

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

MINUTES

Tuesday, June 21, 2016
3:30 p.m.

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Karen Iovino, Steve Vojtko

ALSO PRESENT:

Larry Magliozzi, Angela M. Smith,
Matthew Chappui 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 Janice Kimbrough to zone from SF2 Single Family & Two Family District to LB Local Business District, and seeking the following variance(s): 1) from the required landscaping of required perimeter landscaping yards to none 2) from the required off-street parking area screening to none; and 3) from the required hard surface paving to gravel, property located at 2724 Lincolnway West, City of South Bend - AS TABLED - APC# 2777-16.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from SF2 Single Family & Two Family District to LB Local Business District and seeking 3 variances from the development standards. On site is a single family home and detached garage. To the north across Lincolnway West are single family homes zoned SF2 Single Family & Two Family District and vacant lots zoned CB Community Business District. To the east is a funeral home zoned LB Local Business District. To the south is a single family home zoned SF2 Single Family & Two Family District. To the west are single family homes zoned SF2 Single Family & Two Family District. The LB District is established to provide for small business groupings located outside of the village style mixed use concept and which provide for the full range of convenience uses necessary to meet the daily needs of nearby residential neighborhoods. Permitted uses within the LB Districts are regulated in character to assure harmonious development with the nearby residential districts served and are limited in size and scale to promote pedestrian access. The site plan shows the existing home being used as the main commercial building with the existing garage being used for parking or storage. Paving is proposed in the front yard between the house and the sidewalk. The existing driveway would be extended to the rear of the property, where 9 parking spaces are provided. No landscaping is proposed on site. This property has been zoned residential since prior to the current zoning ordinance. There have been no rezonings within 1000' of this property since 1978. Lincolnway West has two lanes and a center turn lane with on street parking. This site is served by municipal sewer and water. County Surveyor finds no issues. The Department of Community Investment and City Engineer recommend denial. The petitioner is not proposing any written commitments. The petition is not consistent with the West Side Main Streets Plan (2015) "It is equally important to ensure that development does not creep into the zones that are, and should be, predominately

residential between the nodes. Where current uses are consistent with policy, the existing zoning should be enforced and changes of zoning to individual parcels should not be permitted." The future land use map identifies this area as residential. No other plans exist for this area. Lincolnway West between Goodland Avenue and Fremont Street is predominantly residential, with the presence of a few existing, long-standing businesses. Many of the single family homes along this street have maintained their original historic appearance. The most desirable use for this property is residential. Surrounding residential property values may be impacted by commercial activity at this site. It is not responsible development and growth to allow this property to be converted to a commercial site, as it does not meet the goals and policies of the West Side Main Streets Plan. This petition was originally heard at the May 17, 2016 Area Plan Commission Hearing. It was identified at that time that the petitioner would need to rezone to the LB Local Business District to allow all of the uses they intend to eventually conduct on site, such as a print shop. The LB Local Business District allows many commercial uses which would not be appropriate for this location, as determined by the West Side Main Streets Plan. Some of those uses include: grocery store, nightclub, fast-food restaurant, tavern, banks and drive through bank machines, tobacco stores and other retail uses. The site plan, as shown, would require additional variances including, but not limited to, parking setbacks and foundation landscaping which will need to be approved by the Area Board of Zoning Appeals. Based on information available prior to the public hearing the staff recommends that this rezoning petition be sent to the Common Council with an unfavorable recommendation. The staff recommends denial of the variances. This site is not suitable for commercial development. The West Side Main Streets Plan strongly discourages commercial activity outside of the designated nodes along Lincolnway West. Due to its location, small lot size, and the goals and policies of the West Side Main Streets Plan, this site should remain residential.

OLIVER DAVIS: In your presentation I believe you addressed this site as the petitioner's home. Could you clarify that for me please.

MATTHEW CHAPPUIES: I don't believe it is where the petitioner resides.

OLIVER DAVIS: I believe the petitioner does not stay there.

MATTHEW CHAPPUIES: I misspoke in that regard. It is a home that is owned by the petitioner. She does not reside there.

OLIVER DAVIS: My understanding that she didn't reside there but at another location.

MATTHEW CHAPPUIES: Correct.

OLIVER DAVIS: At the May 17, 2016 meeting there was an issue regarding mixed use. Could you clarify again why it was done for business?

MATTHEW CHAPPUIES: It was initially understood by the staff that she would want to conduct uses associated with her publishing business. It was never made clear that she wanted run an actual public print shop where people would come in and make copies. That was only identified once it was opened to the public here at the meeting on the 17th of May. The Mixed Use District does not allow for the print shop. It does allow for all the other things that she had identified, but it does not allow for a print shop.

OLIVER DAVIS: So, when you heard there was going to be a print shop, it was my understanding that that was shared. But you had a misunderstanding of that piece and that is why you moved to the business use?

MATTHEW CHAPPUIES: Correct. What she had listed on her petition that she had submitted as well as the newest conversations that we had with the petitioner that was what the staff understood. Basically a home office for her publishing business of Blessed Gospel Magazine.

OLIVER DAVIS: You didn't think that people were going to be allowed to come there?

MATTHEW CHAPPUIES: She mentioned that should would like people to come there to register for the magazine. Nothing was ever mentioned that people would come there for standalone print services.

OLIVER DAVIS: So the stand alone print copy part of it was the only part that was not clear?

MATTHEW CHAPPUIES: Correct.

OLIVER DAVIS: But the fact of there was going to be printing, the fact that she wasn't going to live there, the fact that it was just going to be part of the magazine and other things like that. It was just the stand alone piece that was not clear.

MATTHEW CHAPPUIES: We try to get her into the lowest intensity use to make it an easier process for zoning. We thought it would be easier for her to zone to mixed use. It has a shorter list of allowable uses than the LB district does. That is what we do for anyone that wants to come in and rezone. We try to get them in the lowest zoning category that we can.

OLIVER DAVIS: My final question, I know we will deal with these later when it comes to the council. In talking with council woman White and others who have worked on it. This location has plenty of businesses on that street, we don't even deem it as just a residential area for a lot of different places, considering right next to it is the funeral home, considering right next to it is Popeye's Chicken. I am sure a lot of neighbors will be talking about that. It was just a concern to us that this enforcement that will be done right now in this recommendation from the staff started primarily with Ms. Kimbrough and we had some concerns with that.

MATTHEW CHAPPUIES: I will let Michael Divita with Community Investment tackle that questions. It came down to the Comprehensive Plan that was adopted by the City and recommendations are outlined in there.

