

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

MINUTES

Tuesday, July 19, 2016
3:30 p.m.

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

MEMBERS PRESENT:

Dan Brewer, Debra Davis, Oliver Davis, John
DeLee, Elizabeth Maradik, Gerry Phipps, Jordan
Richardson, Phil Sutton, Dr. Jerry
Thacker, Steve Vojtko

MEMBERS ABSENT:

Adam DeVon, Robert Hawley, Karen
Iovino, John R. McNamara, Matthew Peterson

ALSO PRESENT:

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

PUBLIC HEARING - 3:30 P.M.

1. REZONINGS:

- A. A combined public hearing on a proposed ordinance of JJAGG Properties LLC to zone from SF1 Single Family & Two Family District to OB Office Buffer District, and seeking the following variance(s): 1) From the required 15' minimum side residential bufferyard to 13'; 2) From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan and 3) From the required off-street parking area screenings to none, property located at 1311 North Ironwood Drive, City of South Bend - APC# 2785-16.

ANGELA SMITH: The petitioner is requesting a zone change from SF1 Single Family & Two Family District to OB Office Buffer District and seeking 3 variances from the development standards. On site is a single family home. To the north is an office zoned OB Office Buffer District and a single family home zoned SF1 Single Family & Two Family District. To the east across Ironwood Drive are single family homes zoned SF1 Single Family & Two Family District. To the south is a single family home zoned SF1 Single Family & Two Family District. To the west is a single family home zoned SF1 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 0.76 acre site contains a 2,970 square foot home that is proposed to be converted to an office building. The current access from Ironwood Drive would be removed. The access to the parking lot to the rear of the property would be from the public alley that currently terminates at this property. The site plan shows a parking lot with 17 spaces. The north and west property lines adjacent to the residential property will be screened with a 6' vinyl fence. The south property line would consist of a mixture of a proposed 6' vinyl fence and landscaping consisting of narrow spread evergreen trees and existing vegetation. The property to the north was rezoned to Office in 1972. Ironwood Drive has two lanes. The site will be served by municipal water and sewer. The Department of Community Investment recommends approval, but suggests the parking lot be shifted north in order to meet the residential bufferyard on the south. In lieu of the other landscaping, DCI suggests some trees and shrubs could be planted near the west end of the new parking lot along the north and between the existing and

new parking lots to visually break up the mass of combined parking. The City Engineer recommends approval subject to final site plan approval at the time of construction. 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 low density residential. There are no other plans for this area. The intersection of Ironwood and Edison serve as a commercial node for the surrounding properties. There are 2 properties between the petition property and the commercial node to the north that serve as a buffer to the residential neighborhood to the south. The most desirable use of the land is one that provides a buffer between the commercial properties to the north and the surrounding residential neighborhoods. With proper buffering, the low intensity of the proposed office surrounding property values should not be affected. It is responsible development and growth to allow the conversion of the existing structure to an office use, while retaining its residential character. 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. By removing the access on Ironwood Drive and connecting through the established office properties to the north, rezoning this site to OB Office Buffer District will allow a reasonable extension of services provided in this area while minimizing the impact on the residential neighborhoods in the immediate area.

OLIVER DAVIS: What will the address be for this property? Will it be on Ironwood?

ANGELA SMITH: Yes.

OLIVER DAVIS: How will they direct their traffic to go all the way around. If I see a property that says 1311 N. Ironwood and I go there, I am looking to turn in there. Is there signage? It is going to swing all the way over there (pointing to the powerpoint), come in back here.

ANGELA SMITH: This is Oak Park Drive.

OLIVER DAVIS: They have go to down Oak Park and come back through.

ANGELA SMITH: The two properties to the north of Oak have addresses of Ironwood as well and they operate similarly.

OLIVER DAVIS: The two properties up there are the same way?

ANGELA SMITH: There is a driveway right here so all three of these properties would be able to access these driveways. I believe this is the same development owner as these two properties here.

OLIVER DAVIS: Regarding the variance, wouldn't that need to be shielded off since they would be directing all the traffic in the same section?

ANGELA SMITH: The screening that they are required is located in this area right here (pointing to the powerpoint). The parking screening is required because this lot (pointing to the powerpoint) is zoned single family.

OLIVER DAVIS: Which way are they coming in here?

