith of the Area Plan Commission for working creatively and collaboratively with the NNRO to address this problem, and Jo Broden for sponsoring the text amendment – literally days after taking office, welcome to the Common Council Jo. We see this as a wonderful example of collaborative problem solving in which public officials and community residents have come together to address legitimate concerns for the betterment of all.

MARGUERITE TAYLOR: I am the vice-president of the Northeast Neighborhood Council.

The oldest neighborhood council actively in the City of South Bend. I am also a member of the NNRO. I reside at 714 E. Corby. I want to take you back to several years ago. Roger Parent, who was our City Council person in the 4<sup>th</sup> District way before he was Mayor. He wrote the ordinance for only two unrelated people. What was happening in our neighborhood was we were losing all the kids in our neighborhood. We were losing all the families. If you had a house that you could rent three bedrooms to six students, at \$400 a student, what family could afford that? None. So there was the loophole that someone recently discovered and decided to now open the loophole for this to happen again.

TORRENCE MOODY: I reside at 1314 E. Corby. I am also a board member of the NENC. One of the meetings that we recently attended was also attended by a developer who basically said that he intended to use this loophole that we are trying to close to develop a property in which a multiple unrelated individuals could live by designating them as employees, thereby they could be in the household legally and everything would be great and I support the amendment by our council person to close this loophole. This was not the original intent. I feel that this is a good measure to close that loophole and not have developers use it in a manner that is not appropriate for our neighborhood.

BETH SANFORD: I reside at 1013 N. St. Peter Street. I am board member of the NENC. I also support Jo's suggestion to close this loophole. I know as being a resident in the neighborhood for 21 years, I have seen lots of properties that were single family (no more than 2 unrelated people) living in the homes and doing just as suggested, four or five students living in there. At least in our neighborhood, it might not be like this all over the City, but it causes a lot of noise. I am a mother of five kids that are still in school and I have had to call the police many times. They have woken up my kids, had their parties on a Wednesday night at 3:00 a.m. and you have 100 kids in your yard. We have also had issues with parking. It creates some safety issues as well. When you have transient traffic, when you are coming and going, it is hard to know who is there and who is not. It has invited more crime into our neighborhood. We have had a lot of break ins when you have people coming and going. We need to protect the people who are living in the city as opposed to a lot of developers who aren't living in the city. People are moving back to the city for a reason. If neighborhoods see that, if they are not being supported, what reason would they have to stay here?

### REMONSTRANCE

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

DAN BREWER: This text amendment applies to the Central Business District correct?

ANGELA SMITH: It adds it as a group residence to the CBD. It changes the definition which applies to the entire city.

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Oliver Davis and unanimously

carried, a proposed ordinance initiated by the Common Council of the City of South Bend, Indiana amending Chapter 21 of the South Bend Municipal Code, Article 3 by adding group residence to special exception uses in CBD Central Business District; and Section 11 by amending the definitions of Dwelling Unit, Family and Group Residence, is sent to the Common Council with a FAVORABLE recommendation. The proposed changes recognize the growing popularity of non-traditional housing arrangements. Providing an opportunity for Group Residence developments within the densely populated Central Business District will allow for the changing trend in housing to be accommodated where the services and infrastructure are already in place.

## ITEMS NOT REQUIRING A PUBLIC HEARING

### 1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 1311 North Ironwood Drive, City of South Bend – APC #2785-16.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, the Findings of Fact for granting Variances for property located at 1311 North Ironwood Drive was approved.

- B. Findings of Fact for granting Variances for property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street, City of South Bend - APC #2786-16.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, the Findings of Fact for granting Variances for property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street, City of South Bend was approved.