JANICE KIMBROUGH: I own the property that you see here located at 2724 Lincolnway West where I intend on using it for my publishing business. When I came here last month, the mixed use didn't work, local business should work. I have some photos showing where I am at there is Key Bank (pointing to the powerpoint), Palmer Funeral Home is right next door. This is me right outside where my establishment is. Those are the businesses that are right across the street) pointing to the powerpoint). The point of that I want to be granted a favorable recommendation to be a local business use, I don't see where that should be a problem because of where the property is located. Right there is the existing parking lot (pointing to the powerpoint) where I plan to not do a hard surface just to do the gravel because that is what is already there. It is my hope, although it sounds like he already gave me an unfavorable recommendation, but I am hoping that the Area Plan Commission would give me a favorable recommendation to present to the council. The other variance where they are requiring me to put 22 evergreen trees on the west, six evergreens on the south, seven shade trees on the east, 2 shade trees on the north to none. There is plenty of trees already on the current site as it sits.

ROBERT HAWLEY: I wonder if you could just share with us what you plan on doing by way of improvements to the property.

JANICE KIMBROUGH: I plan on applying for the matching grant where you are reimbursed for some of the improvements. We are going to do the signage. Sort of like Palmer's sign there, but we will do windows, several different improvements that would be a perfect fit for the matching grant that is available for Lincolnway. It needs a new roof and plumbing since the home has been vacant for about 2 years or so. I plan on doing some other improvements also, not just those that qualify for the matching grant.

OLIVER DAVIS: Just for the record, are you planning to also live there?

JANICE KIMBROUGH: No I don't plan to live there at all.

OLIVER DAVIS: Your location is on the right side of it again is the funeral home, across the street is the auto parts and then two houses up is the Key Bank building which is rented to Minority Business'.

JANICE KIMBROUGH: Right.

OLIVER DAVIS: Across the street is Popeye's and some other businesses around. There is no on street parking, so the parking would be right in that lot? (pointing to the powerpoint).

JANICE KIMBROUGH: They are going to be allowing parking on Lincolnway now. The variance parking would require spaces behind the garage.

OLIVER DAVIS: It seems like you have already done some cleaning up of the property?

JANICE KIMBROUGH: I have been working diligently. (passed out 2 pictures) That will give you a pretty good idea of what I have been doing. When I got there, it had been vacant for 2 years or better and I think I shared these photos before. This is a before and after.

JOHN DELEE: In your business, do you not need parking? Is that why we are dropping the off street....

JANICE KIMBROUGH: In my business I don't think I need massive parking most of the time. If I do have a customer it is just one at a time. In most cases I have never had more than 2-3 people if they had a printing need. The signage is very important because the high traffic area of Lincolnway so it would help promote my business as well.

ELIZABETH MARADIK: You note that the reason for asking for the variance is related to the two landscaping requirements is because you don't need it given the existing trees on site. However, based on your site plan it looks like a lot of that might have to actually come out. How are you going to accommodate that?

JANICE KIMBROUGH: There is not a lot that would have to come out, there is just one. The rest would just have to be groomed up and trimmed up.

ELIZABETH MARADIK: In the front yard you show it completely paved. So how would you be preserving all those trees in the front?

JANICE KIMBROUGH: We don't plan on paving the front yard at all. Only part we want to do is gravel is right in here (pointing to the powerpoint). It will remain grass.

JOHN MCNAMARA: It says here you are going to pave the whole front yard.

JANICE KIMBROUGH: I am saying I am retracting this and not paving the whole front yard.

JOHN MCNAMARA: You are not going to pave the front yard?

JANICE KIMBROUGH: No. The yard would remain the yard. Only part that I was thinking that they wanted me to do a commercial parking for would have been right there and I would like to place that with gravel for now.

OLIVER DAVIS: When did you decide not to pave that? Prior to this meeting?

MATTHEW CHAPPUIES: This is the first we have heard of it. I think what they mean by paving is the donation blocks.

ELIZABETH MARADIK: And then in the back of the house where you are proposing to do parking, based on the placement it looks like a lot of the trees on the fence line which would be helping to screen your property from the surrounding residential it looks like that is where some of the larger trees are.

JANICE KIMBROUGH: Actually, there is one tree that would have to be taken out in order for us to extend the parking. I can't show it to you because I don't have any photos to show you. There is just one tree that would have to come out, not several.

IN FAVOR

SAMUEL BROWN: I reside at 222 E. Navarre Street. I represent a group called Citizens for a Better Government. What we do deals with City and County Government. I haven't had a lot of time to really look at the various zoning in this particular area. What I am concerned about on this and you guys have to vote on this today is anything that is coming on the Lincolnway Corridor. I was told one thing a long time ago that in the little research I have done, you have residential. On the Corridor itself, where does the business portion start and where does the residential start? That is what I am saying. The vision was from the Airport coming down the Lincolnway Corridor all the way downtown they wanted this to be gorgeous, they wanted businesses, homes and everything. Now we get a situation where this is not going to be a living structure. This is going to be a business. I am a little confused. Is it the business or the living portion that you don't want on the Corridor? That's all I am saying. We need to get this clarified. Before you make a recommendation and shoot it down. All of the requirements that it takes to keep a business, in that area, if so granted, then I would like to see all the stuff it would take to have a business on the corridor. Right now I don't think we have gotten to that point yet. Maybe you have, I just haven't seen it, I would like to apologize to you for not being prepared enough with research and date to follow up what I am talking about. I would like to see it. If you were to come down from the Airport down through there, there are a lot of business through that corridor. I am still wondering where the residential part starts and where the business portion starts. I am asking you today not to turn it down, but let's get some more clarification on it. Don't just abandon this. Get some more clarification on it. That would really help anyone that is coming on that corridor so that they would know in the future. I don't think we would ever have this confusion again. Right now, even if I wanted to put something in that corridor, I am confused. I don't know enough of what you guys want. You are all making a decision for that corridor. If I want to put a business on that corridor. I am not sure I would qualify. I would say table it until we get a clarification.

DONALD O'NEAL: I reside at 2730 Lincolnway West. Right on the corner of Lincolnway and Eclipse. Right before Key Bank. Right next to Janice. I have no problem with her opening up a business there at that particular spot. I have no problem at all. I don't really see why you would have a problem. You have a funeral home next door, you have the health right on the corner, you have Popeye's, you have the mechanic shop, you have the Family Dollar all that and then you have an alley that is between the funeral home and the residential houses down there. What they didn't show, if you drive by there it almost looks like it is in its own separate division. I don't know why they are including residential districts in that area. I don't know what you have planned for that area but if you would tell us, then we'd know. Evidentially there is something going on with that property. You will be back in three years rezoning it for what she wants it now. I have no problems with her, she already made improvements around that house already. If you make a favorable recommendation, I think she would do a good job.