ANGELA DAVIS: Down this direction (pointing to the powerpoint).

OLIVER DAVIS: And the screening is where?

ANGELA DAVIS: They have a six foot privacy fence and then arborvitaes in this area (pointing to the powerpoint).

OLIVER DAVIS: So you think that is enough?

ANGELA SMITH: Yes.

MIKE DANCH: I am with Danch, Harner and Associates. Offices located at 1643 Commerce Drive. We want to take this single family house and rezone it to the OB Office Buffer District. Aldridge Insurance is on Lot 1, which is just north of this particular site. They want to expand to this house. They already own it. What they want to do is do renovations in it and also make this part of their insurance agency. On the north side of Aldridge Insurance, right before the dental office, there is a driveway that goes out to Ironwood. They would be able to access that to get to this particular lot. They wouldn't have to go all the way up the street. There will be 2 accesses. They would have ingress/egress rights over those.

OLIVER DAVIS: Do they have signage directing people that way?

MIKE DANCH: Yes they do. There is a sign out there for Aldridge Insurance right now. Right next to the sign there is a driveway that comes off of Ironwood to go back to that parking lot.

OLIVER DAVIS: Ok.

MIKE DANCH: The other place is a dentist. There is a driveway in front of the house right now. We are going to be taking that out so there is no access off of the drive. The City did not want an additional driveway opening onto Ironwood because of traffic situations. We will end up doing the screening that we talked to the staff about along the south side of the property. It is a combination of fencing and landscaping, which is the evergreen screening. The one variance that we were asking for that the staff just mentioned is between the two parking lots, which will be the two parking lots for Aldridge Insurance. There will be a strip of grass in there about twelve foot wide. Because that property, as Angela had said went through a special exception process when we did the rezoning up there, we would have to have an evergreen screen of six foot high with double evergreens, that does not make sense between two parking spaces, so we were asking for that variance for that parking screening just for that portion of the property where the common parking area is. What we would ask for is your favorable recommendation. This is going to be OB which is the less intense use. It creates a nice buffer between a higher intensity to the north. On the other side of this property to the south is a church that has access off of Ironwood. We think this would fit in well. They plan to keep the existing accessory building that you saw in the picture, which is at the back end of the property. They are going to use that for holding the lawn equipment things like that.

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.

PHIL SUTTON: Do they own the single family lot with the parking lots? Why are we leaving that single family? Why don't we want it to be Office Buffer since it is being used as a parking lot?

MIKE DANCH: When I came before the Commission several years ago, what we did was rezone the front of those properties to allow for the office use. What we decided was, we didn't want, in that case, the zoning to go all the way back to that single family residence. I believe it is Mark Catanzarite's property. What we did was come up with a middle ground, which under the zoning ordinance we were allowed to do a special exception. What that did was allowed us to create a parking lot under "A" residential standards, which used to be the old zoning that was there. Then we created a buffer where the parking spaces were and that first residential house.

PHIL SUTTON: Is there screening for that house?

MIKE DANCH: Yes, they were required to do that. Because of the way the ordinance was written, we had to do a special exception, but it maintained the residential zoning.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of JJAGG Properties LLC to zone from SF1 Single Family & Two Family District to OB Office Buffer District, property located at 1311 North Ironwood Drive, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. By removing the access on Ironwood Drive and connecting through the established office properties to the north, rezoning this site to OB Office Buffer District will allow a reasonable extension of services provided in this area while minimizing the impact on the residential neighborhoods in the immediate area.

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the three variances 1) From the required 15' minimum side residential bufferyard to 13'; 2) From the required landscaping of required perimeter yards and residential bufferyards to the landscaping as shown on the site plan; and 3) From the required off-street parking area screenings to none were approved subject to the rezoning being approved by the Common Council.

- B. A combined public hearing on a proposed ordinance of River Walk, LLC and Gregory J. Gluchowski to zone from SF2 Single Family & Two Family District, MF1 Urban Corridor Multifamily District and MU Mixed Use District to MF1 Urban Corridor Multifamily District and SF2 Single Family & Two Family District, and seeking the following variance(s): 1) From the required 25' minimum front yard building setback to 15' for Tract 2B and 2) From the required minimum side yard of 5' or 10% of lot width, whichever is greater, to 4' for Tract 2B, property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street, City of South Bend- APC# 2786-16.