- C. Appointment of alternates to the Plat Committee: Donna Hanson and Rich Estes both as Patrick Corbitt Kerr's alternates from the City Engineer's Office.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, Donna Hanson and Rich Estes have been appointed as alternates to the Plat Committee

### 2. Executive Director's Report:

LARRY MAGLIOZZI: There is a presentation at 5:30 today at the Art Museum by Joe

Minicozzi. If you are able to go it is a fairly thought provoking presentation on the relationship between the tax base and property values and the built environment. He shows it in a very visual manner. It is short notice, I understand that, but it was in the paper a few days ago. If you have nothing else to do, that is a good presentation to go to. What I will also do is forward you a link to a three to three and a half minute Youtube video that his company does. You can go to the website and get additional information. He was invited by the city to specifically run the data on the whole county, so I will assume that will be available at some point in time. When it is I will make you aware of it. He is a very entertaining speaker, it is an easy listening, and very informative. Bob, I believe you attended the presentation at MACOG along with Dan.

Secondly, there is a forum from the City of South Bend Parks and Recreation for a design plan for the entire St. Joseph River frontage. I think they received monies from the Regional Cities Grant. Thursday, September 8 at 5:30, I don't have any extra cards. It is at Century Center, Recital Hall. I am sure it will be in the paper, it is not on their website yet, but just want to make you aware of the opportunity.

ELIZABETH MARADIK: I can send you the invite.

LARRY MAGLIOZZI: Thirdly, the Shirley Heinz Land Trust. As you recall this is the Land Trust that is coming out of LA Porte and Lake Counties. They have made their first purchase in St. Joseph County. It is off of U.S. 20. I think it is about 70 plus acres. They are having a groundbreaking August 26 at 10:00 a.m. After some remarks there will be a nature hike. I will forward you this information.

Last, but not least, we have gone through the initial budget process. Not going to give you a lot of detail now because it hasn't been given final approval yet. Won't be till late September. The only thing that I can tell you right now is that the budget that we had to submit, essentially lost our third planner position. If that holds up, we are down one planner. At the September meeting, I may be able to give you more information.

DAN BREWER: Do we have a role to play in the budget?

LARRY MAGLIOZZI: No.

OLIVER DAVIS: Can you send a letter of support?

LARRY MAGLIOZZI: You can definitely send a letter of support, sure.

OLIVER DAVIS: Would it be necessary to send a letter to ask for that position?

LARRY MAGLIOZZI: We have been successful in the past in maintaining that position as a vacant position. That is how we were essentially able to give money to the County by not filling that position. That was not really good enough this time around, they wanted actual dollars to be shown off budget. Our three percent represents close to \$11,000.00, not a big dollar amount relative to the whole budget. The only \$11,000.00 I could give was a position. Our

non-personnel items add up to \$8,000.00, so that was not an option. I appreciate the support and everything. If it gets worse, I don't think it will. I haven't had the budget call back that they promised everyone on August 9<sup>th</sup> if they had concerns. I am assuming that what I submitted is good.

MITCH HEPPENHEIMER: We don't think it would be out of line for you to send something in support. I don't know what good it would do.

OLIVER DAVIS: My thought was if there was some key point you would like to stress; I would think that it would be nice. Just let us know.

LARRY MAGLIOZZI: I will send Dan some key points. I set up the budget in such a way that we can take another hit next year at three percent.

PHIL SUTTON: I think it is important to point out that three percent cut next year is not unlikely. It is not getting any better.

3. Minutes and Expenditures:

- A. Approval of the minutes from the July 19, 2016 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the minutes from the July 19, 2016 meeting of the Area Plan Commission were approved.

- B. Approval of the expenditures for July 19 through August 15, 2016

Carothers Printing \$64.80; Dept. of Public Works - \$32.92; Mishawaka Enterprise - \$9.39, \$45.16; Office Three Sixty - \$52.93, \$13.00; Staples \$8.72

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the expenditures from July 19 through August 15, 2016 were approved.

4. Adjournment: 5:05 p.m.

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DANIEL H. BREWER,  
PRESIDENT OF THE COMMISSION

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LAWRENCE P. MAGLIOZZI,  
SECRETARY OF THE COMMISSION