REVERAND CARY BATTEAST: I am pastor of New Salem Baptist Church, located at 141 Camden Street. Jan Kimbrough is one of my members. I didn't want to speak because I am a little on the militant side. I didn't want you guys to get a bad impression. I really don't want to say anything, because most of their property even the funeral home, that Palmer's now have was owned by her brother. The house was next door and then next door to that house was her other brother. It was just one little section here that one family really just owned. Nobody else was next to it. Nobody is next to it now except for Palmer's. Everything around it is just commercial, vacant lot, or abandoned parking lot. I really don't see a problem, I kind of knew the problem. I started working here in South Bend in 1965 when my family, Batteast Construction went into business and from 1965 until 2000 I worked at Batteast Construction until we were forced out of business by the clan mentality that exists here in South Bend, where the clan started in the State Theater, you guys know that. That mentality still rules and that is why I told her it is hard for blacks to go in business because it is all kinds of elements to try to keep them out of business. I just didn't understand the problem and I wanted someone to tell me what the problem was. So I could really just tell my people. My people at the church are wondering what is going on with the property that she owns. They have owned that property for a while and there is nothing around it but family property until Palmer's moved in. I hope that Palmer's has nothing to do with persuading you not to let her get there. Her brother is on the other side of her and no other residence close to her. I am just trying to get a feel so I can tell my people why our people aren't able to operate.

REMONSTRANCE

MICHAEL DIVITA: I am a planner with the City of South Bend's Department of Community Investment, with offices on the 14th floor of this building. I manage the City's revitalization efforts along the Lincolnway West corridor. I am here to oppose the rezoning of 2724 Lincolnway West for office and retail uses. Why wouldn't a business at this location on Lincolnway be a good idea? First, the proposed rezoning is inconsistent with the land use plan of the West Side Main Streets Plan, the comprehensive plan element for Lincolnway developed through a public process and adopted by this Commission and the Common Council less than two years ago. Because commercial uses do better when they are tightly clustered with other commercial uses, creating vibrant, pedestrian-friendly places. A key strategy for that plan is concentrating commercial uses at key intersections, or nodes, which builds on the street's traditional land use pattern. The plan designates this property as part of a residential area falling between the mixed-use nodes at Lincolnway-Bendix and Lincolnway-Olive [pointing to the powerpoint]. Within these nodes, the City is actively working with business owners to coordinate public and private investment to bring about enduring revitalization. This proposal runs counter to those efforts. Second, recall that once rezoned, the property could be used for any permitted use in the LB district as of right. As the staff report notes, the property could be developed in the future for a much more intensive commercial use than is presented here. Such uses could further erode the residential environment of the surrounding area.

Third, while a handful of nearby properties presently have commercial zoning, the area between the Bendix and Olive nodes is overwhelmingly residential. Five commercial sites can be found among 30 residentially zoned properties on Lincolnway; the properties behind on both sides are exclusively residential. Additionally, past decisions to add commercial zoning to this residential area have not always gone well. This is the commercially zoned property immediately across the street from the petition site [pointing to the powerpoint]. This is the commercially zoned property immediately east of that [pointing to the powerpoint]. Meanwhile, the subject property falls within one of the stronger residential areas on the west side. These homes are cater-corner to the subject property to the north [pointing to the powerpoint]. These homes are about a block west [pointing to the powerpoint]. These are immediately south [pointing to the powerpoint]. These are about a block east [pointing to the powerpoint], and this home is next door [pointing to the powerpoint]. Mr. O'Neal's home is very nice. Improvements can be made to this property regardless of its zoning, and a property owner could find a reasonable return in the residential market. This objection is not a reflection on Ms. Kimbrough or her business enterprises or a lack of recognition of the need for further investment and business development along Lincolnway West. Still, zoning decisions that properly support the long-term revitalization of the corridor must be made. The business uses proposed here would be wonderful in one of the nearby nodes. The City offers its support in assisting to find an appropriate spot, and through its partners, can provide a matching grant to deliver exterior improvements that support both the business and the neighborhood.

PROFESSOR TIMOTHY HUDAK: I reside at 2805 Humboldt. I am not necessarily speaking against the petition, but to point out some big problems in that area. I have spoken with six property owners on Lincolnway, on the corner of Elliott and Lincolnway, and on Humboldt Street. The main concern for those property owners is what will this new business if you will, what will it look like, what sort of development will happen in the front yard? In that area you have D C Auto, which frankly has been a major problem over the years. You have Popeye's which is a constant flow of traffic going through. Directly across from the property is vacant lot and that is owned by the Tuesley family. I understand it is now on the market. The dark brick home on Eclipse and Lincolnway is the former Dr. Mott's home. Our main concern there is what is going to happen if indeed, that property is turned into a business there. Really nothing in the plan to give us a clear idea.

REBUTTAL

JANICE KIMBROUGH: The matching grant program that is available for the Lincolnway West improvements. It is my understanding that he is over that. He is the person that I need to submit my application to. I am just confused as to he should be welcoming the fact that I want to have a business on Lincolnway that would be an asset to that area over there and I have to go to him to get permission to get the grant, but then he is here denying for me to be able to be zoned local business that would allow me to apply for the grant. It is my understanding with the matching grant if it was residential usage, you could not qualify for reimbursement of your improvements from that area. I am confused as to how he is wearing two hats. I come to you if I want to apply for the grant and then you also wear the hat where you say no we don't want that type of business on Lincolnway. So to me that is an awful lot of power to be able to decide what type of business go on Lincolnway and then you try to go to him to get funding for your investments to be reimbursed for things that you do.

OLIVER DAVIS: I recognize there is a City Plan in place, but to punish Ms. Kimbrough because of what Mr. Divita and some others have said that it has not always gone well with the other businesses I think that the other businesses should have been accountable to those issues. We have problems not only on Lincolnway West, but right up and down the road of used car sales, and a lot of other things all over the place. We are working on that, but to sit back and punish the person who has a retable family history

of doing good business in this town is not appropriate. Also, in some of those homes there was a dentist home. Not all those homes right down the street have people living in them. There are other people who have dentist homes. That is why to sit back and say that when this plan was made that all that one section with the nodes were residential and then this one is business. Along with what Mr. Brown had said, where do you find that difference now, it may be on the paper that we have there but in actuality that is not the way it is. In actuality the business and everything is mixed and so to really start to enforce that now it does seem like there is a double standard being met when it is being forced now when two years ago putting it in place did not match up with what was already there. We are going to run into this problem as a commission or as the council, every time a new business is there. When the plan was put in place it didn't match up with what was there. At best if there were no recommendation here it gives us time to clarify that.

ADAM DEVON: I agree, the whole purpose is to revitalize the whole corridor right?

OLIVER DAVIS: Yes.

ADAM DEVON: We can't always control what they want to do. You have someone here that is wanting to do that and it is still going to essentially look like a residential facility. It is going to be a small business. That is the key to growing these communities is small businesses. I don't see why what she is proposing, yeah long term we can't control. Someday someone might want to come in 20 years from now and tear it down and build something else. From what she is proposing to do is keep it still in the realm of what we are asking.

ELIZABETH MARADIK: When we are looking at land use, that is what the Commission is supposed to do, it is not necessarily business. It is thinking long term about the property. The vision that was developed is part of the plan that has been adopted. I agree with the staff that this property is most desirable to remain as a residential property. Obviously, we want businesses and it sounded like based on Mr. Divita's comments that he is willing to help find a new location that is more suitable. When you put land use types in the wrong place it is going to be in the wrong place. The plan that we adopted last year developed those plans and strategies to help improve the corridor overall. One of the things it is calling for is to put businesses and things close together in nodes to help them reinforce each other and strengthen each other to help build a stronger Lincolnway.

OLIVER DAVIS: I agree with that part, at the same time with all due respect, when we put that plan in place we did not require that Palmer or anyone else that went in there turn that land right next to it into a home. It is in the residential area, it is there, so therefore, because we have a residential issue in place that we wanted to make it residential. We didn't go back and do that.

ELIZABETH MARADIK: We didn't make them rezone, however, this property is already zoned residential and we want it to stay residential.

OLIVER DAVIS: But we could have.

ELIZABETH MARADIK: We want it to stay with the plan, so why would we go and not maintain the vision that we created as a community and adopted as a Plan Commission and Council. Why not maintain that as a residential property?

OLIVER DAVIS: Why did we not enforce that when Palmer bought the property from that standpoint? If you remember that was a TCU, and lots of other things in that place. Since we had this vision that is

coming after all of that, let's go with the vision and not go with this and make sure Palmer, you can't go there, but no we wait till today and that sends out a tremendous interesting message across the community that certain business will be able to do that. I am cautious of the make up of that area there. Some of the people who expressed their concerns shared it in a very tasteful way because it is a very delicate situation, not to explode into a neighborhood riot problem. Given the Council and given what we have here. If this Commission does not want to deal with that I am letting it be a no recommendation and then we will take the heat in the Council. It creates that double standard that other people would say.

A motion was made by John McNamara, being seconded by Elizabeth Maradik to send this to the Common Council with an unfavorable recommendation. The motion failed 7-6.

A motion was made by Oliver Davis and seconded by John DeLee to send this to the Common Council with a favorable recommendation. The motion failed 7-6.

JOHN DELEE: Comment on the variances. I agree with denying the paving, I think if we are going to do a commercial property it should be properly paved. However, as far as the landscaping is concerned, I don't know with the size of that lot that you could possibly do the landscaping according to the ordinance.

ELIZABETH MARADIK: My concern is that you are adjacent to all those residential properties is you have a parking lot back there you want to make sure you have adequate screening from headlights and those things. Again if you look at the zoning map it is surrounded by residential.

JOHN DELEE: Ok. I yield.

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 of Janice Kimbrough to zone from SF2 Single Family & Two Family District to LB Local Business District, property located at 2724 Lincolnway West, City of South Bend, is sent to the Common Council with a NO RECOMMENDATION.

Upon a motion by John McNamara, being seconded by Elizabeth Maradik and carried, the variance(s) 1) from the required landscaping of required perimeter landscaping yards to none 2) from the required off-street parking area screening to none; and 3) from the required hard surface paving to gravel property located at 2724 Lincolnway West, City of South Bend, were denied.

- B. A combined public hearing on a proposed ordinance of Tom E. Kelsey to zone from A: Agricultural District to C: Commercial District, and seeking the following variance(s): 1) From the minimum 28 required off-street parking spaces to 3 spaces; and 2) From the required landscaping of required front yards to no landscaping for the eastern-most 200' along Cleveland Road, property located at 13988 Cleveland Road, St. Joseph County - APC# 2780-16.

MATTHEW CHAPPUIS: The petitioner is requesting a zone change from A: Agricultural District to C: Commercial District and seeking two variances from the development standards. On site is a single family home and farm field. To the north across Cleveland Road are farm fields zoned R: Single Family District. To the east across the railroad line are farm fields zoned A: Agricultural District.

To the south are farm fields zoned A: Agricultural District. To the west is a gas station, restaurant, and a vacant parcel zoned C: Commercial District. The C: Commercial District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the C: Commercial District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses. The site plan consists of-storage buildings and an office on an 8.76 acre triangular lot. The existing house and agricultural outbuildings are proposed to be removed. A 0.25 acre rectangular lot containing a cell tower located within the larger parcel is excluded from this petition. Access is proposed from Cleveland Road. This property has been zoned agricultural since 1979. The property to the west was originally zoned to C: Commercial District in 2001. In 2009, the zoning was modified and expanded. Cleveland Road has two lanes. A railroad crossing is located near the northeast corner of the property. This site will be served by private well and septic. The County Surveyor recommends approval. The County Engineer notes that an accel/decel lane and passing blister will be required at the access point. Information regarding the septic system will need to be filed with the County Health Department at the time the office is to be built. The staff is requesting the following written commitments: 1) no off-premise signage shall be allowed on site; and 2) the site will connect to public sewer and water when it is made available. The petition is not consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002), however this is an isolated piece of property created by the intersection of two major roads and a railroad line. The future land use plan makes no reference to this area. The Capital Avenue Land Use Plan (2003) recommended land use plan does not include a detailed proposal for this location, however the Future Land Use Map shows it as recreational/open space. Where commercial service areas are discussed in the North Planning Area it suggests low density uses, not big box development. The area around Cleveland Road and Capital Avenue is predominantly used for agriculture. The adjacent property to the west was rezoned to C: Commercial District in 2001, and developed as a gas station and restaurant. The most desirable use is one that helps Capital Avenue develop as a thriving corridor. Surrounding agricultural properties will be minimally impacted by any commercial development on this site. It is responsible development and growth to allow this property, which is adjacent to Capital Avenue, and an existing commercial district to also develop as a commercial site. The staff has no additional comments. Based on information available prior to the public hearing, staff recommends that this petition be sent to the County Council with a favorable recommendation, subject to a written commitment prohibiting off-premise signs and requiring connection to municipal utilities when available. Staff recommends approval of the variances. The nature of this site limits its viability for other, more intense, commercial uses due to its lack of public utilities and its layout next to a rail line. This site's proximity to a major transportation corridor, and lack of nearby residential, make it an ideal site for low-impact commercial, such as the proposed self-storage facility.

DAN BREWER: Could you define for me what an off-premise sign is?

MATTHEW CHAPPUIES: Billboards.

DAN BREWER: Located on the property?

MATTHEW CHAPPUIES: Any sign advertising a business that is not located on this site.

BRAD MOSNESS: I am with Abonmarche Consultants. Offices located at 750 Lincolnway East. We are asking for your favorable consideration on this proposed rezoning, as well as the two variances, for the approximately nine acre parcel to allow a commercial zoning for self-storage units. We have worked with the Area Plan staff, as well as Engineering, to develop this proposed request. We appreciate their favorable recommendation. We recently have done a soils investigation and want to let you know that based on the ground water. The buildings would have to shift to the north because of the ground water. On the site plan shown before you, the buildings would be closer to Cleveland Road. That would be a change. We have talked to the staff about that and we understand there would be additional foundation landscaping because the buildings would be closer to Cleveland Road, as well as they would have to adhere to architectural standards for the front facades. The parties that are involved are in agreement to the written commitments as outlined in the staff's report.

ROBERT HAWLEY: Where is the sewer and water located presently?

BRAD MOSNESS: It isn't close at all.

ROBERT HAWLEY: No?

BRAD MOSNESS: There is tentatively a 600 square foot office planned that would have one person in it. If that does happen then we would work with the Health Department to do septic and well.

JOHN MCNAMARA: What structures are on the property now?

BRAD MOSNESS: There is an existing single family home and two other buildings. All three structures will be removed.

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 John McNamara and unanimously carried, a proposed ordinance of Tom E. Kelsey to zone from A: Agricultural District to C: Commercial District, property located at 13988 Cleveland Road, St. Joseph County, is sent to the St. Joseph County Council with a FAVORABLE recommendation, subject to a written commitment prohibiting off-premise signs and requiring connection to municipal utilities when available. The nature of this site limits its viability for other, more intense, commercial uses due to its lack of public utilities and its layout next to a rail line. This site's proximity to a major transportation corridor, and lack of nearby residential, make it an ideal site for low-impact commercial, such as the proposed self-storage facility.

Upon a motion by Phil Sutton, being seconded by Oliver Davis and unanimously carried, the variance(s) 1) From the minimum 28 required off-street parking spaces to 3 spaces; and 2) From the required landscaping of required front yards to no

landscaping for the eastern-most 200' along Cleveland Road, property located at 13988 Cleveland Road, St. Joseph County, were approved subject to the rezoning being approved by the St. Joseph County Council.

- C. A proposed ordinance of Ricky Patrick Hester, II to zone from O: Office District to R: Single Family District, property located at 12525 Anderson Road, St. Joseph County – APC #2782-16.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from O: Office District to R: Single Family District. On site is a vacant lot. To the north is an industrial building zoned M: Manufacturing Industrial District. To the east across Bittersweet Road is a fire station zoned R: Single Family District. To the south is a single family home zoned R: Single Family District. To the west is a single family home zoned R: Single Family District. The R: Single Family Districts are established to protect, promote and maintain the development of single family dwellings as well as provide for other limited residential, public and institutional uses that are compatible with residential development located at the periphery of an urban area. A site plan is not required for rezonings to R: Single Family District. This site was rezoned from R: Residential District to O/B: Office Business District in 2004 for an office building, subject to a final site development plan. In 2005, with the adoption of the new zoning ordinance and map, the property was zoned O: Office District. The final site development plan was still applicable. Anderson Road and Bittersweet Road have two lanes. The site is located within the Granger Sewer District. All utilities will need to be approved by the Health Department. The County Surveyor, the County Engineer, and the County Health Department recommend approval. The petitioner is not proposing any written commitments. The petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002); Goal 3: Objective A: Promote the development and/or maintenance of community and neighborhood character. The future land use map identifies this area as a residential growth area. No other plans exist for this area. Anderson Road, east of Miller Drive, consists of nearly all single family homes. The west side of Bittersweet Road, north of Anderson Road, has developed with commercial and industrial uses. The most desirable use is one that limits any impact on surrounding residential properties. A single family home on this site would match the character of the neighborhood, and not affect surrounding property values. It is responsible development and growth to allow this property to revert back to 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 County Council with a favorable recommendation. Rezoning this site to allow for single family residential will strengthen the low-density residential character of the area.

KIMBERLY INGRAM: I reside at 13387 Anderson Road, Granger. I am Ricky Hester's mother. We just want clarification because when we were trying to sell the property people couldn't build on it for commercial, people couldn't build on it for a home. We want a decision on if it is going to be commercial or is it going to be residential.

DAN BREWER: You are telling us that the reason your filing is to clarify.

KIMBERLY INGRAM: Right. When my son bought the property he bought it to build a coffee shop, but once he bought it he found it that one area said you can't build a commercial, it only can be a home. Then he goes to another area and it says it can only be a residential.

DAN BREWER: And you want it to be residential?

KIMBERLY INGRAM: To be able to sell it. He isn't able to sell it because the people that want to buy it would like to do commercial, but then another person that wants to do residential and they can't.

ROBERT HAWLEY: What you are saying is presently there is a potential buyer that would like to maybe buy it as commercial and a potential buyer for residential?

KIMBERLY INGRAM: Yes and no. First Source Bank is going to be taking over the property because my son cannot continue to pay for it because of other circumstances and I am not able to also pay for that plus all my obligations. The realtor we had said he was trying to find people to do this. That is what he was running into and then they walked away. At this point we don't have anyone sitting over here saying I will build a house if you do that.

LARRY MAGLIOZZI: The issue here is that there is a deed restriction on the property that stems way back to when this property was subdivided. That deed restriction specifies that this property, and the houses to the east of this property, can only be used for single family.

ROBERT HAWLEY: To the east or to the west?

LARRY MAGLIOZZI: I am sorry to the west. When this was rezoned back in 2004 we typically don't look at deed restrictions because it is not a zoning restriction. It is something imbedded in the title. It is enforced by other folks besides us. The County Council rezoned it for office. We have received several inquiries over the years about potential site plan changes because this was approved subject to a site plan back in the day. They now want it back to residential to meet the deed restriction.

IN FAVOR

CHRISTY BADER: I am with First Source Bank located 100 N. Michigan Street. First Source currently has a mortgage on the property and we are trying to put this matter behind us for Ms. Ingrams sake. We would be taking the property into our portfolio and marketing it. We don't have any offers today, because where it stands today we really can't market it because of the deed restrictions and the current zoning. I think zoning it residential would cure that based off the restrictions. We are in favor of that.

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 John McNamara and unanimously carried, a proposed ordinance of Ricky Patrick Hester, II to zone from O: Office District to R: Single Family District, property located at 12525 Anderson Road, St. Joseph County, is sent to the St. Joseph County Council with a FAVORABLE recommendation. Rezoning this site to allow for single family residential will strengthen the low-density residential character of the area.

- D. A combined public hearing on a proposed ordinance of Larry A. Anderson to zone from R: Single Family District to O/B: Office/Buffer District, and seeking the following variance(s): 1) from the required 25' setback from the pavement to 19.6' for a sign with less than 10' clearance; 2) from the required 15' front setback for parking and drive aisles to 5'; and 3) from the required landscaping of required yards to the existing landscaping, property located at 51380 Currant Road, St. Joseph County - APC# 2783-16.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from R: Single Family District to O/B: Office/Buffer District and seeking three variances from the development standards. On site is a single family home and detached garage. To the north across State Road 23 are single family homes 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 Currant Road is a single family home zoned R: Single Family 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. The site plan shows the existing house with attached and detached garages on a 0.58 acre lot. Expanded paving is proposed to connect the detached garage with the existing driveway. Three parking spaces will be provided within the garages with one additional space being located adjacent to the existing driveway. Access will remain off Currant Road. The sign, which is currently existing on site, is located on the northwest corner of the site, facing State Road 23. No new buildings or modifications to the existing buildings are proposed. Since 2003, three properties along the south side of State Road 23 between Currant Road and Cherry Road have been rezoned from single family to non-residential uses. State Road 23 has four lanes and a center turn lane. Currant Road has two lanes. The site is served by private well and septic. County Surveyor and County Health Department recommend approval. The County Engineer notes that any further site development will need to be submitted for review and approval. The County Building Department recommends denial based on the residential nature of the property and surrounding properties. The Building Department also notes that the existing sign is a zoning violation and may be located in the public right-of-way. The petitioner is not proposing any written commitments. The petition is consistent with the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002); Goal 2: Objective B: Locate employment uses in such a manner that conflicts with residential land uses are minimized. The future land use map identifies this area as residential. No other adopted plans exist for this area. State Road 23 has predominantly been a residential corridor, however the expansion of the road has weakened the residential value of the area. Several properties have rezoned or attempted to rezone to a district which allows for office or commercial uses within the last few years. The most desirable use for this site is one which limits the impact on surrounding residential properties. With proper landscape screening, surrounding property values should not be adversely affected. It is responsible development and growth to allow office buffer uses along major corridors. The staff notes that there is a discrepancy between the County's GIS parcel data and the drawing that has been provided by the petitioner. Based on the County's information, the sign may be located within the right-of-way. Depending on verification of the property lines, additional variances may be needed. Based on information available prior to the public hearing, staff recommends that the petition be sent to the County Council with a favorable recommendation. Staff recommends denial of the sign and landscape variances. Staff recommends approval of the setback variance for the interior access drive and parking, subject to the parking meeting all sight distance requirements of the ordinance. This rezoning will allow this property to be adapted into a use more suitable for its location and provide a buffer between a highly-traveled five-lane highway and the residential properties to the south.

We received one letter in opposition. I spoke with them today and they would like to me read the letter into the record.

“June 11, 2016

To Whom It May Concern:

I am writing to object strongly to the proposed ordinance of Larry A. Anderson to zone from R: Single Family District to O/B: Office Buffer District.

By allowing this property to become Office/Buffer District will increase the amount of traffic on Currant Road. There is a ball park on Currant Road with a lot of traffic now this would only add to the traffic concerns. Vehicles coming off State Road 23 onto Currant Road and slowing down and turning into this property that is on the corner of State Road 23 is a big concern. This will cause backup issues with possible rear end accidents. The added noise generated by the added traffic will make is unbearable for the area residents.

This piece of property needs to stay zoned R: Single Family District to keep our area safe from the added traffic.

Sincerely,

Rex A. Brown, Jr. & Catherine A. Brown
51409 Currant Road
Granger, IN 46530”

BERNARD FEENEY: I am with Lang, Feeney & Associates. Offices located at 715 S. Michigan Street. Mr. Anderson is the owner of this piece of property and he is also the owner of Budget Blinds located in the Toscana Park Marketplace Center. Mr. Anderson purchased this piece of property in 2008 with the intention of ultimately moving his business from its current location in Toscana Park Marketplace Center to this particular location if he was able to secure the rezoning. At this particular time is Mr. Anderson still has an additional two years on his lease in the Center so he is not in any great hurry. As you can see from the property it is well maintained. It is well landscaped and well taken care of so at that location it is currently an asset to the neighborhood. This is how Mr. Anderson maintains his property (Pointing to the powerpoint) and this is how it will continue to be maintained if the Plan Commission sends this to the County Council with a favorable recommendation.

JOHN DELEE: Is a blind business an acceptable use for that office?

BERNARD FEENEY: It is, provided that it does not go over the square footage that is mandated for that use.

ANGELA SMITH: We were under the understanding this would be his office for his business in Toscana Park, as stated in the petition.

BERNARD FEENEY: Right. This is not a retail operation. Mr. Anderson’s business is primarily internet sales. Most of the budget blinds business is done through internet. There are very few customers, if any. But obviously there are some retail customers. This would be the office for that business.

JOHN DELEE: So he isn’t going to assemble blinds there or that sort of thing?

BERNARD FEENEY: No.

JOHN DELEE: It is just going to be an office operation?

BERNARD FEENEY: Correct.

ANGELA SMITH: To clarify for the petitioner, the O/B Office Buffer District explicitly excludes retail. So this would be for an office use?

BERNARD FEENEY: Correct.

DAN BREWER: And that is acceptable? That is what the petitioner is seeking?

BERNARD FEENEY: That is what we discussed with the staff before we began this process.

GERRY PHIPPS: He installs the binds at the client's homes?

BERNARD FEENEY: That is correct.

GERRY PHIPPS: So the ordering would be processed at this office, but his work is done at client's homes. Apparently you haven't found any evidence of the State acquiring that right-a-way?

BERNARD FEENEY: We have made a significant effort to determine whether or not the state purchased that property. We have been working with Metropolitan Title in a title search of this property. There has been absolutely no evidence that they have been able to turn up that this angular section of property was ever conveyed to the State of Indiana. We do find, however, that the stretch located within the stretch of that weird strip along the southerly side of State Road 23 was in fact conveyed to the State of Indiana. We have record and have found that exactly, but the diagonal cutoff we have found absolutely no evidence on.

GERRY PHIPPS: It looks like they thought they had acquired it. Otherwise they would not have described it as such.

BERNARD FEENEY: Absolutely. The GIS maps for the County show this configuration on the maps themselves. We have found no deeded evidence that transfers that property from Mr. Anderson or any of his predecessors in title to the State of Indiana. One thing I would point out is it is quite obvious at this corner, (pointing to the powerpoint) which does have the property conveyed to the State of Indiana. Then we have a nice round curve exiting out on State Road 23 going south on Currant Road. However, the asphalt does not do the same thing on the other corner. The asphalt comes up and to an angle at that location. That angle strengthens the argument that property was never conveyed to the State of Indiana.

MITCH HEPPENHEIMER: The problem that you have is the Indiana's Department of Transportation, that red configuration (pointing to the power point), is there. That's what the County relies on for their records to show that parcel. It's from the State of Indiana. We instructed staff to go back to the State of Indiana and find out what the issue is. That's what the County shows it to be.

GERRY PHIPPS: The owner understands that if at some point someone can prove that the State does own that, he would have to come back for additional variances or move his sign?

BERNARD FEENEY: A chain saw and fifteen minutes will take care of that Mr. Phipps.

DAN BREWER: We don't have any issue here?

GERRY PHIPPS: It doesn't affect the zoning?

BERNARD FEENEY: No it does not. The primary purpose is not to determine the ownership of that triangular shape piece of property.

DAN BREWER: But there is an issue of whether or not we have the proper description of the property that is the subject of this petition. Is that a problem for us if there is a little slice that is an issue?

MITCH HEPPEHEIMER: We don't see an issue. There could be a problem with the sign.

OLIVER DAVIS: How would you respond to the person that was in opposition?

BERNARD FEENEY: This is primarily an internet business and will not generate traffic to this location. This is an office. Any person coming to that particular location is going to use State Road 23. 99% of all traffic will use State Road 23, if they come to that location at all.

PHIL SUTTON: His business is really conducted in the home. He goes to the people.

BERNARD FEENEY: Correct.

ROBERT HAWLEY: Does he live in that property right now?

BERNARD FEENEY: No he does not.

ROBERT HAWLEY: Is he renting it out?

BERNARD FEENEY: He rents the property.

ROBERT HAWLEY: Someone takes care of it then.

BERNARD FEENEY: Mr. Anderson has a very large hand in the maintenance and care of that property.

DAN BREWER: You indicated that any traffic into the subject property would go up State Road 23. There does not appear to be any curb cut on State Road 23.

BERNARD FEENEY: They would enter Currant Road and travel the 120 feet down to the driveway. It would impact the remonstrator who letter was read into the record.

ELIZABETH MARADIK: You noted that the property is currently rented right now, will he continue to rent the property once the rezoning is completed? Is that an allowable use under the zoning if he still has two years left on his lease?

ANGELA SMITH: Under accessory uses it says one dwelling unit provided the dwelling unit is located within the building containing the permitted principle use. So, yes, someone could live on the property. That being said, it is supposed to be accessory to the primary use. The business would need to occupy the majority of the building.

DAN BREWER: Did you have a further question?

ELIZABETH MARADIK: I just asked staff if that was a concern about the zoning.

ANGELA SMITH: We go based on how they outlined it in their petition. Down the road, we have no way of knowing how they are using that. It's up to the Building Department to determine that and enforce what is accessory or primary.

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 McNamara, being seconded by Phil Sutton and unanimously carried, a proposed ordinance of Larry A. Anderson to zone from R: Single Family District to O/B: Office/Buffer District, property located at 51380 Currant Road, St. Joseph County, is sent to the Common Council with a FAVORABLE recommendation. This rezoning will allow this property to be adapted into a use more suitable for its location and provide a buffer between a highly-traveled five-lane highway and the residential properties to the south.

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, the variance(s) 1) from the required 25' setback from the pavement to 19.6' for a sign with less than 10' clearance; was denied 2) from the required 15' front setback for parking and drive aisles to 5'; was approved and 3) from the required landscaping of required yards to the existing landscaping was denied, property located at 51380 Currant Road, St. Joseph County, subject to the rezoning being approved by the St. Joseph County Council.

- E. A proposed ordinance of Beacon Health System, Inc. to zone from MF1 Urban Corridor Multifamily District and MU Mixed Use District to SF2 Single Family & Two Family District, property located at 529 Crescent Avenue, City of South Bend - APC# 2784-16.

MATTHEW CHAPPUIES: The petitioner is requesting a zone change from MF1 Urban Corridor Multifamily District and MU Mixed Use District to SF2 Single Family & Two Family District. On site is a vacant lot. To the north is a vacant lot zoned SF2 Single Family & Two Family District. To the east across Hill Street is a single family home zoned SF2 Single Family & Two Family District. To the south across Crescent Avenue is a vacant lot zoned SF2 Single Family & Two Family District and an office building zoned MU Mixed Use District. To the west is an office building zoned MU Mixed Use District. The SF2 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings in the urban core of the City of South Bend as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district. A site plan is not required for rezonings to SF2 Single Family & Two Family District. Prior to 2004, the property was zoned "B" Residential and "D" Light Industrial. Crescent Avenue has two lanes. Hill Street has two lanes with on-street parking. The site will be served by municipal sewer and water. The County Surveyor, City Engineer, and the Department of Community Investment recommend approval. The petitioner is not proposing any written commitments. The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006); Goal I: Achieve a

thriving South Bend housing Market that offers appealing neighborhoods with diverse housing choices. The future land use map identifies this area as mixed use and medium density residential. This site is located with the Northeast Neighborhood Zoning Overlay District. Any new construction will require the site meet the development standards within the overlay district. Properties east of Hill Street are predominately single family residential. The properties along Niles Avenue to the west are predominately office and compatible non-residential uses. The most desirable use is one that does not negatively impact surrounding residential properties. Single family home(s) on this site would match the character of the neighborhood, and not affect surrounding property values. It is responsible development and growth to allow this vacant lot to be used for single family residential. The staff notes that a subdivision may be required for this site depending on future development plans. Based on information available prior to the public hearing, staff recommends that this petition be sent to the Common Council with a favorable recommendation. Rezoning this property to a single family district will allow the property to develop residentially, which will match the character of the area and strengthen the surrounding neighborhood.

KEVIN FUTA: I reside at 1146 Quigley Street. I am the contract buyer with Beacon Health here on their behalf asking to change that to SF2 with the intent to build a home in the future.

IN FAVOR

AMANDA ROBINSON: I reside at 702 N. Hill Street. I am kind of in the mix of both favorable and not. I definitely want a single family home there; I think it will definitely fit in with the street. It is a very up and coming neighborhood. There has been a lot of new houses being built there. My issue would be that when I called to see what kind of home could be built there, they said they can allow up to two and a half story home. My home has an amazing view of Downtown South Bend, so my concern would be that this new home being built would decrease the value of my home if in fact it is too high. I am not really sure where to go here. This is my first time doing this. I just wanted to express my concerns here.

REMONSTRANCE

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

REBUTTAL

KEVIN FUTA: I guess the only comment I would have is my intention is not to build some huge monster. As it is zoned right now as a multi-family, I think the code would actually allow a three story building.

AMANDA ROBINSON: Yeah, we don't want that.

DAN BREWER: You understand that there is no way to assure that that wouldn't happen?

AMANDA ROBINSON: Yes. I am aware of that. When I seen Beacon Health I said, "oh my God what are they going to build here?"

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Phil Sutton and unanimously carried, a proposed ordinance of Beacon Health System, Inc. to zone from MF1

Urban Corridor Multifamily District and MU Mixed Use District to SF2 Single Family & Two Family District, property located at 529 Crescent Avenue, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property to a single family district will allow the property to develop residentially, which will match the character of the area and strengthen the surrounding neighborhood.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Miscellaneous:

- A. Findings of Fact for granting Variances for property located at 6100 Nimtz Parkway, City of South Bend – APC #2779-16

After due consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by John McNamara, and unanimously carried, the Findings of Fact for granting Variances for property located at 6100 Nimtz Parkway, City of South Bend were approved.

- B. Findings of Fact for granting Variances for property located at 803 W. Washington Street, City of South Bend – APC #2781-16

After due consideration, the following action was taken:

Upon a motion by Phil Sutton, being seconded by John McNamara and unanimously carried, the Findings of Fact for granting Variances for property located at 803 W. Washington Street, City of South Bend were approved.

- C. A Resolution of the St. Joseph County Area Plan Commission approving a Resolution of the St. Joseph County Redevelopment Commission amending prior Resolutions of the Redevelopment Commission establishing and amending the St. Joseph County Economic Development District No. 2 and amending the Economic Development Plan for such area and all matters related thereto
- APC# R-244-16

JESSICA CLARK: I am the president of the St. Joseph Redevelopment Commission. This Resolution is looking to make improvements within existing development areas within St. Joseph County, formally known as St. Joseph County Economic Development Districts One and Two. We are looking to form the New Carlisle Economic Development Area. One of the reasons why I am before you today is an immediate need to meet our commitments that we provided for St. Joseph County Energy Center for the water and sewer infrastructure needs and also to capitalize on specific opportunities to move this area forward and really establish this as an industrial area that is viable for St. Joseph County. The resolution provides for several aspects. It amends prior resolutions of the Development Commission. Specifically, we are looking to modify the boundaries of the current economic development area, rename the economic development area, modify the size of existing allocation area, establish a new allocation area and then amend the Economic Development plan that is required by Statute. All of these revisions, proposed expansions and amendments are consistent with the goals and objectives of the St. Joseph County Comprehensive Plan. A little history of the area, briefly, the County established the original district in 1987 for infrastructure projects to serve IN/Tek/IN-Kote. In 1997 we expanded that district to near 4,000 acres, again, to try to capitalize on large format projects to encourage growth within St. Joseph County. In 2008 we actually consolidated the two districts into one district and designated the IN/Tek/IN-Kote as personal property tax payers. The purpose of the realignment plan is to expand the development area, rename it to the New Carlisle Economic Development Area, which is certainly more geographically appropriate vs. St. Joseph County Economic Development District, establish two allocation areas, and identify potential properties for acquisition lists for the Economic Development opportunities. The expansion of the area is roughly adding twelve parcels along the perimeter. Several of these properties were actually split by the boundary. It is the same parcel; we are just now taking the entire parcel instead of half of it or a portion of it. It will roughly add some 620 acres to form a 4,600 acre site. This is just an illustration of the new boundary (Pointing to the powerpoint) with the addition of those twelve parcels. We are also looking then to take the existing allocation area and prune it to capture and finance the infrastructure projects for the Energy Center. We look to extend this to 2038 per the Statute and use this to fund projects within the area. The second allocation area that would be established would then encompass those remaining properties now shown in the darker blue. That includes the Energy Center and other properties that really focus to have potential for future development. The use of this area is really more of a long term type plan, whereas the existing allocations that pruned existing allocation will be utilized for our current five year plan type projects. These are ten – fifteen year type projects to really move the growth in this area. One aspect of the Resolution involves updating the development plan to comply with State Statute. This includes a list of projects within or serving that area to promote economic development. It also identifies nineteen parcels as illustrated here (pointing to the powerpoint) that have the potential for acquisition either partially or fully acquired. A number of these parcels we have identified for the use in future projects either for regional detention, providing rail service to this area and then also looking to relocate the Nespodziany ditch, which currently bisects the development area and really restricts the type of projects that can go in or the type of projects. Relocating the Nespodziany ditch gives us an opportunity to capitalize on very large acre shovel ready sites that are not readily available almost anywhere in the State of Indiana. We have a very aggressive timeline, mainly because we need to position ourselves to meet our commitment to provide water and sewer service to the Energy Center by May 1st and also begin positioning this area as a shovel ready site for future development and capitalize on this industrial area.

JOHN DELEE: The Energy Center is the new power plant?

JESSICA CLARK: Yes it is.

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, the Resolution of the St. Joseph County Area Plan Commission approving a Resolution of the St. Joseph County Redevelopment Commission amending prior Resolutions of the Redevelopment Commission establishing and amending the St. Joseph County Economic Development District No. 2 and amending the Economic Development Plan for such area and all matters related thereto.

- D. For Discussion Purposes - Permission to draft and initiate an Ordinance on behalf of the Town of Osceola to amend and supplement Chapter 14 Floodplain Regulations of the Zoning Ordinance.

LARRY MAGLIOZZI: We are helping the Town of Osceola, in response to DNR comments about the latest amendments you saw a few months ago. The Floodplain Ordinance had some bad citations and some language changes. We are asking for you to authorize us to initiate that.

After due consideration, the following action was taken:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, permission was given to draft and initiate an Ordinance on behalf of the Town of Osceola to amend and supplement Chapter 14 Floodplain Regulations of the Zoning Ordinance.

2. Executive Director's Report:

LARRY MAGLIOZZI: We are working on two other petitions, but they are not being initiated by us. One is the City of South Bend, they are looking at re-defining the definition of family along with group housing. We are also assisting the Town of North Liberty with a new annexation for a piece of property on the south side of town.

The final message is Matthew is moving on. He has taken a new position near Holland, Michigan as a Township Planner. Friday is his last day.

DAN BREWER: Thank you for your service.

LARRY MAGLIOZZI: We have started the interview process and hopefully get a replacement soon.

3. Minutes and Expenditures:

- A. Approval of the minutes from the May 17, 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 May 17, 2016 meeting of the Area Plan Commission were approved.

B. Approval of the expenditures from May 18, 2016 through June 21, 2016.

Department of Public Works - \$41.01; Mishawaka Enterprise - \$32.64

After due consideration, the following action was taken:

Upon a motion by John McNamara, being seconded by Phil Sutton and unanimously carried, the expenditures from May 18 through June 21, 2016 were approved.

4. Adjournment: 5:15 P.M.

DANIEL H. BREWER,
PRESIDENT OF THE COMMISSION

LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE COMMISSION