ANGELA SMITH: The petitioner is requesting a zone change from SF2 Single Family & Two Family District, MF1 Urban Corridor Multifamily District and MU Mixed Use District to MF1 Urban Corridor Multifamily District and SF2 Single Family & Two Family District. On site is vacant land. To the north of Tract 1 are homes zoned MF1 Urban Corridor Multifamily District. To the north of Tracts 2 and 3 are office buildings zoned MU Mixed Use District. To the east of Tract 1 is vacant land zoned SF2 Single Family and Two Family. To the east of Tracts 2 and 3, across Frances Street, are single family homes zoned SF2 Single Family and Two Family and Robert Henry Corporation zoned LI Light Industrial District. To the south is vacant land zoned SF2 Single Family and Two Family District. To the west of Tract 1, across St. Peter, is an office complex zoned MU Mixed Use District. To the west of Tracts 2 and 3 is vacant land zoned SF2 Single Family and Two Family. 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. The SF2 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings in the urban core of the City of South Bend as well as to provide for limited public and institutional uses that are compatible with an urban residential

neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district. The 2.88 acre site included in this petition are part of a larger development project that includes a mix of single-family home and town homes. The residential project will consist of varying home sizes with reduced front setbacks of 15' and parking from private alleys internal to the site. The townhomes, as shown, are designed around a central courtyard. The site has historically been focused around transportation. Originally the trolley barn for the trolley system, it later became the administration offices and service area for TRANSPO. In 2015 it was rezoned to SF2 Single Family and Two Family for the proposed housing development. Additional land has been acquired increasing the scope of the project. Frances Street has two lanes with on-street parking. The City is currently working to extend St. Peter Street south to intersect with Northside Boulevard. The site will be served by municipal water and sewer. The Department of Community Investment offers a favorable recommendation stating that it would facilitate housing options within the neighborhood and allow the developer's project to proceed. They further recommend that the end units on the courtyard homes be designed to interface with the street. The City Engineer commented that a drainage plan will be needed prior to final approval. The petitioner is not proposing any written commitments. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy 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 mixed use and high density residential. The Howard Park Neighborhood Plan (2012) identifies this area as single family residential. The area has a wide mix of uses ranging from single family to industrial typical of an area that was once bordered by a rail line. The most desirable use of the land is medium density residential. Due to the low impact of residential development, surrounding property values should not be affected. It is responsible development and grown to support the redevelopment of this area with a mix of single family homes and townhomes. 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. Staff recommends approval of the variances. Redevelopment of this site for single family and townhome style residential will strengthen the existing Howard Park Neighborhood and address a demand for urban housing as identified by local developers, real estate professionals, and the Howard Park Neighborhood Plan.

DARYL KNIPP: I am with Abonmarche Consultants. Offices located at 750 Lincolnway East. In general, some property has been acquired since we were here last year. They would like to extend this a little farther to the north with more single family homes on Notre Dame Avenue. Then, as you can see, we are trying to set up in these areas for single family attached town homes.

DAN BREWER: The property that is owned where Robert Henry Corporation is located, is that changing at all?

DARYL KNIPP: For right now I think they are going to continue to operate there. I don't know about going forward.

IN FAVOR

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

REMONSTRANCE

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

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of River Walk, LLC and Gregory J. Gluchowski to zone

from SF2 Single Family & Two Family District, MF1 Urban Corridor Multifamily District and MU Mixed Use District to MF1 Urban Corridor Multifamily District and SF2 Single Family & Two Family District, property generally located at 314 & 318 St. Peter Street, 401 Notre Dame Avenue, and 325 Frances Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Redevelopment of this site for single family and townhome style residential will strengthen the existing Howard Park Neighborhood and address a demand for urban housing as identified by local developers, real estate professionals, and the Howard Park Neighborhood Plan.

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the two variances 1) From the required 25' minimum front yard building setback to 15' for Tract 2B; and 2) From the required minimum side yard of 5' or 10% of lot width, whichever is greater, to 4' for Tract 2B were approved subject to the rezoning being approved by the Common Council.

2. Text Amendments:

- A. An Ordinance Initiated by the Area Plan Commission of St. Joseph County, Indiana on behalf of the Town Council of the Town of Osceola, Indiana, amending Chapter 14 Floodplain regulations of the Town of Osceola Zoning Ordinance - APC# 2787-16.

ANGELA SMITH: An Ordinance initiated by the Area Plan Commission of St. Joseph County, amending Chapter IV, District Regulations, Section 4.80 Floodplain Regulations, of the Zoning Ordinance of the Town of Osceola, St. Joseph County, Indiana. The Department of Natural Resources has reviewed the text changes and recommends approval. Chapter 14 Floodplain Regulations was replaced in its entirety on December 2, 2015 by Ordinance 07-2015. Additional changes were required by FEMA and DNR, those changes being adopted in April of 2016. Upon further review by FEMA and DNR, further changes are required: 1) to correct a number of inaccurate citations; 2) in Section 14.07.D.4 a reference to a "new structure" is being replaced by "substantial improvement or reconstruction of an existing structure". Based on information available prior to the public hearing, the staff recommends that the petition be sent to the Town Council with a favorable recommendation. This ordinance addresses required changes in the Osceola Floodplain Ordinance, in order for the Town of Osceola to continue its participation in the National Flood Insurance Program.

IN FAVOR

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

REMONSTRANCE

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

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance initiated by the Area Plan Commission of St. Joseph County on behalf of the Town Council of the Town of Osceola, Indiana, amending Chapter 14 Floodplain Regulations of the Town of Osceola Zoning Ordinance Town of Osceola, is sent to the Town Council with a FAVORABLE recommendation. This ordinance addresses required changes in the Osceola Floodplain Ordinance, in order for the Town of Osceola to continue its participation in the National Flood Insurance Program.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Findings of Fact for denying Variances for property located at 2724 Lincolnway West, City of South Bend – APC #2777-16

LARRY MAGLIOZZI: This one is the Janice Kimbrough rezoning, where the variances were denied by the Area Plan Commission.

DANIEL BREWER: What she will have to do in order to get these variances is she will have to go before the Area Board of Zoning Appeals?

LARRY MAGLIOZZI: She has already been denied the variances. She does have a couple of choices. She can operate according to the development standards of the code. If she so desires she can wait six months and approach the Board of Zoning Appeals and try again.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, the Findings of Fact for denying Variances for property located at 2724 Lincolnway West, City of South Bend were approved.

- B. Findings of Fact for granting Variances for property located at 13988 Cleveland Road, St. Joseph County – APC 2780-16

LARRY MAGLIOZZI: The Commission approved the variances last month these are the findings of facts for that approval.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Oliver Davis and unanimously carried, the Findings of Fact for granting Variances for property located at 13988 Cleveland Road, St. Joseph County, were approved.

- C. Findings of Fact for granting Variances for property located at 51380 Curreant Road, St. Joseph County – APC #2783-16

LARRY MAGLIOZZI: These variances were approved by the Commission and these are the findings of facts for that approval.

After due consideration, the following action was taken:

Upon a motion by Oliver Davis, being seconded by Phil Sutton and unanimously carried, the Findings of Fact for granting Variances for property located at 51380 Curreant Road, St. Joseph County, were approved.

2. Executive Director's Report:

LARRY MAGLIOZZI: We have filled our planner position. Matthew Chappuies resigned his position last month. Keith Chapman has taken over the responsibilities for the zoning administration that we do. We have filled his position, which is the subdivision planner, with Bob Niezgodski. He has been working with MACOG for a few years, so it won't be much of a move for him. He starts next Monday. I will make sure that next month he comes down with us and I will introduce him. Since he will mostly be working with subdivisions you won't see him much.

3. Minutes and Expenditures:

- A. Approval of the minutes from the June 21, 2016 meeting of the Area Plan Commission.

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by Oliver Davis and unanimously carried, the minutes from the June 21, 2016 meeting of the Area Plan Commission were approved.

- B. Approval of the expenditures from June 22, through July 18, 2016.

Alphagraphics - \$183.35; Board of Public Works - \$30.47; Mishawaka Enterprise - \$16.10; \$9.84; \$35.77; Office 360° - \$350.56

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Phil Sutton and unanimously carried, the expenditures from June 22, through July 18, 2016 were approved.

4. Adjournment: 4:00 p.m.

DANIEL H. BREWER,
PRESIDENT OF THE COMMISSION

LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION